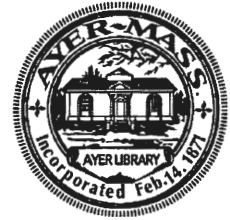


**Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432**



*Broadcast and Recorded by APAC*

**Tuesday March 27, 2019  
Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair; Scott A. Houde, Clerk

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager

**Call to Order:** J. Livingston called the meeting to order at 6:02 PM.

**Pledge of Allegiance:** BOS members and meeting attendees stood and recited the Pledge of Allegiance.

**Approval of Agenda:**

**Motion:** A motion was by S. Houde and seconded by C. Hillman to approve the agenda. **Motion passed 3-0.**

**Announcements:** None

**Applicant Presents Proposed Project – “Ayer Green Residences”:** Project proponent Attorney Adam Costa and Engineer Cal Goldsmith addressed the BOS. They presented a brief overview of the project thus far, stating they had submitted a request for a Local Initiative Program (LIP) endorsement for a Multifamily Affordable Housing Proposal known as “Ayer Green Residences” which was originally permitted as a solar development site. He stated that because of pending legal action brought forth by the abutters, the project proponent has investigated other options to develop the site, including Affordable Housing. The proposed conceptual plan consists of 55 units, 25% of which will be designated as affordable. He stated that the plan in front of the BOS, was the second iteration of the plan based on initial feedback from Town Staff.

Cal Goldsmith from GPR gave an overview of the project as it relates to permitting and construction of the site. He stated he anticipated needing a permit from the Army Corps of Engineers because they would be distributing over 5,000 square feet of wetlands. He also stated that the design approach has changed since an initial meeting and it now incorporates a Traditional Neighborhood design, with each unit having a front porch. He stated that stormwater management on the site will be a challenge. He stressed that the development proposal was still in the conceptual phase and that there is enough flexibility for the architects to design suitable housing. He'd also like to add new trails throughout the site, to connect to the Rail Trail. He noted the project's proximity to the Town's largest employers, the Nashoba Valley Medical Center and the Ayer Shirley Regional School District.

**Overview of the 40B Process:** R. Pontbriand gave an overview of the 40B process, noting that the BOS cannot “stop” or “deny” the project. He stated that the difference with the LIP process and a traditional 40B is that the BOS can choose to enter into a Memorandum of Agreement (MOA) with the project proponent. DHCD will work with the Town and developers, offering technical assistance throughout the process. R. Pontbriand noted that if the BOS was to enter into a MOA with the applicant, the MOA is enforceable against the developer as a contract. If the project proponent chooses not to go the LIP route, there is no opportunity for the BOS to enter into the MOA.

**Review of Department Head Concerns:** J. Livingston asked Department Heads to come up and give an overview of their concerns with the project.

DPW Superintendent M. Wetzel referenced his letter to the BOS dated February 13, 2019. He stated that the site design is very complicated and that he is concerned with the single point of entry and exit. He stressed that the developer will need a “Plan B” for another point of access. He stressed the need for effective stormwater management and looping the water mains for increased quality. He also will need to test the sewer capacity to the site.

Conservation Agent Jo-Anne Crystoff stated her concerns on behalf of the Conservation Commission with the wetland crossing for the roadway and anticipated the need for a consultant to assist the Conservation Commission throughout the project. She also shares the concerns relating to stormwater and its impact on wetland resources. Conservation Commission Co-Chair Bonnie Tillotson added that the area is cited as an ACEC, Area of Critical Environmental Concern.

Community and Economic Development Director Alan Manoian also referenced his memo to the BOS from February. He stated that Planning Board members and the Town Planner recently attended CPTC's 40B training conference and that the 40B program is designed to meet regional affordable housing needs.

Town Planner M. Archambault shared the concerns of his colleagues. His major concern relates to the access road off of Washington Street, leading to the proposed development. He stated that under typical Open Space Residential Development, 31 units would be allowed.

Police Chief William Murray stated that his primary concern is from a public safety and security standpoint. He'd like to see adequate lighting and is also concerned about the access road off of Washington Street.

**Public Comments:** Kevin Horgan, 16 Madigan Lane read a letter into the record opposing the project due to lack of detailed drawings, having a single access road to the proposed development and comments raised by the Fire Chief relating to roadways.

Ken Diskin, 180 Washington Street read parts of a letter previously sent to the BOS opposing the project due to the lack of submitted qualifications by the developer. He suggested that the BOS make a field visit to see the proposed development site. J. Livingston stated that field visits are not a purview of the Board of Selectmen, rather the Planning Board. K. Diskin also questioned whether the proposed project fit within the parameters of the Town's Master Plan.

**Board Deliberation on Next Steps:** C. Hillman asked the project proponent's Attorney if, after a comprehensive permit was issued, the development could be sold. A. Costa stated that yes and that was likely the route that his client would pursue, after permitting.

BOS members agreed on pursuing a MOA with the Developer to maintain control throughout the process. R. Pontbriand asked them for specifics they would like included in the MOA. BOS members stated that the proposed development should not increase in size, meaning to not exceed 55 units and to ensure proper lighting. C. Antonellis suggested that she and the Town Manager draft an MOA with Town Counsel to be negotiated with the project proponent for the BOS to ultimately authorize.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to authorize the Town Manager and Town Counsel to enter into a Memorandum of Agreement for Ayer Green Residences for final approval by the Board of Selectmen. **Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to adjourn at 7:30 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: April 16 2019

Signature Indicating Approval: Scott P. Houb