

RECEIVED  
OCT 12 2018

TOWN OF AYER  
TOWN CLERK

9:30am  
*Shirley Copeland*

7:00 PM

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
1 Main Street  
Ayer, MA 01432



**Tuesday October 16, 2018**  
**Open Session Meeting Agenda**

**Call To Order**

Pledge of Allegiance; Review and Approve Agenda; Announcements

**Eagle Scout Recognition – Will and Ed Ernst**

7:05 PM\*

**Public Input**

**Mr. Alan Manoian, Director, Office of Community & Economic Development**

1. CPA Grant Agreement - Historic Central Fire Station

7:10 PM

**Chairman Thomas F. Gibson, Middlesex County Retirement Board**

7:30 PM

**Superintendent Mark Wetzel, Ayer Dept. of Public Works**

1. Parking Management- discussion of proposed Resident Parking Zone
2. Proposed Solid Waste fees
3. Request for Devens Residents to use Ayer Transfer Station
4. Presentation on "Why is my water dirty?"

7:50 PM

**Mr. Ed Starzec, Director of Land Planning and Permitting, MassDevelopment**

1. Vicksburg Square rezoning process

8:10 PM

**Town Manager's Report**

1. Administrative Update/Review of Warrant(s)
2. Amendment No. 4 to Agreement for Veteran Services, Devens
3. Town Meeting Warrant Update with Town Planner Mark Archambault
4. License for National Grid electrical equipment - West Main St. & Park St.
5. Capital Project Debt Schedule Update

8:35 PM

**New Business/Selectmen's Questions**

1. Devens Disposition Meeting Update (Selectman Livingston)

8:40 PM

**Approval of Meeting Minutes**

October 2, 2018

**Adjournment**

*\*Agenda times are for planning purposes only and do not necessarily constitute exact time*

*The next regularly scheduled meeting of the Ayer Board of Selectmen is Tuesday November 6, 2018, but will be rescheduled due to the Statewide General Election*

# Town of Ayer

## Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



To: Robert Pontbriand, Town Manager  
From: Alan S. Manoian AICP, Dir. Community & Economic Development  
Date: 10/9/2018  
Re: Requested Execution of Ayer Community Preservation Act Grant Agreement for Historic Ayer Central Fire Station

The Ayer Office of Community & Economic Development (AOCED) in coordination with the Ayer Community Preservation Committee submits the "Community Preservation Act Grant Agreement" for the Historic Ayer Central Fire Station to the Ayer Board of Selectmen for review, approval and execution.

The \$30,000 CPA Grant is being provided to Cowfield Realty Trust II (Mr. Calvin Moore) to participate as incentive funding for the restoration & preservation of the raised-brick gables, the cupola & the replacement of the original slate roof with historic renovation-grade simulated slate roofing material for the Historic Ayer Central Fire Station building.

The (AOCED) thanks the Ayer Board of Selectmen for their multi-year dedication, vision and devotion to the preservation and re-purposing of this local, state & national architectural landmark heritage property here in Downtown Ayer.

The redevelopment plan calls for a comprehensive renovation of the historic building which will accommodate four (4) new low-to-moderate income residential dwelling units within 3-4 minute walk of our Downtown Ayer Commuter Rail Station, and will serve as a (project of distinction) and high-quality as we proceed with the social, cultural and economic renaissance of Downtown Ayer.

The (AOCED) will engage in active oversight of the landmark redevelopment project in Downtown Ayer.

Thank you.



**Town of Ayer**  
**Community Preservation Committee**  
Town Hall \* One Main Street \* Ayer, MA 01432

Town of Ayer  
Community Preservation Act Grant Agreement

This Grant Agreement is made this 5<sup>th</sup> day of September, 2018, by and between the Town of Ayer (the "Town"), through its Community Preservation Committee (hereinafter "CPC"), and the Ayer Office of Community & Economic Development and Cowfield Realty Trust II (Hereinafter "AOCED/CRT"). The purpose of this Grant Agreement is to implement the following grant award:

Project Name: **CENTRAL FIRE STATION HISTORICAL RESTORATION PROJECT**

To see if the Town will vote to transfer from the Community Preservation Reserve for Historic Resources a sum of money not to exceed \$30,000 as a grant to the Ayer Office of Community & Economic Development and Cowfield Realty Trust II for the for the historical restoration of the stepped brick gables and cupola, and for the renovation/replacement of the original slate roof with a certified/approved slate roof material replicating the original historic slate roof material; as approved by Annual Fall Town Meeting, October, 2017, with funds to be administered by AOCED/CRT.

This grant award is subject to the following terms and conditions:

1. The term of this grant agreement is from September, 2018, due to the change in buyer from the original agreement, to September, 2019, unless the CPC grants an extension for good cause shown by AOCED/CM. Funds not utilized on this project by September, 2019 or subsequent extension will be returned to the Community Preservation Historical category.
2. The grant funds are only to be used to support the historical restoration of the stepped brick gables and cupola, and for the renovation/replacement of the original slate roof with a certified/approved slate roof material replicating the original historic slate roof material; AOCED/CRT is solely responsible for documenting how the funds are used, and shall account to the CPC on written request.
3. The Town of Ayer Building Inspector and the Director of the Ayer Community & Economic Development Office will inspect and enforce the requirements deemed necessary by the Secretary of the Interior and Ayer Historical Commission; with all materials used by Cowfield Realty Trust II to be in accordance with the Standards for the Treatment of Historic Properties.
4. During, and upon completion of the project approved by CPC, AOCED/CRT will submit Project Status Reports accompanied by Requests for Payment with detailed and itemized documented project costs. CPC will approve payments promptly if it determines all costs are properly related to the project.
5. Also upon completion, a 99 year term Preservation restriction shall be imposed on the property.
6. The Ayer Community & Economic Development Office and Cowfield Realty Trust II will permanently display, in all communications and locations, a plaque showing Ayer CPC supported this restoration project.



