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TOWN OF AYER
TOWN CLERK



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 10/12/2023

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: NO

EXECUTIVE SESSION:

7:55 PM – Open Executive Session

- **VOTE:** J. Gugino moved to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #6: To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm, or corporation; and to then adjourn for the evening from Executive Session without returning again to Open Session; M. Phillips 2nd.
 - Motion approved unanimously 5-0 by Roll Call vote: J. Amaya, Aye; J. Gugino, Aye; G. Bacon, Aye; M. Phillips, Aye; J. Schmalenberger, Aye.
- **Stratton Hill, off Wright Road**
 - The purpose of the Executive Session was to discuss details surrounding the possibility of the Town purchasing a portion of the Stratton Hill parcel proposed for development, the area north of the power lines.
 - In August, Anne Gagnon, of Mass. Fish & Game, contacted the Town, through J. Gugino, to say that Attorney Bob Collins, for developer Dave Moulton, had contacted her to say they might be willing to consider selling the area north of the power lines.
 - This would leave the area south of the power lines still open for development.
 - The rest of the parcel, some 100+ acres, intended all along for a Conservation Restriction (CR), has remained unchanged.
 - Following that notification, a meeting took place with Ms. Gagnon, Town Manager Robert Pontbriand, Community Preservation Committee (CPC) Chair Janet Providakes, J. Schmalenberger, H. Hampson, and J. Gugino.
 - In Executive Session in August, CPC then approved paying for the necessary next step of securing an appraisal.
 - The appraisal, dated 9/29/2023) was recently completed by Kenneth Croft, of The Foster Company.
 - A meeting was then held of the above group, also including Town Planner Danny Ruiz, to discuss.
 - The report appraised the market value of the total developable portion of the site (excluding the CR land) at \$910,000.
 - It was discussed that the area north of the power lines was appraised at \$410,000, while the area south of the lines was valued at \$500,000.
 - The next step decided upon was that Ms. Gagnon would contact Mr. Collins with the information that the Town was willing to offer \$410,000 to purchase the land,



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- and that because the Conservation Fund could be used for this purchase, there would be no delay or uncertainty of an offer having to go before Town Meeting.
- Subsequently, Mr. Pontbriand heard from Ms. Gagnon that, while they (Mr. Collins and Mr. Moulton) were disappointed in the appraised value, they were still interested in considering it given the speed at which the transaction could be handled.
 - Another option would be for Mr. Collins and Mr. Moulton to have their own appraisal done, and if a lot higher, a third appraisal could be considered and the mean of the three would be an allowable use of municipal funds.
 - Ms. Gagnon will be talking to Mr. Collins again on Thursday, Oct. 19.
 - Meanwhile, the opening of the Public Hearing before the Planning Board on 10/10, for the Definitive Subdivision Plan for Stratton Hill, was continued to 10/24 because of health issues related to Mr. Moulton.
 - If the sale of the property to the Town was agreed to, the Commission would have to hold a Public Hearing for use of the Conservation Fund to this end.
 - More to follow.

- **8:23 PM: Adjourn from Executive Session**

- **VOTE:** G. Bacon moved to adjourn from Executive Session; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

10/26/2023 Jessica G. Gugino