Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432
Minutes for 10/18/2017

Location: Town Hall, 1st Floor
Members present: Janet Providakes (JP) [Housing Authority]- Chair, Beth Suedmeyer (BAS) [At Large], Richard Durand (RD) [Parks & Recreation], Jess Gugino (JG) [Conservation Commission]- Clerk, Julie Murray (JM) [At Large]
Not present: Barry Schwarzel (BES) [Historical Commission], Mark Fermanian (MF) [Planning Board],
APAC taped: YES

7:05 PM – Open Meeting

- **Public Hearing: Historic Ayer Central Fire Station Roof and Cupola Project**
  - The Hearing was advertised in the Lowell Sun on 10/4 and 10/11/2017; JP read the Legal Notice into the record.
  - Alan Manoian, Director of Community & Economic Development, described the project which seeks $30,000 in funds from CPA "Historic Preservation."
    - The 1934 fire station, located at 14 Washington Street, has previously been discussed in depth at CPC's 2/1/2017, 5/3/2017 and 9/29/2017 meetings.
    - The building has been vacant for over ten years and is severely deteriorating.
    - The fire station was designed by George Ernest Robinson, the "father of modern fire station design" in his day, and is therefore historically significant.
      - Its style is 'colonial revival'.
    - It is not eligible to be listed on the National Register of Historic Places because of the addition of two side wings, in 1970 and 1996.
      - While it is located outside of Ayer's "Historic District," it is included on the State's list of historically significant buildings.
    - Following issuance of a couple RFPs, the Town accepted a proposal from a local developer, C. Donell Homes, Inc., of Shirley, to redevelop the building into a downtown residential property with 7-9 high-quality rental units.
      - At least one of these units will be an affordable rental unit.
  - The application seeks $30,000 out of the estimated total cost for the project of $900,000 – 3%.
    - CPA funds would be used for external restoration of the original slate tile roof, the cupola, and the stepped gables.
    - Restoration would be done in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
    - This material standards requirement has been contractually stipulated in the Purchase & Sale Agreement and the Land Development Agreement.
    - In addition, Mr. Manoian said a Preservation Restriction, for a 99-year term, will be required and Mr. Donell is agreeable to this.

Town of Ayer
Community Preservation Committee
Town Hall, 1 Main Street, Ayer, MA
Minutes for 10/18/2017

Location: Town Hall, 1st Floor
Members present: Janet Fenton (Housing Authority), Chair; Beth Sudbrever (BAS); Ann Angel; Richard Emond (Ex); Jeanne Kocsmond, Jeanne Cronin (Conservation Commission); Clerk; Julie Farrow (Ad); Jon Lange
Also present: Mary Sullivan (BEST); Historical Commission; Maria Formanek (MF), Planning Board;
ATM/CC liaison: VTC

7:05 PM – Open Meeting

- Public Hearing: "Historic Ayer Central Fire Station Roof and Cupola Project"
  - The Hearing was advertised in the Lowell Sun on 10/4 and 10/11/2017. JF read the Legal Notice into the record.
  - Alan Manning, Director of Community & Economic Development, described the project, which seeks $40,000 in funds from CPA "Historic Preservation."
  - The 1924 Fire Station located at 16 Washington Street has previously been discussed in depth at CPC 5/2/2017, 5/23/2017 and 9/29/2017 meetings.
  - The building has been vacant for over two years and is severely deteriorating.
  - The structure was designed by Lewis de Barres Robinson, the "father of modern fire station design" in his day, and is therefore historically significant.
    - It is a "landmark of a national revival."
  - It is not eligible to be listed on the National Register of Historic Places because of the addition of two side wings in 1929 and 1996.
    - While it is located outside of Ayer's "Historic Core," it is included on the State's list of historically significant buildings.
  - Following issuance of a Sample RFP, the Town accepted a proposal from a local developer, Donell Homes, Inc., of Shirley, to develop the building into a downtown residential property with 7-8 high-quality rental units.
    - At least one of these units will be an affordable rental unit.
- The application seeks $40,000, or 1/3 of the estimated total cost for the project of $600,000.
  - CPA funds would be used for external restoration of the original slate roof, the cupola, and the stepped gable.
  - Restoration would be done in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - The required standard requirements have been contractually stipulated in the Purchase & Sale Agreement and the Land Development Agreement.
  - In addition, Mr. Manning said a Preservation Restriction, for a ten-year term, will be required and Mr. Donell is amenable to this.

