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1 June 2022

The Ayer Planning Board
Town Hall
1 Main Street
Ayer, MA 01432

RE: Fox Meadow Realty Corporation
Moulton Construction Corporation
LOCUS: "Stratton Hill" Subdivision, Wright Road

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

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TOWN CLERK

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Dear Board Members:

I represent Fox Meadow Realty Corporation and Moulton Construction Corporation, owner and developer, respectively, of the property situated on Wright Road commonly referred to as the "Stratton Hill" subdivision.

The plans and application for preliminary plan approval which accompany this letter utilize the current by-law provisions to create a limited development approach for this site. I wish to outline the existing conditions, the proposed development, and alternate scenarios for this site for the Board's consideration.

EXISTING CONDITIONS

This property is situated on Wright Road and is the remaining portion of the 720 acre± former Lone Star/ San Vel site my client purchased 24 years ago, augmented by additional parcels my client purchased along the Westerly shore of Long Pond. The site is crossed by two utility easements; one is held by New England Power Company, the other is held by A T & T. My client owns the underlying fee to the land occupied by these easements.

The site was the subject of a definitive subdivision submission in 2005; the "Stratton Hill" subdivision was endorsed by the Board on June 9, 2005, and appears of record with the Middlesex South District Registry of Deeds as Plan 829 of 2005.

The 2005 Stratton Hill plan created 35 lots occupying approximately 60 acres. Most of these are one acre lots, several lots are slightly larger. The plan

also created seven open space parcels comprised in the aggregate of approximately 110 acres.

All of the lots created by the 2005 plan meet current zoning dimensional requirements, and have been assessed and taxed as building lots since fiscal 2006.

Subsequent to definitive subdivision approval, my client obtained MEPA approval, a Conservation Management Permit issued by the Division of Fisheries and Wildlife, and a sewer extension permit from Mass D.E.P.

Work commenced on the site in 2006, with site work being performed on the area occupied by the lots, the subdivision road being roughed in, a portion of the utilities being installed, and portions of the stormwater management system being constructed.

PROPOSED DEVELOPMENT OVERVIEW

The preliminary subdivision plan submitted with this letter utilizes the recently adopted Open Space Residential Development provisions of the zoning by-law to effectuate a much more environmentally and aesthetically sensitive development on this site.

The plan reduces lot sizes, allowing for thirty five lots to occupy approximately 18.8 acres (rather than the 60 acres used in the 2005 plan); the remaining acreage allows for the open space to be increased to 131.9 acres. A visual buffer of woodland vegetation separates the new development from Wright Road. The open space incorporates all of the shoreline of Long Pond owned by my client. The subdivision road is shortened considerably, thus reducing runoff.

Public access to the open space acreage is enhanced by the new design by incorporating the land between Long Pond and the subdivision road. An area for parking is also provided. The portion of the former subdivision road (which had been roughed in) beyond the development area serves as an easily navigated trail.

As part of this proposal, four affordable housing units will be created; these could be either sale or rental units, which would add to the town's affordable housing stock.

OPEN SPACE RESIDENTIAL DEVELOPMENT

The preamble to Section 10.1, Open Space Residential Development, sets forth the purposes and intent of the provision, to encourage compact development designs in order to preserve land aimed at reducing impacts to the environmental resources of the town, thus protecting forests, water resources, wildlife habitats, and other environmentally sensitive areas.

The provisions of this section encourage flexibility in the design of a development in order to effectuate the goals set forth in Section 10.1.1.

While this zoning provision was not in effect in 2005, the approved subdivision plan represented a limited development approach to this site. The approved plan did not seek to maximize density; rather, it limited the size of the development to thirty five lots occupying less than fifty percent of the acreage.

The current plan does a much better job of addressing the goals of this zoning provision. Lot sizes are substantially reduced, and occupy a much smaller area, thus limiting disturbance and allowing the open space to be increased to approximately 131.9 acres. All of the lots created by the plan occupy area previously disturbed by the site work associated with the 2005 plan.

This open space augments the 437 acres previously gifted by my clients to the Massachusetts Audubon Society, thus creating a large swath of protected land containing a variety of unique isolated ecosystems, landforms, and wildlife habitats. The design also eliminates lots on the easterly side of the subdivision road to the south of the powerline easement, protecting the portion of the westerly shoreline of Long Pond my client owns, thus enhancing the utility of what will be publicly owned land.

