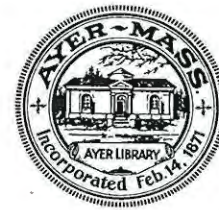


RECEIVED  
SEP 27 2019

TOWN OF AYER  
TOWN CLERK

8:56AM *lf*

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



**Tuesday October 1, 2019**  
**Open Session Meeting Agenda**

- 6:00 PM**                    **Call To Order**  
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Public Input**
- Public Hearing – Pole Petition – National Grid & Verizon -  
No. 23932888 – Groton Harvard Road/Washington Street**
- 6:05 PM\***                    **Public Hearing – Notice of Layout of Streets – Nashua Street Extension**
- 6:08 PM**                    **Public Hearing – Notice of Layout of Streets – Norwood Avenue within  
Elizabeth Estates**
- 6:11 PM**                    **Public Hearing – Notice of Layout of Streets – Hay Meadow Lane, Holly  
Ridge Road, Apple Blossom Drive**
- 6:14 PM**                    **Public Hearing – Notice of Layout of Streets – Hickory Way & Hemlock  
Drive**
- 6:20 PM**                    **Conservation Commission – Wetland Bylaw Overview**
- 6:35 PM**                    **Review and Approval of 10/28/19 Fall Special Town Meeting Warrant**
- 6:50 PM**                    **Town Manager’s Report**
1. Administrative Update/Review of Warrant(s)
  2. Appointments – Cultural Council
  3. Rescheduling of December 3, 2019 BOS Meeting
  4. Recertification of Acceptance of Child Legacy Account
  5. Reduction in Number of Seats on Disability Commission
  6. One Day Beer and Wine License – St. Mary’s Parish – 10/19/19
- 7:10 PM**                    **New Business/Selectmen’s Questions**
1. Shirley Vote on the ASRSD Fields Discussion (Selectman Houde)
  2. Coordination of Regional Leadership Meeting with Shirley and ASRSD (Selectman Houde)
- 7:15 PM**                    **Approval of Meeting Minutes**  
September 18, 2019
- Executive Session Pursuant to MGL 30A, sec. 21A**
1. Exemption #2 Non Union Personnel Contact Negotiations  
Deputy Police Chief, Assistant Town Manager, IT Director
- Adjournment**

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

*The next Board of Selectmen’s Meeting will be held Tuesday October 15, 2019 at 6:00 PM  
The Fall Special Town Meeting will be held on Monday October 28, 2019 at 7:00 PM, ASRHS Auditorium*



## Office of the Board of Selectmen Office of the Town Manager

Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | [www.ayer.ma.us](http://www.ayer.ma.us)

### Notification to Abutters

#### Town of Ayer Board of Selectmen Public Hearing Notice

The Ayer Board of Selectmen will be conducting a Public Hearing on Tuesday October 1, 2019 at 6:00 PM at the Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, 1 Main Street, Ayer, MA 01432 regarding a petition by National Grid and Verizon to install 1 JO Pole on Groton Harvard Road beginning at a point approximately 0 feet southeast of the centerline of the intersection of Washington Street and Groton Harvard Road and continuing approximately 590 feet in a southeast direction. National Grid to install 1 JO pole 590 feet southeast of the intersection of Washington Street and Groton Harvard Road. No. 2392888

<b>Name of Applicant:</b>	National Grid & Verizon
<b>Date of Public Hearing:</b>	Tuesday October 1, 2019
<b>Time of Public Hearing:</b>	6:00 PM
<b>Location of Public Hearing:</b>	1 <sup>st</sup> Floor Meeting Room, Ayer Town Hall 1 Main Street Ayer, MA 01432

Copies of the application are available at the Ayer Board of Selectmen's Office Monday, Wednesday and Thursdays from 8am - 4pm; Tuesdays 8am - 7pm and Fridays 8am - 1pm.

