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TOWN OF AYER

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Town of Ayer
Community Preservation Committee
Town Hall * One Main Street * Ayer, MA 01432
Minutes for 9/29/2017

Location: Town Hall, 1st Floor

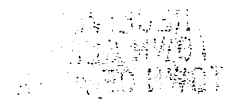
Members present: Janet Providakes (JP) [Housing Authority]- Chair, Beth Suedmeyer (BAS) [At Large], Jess Gugino (JG) [Conservation Commission]- Clerk, Julie Murray (JM) [At Large]

Not present: Barry Schwarzel (BES) [Historical Commission], Richard Durand (RD) [Parks & Recreation], Mark Fermanian (MF) [Planning Board]

APAC taped: NO

9:07 AM – Open Meeting – SPECIAL MEETING
NEW BUSINESS

- **Discussion: Historic Ayer Central Fire Station Roof and Cupola Project**
 - Alan Manoian, Director of Community & Economic Development, presented:
 - Application for Determination of Eligibility for CPA Funding;
 - Application for Community Preservation Funding.
 - The application requests \$30,000, under the CPA “Historic Preservation” category.
 - The 1934 fire station, located at 14 Washington Street, has previously been discussed in depth at CPC’s 2/1/2017 and 5/3/2017 meetings.
 - The fire station was designed by George Ernest Robinson, the “father of modern fire station design” in his day, and is therefore historically significant.
 - 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.
 - It is also located outside of Ayer’s “Historic District” but it is listed on the State’s list of historically significant buildings.
 - After the issuance of several RFPs, the Town (Board of Selectmen) accepted a proposal from C. Donell Homes, Inc., of Shirley, to restore and redevelop the building into a high-quality, multi-unit downtown residential property.
 - Conrad and Kelsey Donell, former Ayer residents, propose 7-9 rental units.
 - The cost of the entire project is estimated at \$900,000, with the request for CPC funding amounting to 3% of the total.
 - Initially, as previously discussed on 5/3/2017, 4 of 7 units were intended to be low/moderate (“affordable”) units to meet the requirement for applying for a DHCD (Dept. of Housing and Community Development) EDF grant (Economic Development Fund).
 - However, in the previous month, the Donell’s decided not to pursue the grant and, instead, to go forward with their own money.
 - Nevertheless, Mr. Manoian said the Purchase & Sale Agreement, entered into and executed, contractually mandates in a separate Land Development Agreement document that “no less than one of the units” be low/moderate income units.



1974 to 1975

APAC report to:
Restoration, Mark Brownlee, 100 (Banning Road)
Not present, Bruce Brownlee, 100 (Banning Road)
Largest, Les Gilling, 100 (Banning Road)
Landscape present, John Brownlee, 100 (Banning Road)
Location, Town Hall, 100 (Banning Road)

- * Application for Continuity Preservation / Funding
- * Application for Research and Innovation / Grants Funding
- * Alan Martin ID, Journal of Community Development, presented
- Demonstration: Historic District (Central Library Station Block) and Chicago Project

[illegible]

After the issuance of several RFPs, the Town Board of Johnson accepted a proposal from A. Thomas Johnson, Jr. (not to build a new, one-story and relatively small building into a high-density, multi-unit development from existing residential property). Town Board Johnson accepted a proposal for a new 70-unit unit. The cost of the entire project is estimated at \$200,000, with the request for OBC funding increasing to 55% of the total.

[illegible]



Town of Ayer
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Minutes for 9/29/2017

- In addition, the Land Development Agreement contractually obligates the Buyer (C. Donell Homes):
 - “to preserve the cupola, stepped gables and slate roof of the Building in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and to preserve the remainder of the exterior of the Building as it exists upon rehabilitation in accordance with approved plans and specifications;”
 - Mr. Manoian said that he and Building Inspector Charles Schultz would be inspecting the rehabilitation project periodically as it goes forward to ensure compliance with this requirement.
 - JP and BAS said this detail can also be included in a Grant Agreement between Donell Homes and CPC, should the CPC-funded portion of the project be approved at Fall Town Meeting (10/23/2017).
 - Specific “points of review” can be identified in the Grant Agreement.
- It was noted that the project was granted several variances at the Zoning Board’s last meeting on 9/20/2017:
 - residential use on a lot under 10,000 sq. ft. in size in the Downtown Business (DB) zone (Fire Station lot is 9870 sq. ft.);
 - construction of residential units at street level;
 - construction of residential units at least 700 sq. ft. in size (where 750 sq. ft. is required).
- The issue of parking was raised by CPC, and was also the subject of discussion by ZBA, given that lot can fit, at most, 9 cars, and that the sidewalk must remain unencumbered.
 - DB zoning does not require provision of parking for 2 cars/unit.
 - In addition, Mr. Manoian said that construction of the Town’s new parking facility, when completed, will alleviate street parking in this neighborhood.
 - He also hopes to work out parking agreements with other buildings in the area at some point.
- Regarding the issue of a Preservation Restriction, BAS said that a PR is required where CPA funds are invested in a private property.
 - A 99-year term for a PR was discussed.
 - From the audience, resident Pauline Conley suggested the term be worded as “in perpetuity” since this building, unlike the Pleasant Street School project, is not a municipal building.
- BAS said she was disappointed with the reduction in the number of affordable housing units.
 - Ms. Conley agreed and asked CPC to request more than one unit.



Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 9/29/2017

- The current funding request is for historical restoration work only, but Mr. Manoian said the Buyer might be interested in applying for additional CPC funds next year.
 - If that were the case, CPC could, at that time, seek to require more affordable units in order to consider additional funding,
 - BAS moved to advance the application to a Public Hearing and to develop language for a Warrant Article for the project to proceed to a vote at Fall Town Meeting (on the assumption that CPC votes at the Public Hearing to approve the project for Town Meeting vote); JM 2nd.
 - Motion approved unanimously.
 - JP will schedule and advertise a Public Hearing for this project at CPC's next meeting to be held Wednesday, October 18, at 7 p.m.
- **Discussion: Application for Community Preservation Funding for the Establishment of the Ayer Land Conservation Fund**
 - With the support of the Board of Selectmen, Town Administrator Robert Pontbriand made a presentation to CPC in support of creation of a Conservation Fund (CF).
 - This has previously been discussed at CPC's 7/5, 8/2, and 9/5 meetings.
 - The establishment of a CF would create a mechanism, including funding, that would enable the Town to move more quickly on pursuing land purchases for open space and conservation.
 - Ayer is a small town 9-1/2 square miles in size.
 - A 2011 State study listed Ayer as #1 at approaching "build-out" in the next 20-25 years, if current development trends persist.
 - Development pressure is currently very high in Ayer.
 - Mr. Pontbriand also noted that the Town does not have the greatest track record in successfully pursuing open space purchase opportunities.
 - Two challenges stand out in particular:
 - lack of an appropriate funding source;
 - lack of quick access to funds to perform fair market appraisals.
 - The current mechanism for potential purchases has generally relied on applications to CPC for funding.
 - This initiates a cumbersome process that requires, at minimum, an initial application meeting with CPC, a Public Hearing with CPC, and final approval via Town Meeting vote.
 - Town Meeting votes take place only twice a year, in spring and fall, further restricting the ease of the process.



Town of Ayer
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Town Hall, One Main Street, Ayer, MA 01432
Minutes for 09/20/201

- * The current funding request is for historical restoration work only, but Mr. Alonzo said the Board might be interested in applying for additional CPC funds next year.
- * If that were the case, CPC would at that time seek to require more additional funds in order to cover the additional funding.
- * Mr. Alonzo moved to submit the application to a Public Hearing and to develop language for a Warrant Article for the project to proceed to a vote at Fall Town Meeting on the assumption that CPC votes at the Public Hearing to approve the project for Town Meeting / vote 11/17/21.
- * Motion approved unanimously.
- * It will schedule and submit a Public Hearing on the project in CPC's next meeting to be held Wednesday, October 18, at 7 pm.
- * Information: Application for Community Preservation funding for the development of the Ayer and Concord areas 1 and 2.
- * With the support of the Board of Selectmen, Town Administrator Robert Pothland made a presentation to CPC in support of creation of a Conservation Fund (CF). This has already been discussed at CPC's 7-27, 8-12, and 9-7 meetings.
- * The CF would create a mechanism, including funding, that would enable the town to acquire land parcels for open space and preservation.
- * At present, town 9-13 square miles in size.
- * A 2017 study found Ayer as 41st in approaching "build-out" in the next 20-25 years. It current development trends put us.
- * Development pressure is currently very high in Ayer.
- * Mr. Pothland stated that the town does not have the greatest track record in successfully pursuing open space purchase of land parcels.
- * Two of the parcels stand out in particular.
- * Lack of adequate funding sources.
- * Lack of quick access to funding for land parcels.
- * The current mechanism for potential purchase has generally relied on applications to CPC for funding.
- * This initiates a cumbersome process that requires, at minimum, an initial application meeting with CPC, a Public Hearing with CPC, and final approval at Town Meeting.
- * Town's voting takes place only once a year, in spring and fall, further postponing the pace of the process.



