

**Town of Ayer**  
**Community Preservation Committee**

Town Hall \* One Main Street \* Ayer, MA 01432

Minutes for 9/5/2012 – Approved 11/14/12

Location: Town Hall, 2<sup>nd</sup> Floor

Members present: Alene Reich (AR) [Historical]- Chair, Mark Fermanian (MF) [Planning Board], Janet Providakes (JP) [Housing], Beth Suedmeyer (BS) [At Large], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Gary Luca (GL) [BOS], Michael Pattenden (MP) [FinCom], Vacancy [At Large], Jason Mayo (JM) [Parks & Rec.]

APAC taped: NO

**7:35 PM – Open Meeting**

• **Discussion: Potential Open Space Acquisition**

- JG reported the following for discussion:
- Ed Cornelier, representing the Sandy Pond Investment Trust, approached the Conservation Commission (ConCom) on 8/23/12.
  - The Trust is seeking to determine if there might be interest in the Town purchasing the roughly 23 acre parcel of land that was to be developed as ‘Kohler Place’.
    - The site was approved for development of 4 house lots on 2.8 acres, with the remaining 20.2 acres to be put into Conservation Restriction as required by the Natural Heritage and Endangered Species Program (NHESP).
    - In part because of the lengthy process of permitting as well as litigation, and changes in family interest, plans to develop this site have now been cancelled.
  - The currently-undeveloped parcel is within the Petapawag ACEC (Area of Critical Environmental Concern).
    - The parcel abuts on either side the inlet stream that runs from Long Pond into Sandy Pond and is located at the end of Wright Road as well as off of Sandy Pond Road.
    - The parcel also includes shoreline on Sandy Pond itself.
- Mr. Cornelier told ConCom that if the family Trust was not going to build on the parcel, they would rather see it stay as is than be developed by others.
  - Mr. Cornelier added, however, that there were potential buyers interested in developing the parcel.
- The Trust is hoping to recoup expenses related to the development and planning process.
  - JG said ConCom Chair Bill Daniels had told Mr. Cornelier that having a starting ‘ballpark’ dollar figure would help ConCom and CPC evaluate the viability of Town interest.

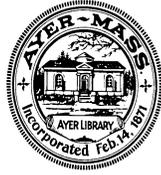


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- At the 8/23 meeting, Mr. Daniels also described at length for Mr. Cornelier the process of a municipality purchasing land.
  - Such a purchase requires a Phase I environmental review that performs a title search, researches the deed, and researches usage on the site to ascertain the potential for past leakages of toxic material.
  - Mr. Daniels said he thought it likely this parcel would only need a Phase I review and would not require a more costly and extensive Phase II.
- JG said the other significant issue that came up in ConCom's discussion was the need to confirm a crossing easement
  - To access the parcel from Wright Road requires crossing a narrow strip belonging to another resident.
  - This was the subject of litigation between this resident and the Trust and the Town in 2008-9.
  - The Land Court found in favor of the Trust.
  - Mr. Cornelier said he thought the crossing easement was permanent and would transfer to a new owner, but would check this.
- JG said that depending on how several issues were resolved, and if CPC thinks the parcel qualifies for consideration under Open Space acquisition, ConCom might consider officially endorsing a purchase and ushering it through the CPC approval process.
- After discussion CPC specified two requirements before further discussion and evaluation can take place:
  - 1) the Trust must submit copies of the Deed as well as the Land Court ruling on the crossing easement.
  - 2) the Trust, which has made clear it wishes to recoup some planning and development expenses, needs to present a starting 'number' for negotiation.
- Other concerns raised in CPC discussion included:
  - AR said CPC, representing the Town, would need to make sure the Town was buying something of value.
    - While the parcel includes shoreline on Sandy Pond, because of intervening wetlands, it was not clear how much functional access to the Pond actually exists.
  - Assuming the two requirements listed above are satisfactorily addressed, one of the next steps would be for CPC to perform a site walk on the parcel.
  - BS said, going forward, the Town needs to be able to seek matching funds for Open Space purchases.
  - The possibility of the Town purchasing a Conservation Restriction on the parcel, essentially purchasing the Trust's right to develop, was discussed.
- JG said she would convey CPC's suggested next steps to Mr. Cornelier.



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- **Meeting Minutes Approval**
  - JP moved to accept the minutes for 8/1/12 as written; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  
- **Discussion: Reduction in size of CPC**
  - This issue, first brought up on 8/1/, was again briefly discussed.
  - The Community Preservation Act specifies that local CPCs must include a minimum of 5 representatives from other boards/commissions.
    - These boards/commissions are Historic, Parks & Recreation, Conservation, Housing, and Planning.
    - The maximum size of a CPC is limited to 9.
    - Ayer's CPA By-Law specified a 9 member committee, including representatives from the Board of Selectmen and the Finance Committee, as well as two at-large positions.
      - To change the size of Ayer's CPC would require a by-law amendment voted on by Town Meeting.
  - Those present on 9/5 agreed that reducing the size of the CPC down to perhaps 6 or 7 made sense.
    - One suggestion was that one of the two additional positions could be filled by either a BOS member or a FinCom member but not both.
    - Maintaining at least one at-large position was thought best.
  - Since neither the BOS nor FinCom representatives were present on 9/5, it was decided to postpone further discussion, including any votes, until those representatives could also weigh in.
  
- **Discussion: Open Space Recreation Plan/Comprehensive Plan**
  - AR suggested bringing consultant Jan Goldson back at some point to help CPC determine the first steps toward helping the Town re-institute a Comprehensive Plan.
  
- **8:30 P.M. – Adjourn Meeting**
  - JP moved to adjourn; MF 2<sup>nd</sup>.
    - Motion approved unanimously.