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TOWN OF AYER
TOWN CLERK

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**Town of Ayer
Community Preservation Committee**

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 9/7/2022

Location: Remote Meeting via Zoom, accessible to public, due to ongoing pandemic

Members present: Janet Providakes, Chair (Housing Authority); Julie Murray, Vice-Chair (Planning Board); Beth Suedmeyer (At Large); Barry Schwarzel (Historical Commission); Jess Gugino, Clerk (Conservation Commission); Jason Mayo (Parks & Recreation); Colleen Krieser (At Large/Affordable Housing Trust)

APAC taped: Yes

7:04 PM – Open Meeting

- **Confirmation of Agenda**

- J. Gugino moved to confirm the agenda as posted; C. Krieser 2nd.
 - Motion approved unanimously by Roll Call Vote 7-0

- **Approval of Meeting Minutes**

- B. Schwarzel moved to approve minutes for 8/10/2022 as written; C. Krieser 2nd.
 - Motion approved unanimously by Roll Call Vote 6-0 (J. Mayo abstained)

- **Correspondence / Bills**

- Sandy Pond Schoolhouse Association (SPSA) Phase II Restoration and Preservation Work, Grant (FTM 2020, \$187,340)
 - J. Providakes received an update from Irv Rockwood, President of SPSA, that construction work has restarted on the restoration project.
 - J. Providakes okayed payment of \$40,000 to Gerald O'Doherty, for construction supply costs through August 14, which had to incorporate a 'change of order' given price increases.
- Lowell Publishing Company
 - The invoice for the first of two legal ads to run for the Public Hearing for the Community Preservation Plan Update (held on 8/10/2022), for \$225.73, was authorized for payment.
- Groton-Harvard Road/High Street property appraisal
 - J. Providakes reported that Foster Appraisal & Consulting Co. appraised the parcel of interest at \$780,000.
 - The property owners are seeking \$1.4 million and are not willing to come down on the price.
 - Municipalities cannot purchase properties for more than their appraised value.

- **Public Hearing: Application for CPA funding, "Ayer Commons, Phase I," Fitchburg Road Chapter 40B Project, NOAH (Neighborhood of Affordable Housing) (\$400,000)**



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- J. Providakes called the Public Hearing to order at 7:14 p.m.
- The Public Hearing was advertised in the *Nashoba Valley Voice* on 8/26 and 9/2/2022.
 - (Also see previous CPC detailed discussions of this proposed project on 5/4 and 8/10/2022)
- Phil Giffie, Executive Director of NOAH, and Sharon Loewenthal, Development Consultant, were present via Zoom; Annika Lambert, Project Manager from NOAH, participated via telephone connection.
 - Also present were Alan Manoian, Director of Ayer's Office of Economic & Community Development, and Alicia Hersey, Community Development Program Manager.
- NOAH is seeking \$400,000 in CPA funding support, in part to represent local 'buy-in', out of a total expected cost for Phase I of over \$30 million.
 - This project is now under review for a Comprehensive Permit by the Zoning Board of Appeals (ZBA).
- The application checks off 3 CPA categories as applicable: Housing, Open Space, and Recreation.
- Mr. Giffie and Ms. Lambert provided a brief presentation on Phase I of this affordable housing project.
 - Phase I will involve the construction of five 2-story townhouses fronting Fitchburg Road as well as a central 3-story building and 1-story community center behind.
 - A total of 64 rental apartment units – 3-bedroom, 2-bedroom, and 1-bedroom – will be part of the first phase.
 - (Another 42 units in an additional building are planned for a later Phase II of the project.)
 - **All** of the units will be affordable in relation to various levels of AMI (Area Median Income):
 - 8 units at or below 30% AMI – MRVP (Massachusetts Rental Voucher Program);
 - 8 units at or below 30% AMI – Section 8;
 - 6 units at or below 50% AMI;
 - 21 units at or below 60% AMI;
 - 21 "Workforce" units at or below 70% AMI.
 - **All** of the units will be rental units; Mr. Giffie said NOAH would manage Ayer Commons longterm and had no intentions to sell units.
- B. Suedmeyer had several questions:
 - Implications of this project for Ayer's Subsidized Housing Inventory (SHI)