- BAS said CPC would put together a Grant Agreement and asked of Mr. Manoian that specific stages in the design and construction processes be identified for this purpose.
  - Mr. Manoian said that he and the Building Inspector would be inspecting the project regularly as well.
- Ed Kelley, of Oak Ridge Drive, said he thought CPC funds should be prioritized for land purchase, not other uses, including contributions to projects under private ownership.
  - BAS explained that the CPA requires a minimum of 10% of annual revenue be deposited into the "Open Space," "Historic Preservation" and "Housing" categories.
    - It has been the practice of Ayer CPC to allocate significantly more than 10% into the "Open Space" category in acknowledgement that this is a priority for the Town.
  - Mr. Manoian said that encouraging downtown residential development projects like this helps to lessen the development pressure in more rural "green field" areas of town.
  - In addition, having this part of the project funded by CPC allows the Town to require the developer meets the Interior Secretary Standards – which in turn contributes to the revival of downtown Ayer as a whole.
- Ken Diskin, of Washington Street, spoke in favor of the CPC application.
- JG moved that CPC support the application for funding and advance the proposal to Fall Town Meeting on 10/23/2017 for vote; BAS 2nd.
  - Motion approved unanimously.

- **Public Hearing: Creation and Funding of a Conservation Fund**
  - The Hearing was advertised in the Lowell Sun on 10/4 and 10/11/2017; JP read the Legal Notice into the record.
  - This proposal was previously discussed in depth at CPC's 9/29/2017 meeting, as well as at the Conservation Commission's 10/12/2017 meeting.
  - Town Administrator Robert Pontbriand described Articles 6 & 7 that are in the Warrant for Fall Town Meeting on 10/23/2017.
  - Article 6 seeks Town approval to create a Conservation Fund for the purpose of conservation and open space land acquisition, including passive recreation use, in accordance with MGL Ch. 40, section 8c.
    - This Article seeks to create the Fund.
  - Article 7 seeks Town approval to transfer $500,000 from CPC's Open Space account into the Conservation Fund, if passed in the previous article.
    - This Article, in turn, seeks to then 'fund' the Fund.

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- BAS and CPC would put together a Grant Agreement and asked of Mr. Mannoun that specific steps in the design and construction processes be identified for this purposes.
  - Mr. Mannoun said that he and the Building Inspector would be inspecting the project regularly as well.
- Ed Kelley of Old Ice House, and he shown in CPC funds should be prioritized for land purchases, and/or direct financial contributions to projects under private ownership.
  - BAS explained that the CPA requires a minimum of 10% of annual revenue be dispersed into "Open Space", "Historic Preservation" and "Housing" categories.
    - It has been the practice of Ayer CPC to allocate significantly more than 10% into the "Open Space" category, in acknowledgement that this is particularly for the Town.
  - Mr. Mannoun said that encouraging developments in residential development projects like this helps to lessen the development pressure in more rural "green field" areas of town.
  - In addition, having the part of the project funded by CPC allows the Town to require to the closer match the Internal Secretary Standards - which in turn contributes to the revival of Downtown Ayer as a whole.
- Ken Diskin - Mr. Mannoun Mr. spoke in favor of the CPC application.
- It moved that CPC support the application for funding and advance the proposal to Full Town Meeting on 11/27/2017 for vote, BAS 2nd.
  - Motion passed unanimously.

- Public Hearing - Creation and Funding of a Conservation Fund
  - The Hearing was advertised in the Lowell Sun on 10/4 and 10/11/2017. It read the Legal Notice in the record.
  - This proposal was previously discussed in depth at CPC's 9/29/2017 meeting, as well as at the Conservation Commission's 10/12/2017 meeting.
  - Town Administrator Robert Pontbriand described Articles 6 & 7 that are in the Warrant for Fall Town Meeting on 10/23/2017.
  - Article 6 seeks Town approval to create a Conservation Fund for the purposes of conservation and open space land acquisition, including passive recreation use, in accordance with MGL Ch. 40, section 8c.
    - This Article only seeks to create the Fund.
  - Article 7 seeks Town approval to transfer $500,000 from CPC's Open Space account into the Conservation Fund, if passed in the previous article.
    - This Article, in turn, seeks to fund the Fund.

