



PLANNING BOARD
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PLANNING BOARD MINUTES

September 9, 2010
Ayer Town Hall
1 Main Street
Ayer, MA. 01432

In attendance: Jennifer Gibbons (Chair), Mr. Glenn Garber (V. Chair), Mr. Peter Johnston, Steve Wentzell (Clerk) & Mr. Mark Fermanian
Susan Sullivan/Office Manager

General Business:

7:00 PM Chair called the meeting to order and read over agenda items.
Cont.(from Aug 12) Public Hearing /Emily's Way Definitive Subdivision
Jenn Gibbons (Chair) was not in attendance at the last Public Hearing and would like to have the opportunity to watch the DVD to review and get up to speed to continue to sit as a voting member on this project.
Chair Gibbons stated that she was instructed by Town Counsel to open and close the Public Hearing with a continuation based on appeal.
Steve Mullaney offered a Point of Information: the appeal was for the billing of legal services not to the payment of Geotech.
Mark Fermanian stated he agreed with proponent that legal billing should not be the onus of the proponent regarding 2001 Subdivision amendments.
Jenn Gibbons stated that the proponent had failed to deposit \$5,000. for Consult by-law acct.
Mr. Field stated he had a check for \$5,000.00 tonight for that account.
The Proponents made it clear they would deposit money for peer review and not pay legal bills for the applicability of the Regs. Planning Board agreed.
Discussion re; opening the public hearing.
Atty. Gould stated that she wanted it made clear that applicant was not responsible for legal costs associated with the application of Regulations. Board agreed.
Atty. Gould suggested opening the Public Hearing for the sole purpose of hearing new information on the subdivision as it would be needed for further review.
Glenn Garber stated the board needs further legal advice.
Atty. Gould suggested perhaps limiting it to discussion on new evidence only.
J. Gibbons moved to open the Continued Public Hearing for Emily's Way based on new evidence.
Steve Wentzell 2nd VOTE 5-0 All in Favor
Steve Mullaney presented new concept plans for 8 lots instead on 14 creating a small cul-de-sac instead of a thru way to High St. the remaining land on the hill may be purchased by the VOA. The Stormwater plan towards Groton Harvard Rd. will remain basically the same. No Quarry would be needed for this plan and the same waivers would apply. By connecting the water main to High St. it will increase the water pressure for those existing homes on High St thru Highland Ave. etc. Regarding the existing Groton Harvard Rd.

drainage problems; The Field Family will be generously donating the design, materials, and labor to improve the drainage. It was indicated that DPW Dan Nason is in favor of this. Several neighbors voiced their concerns regarding the preexisting Stormwater runoff problems.

The Board assured Mr. Mullaney that the PB would have another meeting with the proponent regarding Geotech's further possibility of utilizing phases 2 or 3 and will not go to these phases without the proponent's awareness and OK.

Mr. Hamwey (town engineer) stated that DPW will be overseeing the improvements regarding drainage plan for Groton Harvard Rd.

RDA was requested from ConCom.

Sherri Gould (proponents Atty) stated that if there are any concerns regarding the gratuitous gift of drainage improvements on Groton Harvard Rd. the concerned parties should contact the DPW and not the Planning Board. She further stated that per Mr. Garber's request it was not legal to ask the proponent to include the gift of a road improvement as part of the subdivision plan.

Ms. Sullivan (Office Mgr.) provided general public with the Planning Board's email address for future input.

Peter Johnston stated he likes the new design.

Glenn Garber stated he preferred the new design as well.

Jenn Gibbons is in favor of the new design.

Steve and Mark both stated they liked the new plan showed this evening.

Atty. S. Gould will be forwarding and extension of time to the Planning Board Office.

Steve Wentzell motioned to continue the Public Hearing for Emily's Way to October 7th at 7:30 PM.

Mark Fermanian 2nd VOTE 5-0 All in Favor

Bills & Minutes:

Steve Wentzell motioned to authorize payment to Hamwey Engineering in the amount of \$5,295.00

Mark Fermanian 2nd VOTE 5-0 All in Favor

Steve Wentzell motioned to approve the minutes of Sept. 2nd as written

Peter Johnston 2nd

Glenn G. stated his email revisions should not be included in the minutes. Susan S. stated that he presented a copy of his email to the board at the meeting and revised the minutes accordingly. This makes the email doc part of the official record per open meeting law.

Mark F. stated that he agrees, if it was read at the meeting, it should be included. Peter J. stated this was the law. Glenn and Jenn disagree.

Mark Fermanian motioned to table until T.A. gives an opinion.

Steve Wentzell 2nd VOTE 5-0 All in Favor

Mark Fermanian motioned to adjourn

Steve Wentzell 2nd VOTE 5-0 All in Favor

Adjourn