Questions contact - Ron Allen 508-860-6130

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the Board of Selectmen  
Of Ayer, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Groton Harvard Road - National Grid to install 1 JO Pole on Groton Harvard Road beginning at a point approximately 0 feet southeast of the centerline of the intersection of Washington St and Groton Harvard Road and continuing approximately 590 feet in a southeast direction. National Grid to install 1 JO pole 590' feet southeast of the intersection of Washington St and Groton Harvard Road.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Groton Harvard Road - Ayer - Massachusetts.

No. 23932888 July 8, 2019

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

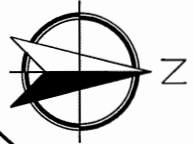
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID

BY Pat Cody  
Engineering Department

VERIZON NEW ENGLAND, INC.

BY [Signature]  
Manager / Right of Way



Petition to the Town of Ayer for approval of a grant of location for 1 Jointly Owned pole to feed a new customer at the Town of Ayer Transfer Station. This location is approximately 590' from the intersection of Groton Harvard Rd and Washington St.

Washington St

Groton Harvard Rd  
590'

100 Groton Harvard Rd  
Ayer Transfer Station

P34-50

LEGEND

● Proposed JO Pole

DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE.

PETITION

100 Groton Harvard Rd

Ayer, MA

Date: 6/6/2019

Designer: J.Morales

Work Request: 23932888

Petition To The Town Of  
Ayer

**nationalgrid**  
& Verizon New England, INC

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
- Economic & Community Development Office

Review Deadline Date Wednesday September 25, 2019

Public Hearing Date Tuesday October 1, 2019 at 6:00 PM

Permit Sought Pole Petition  
Description install 1 JO Pole on Groton Harvard Road beginning at a point approximately 0 feet southeast of the centerline of the intersection of Washington Street and Groton Harvard Road and continuing approximately 590 feet in a southeast direction. No. 2392888

Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

Signed Bridgette Brady

Title Health Agent

Date 9/16/19

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
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- Economic & Community Development Office

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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments: This is part of the interconnection for the Ayer Landfill Solar Project

Signed 

Title DPW Supt

Date 9/10/19



Town of Ayer  
Board of Selectmen's Office



By \_\_\_\_\_ Transmittal Form - Department Head Review

- \_\_\_\_\_ Board of Health
- \_\_\_\_\_ Department of Public Works
- X \_\_\_\_\_ Police Department
- \_\_\_\_\_ Fire Department
- \_\_\_\_\_ Building Inspector/Zoning Enforcement Officer
- \_\_\_\_\_ Conservation Committee
- \_\_\_\_\_ Treasurer/Tax Collector
- \_\_\_\_\_ Town Clerk
- \_\_\_\_\_ Assessor's Office
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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments: None

Signed [Signature]

Title Chief of Police

Date 9/10/19

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments: No issues

Signed [Signature]

Title Fire Chief

Date 9-12-19



Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
- Economic & Community Development Office

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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments: Approve

Signed [Signature]

Title Building/zoning

Date 9-13-19

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
- Economic & Community Development Office

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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

*conservation has no issues with this project.*

Signed *J. Mully*

Title conservation administrator

Date 9/26/19

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

*n/A for taxes*

Signed Barbara Lively

Title Treasurer/Tax Collector

Date 9/9/2019

**Town of Ayer**  
**Board of Selectmen's Office**  
**Transmittal Form - Department Head Review**



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
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- Economic & Community Development Office

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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

Signed *Anna Copeland*  
Date 9/10/2019

Title Town Clerk

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

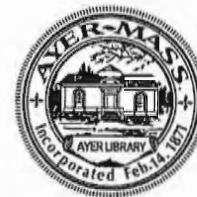
This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

Signed Thomas Hogan  
Date 9/18/19

Title Assessing Administrator

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments:

Signed [Signature]

Title Town Planner

Date 9-23-2019

Town of Ayer  
Board of Selectmen's Office  
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
- Economic & Community Development Office

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Submitted by National Grid and Verizon

Address \_\_\_\_\_ Telephone \_\_\_\_\_

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

Comments: Rec. Approval

Signed [Signature]

Title Dir. Community + ECD Dev.