**Town of Ayer**  
**Community Preservation Committee**  
Town Hall \* One Main Street \* Ayer, MA 01432

7. The CPC or the Town has the right to enforce this Agreement in law and in equity.

Executed as of the date set forth above:

Janet Providakes  
Janet Providakes  
Chair, Ayer CPC,  
Duly Authorized

Date: 9/5/18

\_\_\_\_\_  
Jannice Livingston  
Chair, Ayer Board of Selectmen,  
Duly Authorized

Date: \_\_\_\_\_

Alan Manoian  
Alan Manoian  
Director of Community & Economic Development  
Duly Authorized

Date: 9/19/2018

\_\_\_\_\_  
Calvin Moore  
Trustee, Cowfield Realty Trust II  
Duly Authorized

Date: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex County: ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (names of document signers), proved to me through satisfactory evidence of identification, which are the persons who signed the preceding section in my presence, and acknowledged they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

# Town of Ayer

## Benefits and Payroll Department



1 Main Street – Ayer, Massachusetts - 01432  
Kevin A. Johnston, Benefits and Payroll Manager

Tel: (978) 772-8248  
Fax: (978) 772-3017

## Memorandum

**Date:** October 11, 2018  
**To:** Robert Pontbriand, Town Manager  
**From:** Kevin A. Johnston *KAS*  
**Subject:** Middlesex County Retirement System Assessment for FY 2020

The biennial re-valuation of the Middlesex County Retirement System (MCRS) as of January 1, 2018 has been completed. As a result of this re-valuation the Town of Ayer FY 2020 assessment to MCRS is calculated to be \$1,687,582, in increase of \$236,643 from the FY 2019 assessment.

As directed, MCRS was asked to review the assessment calculation for the Town of Ayer and has provided the following information about Ayer's assessment increase.

- The investment rate of return for MCRS was reduced from 7.75% to 7.5% for this valuation.
- The salary increase assumption was lowered by 0.25% changing to 4.00% for Group 1 (Administrative) employees with 11 or more years of service and to 4.50% for Group 4 (Police and Fire) employees with 8 or more years of service.
- Mortality tables were updated.
- Ayer added one disability retirement for a Group 4 employee (retired in spring 2016) since the January 1, 2016 valuation.

Mr. Thomas Gibson, Chairman of the Middlesex County Retirement System will attend the Board of Selectmen's meeting on October 16, 2018 to brief the Board about MCRS and the January 1, 2018 system revaluation.

I am available to discuss this further and answer any questions at your convenience.

Thank you.

cc: Ayer Board of Selectmen  
Ayer Finance Committee



# DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent  
Pamela J. Martin, Business Manager

25 BROOK STREET  
AYER, MASSACHUSETTS 01432  
T: (978) 772-8240  
F: (978) 772-8244

## Memorandum

Date: October 3, 2018

To: Robert Pontbriand, Town Manager

From: Mark Wetzel P.E., Public Works Superintendent

Re: Recommended FY19/20 Transfer Station Fees

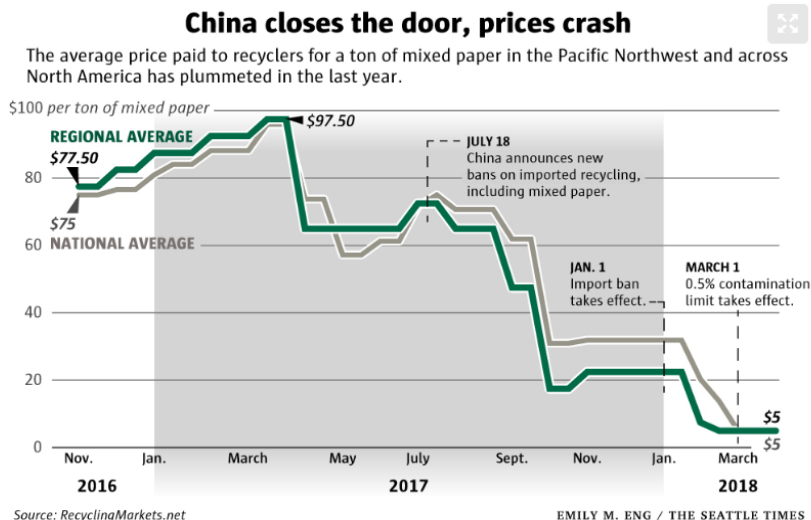
I have reviewed the current fees charged for the DPW Solid Waste Enterprise Fund with respect to the current FY19 budget. Based on information on budgets and revenues provided by the Town Accountant, I evaluated several different increase scenarios.

**Budget** –The FY19 operating budget for the Solid Waste Enterprise is \$509,186. Based on the Town Accountant's budget breakdown, the revenue generated from permits, bag fees needs to be approximately \$270,700. This assumes the funding as follows:

|                               |                  |
|-------------------------------|------------------|
| Debt Exclusion (General Fund) | \$ 57,540        |
| General Fund Subsidy          | \$175,000        |
| Grants (SMRP & RDP)           | <u>\$ 5,950</u>  |
| Fee Revenue needed            | <b>\$270,700</b> |

Note that the free cash in the account is not considered in this revenue stream and will be reserved for future adjustments.

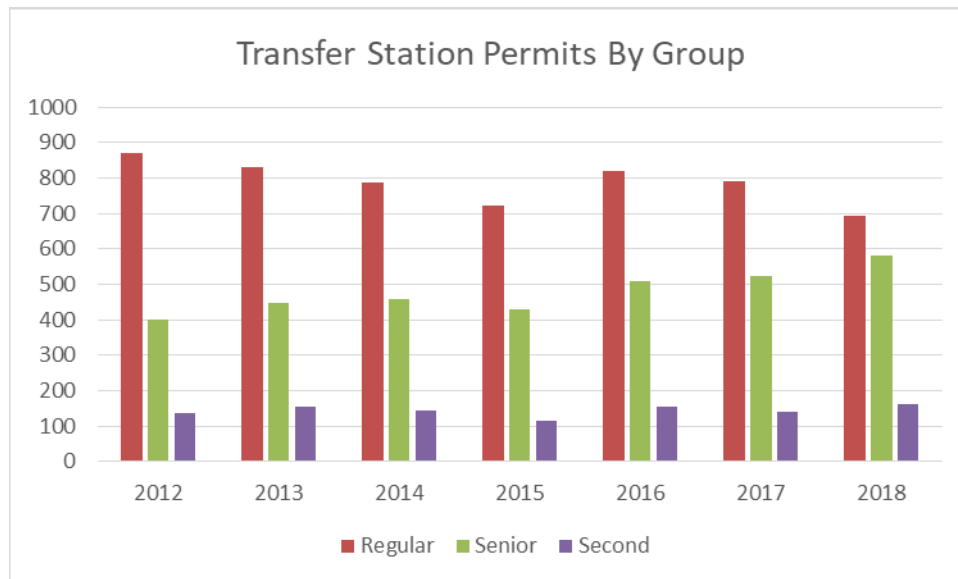
The FY 19 budget was based on FY18 contract rates with an allowance for inflation. The new Solid Waste Disposal contract is significantly higher than the current contract (\$92.50 per ton vs \$68.11 per ton). This is a 35% increase. The recycling costs have also gone up as the commodity prices have dropped. In FY 18, the recycling budget was \$40,000 and the actual cost was \$52,211. Based on these increases, it is unlikely that we will have a surplus this year.



