

Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 12/4/2013 - Approved 1/8/2014

Location: Town Hall, 1st Floor

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

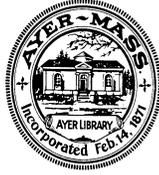
Not present: Jason Mayo (JM) [Parks & Rec.], Barry Schwarzel (BES) [Historical], Vacancy [At Large]

APAC taped: NO

6:10 PM – Open Meeting

- **Confirmation of the Agenda**
 - The update for Kohler Place was moved to the top of the agenda.
 - JG moved to confirm agenda as amended; BAS 2nd.
 - Motion approved unanimously.

- **Discussion: Update on Kohler Place**
 - Town Administrator Robert Pontbriand and Board of Selectmen (BOS) Chair Gary Luca were present.
 - Also present in the audience were Ed Cornelier, representing the Sandy Pond Investment Trust which currently owns Kohler Place, and his brother Terry.
 - Kohler Place, approximately 24 acres of undeveloped land, is being considered for an Open Space acquisition by the Town of Ayer.
 - If purchased, the parcel would be put into a Conservation Restriction (CR).
 - Access to the parcel is from the end of Wright Road.
 - While the parcel extends across the inlet stream and abuts onto Sandy Pond Road, access here is difficult because of the extensive wetlands.
 - In September, the BOS authorized Mr. Pontbriand and Chairman Luca to proceed in investigating the viability of this purchase.
 - Mr. Pontbriand updated CPC on current status and steps moving forward.
 - Crossing easement
 - Mr. Pontbriand said that concerns about the status of the crossing easement over a narrow strip of private property at the end of Wright Road to reach the parcel have been adequately addressed by Town Counsel.
 - Mr. Pontbriand said Town Counsel's opinion is that the Land Court had previously resolved the issue adequately and that the crossing easement would transfer and be secure if the Town proceeds with a purchase.
 - Mr. Pontbriand said that Town Counsel will be putting something in writing to that effect to address concerns previously raised by the Conservation Commission and CPC.
 - JP asked if documentation would be attached to the deed if purchased.
 - Mr. Pontbriand said yes.
 - JG asked what deed.
 - Mr. Pontbriand said Town Counsel's opinion would be attached to the deed for the Kohler Parcel.

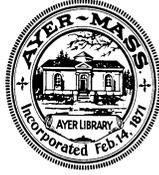


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- For clarification, JG noted that nothing would – or could – be attached to the deed of the property owner of the strip to which the crossing easement issue refers.
 - MF said that, when the Planning Board was involved in the subdivision approval process several years ago, as it is an approved subdivision, the crossing easement is likewise upheld.
 - Access cannot be blocked.
 - BAS asked if the clearing and construction of an access road across the easement and into the parcel would be viable.
 - Mr. Pontbriand and MF both said yes.
 - Conservation Restriction
 - BAS said that the Town's intent for utilization of the property would need to be written specifically into the CR.
 - Mr. Pontbriand said that DPW Superintendent Mark Wetzel is no longer interested in including language for a water / sewer easement into a CR as he now has an alternate plan.
 - JG reiterated that neither the Conservation Commission nor the State would have approved such an easement across the inlet stream to a Great Pond.
 - Mr. Pontbriand said that Mr. Wetzel has offered to do the engineering and design for an access road into the parcel and small parking area (2-3 cars), allowing this cost to be absorbed by the Town.
 - It was agreed that plans such as this would need to be included in a CR.
 - It was also agreed that the expenses for this kind of work would need to be incorporated into price negotiations and any sort of presentation to the Town for potential purchase using CPC funds.
 - BAS said that if the intent of the current owners was to put the parcel into conservation, there were other means of doing this than by having the Town purchase the parcel.
 - The current owners could retain ownership while allowing the Town to purchase a CR.
 - The tax burden for the owners would be relieved, and this would allow the Town to avoid expenses such as the appraisal and Phase I environmental review.
 - Mr. Cornelier made clear that, while conserving the parcel is of interest, the family trust is also interested in recouping some of the expenses put into their initial plans for a small subdivision.
 - Mr. Cornelier said they still have a 4-lot subdivision approved and could sell the parcel for that use to a developer.
 - Appraisal and Phase I Environment Review
 - Mr. Pontbriand said that the next step would be to seek an independent appraisal of the parcel and a Phase I environmental review, in accordance with MGL Ch. 21E.