Date 9/12/2019

# DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent  
Daniel Vas Schalkwyk, P.E. Town Engineer  
Pamela J. Martin, Business Manager



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

## MEMORANDUM

Date: September 26, 2019  
To: Board of Selectmen  
From: Mark Wetzel, P.E., Superintendent of Public Works  
Subject: **Agenda Items for October 1, 2019 BOS Meeting**

**Public Meeting for Street Acceptance for Fall Town Meeting** – Attached are memoranda and Order of Layout, to be executed by the Board recommending that the Board accept the following roads as public streets. In accordance with M.G.L. c.82, §§21-24, the Board must hold a public meeting and vote to approve the layout as shown on the metes and bounds plan. We have notified all abutters of the time and location of this meeting.

The Order of Layout, executed by the Board, needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose. We have also prepared Town Meeting Warrant Articles for Street Acceptance.

- Elizabeth Estates- Norwood Avenue between Washington Street and Highland Street
- Nashua Street Extension
- Pingry Hill Phase 3B (Hickory Way from Old Farm Way to Hemlock Drive, Hemlock Drive from old Farm Way to Littleton Road)
- Pingry Hill Phase 5 (Hay Meadow Lane from Old Farm Way to end, Holly Ridge Road and Apple Blossom Lane)



RECEIVED  
SEP 23 2019

TOWN OF AYER  
TOWN CLERK

9:00am  
*Anna Copeland*

September 20, 2019

TOWN OF AYER  
BOARD OF SELECTMEN  
NOTICE OF LAYOUT OF STREETS  
PUBLIC MEETING

Notice is hereby given that at the September 3, 2019 Meeting of the Board of Selectmen, the Board voted its intent to layout as public ways:

**Nashua Street Extension**, as shown on plans entitled "Lotting Plan prepared by Goldsmith, Priest and Ringwall" dated March 5, 2014 on file at the Town Clerks office.

The Board will hold a public meeting and vote to approve the layouts as shown on the metes and bounds plans on Tuesday, October 1, 2019 at 6:05 PM in the 1st Floor Meeting Room at Ayer Town Hall, 1 Main Street, Ayer. This meeting is a prerequisite to street acceptance at a Town Meeting.

AYER BOARD OF SELECTMEN

Scott A. Houde, Chairman

Jannice L. Livingston, Vice-Chairman

TOWN OF AYER  
ORDER OF LAYOUT OF  
NASHUA STREET EXTENSION

The Board of Selectmen of the Town of Ayer, acting pursuant to G.L. c.82, §§21-24, deeming that common convenience and necessity require the layout of Nashua Street Extension as a public way, and intending, upon authorization of the Town, to acquire the land or easements necessary for such layouts, hereby lays out said ways in the manner described herein. The boundaries of said way is shown on a plan entitled " Street Acceptance Plan Nashua Street Ext. in Ayer, Mass.; prepared for Molumco Development" dated September 18, 2019, which references plan entitled "Definitive Subdivision Plan, Lotting Plan Sheet C2.1 dated February 25, 2015" recorded with the Middlesex South District Registry of Deeds as Plan #249 of 2016, which plans are hereby adopted as a part of this Layout Order, and attached hereto and incorporated herein as Exhibit A. The land shown as Nashua Street Extension on said plans is hereby laid out as a Town way.

The aforementioned plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for acceptance.