**Current Fees** - The Transfer Station fees are:

|                          |             |
|--------------------------|-------------|
| Annual Permit:           | \$80.00     |
| Senior Citizen Rate:     | \$50.00     |
| Second Permit:           | \$20.00     |
| One day Permit           | \$10.00     |
| PAYT 15 Gallon Trash Bag | \$2.00      |
| PAYT 33 Gallon Trash Bag | \$3.00      |
| PAYT 50 Gallon Trash Bag | \$4.00      |
| Bulk Tag                 | \$5.00 each |

**Transfer Station Use** - The use trends for the transfer station have an impact on the revenues. In the past 7 years, the total number of permits has remained relatively unchanged. The number of regular permits has declined and the number of senior permits has increased. This is important to note as the cost of a senior permit is significantly lower than the regular price.



**Rate Options** - A total of ten different rate increase options were developed. The rate model assumed a total of 1435 permits (694 Regular, 580 Senior, 161 Second), 143 cases of 33 gallon bags, 90 cases of 50 gallon bags and 50 cases of 15 gallon bags were sold. The different options looked at permit increases, bag cost increases and combinations of both. Permit increases of \$10, \$15, \$20, \$30 and bag price increases of \$0.50 and \$1.00 were evaluated.

The recommended option is to increase the current permit fees by \$10 for each category and the bag prices by \$1.00 for all sizes. This option should generate \$268,000 in permit and bag revenue. This option is consistent with Pay As You Throw (PAYT) where the fees are directly related to the amount of trash disposed of.

**Recommendation** - Based on the rate model analysis, the DPW is recommending that the FY18 Transfer Station fees be set as follows:

|                          |             |
|--------------------------|-------------|
| Annual Permit:           | \$90.00     |
| Senior Citizen Rate:     | \$60.00     |
| Second Permit:           | \$30.00     |
| One day Permit           | \$10.00     |
| PAYT 15 Gallon Trash Bag | \$3.00      |
| PAYT 33 Gallon Trash Bag | \$4.00      |
| PAYT 50 Gallon Trash Bag | \$5.00      |
| Bulk Tag                 | \$5.00 each |



## MassDevelopment Vicksburg Square Rezoning Proposal: Main Points

October, 2018

Culminating three months of meetings and conversations with stakeholders in Ayer, Harvard, Shirley and Devens, the following bullet points summarize MassDevelopment's proposed rezoning proposal for Vicksburg Square. It is envisioned that this document will serve as a starting point for additional discussions this fall. The proposal is briefly described as follows:

- Create a new zoning district – the Vicksburg Square Redevelopment District – comprising the 20-acre, seven-building Vicksburg Square complex and surrounding grounds (see image below for an approximate outline of the proposed district). This is a stand-alone district, not an overlay.



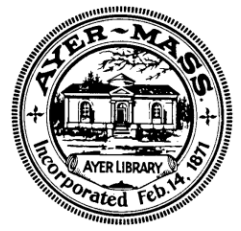
- Amend the use table to allow for multi-family residential (apartments/condominiums) and senior housing in addition to all uses currently allowed in the Innovation Technology Center district.
- Amend the housing cap for the 20-acre Vicksburg Square Redevelopment District only. Allow for up to 300 units of additional multi-family and/or senior housing in the district.
- Specify that 25 percent of the new units shall meet the definition of “affordable” such that any units would qualify for inclusion on the Subsidized Housing Inventory of the underlying town (Ayer or Harvard). Affordable units shall be located within the project such that 25 percent of the units in each town are affordable. Units shall be deed-restricted in perpetuity.
- Make other miscellaneous changes to the Devens By-Laws and Devens Master Plan as needed to ensure consistency with this proposal.

It should be noted that this proposal does not include a Chapter 40R density incentive overlay district. MassDevelopment researched the 40R program and discussed it in a preliminary manner at several stakeholder meetings but it would appear that the program's complexity outweighs its potential benefits in this instance.

Please feel free to contact Ed Starzec at [estarzec@massdevelopment.com](mailto:estarzec@massdevelopment.com) or (617) 330-2030 with any questions or comments.

**Office of the Board of Selectmen  
Office of the Town Manager**

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Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| www.ayer.ma.us

**MEMORANDUM**

**DATE:** October 12, 2018

**TO:** Ayer Board of Selectmen

**FROM:** Robert A. Pontbriand *R.A.P.*  
Town Manager

**SUBJECT: Town Manager's Report for the October 16, 2018 BOS Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the October 16, 2018 BOS Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Warrant(s):

- I will provide a brief Administrative Update at the meeting regarding the various activities, initiatives, and projects of the Administration since the last BOS Meeting on October 2, 2018.
- I have reviewed, approved, and signed the following Town Warrants since the BOS last met on October 2, 2018:

--Accounts Payable Warrant #19-06 in the amount of \$623,803.70 was reviewed, approved and signed on October 2, 2018

--Payroll Warrant #19-07 in the amount of \$324,060.80 was reviewed, approved and signed on October 9, 2018

Amendment No. 4 to the Agreement for Veteran Services, Devens:

- The BOS is respectfully requested to review and approve Amendment No. 4 to the Agreement for Veteran Services, Devens (See Attached).

