

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Notes for 11/2/2011 - Approved 2/1/12

Location: Town Hall, 1st Floor

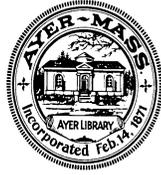
Members present: Alene Reich (AR) [Historical]- Chair, Scott Houde (SH) [FinCom], Beth Suedmeyer (BS) [At Large], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Gary Luca (GL) [BOS], Mark Fermanian (MF) [Planning Board], Janet Providakes (JP) [Housing], Sarah Gibbons (SG) [Parks & Rec.], Vacancy [At Large]

APAC taped: NO

7:08 PM – Open Meeting

- A quorum was not present, therefore an official meeting could not be held nor any votes taken. However, the Chairman of the Conservation Commission, Bill Daniels, was on the agenda to present a discussion of potential land purchase possibility and made his presentation nevertheless.
- **Discussion: Open Space land purchase opportunity in vicinity of Rail Trail**
 - Mr. Daniels described the 36-acre parcel, owned by the Wood family, which lies between the Rail Trail and the end of Rosewood (Map 3, Lot 50).
 - The Conservation Commission did a site walk of the parcel, which includes both wetlands and upland areas, on 10/1/11.
 - Several issues of concern arise with the parcel:
 - The Town has a sewer easement running across the parcel's southern portion.
 - A power company easement, with high tension lines, runs through the upper half of the parcel.
 - The parcel's eastern boundary abuts the old railroad line, now the Rail Trail.
 - Mr. Daniels described the kind of due diligence required in order for the Town to consider purchasing this parcel.
 - This information was based on an advisory estimate which Mr. Daniels secured from Hudson Design Group.
 - A Phase I environmental review would cost approximately \$2500.
 - Because of the power company easement and the parcel having abutted a former railroad line, Mr. Daniels said the Phase I review would undoubtedly trigger the need for a Phase II environmental assessment.
 - The railroad and the power company operated for many, many decades on or next to this property, using pesticides and spilling oil, etc., before there were regulations against this.
 - A Phase II review would involve excavation of soil samples, remediation plans, and so forth, and depending on conditions as found in the field, could potentially cost anywhere from \$10,000 to \$100,000.
 - Additional costs would also be incurred to produce a boundary survey, wetlands delineation, title search, and additional topographical surveys.



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- Several CPC members asked about the parcel's potential for housing development.
 - Mr. Daniels expressed the opinion that, from a development standpoint, this parcel would be a tough sell.
 - An upland piece at the northern section of the parcel (above the power company easement and abutting James Brook on the other side) is potentially marketable but lacks access.
 - Mr. Daniels also indicated his opinion that Lot 49, on Rosewood Avenue, could potentially be altered and expanded into a small section of Lot 50 for 2 or 3 houses.
 - The real issue for the Town, Mr. Daniels said, was the liability of purchasing property where real environmental problems could exist that the Town, upon discovery, would be obligated to correct if it owned the property.
 - BS asked about the possibility of the Town doing a Conservation Restriction on the parcel but not outright owning it, or of purchasing development rights.
 - Mr. Daniels did not know if this obviated the Town's obligation to remediate environmental damage.
 - SH expressed concerns about exposure to liability for the Town regardless, and thought purchase of this parcel would likely be costly to the Town, if not a net loss.
 - BS said this parcel did not look like a high priority for use of CPC funding, given both the liability issues discussed and the very limited development possibilities available.
 - BS asked if ConCom was endorsing a proposal for purchase, given that CPC does not initiate proposals itself.
 - Mr. Daniels said ConCom had not yet voted on this as it had been waiting for information from the Hudson Group, but was meanwhile 'taking the temperature' of potential interest in this purchase.
 - ConCom was meeting on 11/3 and would make its decision at that point; JG would report back to CPC.
 - Mr. Daniels indicated that he personally was not in favor of ConCom endorsing this as a proposal to CPC.
 - The possibility of the Wood family submitting their own proposal to CPC was mentioned.
 - CPC members present agreed to update the other CPC members at the next meeting.
 - AR said, for future reference, that the proper protocol for Open Space purchases in the future was to do an appraisal, then go to Town Meeting, and, dependent on that, then perform required due diligence (environmental assessments, etc.).
- **The informal meeting ended at 8 P.M.**