- Per State law, the Fund would operate under the purview of the Conservation Commission, while the Town Treasurer would be the custodian of the Fund.
  - Once the Fund is created, the Commission would be expected to develop its own internal 'policies and procedures' within the criteria set by the State.
  - The Wetland Protection Act (WPA, Ch. 40, section 8c) establishes the primary criteria, but for CPC funds transferred into the Fund, criteria established by the Community Preservation Act (MGL Ch. 44B) would also have to be met.
- Mr. Pontbriand said the primary purpose of the Fund would be to allow the Town to have a 'rapid response' mechanism for land purchase opportunities.
  - While Town Meeting votes now – and in the future – would be required for transferring new funds from CPC or other Town resources into the Conservation Fund, once the Fund was 'funded', this would allow the Town, through the Conservation Commission, to approve open space/conservation purchases without having to wait for the next Town Meeting.
    - Town Meetings only take place twice a year.
  - The Town has missed some recent purchase possibilities for land coming out of Ch. 61 protection, in part because there was no readily available funding source and there were legal time constraints under which the Town could have exercised its "right-of-first-refusal."
    - The Fund would allow the Town to move much more quickly on land purchase possibilities and not be so disadvantaged in a very competitive and fast-moving development market.
  - Mr. Pontbriand noted a State study from 2012 that listed Ayer as "number 1" in the State in approaching "build-out" within the next 20-25 years if current development trends persist.
  - Bill Daniels, Chair of the Conservation Commission, noted that the Town's last purchase, the "Tooker" property (now part of the Pine Meadow Conservation Land), was in part successful because Mr. Tooker was willing to be patient and wait for Town Meeting vote.
    - This is not something that many land-owners would be willing to do.
  - In addition to enabling the Town to react much more quickly and competitively to open space opportunities, the Fund could also be used for related due diligence expenses such as appraisals or environmental reviews of potential properties.
  - Mr. Pontbriand said the establishing of a Conservation Fund additionally provides a legal mechanism that would allow the Town to accept gifts, including land gifts, or be included in people's estate planning provisions.

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- Per State law, the Fund would operate under the jurisdiction of the Conservation Commission, which, the Town Treasurer would be its custodian of the Fund.
  - Once the Fund is created, the Commission would be expected to develop its own internal policies and procedures within the criteria set by the State.
  - The Wetland Protection Act (WPA, Ch. 131, section 40) establishes the primary criteria, but for CPC funds transferred into the Fund, criteria established by the Community Preservation Act (MGL Ch. 44B) would also have to be met.
- Mr. Fontbrand said the primary purpose of the Fund would be to allow the Town to have a "rapid response" mechanism for land purchase opportunities.
  - While Town Meeting votes now – and in the future – would be required for transferring new funds from CPC or other Town resources into the Conservation Fund, once the Fund was "funded", this would allow the Town, through the Conservation Commission, to approve open space/conservation purchases without having to wait for the next Town Meeting.
    - Town Meetings only take place twice a year.
  - The Town has missed some recent purchase possibilities for land coming out of 61A protection, in part because there was no readily available funding source and there were legal hurdles contained under which the Town could have exercised its "right-of-first-refusal".
    - The Fund would allow the Town to move much more quickly on land purchase possibilities and not be so disadvantaged in a very competitive and fast-moving development market.
  - Mr. Fontbrand noted a State study from 2017 that listed Ayer as a "Number 1" in the State in approaching "build-out" within the next 20-25 years if current development trends persist.
  - Still, Daniels, Chair of the Conservation Commission, noted that the Town's last purchase, the "Tooker" property (now part of the Pine Meadow Conservation Land), was in part successful because Mr. Tooker was willing to be patient and wait for Town Meeting vote.
    - This is not something that many land owners would be willing to do.
  - In addition to enabling the Town to react much more quickly and competitively to open space opportunities, the Fund could also be used for related due diligence expenses such as appraisals or environmental surveys of potential properties.
  - Mr. Fontbrand said the establishing of a Conservation Fund additionally provides a legal mechanism that would allow the Town to accept gifts, including land gifts, or be included in particular estate planning provisions.