Town Meeting Warrant Update with Town Planner Mark Archambault:

- As discussed at the October 2, 2018 BOS Meeting, I have asked the Town Planner to join me for a brief update on the Town Meeting Warrant, specifically the Zoning Amendment Articles. Additionally, at the October 9, 2018 Planning Board Public Hearing for the Zoning Amendment Articles, the Planning Board voted unanimously to "take no action" on Articles 7 and 9. Please see the attached Memo from the Town Planner on behalf of the Planning Board (See Attached).

- Additionally, I would like to discuss the latest update regarding the recent October 10, 2018 Special School Committee Meeting regarding the Athletic Field Project. Selectman Livingston and I did attend the meeting. Please see the attached Memo from the ASRSD dated October 11, 2018 regarding actions taken at that meeting by the School Committee (See Attached).

License for National Grid Electrical Equipment – West Main Street and Park Street

- The BOS is respectfully requested to review and approve the attached license for National Grid electrical equipment for West Main Street and Park Street (See Attached).
- Here is a brief rundown on the history of this easement:

In 2005, National Grid received a request from the Town of Ayer for a new electrical distribution service to its Fire Station property;

As there wasn't a Town Meeting Vote to authorize the execution of an Easement, MA Electric issued a License, which is a temporary measure that NGrid can use at its discretion to progress the project for the Town, with the understanding that a permanent easement would be executed;

In good faith, Town Meeting voters at the Fall 2005 ATM approved the execution of this Easement; however, in the process of title searching the deeds to prepare the easement, NGrid's Real Estate Department discovered a title issue, thus preventing the town from transferring the necessary utility rights to MA Electric. The town was notified of same;

At that point, personnel in National Grid's Real Estate Department changed and the pursuit of this Easement was delayed;

In 2016, NGrid started pursuing this easement once again. In May 2018, NGrid received a new Certificate of Title from the town of Ayer and we are at the point of this easement being executed, thus cleaning up the title issue and wrapping up the distribution easement process.

Capital Project Debt Schedule Update:

- As discussed at the October 2, 2018 BOS Meeting under Public Input, I will have a brief presentation on the Town's Capital Project Debt Schedule at the meeting and have asked the Town's Finance Manager to join me.

Thank you.

Attachment(s):           Amendment No. 4 to the Agreement for Veteran Services, Devens  
Town Planner's Memo from October 11, 2018 Re: Town Meeting  
Memo from Dr. Mary Malone, Superintendent of Schools  
License for National Grid Electrical Equipment

**MASSACHUSETTS DEVELOPMENT FINANCE AGENCY**

**AMENDMENT NO. 4 TO  
AGREEMENT FOR SERVICES**

This Amendment to Agreement for Services (the "Amendment") is made and entered into as of the 1<sup>st</sup> day of September, 2018, by and between the **Massachusetts Development Finance Agency**, a Massachusetts body politic and corporate created and established under Chapter 23G of the Massachusetts General Laws, having its principal place of business at 99 High Street, 11<sup>th</sup> Floor, Boston, MA 02110 ("MassDevelopment" or the "Agency"), and the **Town of Ayer, Massachusetts**, having a principal place of business at 1 Main Street, Ayer, MA 01432 (the "Town").

WITNESSETH THAT

WHEREAS, the Agency and the Town entered into an Agreement for Services (the "Agreement") dated as of September 1, 2012, a First Amendment dated as of August 11, 2015, a Second Amendment dated as of August 16, 2016, and a Third Amendment dated as of August 15, 2017, whereby the Town is providing veterans services to eligible veterans residing in the Devens Regional Enterprise Zone (DREZ), as described in the Agreement; and

WHEREAS, the Agency and the Town wish to amend the Agreement pursuant to the terms of the Amendment,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent of being legally bound, the parties hereby agree as follows:

1. The first sentence of Article 7A of the Agreement is hereby deleted in its entirety and replaced with the following language:

"The Term of this Agreement shall be from the effective date of this Agreement to August 31, 2019."

2. All of the terms of the Agreement, as amended pursuant to the terms hereof, and all representations made by the Town in the Agreement, including, without limitation, representations made regarding the payment of state taxes, are hereby restated, ratified and confirmed in their entirety as of the date hereof.

3. This Amendment may be signed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party

executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

4. Each party to this Amendment represents that the individual executing this Amendment on its behalf is duly authorized to bind such party to this Amendment according to its terms.

*[Remainder of page left blank; signature(s) on next page]*

DRAFT

IN WITNESS WHEREOF, this Amendment has been executed by the Agency and the Town and is effective as of the date first written above.

**MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY**

\_\_\_\_\_  
Approved as to Form  
Agency Counsel

By: \_\_\_\_\_  
Name: Simon R. Gerlin  
Title: Executive Vice President & CFO

**TOWN OF AYER**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chair, Ayer Board of Selectmen

Contract Number: PO3060

*[Signature page of Amendment No. 4 to Agreement for Services between Massachusetts Development Finance Agency and the Town of Ayer]*



## MEMORANDUM

TO: ROBERT PONTBRIAND, TOWN MANAGER  
FROM: MARK ARCHAMBAULT, TOWN PLANNER (M.A.)  
RE: ZONING BYLAW WARRANT ARTICLES FOR THE OCTOBER 22, 2018 STM  
DATE: OCTOBER 12, 2018

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This memorandum briefly describes the intent of the proposed Zoning Bylaw warrant articles for the October 22, 2018 STM, the vote of the Planning Board at their October 9 Public Hearing regarding each of the warrant articles, and which warrant articles the Planning Board is requesting action be postponed on until a future Town Meeting. The final text of **Article 5** as amended by the Planning Board at the October 9 Public Hearing is included herein. The Planning Board requests that Warrant Articles 7 and 9 **not** be taken up at the October 22, 2018 STM for the reasons described below.