ALTERNATIVE DESIGN STUDIES

The proposed development of this site represents a limited development approach to the site, resulting in overall density which is a fraction of what could otherwise occur. The principal aim of this development is to preserve the majority of the acreage in Ayer in order to augment the 437 acre wildlife sanctuary which lies adjacent to this site.

My client has taken that goal one step further in purchasing additional acreage along the shoreline of Long Pond, not to develop, but to add to the land to be permanently protected so as to enhance the future enjoyment of the open space by the public.

While in my mind the design of the proposed development speaks to those goals, it is a worthwhile effort to consider different ways the site could be developed.

A. Conventional Zoning

If one were to maximize the number of lots meeting conventional zoning requirements within the development area shown on the 2005 plan, 44 lots ranging in size from 40,013 square feet to 50,311 square feet could be created.

B. Open Space Residential Development

The density calculation afforded under the Open Space Residential Development By-law would allow 87 lots ranging in size from 10,000 square feet to 40,000 square feet if one were to limit the development area to the envelope of the developed area shown on the 2005 plan. If one were to consider the entire site for development, one could achieve 102 lots.

C. Chapter 40B Density

If one were to instead view the site as a location for a development permitted under Chapter 40B, one could theoretically achieve 140 units within the development envelope of the 2005 plan.

D. 2005 Subdivision

The subdivision plan approved in 2005 provides an interesting comparison, but also provides an interesting case study of Chapter 40A Section 6. The zoning freeze afforded by that Chapter lapsed about nine years ago. The tolling of the freeze did not eliminate or negate the approval of the 2005 plan; rather, the protection expired for lots not meeting the dimensional requirements in place now. Interestingly, all of the lots shown on the 2005 plan meet (and in some cases exceed) current zoning requirements.

I have studied the matter, and consulted with Mark Bobrowski, Esq. of Concord and Melissa Robbins, Esq. of Westford. As the Board is undoubtedly aware, Mark Bobrowski authored the definitive volume regarding Massachusetts zoning, Handbook of Massachusetts Land Use and Zoning Law. Attorney Robbins teaches land use and zoning at New England School of Law, and also is widely consulted as an authority on Chapter 40B developments.

The three of us reached the same conclusion, that the 2005 plan remains valid, and that the lots shown on that plan could be developed if the subdivision road were to be constructed. It is worthwhile to point out that the subdivision road as designed in 2005 meets the current design requirements under the subdivision regulations.

It is thus worthwhile to compare that plan with what is being proposed. While the number of lots remain the same, the disturbed area is reduced by 37.58 acres on the current plan. The length of the subdivision road is also reduced, from 5583 feet to 4300 feet. The open space on the 2005 plan is 97 acres, on the current plan 131.9 acres is permanently protected. The current plan protects the westerly shoreline on Long Pond; the 2005 plan had lots situated in this area.

I respectfully submit that a review of alternate design studies for this site leads to the inescapable conclusion that the proposed development is more environmentally sound and more sensitive to the existing Wright Road neighborhood than any of the alternatives.

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VI (H) Landscape Plan

This section requires the submission of a landscape plan showing, inter alia, trees on the site which are more than 12" in diameter. The site is heavily treed, and most of it will remain in its natural state subsequent to development. It is also my client's intent to retain the existing woodland vegetation to the extent possible within the development area. We will provide a landscape plan with the definitive plan showing street trees where the existing vegetation needs to be augmented, the area within the boulevard entrance to the site, and the previously disturbed area which was to be occupied by the westerly subdivision road, but respectfully request a waiver from this section at the preliminary plan stage.

VI (P) Signage and Road Striping

This section requires striping on the subdivision road; we respectfully request a waiver.

VI (F).2 Test Hole Data

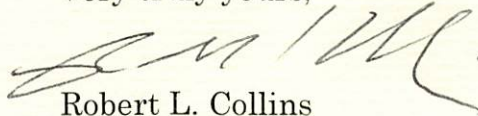
This section requires the submission of test hole data at 200 foot intervals along the subdivision road. This information was provided and reviewed in 2005; we have submitted data for the areas occupied by the drainage system.

SUBMISSION MATERIALS

In addition to the plans, drainage calculations, conservation analysis, a traffic analysis performed by Vanasse & Associates, Inc., alternate design plans, a copy of the 2005 plan, and aerial photographs of the site are enclosed.

I look forward to discussing this plan with the Board at the public hearing. Thanking the Board for its time and consideration, I remain

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. L. Collins', with a stylized flourish at the end.

Robert L. Collins