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Town Hall * One Main Street * Ayer, MA 01432

Minutes for 9/29/2017

- This issue has become more urgent in recent years as property owners of agricultural or forested land in Chapter 61 have moved those lands out of that tax protection program for residential redevelopment.
 - Chapter 61 requires that the Town be given “right of first refusal” but appraisals generally need to be done within 30 days of notice, and the time period for exercise of that right to purchase is much shorter than the normal CPC process noted above.
 - The purpose for the establishment of a Conservation Fund is therefore simply to allow the Town to respond with flexibility and speed to acquire land for open space protection when unique opportunities come on the market.
- Mr. Pontbriand proposes two Warrant Articles for Fall Town Meeting (10/23):
 - 1) For Town Meeting to authorize the creation of a Conservation Fund in accordance with MGL Ch. 40 Section 8C.
 - Per State statute, the Conservation Commission would be the governing body of the fund, and the Town Treasurer the custodian of the funds.
 - Town Counsel has confirmed that legally and technically, the Conservation Commission – rather than an appointed committee – must be the governing body.
 - The Commission would be asked, however, to hold Public Hearings and adapt “Policies and Procedures” for the administration of a CF, should it be created.
 - This could include the creation of an ad hoc advisory committee under the Commission’s auspices.
 - In addition, the State statute specifies criteria by which a Conservation Commission considers purchases.
 - This would establish parameters under which the Commission would create its own internal policy for such acquisitions.
 - 2) For Town Meeting to authorize the transfer of \$100,000 from CPC funds (from its ‘Open Space’ category) to the Conservation Fund.
 - Mr. Pontbriand indicated his intention for additional funds to be transferred into this CF from various sources at future Town Meetings.
 - It was stressed that each and every movement of money into this CF would be overseen and authorized by Town Meeting vote.
 - The Fund itself would allow the Town to respond more rapidly to land purchase opportunities, but monies going into the fund, whether from CPC or another source, would require Town Meeting vote each time.



**Town of Arden
Community Preservation Committee
Town Hall * One Main Street * Arden, VT 05412
Minutes for 9/29/2011**

- This issue has become more urgent to resolve as property owners of agricultural or forested land in the Town of Arden have moved their lands out of the town's jurisdiction program for rural development.
- (Topic 2) It was noted that the Town has given "right of first refusal" but appraisals generally need to be done within 30 days of notice and the time period for exercise of that right to purchase is much shorter than the normal 180 days as noted above.
- The purpose of the establishment of a Conservation Fund is therefore simply to allow the Town to respond with flexibility and speed to requests for land for open space acquisition when unique opportunities come on the market.
- Mr. Boardman presented a new Vermont Act (Act 100, Chapter 100, 2011).
- (1) For Town Arden to authorize the creation of a Conservation Fund in accordance with Act 100, Ch. 100, Section 100.
- For 2011, the Conservation Commission would be the governing body of the fund and the Town Treasurer the custodian of the funds.
- Town Counsel as recommended and legally and ethically, the Conservation Commission - rather than an appointed committee - must be the governing body.
- The Commission would be asked however, to hold public hearings and allow "politics and protest" for the administration of a CP should it be created.
- This could include the creation of an ad hoc advisory committee under the Commission's auspices.
- In addition, the State statute specifies which a Conservation Commission considers purchases.
- This would establish parameters under which the Commission would create its own internal policy for such acquisitions.
- (2) For Town Arden to authorize the transfer of \$100,000 from CP Fund (from its "Open Space" category) to the Conservation Fund.
- Mr. Boardman indicated his intention for additional funds to be transferred into this CP from various sources at future Town Meetings.
- It was stressed that each and every movement of money into this CP would be discussed and authorized by Town Meeting.
- The fund itself would allow the Town to respond more rapidly to land purchase opportunities, but monies going into the fund, whether from CP or another source, would require Town Meeting vote each time.



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Minutes for 9/29/2017

- JP used the analogy of moving CPC money from one bucket (the longer CPC process for Open Space acquisitions) to another bucket (a Conservation Fund for the same type of acquisition but via a faster process).
- After discussion, CPC members decided to up this transfer amount from \$100,000 to \$500,000.
 - Funding articles at Town Meeting can only be amended downward, not upward.
- BAS moved to advance the Town's application to a Public Hearing and to develop language for the two Warrant Articles discussed above for a vote at Fall Town Meeting (on the assumption that CPC votes at the Public Hearing to approve the project's advancement to Town Meeting vote); JM 2nd.
 - Motion approved unanimously.
- JP will schedule and advertise a Public Hearing for this project at CPC's next meeting to be held Wednesday, October 18, at 7:30 p.m.
- Mr. Pontbriand will revise the preapplication and complete the formal application over the course of the next week.
 - Mr. Pontbriand asked that JG have a discussion item placed on the Conservation Commission's next meeting agenda (October 12).
 - Mr. Pontbriand and JP will both plan to attend.
- At Fall Town Meeting, Mr. Pontbriand would introduce both articles.
 - He will also ask JP as well as someone from the Conservation Commission to speak in favor of the CF as well.
 - Points to be addressed at Fall Town Meeting should include:
 - what a Conservation Fund is;
 - how it would be administered and controlled;
 - the Town's history of missed opportunities;
 - what a CF is not (i.e. NOT a blank check for the Commission!)
- **10:20 AM – Adjourn Meeting**
 - CPC's Next Meeting: October 18, 7 p.m. – PUBLIC HEARINGS
 - 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: 