**ARTICLE 2:** The intent of this warrant article is to clarify several definitions in Section 2.0 of the Ayer Zoning Bylaw. Because the Planning Board later recommended that no action be taken on Article 9, Accessory Apartments, for this Town Meeting, the definition of **Accessory Apartments** that was in the original Article 2 is being deleted. The other definitions for **Home Occupation**, **Lot, Corner**, and **Lot, Frontage** are unchanged. The Planning Board voted 2 -1 in favor of a positive recommendation to the October 22 STM.

**ARTICLE 3:** The intent of this warrant article is to clarify the applicability and exceptions for Site Plan Review in Section 3.5.1 of the Ayer Zoning Bylaw. **No changes to this warrant article were made at the October 9 Planning Board public hearing.** The Planning Board voted 3 - 0 in favor of a positive recommendation to the October 22 STM.

**ARTICLE 4:** The intent of this warrant article is to provide a formula for calculating the maximum number of dwelling units in residential developments subject to Site Plan Review and not Subdivision Approval in Section 3.5 of the Ayer Zoning Bylaw. This formula is the same as for calculating the number of units in Open Space Residential Development subdivisions. **No changes to this warrant article were made at the October 9 Planning Board public hearing.** The Planning Board voted 3 - 0 in favor of a positive recommendation to the October 22 STM.

**ARTICLE 5:** The intent of this warrant article is to provide additional clarification to several provisions of Section 6.3, Additional Requirements for certain types of development, of the Ayer Zoning Bylaw. These clarifications will provide the Building Commissioner and Fire Department with flexibility in regulating the location of accessory structures on lots for purposes of taking each lot's unique characteristics into account while providing adequate access for fire safety. The Planning Board voted 3 - 0 in favor of a positive recommendation to the October 22 STM.

### ORIGINAL ARTICLE:

**ARTICLE 5:** – AMEND SECTION 6.3 OF THE AYER ZONING BYLAW (Additional Requirements for certain types of development) To see if the Town will amend the Ayer Zoning Bylaw, Section 6.3, Additional Requirements, by deleting strikethrough bold text and inserting the underlined bold text, as follows:

6.3 C. Corner Lots. On a corner lot, the yard fronting on each street shall meet the minimum front yard requirement of the applicable district. **For setback purposes in the case of lots fronting on multiple streets, the front yard shall correspond to the street with the longest frontage.**

6.3. D. Cornices and Eaves. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen (18) inches in width, or of uncovered steps, ~~unroofed porches~~, or window sills into a required minimum yard or other open space.

6.3. G. Location of Accessory Structures

The minimum yard requirements for principal structures shall apply to accessory structures, both detached or attached to the principal structure, when used for human occupancy.

A detached accessory structure of one (1) story shall not be closer to the principal structure than ten (10) feet. A detached accessory structure of two (2) stories or more shall not be closer to the principal structure than fifteen (15) feet. No accessory structure shall be closer to the front lot line than the front building line of the principal building on the lot, **unless approved by the Building and Fire Departments.**

Accessory structure or structures shall not occupy more than twenty-five (25) percent of the required rear or side yard areas.

Accessory structures shall be no closer than five (5) feet to any side or rear lot line, **unless approved by the Building and Fire Departments.**

**6.3. K. Decks: Front, side and rear setbacks for attached decks shall be at least half the required setback distance from all property lines as for the principal structure on a lot.** *< this provision was removed for the amended article below.*

Or take any action thereon or in relation thereto.

**AMENDED ARTICLE:**

**ARTICLE 5:** – AMEND SECTION 6.3 OF THE AYER ZONING BYLAW (Additional Requirements for certain types of development)

To see if the Town will amend the Ayer Zoning Bylaw, Section 6.3, Additional Requirements, by deleting strikethrough bold text and inserting the **underlined bold text**, as follows:

6.3 C. Corner Lots. On a corner lot, the yard fronting on each street shall meet the minimum front yard requirement of the applicable district. **For setback purposes in the case of lots fronting on multiple streets, the front yard shall correspond to the street with the longest frontage.**

6.3. D. Cornices and Eaves. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen (18) inches in width, or of uncovered steps, ~~unroofed porches~~, or window sills into a required minimum yard or other open space.

6.3. G. Location of Accessory Structures

1. The minimum yard requirements for principal structures shall apply to accessory structures, both detached or attached to the principal structure, when used for human occupancy.

2. Accessory structures shall be no closer than five (5) feet to any side or rear lot line, **and** a detached accessory structure of one (1) story shall not be closer to the principal structure than ten (10) feet, **and** a detached accessory structure of two (2) stories or more shall not be closer to the principal structure than fifteen (15) feet, **unless approved by the Building and Fire Departments.**

3. No accessory structure shall be closer to the front lot line than the front building line of the principal building on the lot.

4. Accessory structure or structures shall not occupy more than twenty-five (25) percent of the required rear or side yard areas.

Or take any action thereon or in relation thereto.

-----  
**ARTICLE 6:** The intent of this warrant article is to clarify the open space requirements for Open Space Residential Developments in Section 10.1.3 of the Ayer Zoning Bylaw by limiting the amount of wetlands and steep slopes that can count towards the 50% minimum required percentage of open space. **No changes to this warrant article were made at the October 9 Planning Board public hearing.** The Planning Board voted 3 - 0 in favor of a positive recommendation to the October 22 STM.

**ARTICLE 7:** This warrant article would have amended Section 7.2, Non-Conforming Single-Family and Two-Family Dwellings, of the Ayer Zoning Bylaw, by adjusting the allowed size of Accessory Buildings and Structures in relation to the size of the principal dwelling. Because the Planning Board believes this proposal needs further analysis, they voted 3 – 0 to recommend that **no action** be taken on this article at the October 22, 2018 STM.

**ARTICLE 8:** The intent of this warrant article is to amend Section 9.1.5 of the Ayer Zoning Bylaw by exempting existing multi-family dwellings from the parking setback requirements as they would apply to new construction. **No changes to this warrant article were made at the October 9 Planning Board public hearing.** The Planning Board voted 2 - 1 in favor of a positive recommendation to the October 22 STM.

**ARTICLE 9:** This article would have provided provisions for **Accessory Apartments** in the Town of Ayer. Because the Planning Board believes this proposal needs further analysis, they voted 3 – 0 to recommend that **no action** be taken on this article at the October 22, 2018 STM. They emphasized in their motion that this warrant article is being withdrawn ‘without prejudice’.

