

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

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

Minutes for 3/5/2014 - Approved 4/2/2014

Location: Town Hall, 1<sup>st</sup> Floor

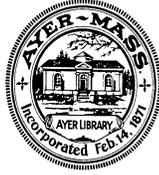
Members present: Janet Providakes (JP) [Housing]- Chair, Beth Suedmeyer (BAS) [At Large], Barry Schwarzel (BES) [Historical], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Mark Fermanian (MF) [Planning Board], Jason Mayo (JM) [Parks & Rec.], Vacancy [At Large]

APAC taped: NO

**6:10 PM – Open Meeting**

- **Meeting Minutes Approval**
  - BES moved to approve the minutes for 1/8/2014 as written; BAS 2<sup>nd</sup>.
    - Motion approved unanimously.
  
- **Old Business: Kohler Place**
  - Town Administrator Robert Pontbriand updated CPC as to the current status.
  - Town Counsel is still working on documentation addressing the crossing easement for access to the parcel at the end of Wright Road.
    - Their documentation should be complete early next week.
    - The process has been more complicated and taken longer than first anticipated.
    - Mr. Pontbriand said Town Counsel is confident that access cannot be impeded.
      - That said, Mr. Pontbriand acknowledged that the lack of basis for a legal suit cannot ever in itself prevent someone from attempting to sue.
  - Mr. Pontbriand said everything was all set to initiate a property appraisal once Town Counsel has completed addressing the access issue.
    - Depending on the outcome, negotiations with the sellers could then commence.
    - Representatives from CPC would then be invited to BOS Executive Sessions for negotiations.
  - Initially, Mr. Pontbriand was considering the possibility of still having things ready for Spring Town Meeting.
    - On further discussion, considering the due diligence that will need to be done and the Public Hearing(s) that CPC will need to hold, all agreed that aiming for Fall Town Meeting (if negotiations move forward and are successful) made more sense.
    - Mr. Pontbriand said it was not good policy to set a precedent for rushing things through and CPC members heartily concurred.

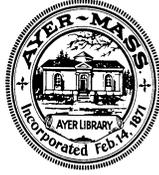


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- Regarding due diligence, the question of who would pay for a Phase I environmental review came up again.
  - Members of the BOS had been split as to whether this, if performed, should be paid for by the Town or by the sellers.
  - JG cited ConCom Chair Bill Daniels who said an environmental review should be completely independent of the sellers.
  - JG added that the requirement for this review applies only to municipalities.
    - This step would not be needed if the sellers were dealing with private parties, and therefore this would also suggest that the burden of payment should fall on the Town.
- When the Town Counsel material is ready, Mr. Pontbriand will forward it on to members of CPC.
- In addition, Mr. Pontbriand will contact the sellers to update them that, with the Town in process of performing due diligence, a potential sale of Kohler Place to the Town could not be voted on until Fall Town Meeting.
- Mr. Pontbriand will update CPC next at its 4/2/14 meeting.
- **New Business: Comprehensive Study of Ayer Ponds**
  - JG presented an application on behalf of the Conservation Commission for CPC funding, in the amount of \$20,000, to go toward supporting a comprehensive survey and biological assessment of six of Ayer's ponds (Sandy, Long, Flannagan, Pine Meadow, Grove, and Balch).
    - The last study, in 2005, focused on vegetation management / weed control.
  - ConCom has been working with the Pond & Dam Committee, with the support of the BOS, to arrange an up-to-date comprehensive study.
    - This study will also be used to formulate a long-term management plan.
  - ConCom issued an RFQ for this study in spring 2013.
    - Three proposals were received and reviewed, with ConCom selecting Geosyntec Consultants (Acton).
    - ConCom subsequently met with the BOS, and then jointly with the Pond & Dam Committee and Robert Hartzel of Geosyntec, to fine-tune the proposed study.
  - The study's surveying and documentation breaks down as follows:
    - Task 1: Aquatic vegetation, and water quality sampling;
    - Task 2: Pollutant source assessments (stormwater, residential, erosion, etc.), and land use in adjacent watersheds.
    - Task 3: Development of "a 5-year management plan for the control of nuisance aquatic vegetation" in all the ponds except for Grove Pond.
    - Task 4: A "secondary contact recreation risk evaluation" for Grove Pond.

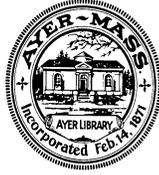


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- The revised estimate for the cost of this study is \$83,032.
- ConCom and Pond & Dam are working to secure funding from a variety of sources.
  - Voters at Fall Town Meeting 2011 allocated \$10,000 in CPA funds to the Pond & Dam Committee for the purpose of such a study.
  - With the increased estimate, ConCom felt it was justified to apply for an additional \$20,000 in CPA funding support.
- ConCom and Pond & Dam will be meeting jointly on 3/10/14 to consolidate funding options and prepare a presentation for the BOS.
- ConCom and Pond & Dam will then be meeting jointly with the BOS on 3/25/14 to discuss additional funding sources (DPW?, Parks & Recreations?, BOS?) and make decisions as to amounts to be sought at Spring Town Meeting.
- On reviewing the Geosyntec proposal, BAS asked why Task 3 only sought a management plan for vegetation control, especially given that the scope of the study was far broader than simply vegetation control.
  - BAS suggested that developing a Resource Management Plan (RMP) for each of the ponds, incorporating a range of Best Management Practices (BMPs), should be part of Task 3.
    - It would be a missed opportunity not to do so.
  - In addition, given that most Ayer ponds are located in Areas of Critical Environmental Concern (ACECs), the lack of an RMP makes it impossible for the Town to issue permits to residents for new structures (e.g. docks, floats) on its two Great Ponds (Sandy and Long ponds).
    - RMPs would need to be developed according to State standards and then approved by the State.
- With regard to Task 4, BAS asked if the EPA couldn't answer the recreational risk assessment just as well as Geosyntec, especially given that Geosyntec would be using data collected by the EPA.
  - BAS will contact PACE members Laurie Nehring and Julie Corenzwit to see if they have any thoughts on the matter.
  - BAS also suggested contacting Ginny Lombardo, the EPA Region 1 liaison.
- JG said she would bring these matters to the attention of ConCom and the Pond & Dam Committee at their joint meeting on 3/10/14.
- BAS moved to accept the application for CPA funding and schedule a Public Hearing for CPC's next meeting on 4/2/14; BES 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Correspondence/Bills**
  - BAS moved to approve payment of \$875 to the Community Preservation Coalition for annual membership dues; BES 2<sup>nd</sup>.



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- Motion approved unanimously.
  
- **Committee Updates**
  - Historical Commission (HC)
    - BES said HC is continuing to move forward in its effort to restore the Women's Christian Temperance Union fountain outside of Town Hall.
      - HC is pushing to have the fountain ready for re-dedication at the end of May or early June.
    - HC is also continuing its effort to have the old fire station listed on the National Registry.
      - If successful, future buyers would have to maintain the building's historical façade.
      - HC is seeking a letter of support from the Board of Selectmen.
  - Housing
    - Housing has used its access to Mass Save to secure new lights on Pond Street.
    - Housing is also securing bids to redo the basement of the community room at the Ayer Senior Center with new carpeting and sound-proofing.
  
- **7:30 PM – Adjourn Meeting**
  - BES moved to adjourn; BAS 2<sup>nd</sup>.
    - Motion approved unanimously.