Adopted: October \_\_\_\_\_, 2019

TOWN OF AYER

By Its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in the office of the

Town Clerk, \_\_\_\_\_, 2019

\_\_\_\_\_

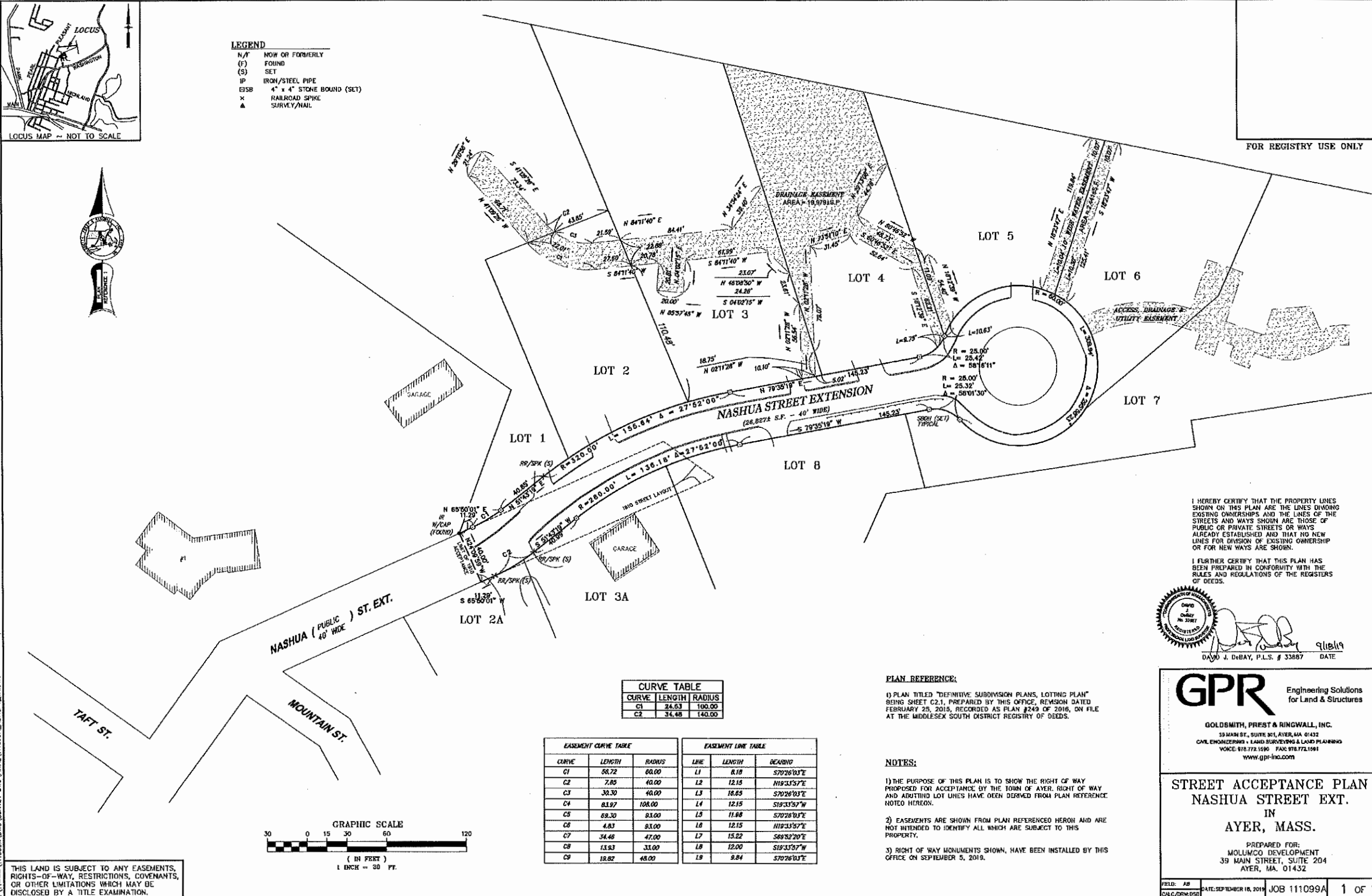
Town Clerk, Attest



**LEGEND**  
 N/F NOW OR FORMERLY  
 (F) FOUND  
 (S) SET  
 IP IRON/STEEL PIPE  
 □SB 4" x 4" STONE BOUND (SET)  
 x RAILROAD SPIKE  
 ▲ SURVEY NAIL



FOR REGISTRY USE ONLY



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*[Signature]*  
 DAVID J. DeBAY, P.L.S. # 33887 DATE 9/18/19