Property Address: West Main Street and Park Street, Ayer, MA (Middlesex South)

## GRANT OF EASEMENT

The **TOWN OF AYER**, a municipal corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts, having an address at 1 Main Street, Ayer, Massachusetts 01432 (hereinafter referred to as the **Grantor**), for consideration of One (\$1.00) dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the **Grantee**) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Ayer, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon those parcels of land situated on and off the westerly side of Park Street, being more particularly shown as "Lot 2" on a Plan of Land recorded with the Middlesex South District Registry of Deeds in Plan Book 681 of 1989, and as "PARCEL "B"" and "Lot 1-C" on a Plan of Land recorded with said Registry of Deeds in Plan Book 682 of 1990. Reference is also given to these same parcels, being shown as "6", "3", and "N/F F.&P. Willows Trust" on a Plan of Land recorded with said Registry of Deeds in Plan Book 924 of 2013.

D-050758 STT  
VFM #WR-00239027-1

Address of Grantees:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
Christina A. Klein  
National Grid USA  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

Said "OVERHEAD SYSTEM" is to originate from Pole P. 3, which is located on the easterly side of Park Street, then proceed in a westerly direction crossing Park Street, over, upon and across land of the Grantor to Pole P.3-1, which is located on "Lot 2" a/k/a "3". Said "UNDERGROUND SYSTEM" originates at Pole P.3-1 and proceeds in a westerly direction crossing "Lot 1-C" and continues to the transformer pad located on "Parcel B" a/k/a "6", as shown on the attached easement sketch/Exhibit A.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "EXHIBIT A; Massachusetts Electric A National Grid Company; AYER FIRE STATION AYER, MA. RISER, LATERIAL, AND PADMOUNT TRANSFORMER LOCATION Scale: 1"=30' Date: 1/25/05; WH 5345-0", a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

COPY



This easement to Massachusetts Electric Company is granted pursuant to the authority of the vote taken under Article 11 of the October 24, 2005 Fall Town Meeting, a certified copy of which is attached hereto and incorporated herein.

For Grantor's title, see deed dated September 28, 2001, recorded with the Middlesex South District Registry of Deeds in Book 33734, Page 456, and an Order of Taking dated March 6, 2007, recorded with said Registry of Deeds in Book 49176, Page 116, and a deed dated August 12, 2015, recorded with said Registry of Deeds in Book 65896, Page 503.

EXECUTED as a sealed instrument this \_\_\_\_\_ day of August, 2018.

TOWN OF AYER  
Acting by and through its Board of  
Selectmen

By: Jannice L. Livingston  
Its: Chair

By: Christopher R. Hillman  
Its: Vice Chair

By: Scott A. Houde  
Its: Clerk

Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me,

\_\_\_\_\_ the undersigned Notary Public,

Name of Notary Public

personally appeared Jannice L. Livingston, Christopher R. Hillman, and Scott A. Houde, proved to me through satisfactory evidence of identity, which were

\_\_\_\_\_

Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Board of Selectmen in the Town of Ayer.

