

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 11/14/2012 - Approved 1/9/2013

Location: Town Hall, 2nd Floor

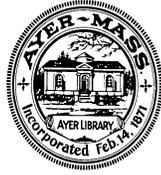
Members present: Janet Providakes (JP) [Housing]- Chair, Mark Fermanian (MF) [Planning Board], Michael Pattenden (MP) [FinCom], Beth Suedmeyer (BS) [At Large], Jason Mayo (JM) [Parks & Rec.], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Alene Reich (AR) [Historical], Gary Luca (GL) [BOS], Vacancy [At Large]

APAC taped: NO

7:07 PM – Open Meeting

- **Correspondence/Bills**
 - The Town has received the sum of \$38,142 in State CPA matching funds.
- **Meeting Minutes Approval**
 - JM moved to accept the minutes for 9/5/12 as written; MF 2nd.
 - Motion approved unanimously.
- **Election of Officers**
 - JG moved to elect JP as new Chair of the CPC; JM 2nd.
 - Motion approved unanimously.
 - JG will remain Clerk.
- **Discussion: Potential Open Space Acquisition**
 - Ed Cornelier spoke on behalf of Sandy Pond Investment Trust.
 - His brother Terry Cornelier was also present.
 - The 24 -acre parcel at the end of Wright Road and abutting Sandy Pond Road was discussed.
 - The Family Trust had intended to develop 4 house lots on the parcel (“Kohlerl Place”) but those plans have been cancelled.
 - 3.7 acres were to be used for the house lots with the remaining 20.2 acres set aside as a Conservation Restriction (but without public access).
 - The Trust has inquired whether the Town would be interested in purchasing the parcel for conservation.
 - Ed Cornelier said the undeveloped parcel was purchased in 1929 from the Boston Ice Company, which, in turn, had used it as a buffer zone to protect the headwaters leading into Sandy Pond.
 - If an agreement can be reached, the Trust would prefer the property stay as is, protecting the water and endangered species.
 - Mr. Cornelier showed the most recent Probate Deed establishing proof of ownership, dated 10/27/76.

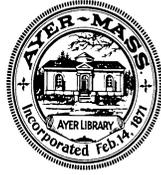


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- The subject of the crossing easement at the end of Wright Road was discussed.
 - A narrow one-acre strip of land, at most 75 ft. wide, was sold by the family several decades ago to another resident further uphill in order to give that resident access to Sandy Pond.
 - Mr. Cornelier said a right to travel across this strip was written into the deed for the original purchase.
 - However, when that resident later sold his property, Mr. Cornelier said this clause was illegally taken out of the deed.
 - The property including that narrow strip has now gone through several owners.
 - When plans for Kohler Place were taking shape, the current owner disputed the crossing right-of-way and sued the Trust, as well as the Town.
 - Mr. Cornelier said that Land Court dismissed this case against Sandy Pond Trust (and the Town) “with prejudice” in fall 2009.
 - After discussing this as a possible open space acquisition on 9/5/12, CPC asked that the Trust provide proof of the transferability of the crossing right-of-way.
 - While the final judgment was found in favor of the Trust, implicitly supporting the right-to-travel across the disputed strip, Mr. Cornelier said the ruling only states its favorable finding for the Trust and does not explicitly address the easement rights.
- MF asked what asking price the Trust was considering.
 - Mr. Cornelier said the Trust factored in the selling price of housing lots on another development site (Patriot Way -- \$130,000/lot) and subtracted the cost of building a road across the easement to the 4 housing lots in Kohler Place.
 - The figure they arrived at was approximately \$50,000/lot -- approximately \$200,000 for the whole 24-acre parcel.
- MP expressed support for the Town purchasing more open space.
- BS asked Mr. Cornelier if he was aware of the potential tax benefits in selling land for conservation at less than fair market value.
 - BS suggested Mr. Cornelier consider contacting groups like the Trustees of Reservations or Mass Audubon for information on this.
 - BS noted that Ayer does not have an updated Open Space and Recreation Plan, which is required for municipalities to be eligible for state grants/matching dollars.
- Mr. Cornelier expressed concern over a lengthy time frame, saying the Trust did not want to lose more on its investment by letting current permits expire.
 - Such permits could be useful if another buyer came forward.



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- MF assured Mr. Cornelier that the Planning Board would have no problem extending approval over building permits if need be.
 - MP said he thought the price being discussed was fair and hoped that approval of a CPC-funded purchase could be ready to put before Spring Town Meeting, or Fall Town Meeting at the latest.
 - Mr. Cornelier said the Trust was very interested in a Town purchase but would also have to consider other buyers if a good offer was put forward.
 - JP said a CPC-funded purchase would require a proponent to sponsor the proposal through the CPC process.
 - JG said she would address this with the Conservation Commission at its next meeting (12/6/12).
 - A CPC site walk was planned for Saturday morning (11/17) at 8 a.m., meeting at the end of Wright Road.
 - JG said she would make sure other members of the Conservation Commission were invited.
- **Discussion: Consideration of reduction in the size of Ayer's CPC**
 - MP said FinCom had no objection to CPC being reduced, with FinCom no longer a mandatory member.
 - It was decided to push for a Town Meeting vote to amend the By-Law to reduce the size of CPC from 9 to 7 members.
 - Five of the 7 will remain the State-mandated representatives from Planning Board, Housing, Parks & Recreation, Historical Commission, and Conservation Commission.
 - The remaining 2 members will continue to be At-Large.
 - One of those could be given priority to a member from the BOS or FinCom if interested.
 - MF moved to reduce the size of CPC as above; JG 2nd.
 - Motion approved unanimously.
- **8:01 PM – Adjourn Meeting**
 - MF moved to adjourn; BS 2nd.
 - Motion approved unanimously.