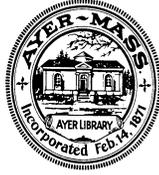


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- If everything is found to be satisfactory, this would set the basis for Mr. Pontbriand and Chairman Luca to begin price negotiations with the owners.
- Mr. Pontbriand said DPW Superintendent Mark Wetzel gave the opinion that, since there is no evidence of previous development on the parcel, no issues were foreseen from a Phase I review.
- Mr. Pontbriand asked if CPC would be willing to fund the appraisal and Phase I.
 - In order for CPC to make a vote approving use of CPC funds for this purpose, CPC will need to have completed pre-application and application forms before it.
 - The BOS would be the sponsoring authority for a petition to Spring Town Meeting (5/14/14) for an Open Space purchase using CPC funds.
 - JP said both the pre-application and application could be done at the same time, especially given that CPC has been periodically discussing this parcel for the past year.
- Mr. Pontbriand said he would have both applications ready for CPC's next meeting on 1/8/2014.
 - In the interim, Mr. Pontbriand said he would get the formal written material on the crossing easement prepared by Town Counsel.
 - Mr. Pontbriand will also have Mr. Wetzel prepare a design and cost estimate for a potential access road and parking.
 - Mr. Pontbriand will have things lined up for the immediate performance of an appraisal and Phase I if CPC votes to approve the use of funds for this purpose on 1/8.
- Once an appraisal and Phase I are complete, CPC will need to hold a Public Hearing for input.
- At that point, if no problems have arisen, the Town would then be in a position to commence negotiations for purchase.
- Mr. Pontbriand said that if and when price negotiations commence, this will be taken up by the BOS in Executive Session, to which CPC representation would be welcome.
 - The ultimate decision to approve a purchase using CPC funds would be up to a Town Meeting vote.
- **Discussion: Open Space & Recreation Plan (OSRP)**
 - While Mr. Pontbriand was still present, BAS asked him if he had made a recommendation to the BOS for the formation of a committee to pursue a new OSRP for the Town.
 - Mr. Pontbriand said nothing has been done on this, nor on developing a master plan.
 - Given the difficulties the Town has in filling committee and board vacancies, Mr. Pontbriand recommended that CPC be the OSRP committee.
 - As the Town's Procurement Officer, Mr. Pontbriand would help CPC put together a Request for Proposals (RFP), and then CPC would take on the role of evaluating the proposals and selecting a consultant.



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- The BOS would ultimately have to approve any contracts.
 - BAS said an OSRP committee would be a short-term entity and that it should have broader participation and input from others, not just CPC members.
 - This will be discussed further at CPC's 1/8/14 meeting, at which time Mr. Pontbriand will bring in some sample RFPs.
- **Correspondence / Bills**
 - Pleasant Street Pocket Park
 - JP presented an invoice for \$1542 from Turf Logic for application of seed and lime.
 - The invoice was a schedule of services for 2014 applications.
 - Since the project is nearing completion, the question was raised as to whether this constituted maintenance, which would not be a legitimate use of CPC funds.
 - At some point, the work on the pocket park moves from construction to maintenance, at which point such expenses would no longer be the responsibility of CPC.
 - CPC also does not generally pay bills for work that has not yet been done.
 - JP will talk to Ken Martin, Executive Director of Ayer Housing Authority, to ask for more information on this invoice.
 - JP will also again ask Mr. Martin for an itemized accounting of all expenditures for the pocket park.
- **New Business**
 - JG brought up the comprehensive pond survey being planned by the Conservation Commission and the Pond & Dam Management Committee (PDMC).
 - The proposal under consideration by both groups would cost in excess of \$80,000.
 - \$10,000 in CPC funds were voted by Town Meeting in 2011 for the purpose of such a study.
 - These funds have not yet been used by the PDMC.
 - The PDMC is looking into multiple funding sources – including the DPW and Parks & Recreation – to lessen the amount asked from Town Meeting.
 - Given that the cost of the comprehensive study is so much more than anticipated, and given that CPC funds could not be used for the implementation of maintenance projects in the future, JG asked if CPC members were amenable to the PDMC submitting an application for additional CPC funds for a study.
 - CPC members supported the idea.
 - JG will pass on to the PDMC that CPC would be receptive to considering an application for additional funds.
 - BAS said she still feels strongly that the PDMC should be looking into the formation of a pond association in any long-term management plan.
- **7:22 PM – Adjourn Meeting**
 - MF moved to adjourn; JG 2nd.
 - Motion approved unanimously.