- In answer to a question from resident Laurie Nehring, Mr. Daniels reiterated that any deliberations the Conservation Commission held to consider a purchase would be open to the public before any decision was made.
  - And again it was underscored that Town Meeting vote would have to be taken each and every time Town monies, including CPC, were proposed for transfer into the Fund.
  - 'Funding of the Fund' therefore remains an open and transparent process within the public sphere.
  - The only exception would be an Executive Session held for the purpose of negotiating a specific purchase price.
    - Once an offer was accepted, or declined, this information would then be made public.
- Mr. Pontbriand stated his intention that, if approved, the Conservation Fund be added to regularly to ensure that the Town was ready and able to respond to key opportunities.
- Mr. Daniels said creation of the Fund would also put the Town into the position of approaching land owners who might, at some point, consider the sale of their land.
  - This makes the Town into a proactive 'viable buyer' as opposed to a reactive 'buyer of last resort'.
- BAS said a Conservation Fund could be seen as "match money" for partnering with other organizations (e.g. Audubon, Trustees of the Reservations) for larger land purchases.
- Ms. Nehring asked how much Ch. 61-protected land remained in Town.
  - Mr. Daniels said around 10 parcels.
- Mr. Pontbriand said one of the first tasks would be to create a land use working group that would identify Ch. 61 and other undeveloped land parcels, as well as create a list of ideal priorities should opportunities present themselves.
- Land purchased through a Conservation Fund would be protected under a Conservation Restriction.
  - According to the State's Article 97, a CR is reversible only by a 2/3 vote of the State Legislature.
- Ms. Nehring asked about use of the Fund for things like neighborhood pocket parks.
  - Mr. Pontbriand said that his office follows a set procedure for distributing information on various opportunities to Town departments, boards and committees for comment.
  - Additionally, JP and BAS explained that this Fund could not be used for active (versus passive) recreational uses.

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[illegible] One Main Street • [illegible]
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- In answer to a question from resident [illegible], Mr. Daniels referenced that any deliberations by the Conservation Commission to consider a purchase would be open to the public because no decision was made.
  - [illegible] understood that [illegible] Fund would have to be taken back and given to Town [illegible] CPC, were proposed for transfer into the fund.
  - Funding of the Fund therefore [illegible] open and transparent process within the public sphere.
  - The only exception would be an Executive Session held for the purpose of negotiating a specific purchase price.
    - Once an offer was accepted, [illegible], this information would then be made public.
- Mr. Pontbriand [illegible] his notion that, if a proposed Conservation Fund be added to [illegible] that the Town was [illegible] to respond to key opportunities.
- Mr. Daniels said the notion of the Fund was [illegible] put the Town into the position of approaching landowners who might, at some [illegible], consider the sale of their land.
  - This makes the Town into a proactive "willing buyer" as opposed to a reactive [illegible] response.
- BAS said a Conservation Fund could be [illegible] "[illegible] money" for partnering with other organizations, e.g. Audubon, Trustees of the Reservations, or larger land purchases.
- Ms. Nishina [illegible] how much Ch. 61-protected land remained in Ayer.
  - Mr. Daniels said around 10 parcels.
- Mr. Pontbriand said one of the [illegible] would be to create a land use working group that would identify Ch. 61 and other under-[illegible] land parcels, as well as create a list of [illegible] priorities should opportunities pre[illegible] themselves.
- Land purchased through a Conservation [illegible] would be protected under a Conservation Restriction.
  - According to the Mass. Article [illegible] can be sold only by a 2/3 vote of the State Legislature.
- Ms. Nishina asked about use of the Fund for things like neighborhood pocket parks.
  - Mr. Pontbriand said that his office [illegible] procedure for distributing [illegible] information on future opportunities to [illegible] boards, boards and committees [illegible].
  - A [illegible] and BAS explained that this fund could not be used for activities [illegible] recreational [illegible].

        - JG added that funding for pocket parks, etc., can still be sought under the regular CPC funding process (Public Hearing, Town Meeting vote), just not through a Conservation Fund.
    - Residents Ed Kelley and Ken Diskin spoke in favor of the Articles.
    - Mr. Pontbriand said that the Finance Committee has unanimously supported both Articles.
        - FinCom will also be considering a policy for regular dedicated funding of the Fund down the road, if approved.
    - JG moved that CPC support the application for creation of the Conservation Fund as well as the transfer of $500,000 of CPC money into it, and to advance the proposal to Fall Town Meeting on 10/23/2017 for vote; JM 2nd.
        - Motion approved unanimously.

    - RD moved to adjourn from both Public Hearings as above; BAS 2nd.
        - Motion approved unanimously.

- **8:17 PM – Adjourn Meeting**
    - CPC's Next Meeting: November 1, 6 p.m.
    - BAS moved to adjourn; JM 2nd.
        - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Community Preservation Committee: 11/1/2017

Signature Indicating Approval: Jessica G. Gugino