

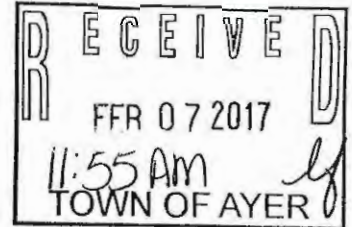


PLANNING BOARD

Town of Ayer

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Minutes of the January 5, 2017 Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

Members Present: James Fay, Mark Fermanian, Sue Kennedy, Jen Gibbons, Geof Tillotson was absent.

Others present: Dave Canney-Pheasant Circle, Neil Gorman-David E. Ross Associates, Mark Saydah-41 E. Main St., Ruth Rhonemus, Sandy Bean.

Chairman Jim Fay called the meeting to order at 6:00 pm.

General Business

Approval of the Agenda for the meeting. Jim Fay requested that the Agenda for January 5, 2017 be approved. Sue Kennedy moved to accept, Jenn Gibbons second and the Board voted unanimously.

Approve Minutes from December 1, 2016 Board Meeting. Sue Kennedy motioned to approve, Jen Gibbons 2nd, the Board voted unanimously to accept. Jim Fay, Chair signed the minutes.

Bond Release Pheasant Circle Dave Canney, Developer of Pheasant Run Subdivision a road called Pheasant Circle, requested a release of the covenant between the Town of Ayer Planning Board and Fidelity Co-Operative Bank and Canney Brothers Construction, LLC dated January 4, 2006 and recorded with the Middlesex South District Registry of Deeds. With approval from Mark Wetzel, superintendent of DPW, Mark Fermanian motioned to release the Covenant, Jen Gibbons 2nd. The voted unanimously (4-0) to release the Bond.

Jim Fay then requested the Board change the agenda and move the Bond Reduction for Haymeadow and Appleblossom of the Pingry Hill Subdivision since the next scheduled presenter was not there. Sue Kennedy made the motion, Mark Fermanian second and the Board voted unanimously (4-0).

Bond Reduction for Haymeadow Rd. and Appleblossom Rd. Crabtree Development Corporation requested a Bond Reduction for Phase 1A, 1B, 2A, 2B, 3A, 3B and 5 Pingry Hill (Ridgeview Heights) Subdivision. DPW inspected the work on the referenced project and recommended a bond reduction for each of the phases, based on the completed work.

Based on our inspections, I recommend bond reductions as follows:

Phase	Original Bond Amount	Previous Bond Release	Recommended Bond Release	Remaining Balance
1A	\$ 2,162,202.00	\$ 2,147,202.00	\$ 15,000.00	\$ 0.00
1B	\$ 1,113,346.00	\$ 1,002,104.00	-	\$ 0.00
2A	\$ 840,559.93	\$ 832,154.33	-	\$ 0.00
2B	\$ 270,043.00	\$ 246,043.00	\$ 24,000.00	\$0.00
3A	\$ 598,500.00	\$ 588,500.00	\$ 10,000.00	\$0.00
3B	\$ 372,691.45	\$ 257,052.65	\$ 97,003.80	\$ 18,635
5	\$ 1,236,331.00	\$ 917,288.90	\$257,227.10	\$61,815

The remaining bond balances are based on:

Phase 3B – 5% retainage until Town Acceptance

Phase 5 – 5% retainage until Town Acceptance

Sue Kennedy motioned that the bond be reduced as recommended, Mark Fermanian 2nd and the Board voted unanimously (4-0) to reduce the Bond. Jim Fay asked that a letter be sent to inform the applicant.

41 East Main Documents with the requested changes from DPW were presented along with the same version of the original plans. Neil Gorman, on behalf of Mark Saydah, sent a letter to Town Counsel requesting clarification on the parking requirements. Mr. Saydah asked if there had been a response and Jim Fay replied there had been no reply to date. Mark Saydah also stated there needed to be further discussion on a 5% Bond to be held in escrow.

In Department reviews of the documents presented, the Development department requested elevations of the buildings. Mr. Saydah replied they did not present elevations because they were within the 35 foot or less zoning requirement for building height. Jim Fay suggested that Mr. Saydah or Neil Gorman contact Alan Manoian to discuss this requirement. Mr. Fay then commented that if the footprint changes they would have to go back to the Board of Health for review. Jen Gibbons asked if the elevations had been submitted originally and Seydah answered, "No". He had taken the advice of the engineer to create a footprint to start the process. Sue Kennedy remarked that after attending several neighborhood walks conducted by Mr. Manoian she was sure his intent is concern for the buildings design so that it is in keeping with the original house and neighborhood. Mr. Saydah stated that he had the same concerns. Jim Fay asked if they would be present at the next meeting and Mark Saydah told the board he would not be available for the next Board meeting. Mr. Fay then requested that they be notified if there was further discussion from legal counsel.

Administrative Announcements

Special Permit Granting Authority (SPGA) – Jim Fay told the Board he would follow up further as in response from the BOS that all SPGA belongs with the Planning Board. Jen Gibbons thought it was only Aquifer Protection

Invoice from RKG Associates The Board received an invoice for \$900.00 for the services of Judi Barrett with regard to writing the Bylaw Draft. Jen made a motion to pay the bill from Fletcher Funds, Mark Fermanian 2nd and the Board voted unanimously to pay the bill.

The Board also decided that all invoices would be brought before the Board for approval and signed by all for payment.

Jenn Gibbons then requested that Judi Barrett be added to the agenda for the February 2 meeting.

Zoning for Marijuana Jim Fay asked if Sue Kennedy would be willing to do some more research about Zoning for Marijuana. Sue accepted the task and stated she had already started the research. She suggested the Board put together three scenarios to present to the Board of Selectman. Massachusetts is the lowest tax rate (2%) on Marijuana, the lowest in the country. There was a brief discussion, the State has not classified the product yet. Mark Fermanian informed the Board that the State has postponed the legalization decisions for six (6) months. The discussion will continue at the February 2 meeting and Sue Kennedy will continue to research.

Public Input – There was none.

The next meeting will convene at 6 pm, February 2, 2017

The Working Group Meeting February 9, 2017 for the Operations Manual & Sub-division information on the Town Website

Meeting Adjournment

7:45 pm Mark Fermanian motioned to adjourn, Jen Gibbons 2nd, Board voted unanimously to adjourn.

Minutes recorded and submitted by Sandy Bean, Administrative Coordinator

Planning Board Approval _____
Date _____

Planning Board Chair (James M. Fay)