\_\_\_\_\_

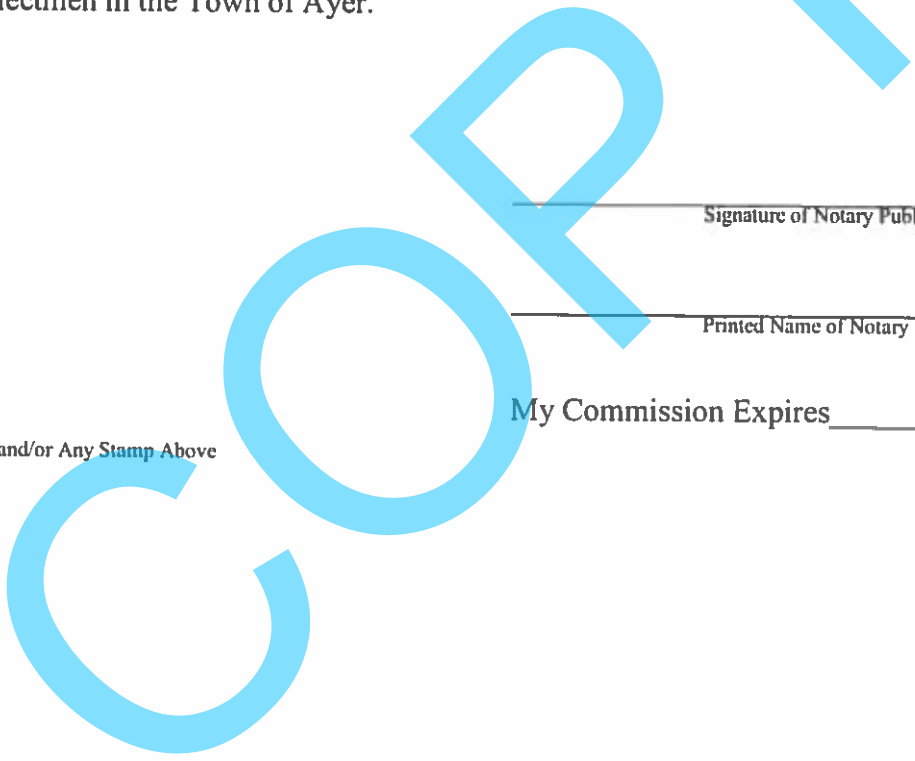
Signature of Notary Public

\_\_\_\_\_

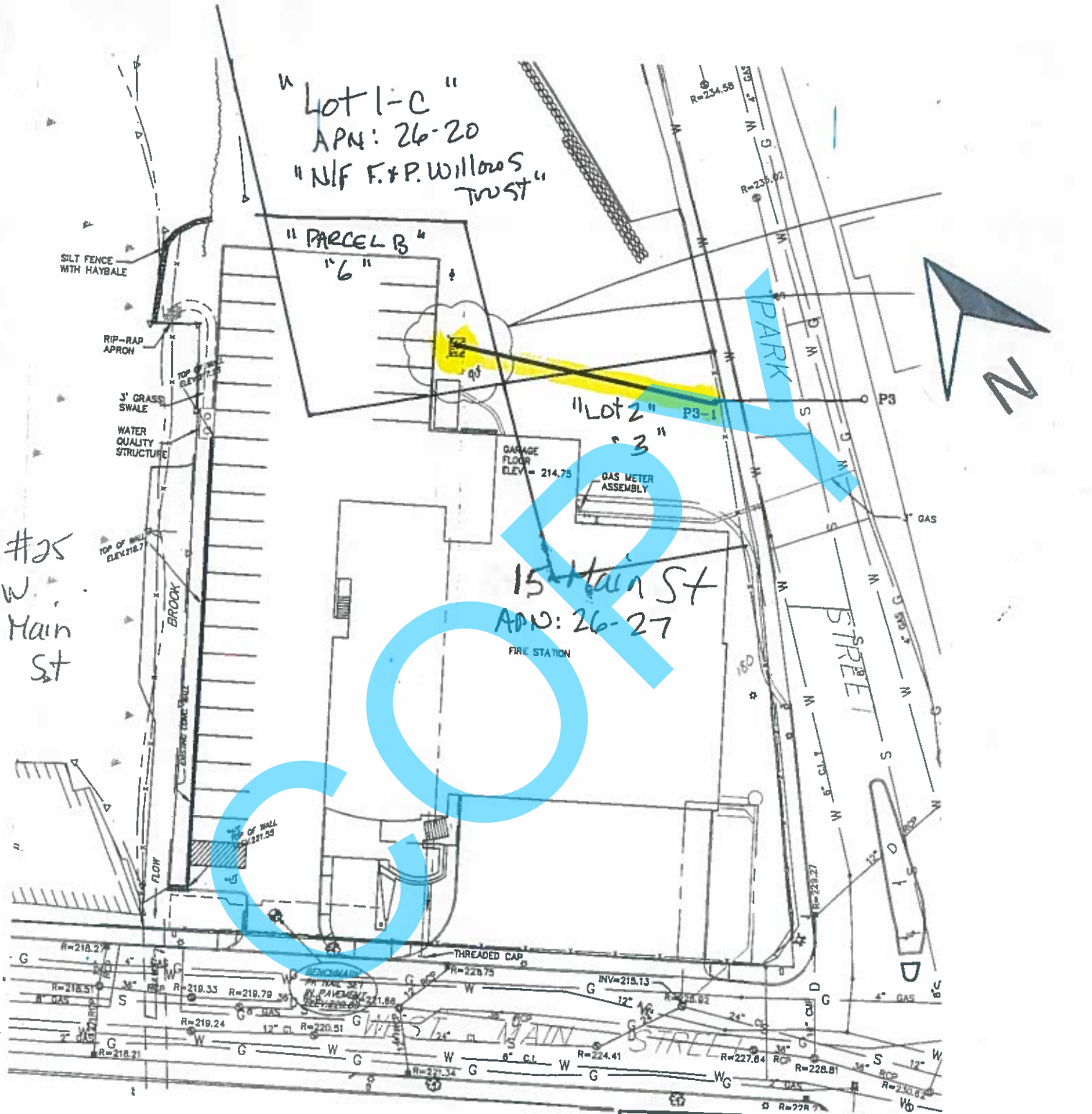
Printed Name of Notary


My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above



# EXHIBIT A



|  |               |
|--|---------------|
| <b>Massachusetts Electric</b><br>A National Grid Company  |               |
| <b>AYER FIRE STATION</b><br>AYER, MA.  |               |
| RISER, LATERAL, AND PADMOUNT<br>TRANSFORMER LOCATION   |               |
| Scale: 1"=30'  | Date: 1/25/05 |
| WH 5345-0  |               |

**Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432**



*Broadcast and Recorded by APAC*

**Tuesday October 2, 2018**  
**Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair (*Entered at 7:03PM*); Scott A. Houde, Clerk

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager

**Call to Order:** J. Livingston called the meeting to order at 7:00 PM.

**Pledge of Allegiance:** BOS members and meeting attendees stood and recited the Pledge of Allegiance.

**Review and Approve Agenda:** R. Pontbriand announced that the Eagle Scout Recognition currently on the agenda is taking place at the October 16, 2018 BOS meeting.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the agenda, as amended. **Motion passed 2-0.**

**Announcements:** J. Livingston announced the following:

- October 3, 2018 is National Coffee with a Cop Day held in conjunction with National Community Policing Week.
- October is Breast Cancer Awareness Month. The PD is joining hundreds of Departments across the nation in awareness of this of this month by wearing special pink APD patches on their uniforms.
- The student reporters from the Ayer Shirley Regional High School are in attendance covering their first meeting of the school year.

**Public Input:** Mary Spinner, 8 Myrick Street expressed her concern about the capital planning process. She was concerned about asking residents to approve a debt exclusion for the field project. She would like the Town Manager to prepare a debt schedule, showing when other debt exclusions will be paid off.

*C. Hillman enters at 7:03 PM.*

**Mr. Tim Silva, Director, Ayer Public Library:** New Library Director Tim Silva introduced himself to the BOS. He stated that he was pleased to be working in Ayer and is looking forward to building a stronger relationship between the Library and the Town Hall. The Ayer Public Library will begin doing community outreach over the next year to get input from residents on programming. The BOS welcomed T. Silva to Ayer and said they look forward to working together.