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- Mr. Giffie and Ms. Lambert said **all** of the units will be affordable and therefore eligible to be included within Ayer's SHI.
- Ayer is working to increase its SHI to 10% where it will then become eligible to apply to a number of state grant programs – for example, to support infrastructure projects.
 - Ms. Hersey said Ayer Commons would enable Ayer to reach 10% SHI under the 2010 Census, but when calculations switch over to the 2020 Census numbers, the Town will likely fall short by 10-15 units.
 - However, she also stressed that other building projects that incorporate some affordable housing units are continuing to be built in Ayer as well.
- Length of affordability deed restriction
 - Questions were raised about the duration of affordability deed restrictions to be imposed – whether for 30 years (Massachusetts minimum), 50 years, 99 years, or in perpetuity.
 - Ms. Loewenthal said units funded with tax credits remain affordable in perpetuity.
 - Units funded by different loan sources would have different restrictions.
 - J. Providakes was clear that the State's minimum restriction of 30 years would not be acceptable.
 - B. Suedmeyer wants the affordability of the units to remain in perpetuity.
 - This position was supported later by resident Pauline Conley.
- Open space and recreation
 - B. Suedmeyer asked why the CPA Open Space category was checked on the application since the requested \$400,000 grant would not go to the acquisition of open space (which would require conservation deed restrictions imposed as well).
 - This would be misleading if included on the Warrant Article for Fall Town Meeting.
 - Mr. Giffie said this would be easy to remove from the application.
 - Ms. Lambert said that circling the Recreation category still applied, however, as use of the community center (with the exception of the pool due to liability issues), playground, and dogrun would be available to all Ayer residents.



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- J. Gugino (also a member of the ZBA) said she was interested in having the wetlands and buffer zone, as well as the undeveloped land on the parcel north of the buffer zone, given protection, perhaps as part of the give-and-take negotiation with the ZBA as the project goes through the Comprehensive Permit process.
- Timing
 - Ms. Lambert said the project needs to demonstrate local funding support in order to be eligible to apply for State funding.
 - The CPA grant, if approved at Fall Town Meeting, would provide this important leverage.
 - She noted, however, that most such projects do not receive State funding on their first application round, so it would be difficult to project concrete time goals beyond the CPC grant application followed by the State funding application(s).
 - Questions raised by J. Providakes and others:
 - ADA compliance (Americans with Disabilities Act)
 - Ms. Lambert said Phase I would include 4 or 5 ADA compliant units.
 - Ms. Loewenthal said it is a State requirement that 5% of the total number of units (rounded up) be ADA compliant, including a portion specifically for sensory deprived.
 - ADA units would be located on the first level of buildings.
 - Lighting
 - In terms of potential “Dark Skies” compliant lighting, to reduce adverse impacts to wildlife and the environment, Mr. Giffey said the project will be employing sustainability features.
 - J. Murray (also a member of the Planning Board) said Dark Sky compliance is a detail likely to be worked out elsewhere, with the Department of Public Works (DPW) which has specific guidelines as to where it would recommend such lighting.
 - Air conditioning
 - Mr. Giffey said he expects all units to have air conditioning.
 - Energy/Fuel
 - Mr. Lambert said the project is being designed to be as energy efficient as possible, including ‘passive house certified’, but there would probably still be some use of natural gas.



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- Charging stations for electric vehicles
 - Mr. Giffie and Ms. Lambert said they were not that far along in the planning process.
- Parking/Vehicles
 - Ms. Lambert noted that 40B projects tend to be less car-oriented.
 - NOAH is seeking a waiver from the ZBA to reduce the number of parking spaces required under the current Zoning Bylaw.
 - J. Murray added that the Planning Board is looking into changing its regulations in terms of parking space requirements, in a direction that would be in alignment with the proposed parking plan for this project.
 - (Note: the Planning Board reviews all subdivision projects, with the exception of Ch. 40B projects that are instead reviewed by the ZBA under a Comprehensive Permit process.)
- Shuttlebus
 - J. Providakes said she had heard there was discussion of having a shuttlebus available to transport residents to the train station?
 - Mr. Giffie said this has come up in their conversations but it is not something that NOAH could afford to run.
 - Ms. Hersey said the Town is talking to MART (Montachusett Regional Transit Authority) about options for this.
- Elevators
 - At this point, elevators will only be located in the buildings that have 3 floors.
 - Ms. Lambert reiterated that the ADA units would be located on first floor levels.
 - Resident Pauline Conley brought up the issue of friends/family with ADA issues who may be visiting someone in a 2nd floor unit, and if there is no elevator in two-story buildings?
 - Ms. Lambert said there are no current plans to install elevators in those buildings.
- Solar
 - Ms. Lambert said the project is still in the early stages of design but they are hoping to incorporate solar energy technology.
- Emergency Access
 - B. Suedmeyer asked about the adequacy of emergency access, given the site plan shows one entrance and exit.



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- Local Preference for Applicants for Housing
 - B. Suedmeyer and resident Pauline Conley asked to what extent local preference would be given to applicants for housing in this project.
 - Ms. Loewenthal said NOAH was not yet at the point of figuring this out in detail.
 - However, Ch. 40B State law sets a limit for local preference at around 10%.
 - Mr. Giffey said NOAH would try to maximize local preference to the extent possible.
 - Ms. Hersey said that for projects that receive State funding, the State views affordable housing as available to *everyone*, not just locals.
 - Therefore they allow a small percentage for local preference, but not a large number.
- **VOTE:**
 - J. Gugino moved that CPC support this funding application and submit it to Fall Town Meeting (10/24/2022) for a final vote; J. Murray 2nd.
 - Motion approved unanimously by Roll Call Vote 7-0.
 - C. Kreiser moved to close the Public Hearing at 8:24 p.m.; J. Murray 2nd.
 - Motion approved unanimously by Roll Call Vote 7-0.

