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TOWN OF AYER

2017 NOV -8 PM 1:56



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.



ADDITIONAL INFORMATION

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Also, the authors of the study noted that the study was limited by the fact that the data were self-reported, and that the study did not include a control group.

[illegible]

* The 1934 fire station is located at Washington Street and Oregon Avenue.

[illegible]

10. The following information is available for the year ended 31/12/2019:

To protect the interests of the people, the government has decided to...

It is also important to note that the results of this study are based on a cross-sectional design, which limits the ability to establish causal relationships between the variables studied. Future research should consider longitudinal designs to better understand the temporal dynamics of these relationships.

the same to conduct a study of the

CONFIDENTIAL - SECURITY INFORMATION

1001. From 1971 to 1973, this area has been used for

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

ATLANTA, Ga., Sept. 2 (AP) — A 10-year-old boy, who was

on the basis of a lot of miscellaneous information.

а) (топ) издана в издательстве "Литературный мир" в 1987 году.

local developer, Donald Homer, met with Smith to develop the building

2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837

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The application seeks \$50,000 out of the estimated total cost for the project of \$100,000.

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- 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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BAA and the group put together a Grant Agreement and asked of Mr. Manosian that specific steps in the design and construction processes be identified for this purpose. Mr. Manosian said that he and the Building Inspector would be inspecting the

project as well. Ed Keller of Old Light Power said he thought CPC funds should be prioritized for land purchased for other uses, including contributions to projects under private

ownership. BAA 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 the 10% minimum to "open space" category in acknowledgment that it is a priority for the town.

Mr. Manosian said that encouraging development in certain residential development projects like this helps to lessen the development pressure in more rural "green field" areas of town.

In addition, having it as part of the project funded by CPC allows the Town to remain in the loop from the start to the end of the project - which in turn contributes to the overall development of the town as a whole.

Ken Distefano of Washington St. spoke in favor of the CPC application. He stated that CPC support the application for funding and advance the proposal to the Town Board for funding. BAA thanked him for his support.

Public Hearing - Creation and Funding of a Conservation Fund
 The hearing was also held on the Town Hall on 10/4 and 10/11/2017. It read the Local News to the record.

This proposal was previously discussed in depth at CPC's 9/26/2017 meeting as well as at the Conservation Commission's 10/12/2017 meeting.

Town Administrator Robert Fontana described Articles 6 & 7 that are in the Warrant for Fall Town Meeting on 10/23/2017.

Article 6 is for the approval to create a Conservation Fund for the purpose of conservation and open space land acquisition including passive recreation use in accordance with 801 CMR Ch. 801 section 31.

Article 7 is for the approval to create the fund.

Article 7 seeks for approval to transfer \$250,000 from CPC's Open Space account into the Conservation Fund. It passed in the previous article.

Article 6 seeks to turn over to the fund the



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- 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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- The State law, the fund would operate under the guidance of the Conservation Commission which the Town Board would be in a position 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. 91A, section 8c) establishes the primary criteria, but for CPO funds transferred into the fund, criteria established by the Commission, the conservation wet (MGL Ch. 44B) would also have to be met.
- Mr. Howard said the primary purpose of the fund would be to allow the Town to have a rapid response mechanism for land purchase opportunities.
- // The Town Meeting votes now -- and in the future -- would be required for transferring new funds from CPO or other Town resources into the Conservation Fund, once the fund was created, 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 a 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 competitive and fast-moving development market.
- Mr. Howard noted a State study from 2012 that listed Ayer as "minor" in the State in approaching "build-out" within the next 20-25 years in current development trends persist.
- Bill Daniels, Chair of the Conservation Commission noted that the Town's last purchase the "looker" property (now part of the Pine Meadow Conservation Land) was in part successful because Mr. Towor was willing to be patient and wait for Town Meeting vote.
- This is not something that many landowners 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. Howard said the establishing of a Conservation Fund additionally provides a legal mechanism that would allow the Town to convey funds more quickly and efficiently to be included in public estate planning provisions.



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Town Hall * One Main Street * Ayer, MA 01432

Minutes for 10/18/2017

- 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.



**Town of Ayr
Community Improvement Committee
Meeting # One Main Street
Ayr, Ontario N6B 1G1
Minutes for 1988-1989**

- o In any case, a person from resident 1 must be present. Mr. Daniels referred that any deliberation of the Conservation Commission should consider a purchase would be open to the public before any decision was made.
- * And again, it is understood that when a person who would have to be taken each and every time I was making a decision, IPC, was proposed for transfer into the fund.
- * Funding of the fund, therefore, remains a open and transparent process within the public sphere.
- * Finally, everyone would be entitled to a decision held for the purpose of not making a specific purchase price.
- * Once an offer was accepted, on the spot, this decision would then be made public.
- o Mr. Bombardier asked his question that if it proved the Conservation Fund be added to regular income, then the Town was committed to respond to keep opportunities.
- o Mr. Daniels said the position of the Fund was that the Town into the position of approaching owners who might at some point consider the sale of their land.
- * This means the Town into a position where a buyer is opposed to a reactive position, not a reason.
- o B.A.S. said a Conservation Fund could be some "much money" for partnering with other organizations, such as the Audubon Society, the Conservation of the larger land resources.
- o Mr. Nelson asked how much (in dollar amount) remained in the fund.
- * Mr. Bombardier said around 10 percent.
- o Mr. Bombardier said one of the first tasks would be to create a land use working group that would identify CP-1 and other undeveloped land parcels, as well as create a list of land parcels, should opportunities present themselves.
- o Land purchased through a Conservation Fund would be protected under a Conservation Restriction.
- * According to the Town's Annual Report, it is available only by a 2/3 vote of the Council.
- o Mr. Nielsen asked about use of the Fund for things like neighborhood pocket parks.
- * Mr. Bombardier said that his office had not yet started procedures for distributing this money on a more opportunistic basis, but departments, boards and committees have not yet.
- * A property, B.A.S. explained, that this fund could not be used for activities like passive recreational use.



Town of Ayer
Community Preservation Committee

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Minutes for 10/18/2017

- 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