**Ayer Community Garden, Inc.:** *Approval of Lease Agreement* –Ms. Sheila Carman of Ayer Community Garden, Inc. introduced herself to the BOS and made a brief presentation. The Ayer Community Garden is intended to be a community resource and will be used to teach children and families about gardening; provide a space where residents can grow fresh vegetables, herbs and flowers. The Ayer Community Garden will be leasing space off of Barnum Road. DPW Superintendent Mark Wetzel drafted a lease agreement to permit the Ayer Community Garden to use the Town's land which is under review by Town Counsel. M. Wetzel also mentioned that the Department of Environmental Protection will need to approve the use of the land due to its proximity of the water supply.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to enter into the agreement subject to Town Counsel's review and approval. **Motion passed 3-0.**

**Superintendent Mark Wetzel, Ayer Dept. of Public Works:** *Approval of Change Order 1 for J. D'Amico, Inc.* – M. Wetzel presented Change Order 1 for the 2018 Culvert Improvements Contract. The change order is for the replacement of the 1898 water main above the High Street drainage culvert. The change order amount is \$10,321.72. M. Wetzel is seeking approval with signature by the Chair.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to enter approve Change Order 1 for J. D'Amico Inc. in the amount of \$10,521.72 with signature by the Chair. **Motion passed 3-0.**

**Recommendation to Join MA WARN** – M. Wetzel is requesting the BOS consider joining the Massachusetts Water/Wastewater Agency Response Network (WARN). The WARN system is a nationwide effort supported by the EPA, MassDEP and American Water Works Association. The goal is to establish intrastate mutual aid and assistance agreements in the event of a disaster. M. Wetzel highlighted the recent hurricane in the Carolinas and the gas main explosions in the Merrimack Valley as examples of why joining WARN would be beneficial to the Town of Ayer.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to join MA WARN as presented by the DPW Superintendent. **Motion passed 3-0.**

**Approval of October 22, 2018 Fall Special Town Meeting Warrant:** R. Pontbriand presented the DRAFT warrant and a summary explanation of the warrant articles. R. Pontbriand stated that eight of the eleven articles are related to zoning. R. Pontbriand and BOS reviewed the articles.

R. Pontbriand asked Town Clerk Susan Copeland to join the table when discussion began on Article 11 “Regional School District Debt Incurrence for ASRSD High School Athletic Field Complex”. He stated that a procedural defect was found relating to both Towns debt exclusion ballot, originally scheduled to coincide with the ASRHS project ballot. R. Pontbriand informed the BOS that the Town of Shirley had cancelled their debt exclusion ballot, originally scheduled for 10/6/18. R. Pontbriand and BOS members made clear that the school ballot would still proceed on 10/6/18 as originally scheduled.

R. Pontbriand also explained that the ASRSD School Committee made an amendment to their August 15, 2018 vote to require the debt exclusion to pass in both communities, both at Town Meeting and the Ballot, to proceed with the project.

R. Pontbriand and S. Copeland are recommending that the BOS cancel the debt exclusion ballot on Saturday October 6, 2018, again stating that the school ballot will proceed.

BOS members expressed concern with Town Counsel’s role in the process and thought the procedural defect could have been caught earlier by Town Counsel.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to cancel the Town Debt Exclusion Ballot for Saturday October 6, 2018. **Motion passed 3-0.**

C. Hillman stated that the BOS should take a vote expressing their support of the project.

J. Livingston stated the BOS will first vote on the Warrant, then discuss the issue of the BOS’ endorsement of the project.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Special Fall Town Meeting Warrant for October 22, 2018 as amended. **Motion passed 3-0.**

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to endorse the school field project. **Motion passed 3-0.**

**Town Manager’s Report:** *Administrative Update/Review of Warrant(s)* – In the interest of time, R. Pontbriand referred BOS members to the meeting packet to review the signed warrants. R. Pontbriand also gave a brief administrative update, stating that the Municipal Taxation and Budgeting 101 Public information session was recently held at the library; a Water and Sewer Rate Review Committee has been scheduled; and that the Town has submitted a planning grant to the Massachusetts Office of Disability relating to the update of the Town of Ayer’s ADA plan.

**NVTHS Request – Designation of Special Municipal Employees** – R. Pontbriand stated that he received correspondence from the Nashoba Valley Technical High School District, requesting that the BOS designate the School Committee Representative

and the School Committee Alternate Representative as special municipal employees in accordance with the Conflict of Interest Law.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to designate the Nashoba Valley Technical High School Representative and Alternate Representative as Special Municipal Employees in accordance with MGL c268A, section 1n. **Motion passed 3-0.**

*One Day Beer/Wine Permit St. Mary's Parish* – R. Pontbriand presented a request from St. Mary's Parish requesting a one day Beer and Wine Permit for Saturday October 27, 2018 between 4:30 PM – 9:30 PM.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve the one day Beer and Wine Permit for Saturday October 27, 2018 between 4:30 PM – 9:30 PM. **Motion passed 3-0.**

*Update on October 6, 2018 Election* – R. Pontbriand stated that this item was discussed under the Town Meeting Warrant Approval Discussion.

*Cost Analysis of Mailing Warrants v. Postcards* – C. Antonellis presented the BOS with a cost analysis relating to mailing out town meeting warrants to every household versus mailing a postcard. The BOS discussed this idea as a potential cost savings to the Town as well as what is the best method to inform the Public. The BOS did not take any official action but will review the matter and take under advisement.

**New Business/Selectmen's Questions:** *Public Outreach (Selectman Houde)* – S. Houde stated that as a result of one of the most recent public meetings on the ASRSD Field Project there were very few members of the public that were not Town/School Officials. S. Houde stated that he would like to discuss ways in which the Town can improve its public outreach, especially for those residents who do not use social media and/or computer technology. The ideas of a bulletin board at the Transfer Station and/or Pirone Park were discussed. Additionally, the Library is a resource to further reach the public. The BOS agreed to continue to research and discuss this important issue of Public Outreach.

*Devens Disposition (Selectman Houde)* – S. Houde reference a recent letter the BOS received from the Harvard BOS regarding the establishment of a committee in Harvard to study the issues of Devens Disposition. S. Houde stated that Ayer should do the same. S. Houde further stated that with the Vicksburg Square project back on the forefront of MassDevelopment now is a key time. J. Livingston stated that she and the Town Manager will be meeting with the Harvard BOS Chair and their consultant regarding Devens Disposition. R. Pontbriand stated that MassDevelopment would like to come to the next BOS Meeting to discuss Vicksburg Square.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde and seconded by J. Livingston to approve the meeting minutes of September 11, 2018. **Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to adjourn at 9:04 PM. **Motion passed 3-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager**

**Date Minutes Approved by BOS:** \_\_\_\_\_

**Signature Indicating Approval:** \_\_\_\_\_