NEW BUSINESS

- **CPA Funding Application, (1943) Ayer Howitzer Restoration Project**
 - Present via Zoom for this discussion were: Town Manager Robert Pontbriand; Assistant Town Manager Carly Antonellis; Alan Manoian and Alicia Hersey from Ayer's Office of Economic & Community Development; and Chuck Schultz, Facilities Director.
 - The application seeks \$32,232 to fund the restoration of the Howitzer cannon and relocation of the related Monument.
 - Total cost for the project is estimated to be \$40,232.
 - The Howitzer was moved to Ayer from Fort Devens in 1985, via a gift made to the Town of Ayer by the Cote Family.
 - The Howitzer was intended to serve as a memorial to Ayer-native US Army Staff Sergeant Leon A. Cote (1919-1944), who was killed at the age of 25 on his first day of combat in France during World War II.
 - It was also intended to be dedicated as a Memorial to all Ayer Veterans.
 - These details are inscribed on the granite Monument.



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- Mr. Manoian said that, to many, the Howitzer and the Monument represent a tangible connection for the 80+ year shared cultural history between Ayer and Fort Devens (now Devens).
- While the Howitzer was initially located on a pad outside of Town Hall, when restoration work was done on Town Hall itself in 2002, the cannon was moved to the back of the building, along with the Monument.
 - When the Howitzer was returned to the front of the building, it was placed on grass rather than a base.
 - Resting the cannon directly on the ground has contributed significantly to its deterioration, especially of its tires and rims.
 - In addition, the Monument was *not* returned to the front of the building to be placed alongside the Howitzer.
- The restoration project seeks to restore the cannon, install a proper base for it to rest on, and move the Memorial to a location next to it.
 - Mr. Pontbriand said that ideally, if approved at Fall Town Meeting, they would like to have the restoration complete in time for Veteran's Day ceremonies, November 11, 2022.
- Restoration work would be done by Certified Welding & Fabrication of Shirley, and would include:
 - sandblasting to remove the historically-incorrect black paint from the cannon, priming it properly, and repainting it to the original olive green color;
 - restoration and/or refabrication of the original (1943) 6.5 CS-16 wheel rims;
 - replacement of the original (1943) 8.0-16 BF Goodrich Silvertown Combat tires with modern replica tires;
 - construction of a structurally-sound circular (17-foot) Howitzer base pad (pavers with cement foundation underneath) integral to the longterm preservation of the cannon.
- Additional costs associated with the project would include use of a crane to move the Howitzer and the Monument and the installation of 2 lighting fixtures to illuminate the cannon.
 - Since an aggressive timeline will be pursued, the removal and restoration of the Howitzer would coincide with the installation of the base.
- Mr. Manoian will be seeking community input for the final locations of the cannon and Monument in front of Town Hall.
- B. Suedmeyer asked if National Registry restoration standards would be followed.



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- Mr. Manoian said the cannon is not a National Registry object and has already been dramatically altered, from past welding, etc., so it will not be restored to national standards – but would be as close as is possible.
- Mr. Pontbriand said that while the cannon was not National Registry, Town Hall is in Ayer's Historic District.
 - All plans for the cannon's restoration and the installation of the base will be reviewed by the Mass. Historic Commission.
- B. Suedmeyer asked about the appropriateness of the 2 lighting fixtures in terms of impact on vehicular traffic or wildlife.
- Resident Pauline Conley asked in what direction the cannon would be pointed?
 - Mr. Manoian said there seemed to be a wide range of opinion on the proper directional orientation of the cannon and that he would let this be determined by local input.
 - The proposed circular base will allow total flexibility for whatever is determined.
 - Ms. Conley suggested Mr. Manoian provide residents with information on how Concord and Boxborough have oriented their historic cannons.
- **VOTE:**
 - J. Gugino moved that CPC forward this funding application to a Public Hearing, to be held at 7:30 p.m. on Wednesday, 9/28; B. Schwarzel 2nd.
 - Motion approved unanimously by Roll Call Vote 7-0.
 - J. Providakes will plan to run legal ads in the *Nashoba Valley Voice* on 9/16 and 9/23.
 - The special meeting on 9/28 will also review the draft CPC Warrant articles for Fall Town Meeting, as the Warrant closes on the 30th.
- **Committee Updates**
 - The hour being late, Committee Updates were skipped.
- **8:54 PM – Adjourn Meeting**
 - CPC's Next Meeting: September 28, 2022, 7:30 p.m.
 - B. Schwarzel moved to adjourn; C. Krieser 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature Indicating Approval:

10/5/2022 