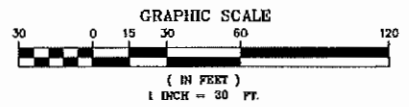
**CURVE TABLE**

CURVE	LENGTH	RADIUS
C1	24.63	100.00
C2	34.48	140.00

EASEMENT CURVE TABLE			EASEMENT LINE TABLE		
CURVE	LENGTH	RADIUS	LINE	LENGTH	BEARING
C1	56.72	60.00	L1	8.18	S70°26'03"E
C2	7.85	40.00	L2	12.15	N19°33'57"E
C3	33.30	40.00	L3	16.65	S70°26'03"E
C4	81.97	100.00	L4	12.15	S19°33'57"W
C5	69.30	83.00	L5	11.88	S70°26'03"E
C6	4.83	83.00	L6	12.15	N19°33'57"E
C7	34.46	47.00	L7	15.22	S89°52'20"E
C8	13.83	33.00	L8	12.00	S19°33'57"W
C9	18.82	48.00	L9	9.84	S70°26'03"E

**PLAN REFERENCE:**  
 1) PLAN TITLED "DEFINITIVE SUBDIVISION PLANS, LOTTING PLAN" BEING SHEET C2.1, PREPARED BY THIS OFFICE, REVISION DATED FEBRUARY 25, 2015, RECORDED AS PLAN #249 OF 2015, ON FILE AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.

**NOTES:**  
 1) THE PURPOSE OF THIS PLAN IS TO SHOW THE RIGHT OF WAY PROPOSED FOR ACCEPTANCE BY THE TOWN OF AYER. RIGHT OF WAY AND ADJUTING LOT LINES HAVE BEEN DERIVED FROM PLAN REFERENCE NOTED HEREON.  
 2) EASEMENTS ARE SHOWN FROM PLAN REFERENCED HEREON AND ARE NOT INTENDED TO IDENTIFY ALL WHICH ARE SUBJECT TO THIS PROPERTY.  
 3) RIGHT OF WAY MONUMENTS SHOWN, HAVE BEEN INSTALLED BY THIS OFFICE ON SEPTEMBER 5, 2019.



THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

**GPR** Engineering Solutions for Land & Structures  
 GOLDSMITH, PREST & RINGWALL, INC.  
 19 MAIN ST., SUITE 301, AYER, MA 01432  
 CIVIL ENGINEERING • LAND SURVEYING & LAND PLANNING  
 VOICE: 978-772-1590 FAX: 978-772-1591  
 www.gpr-inc.com

**STREET ACCEPTANCE PLAN**  
**NASHUA STREET EXT.**  
 IN  
**AYER, MASS.**  
 PREPARED FOR:  
 MOLLUNCO DEVELOPMENT  
 39 MAIN STREET, SUITE 204  
 AYER, MA. 01432

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RECEIVED  
SEP 23 2019

TOWN OF AYER  
TOWN CLERK

*9:00am*  
*Amyan Popeland*

September 20, 2019

TOWN OF AYER  
BOARD OF SELECTMEN  
NOTICE OF LAYOUT OF STREETS  
PUBLIC MEETING

Notice is hereby given that at the September 3, 2019 Meeting of the Board of Selectmen, the Board voted its intent to layout as public ways:

Norwood Avenue within Elizabeth Estates (Highland Ave to approximately 235 feet south of Washington Street) as shown on plans entitled "Elizabeth Estates Definitive Subdivision Plan ,prepared by David E Ross Associates" dated May 3, 2006, on file at the Town Clerks office.

The Board will hold a public meeting and vote to approve the layouts as shown on the metes and bounds plans on Tuesday, October 1, 2019 at 6:08 PM in the 1st Floor Meeting Room at Ayer Town Hall, 1 Main Street, Ayer. This meeting is a prerequisite to street acceptance at a Town Meeting.

AYER BOARD OF SELECTMEN

Scott A. Houde, Chairman

Jannice L. Livingston, Vice-Chairman

# DEPARTMENT OF PUBLIC WORKS

---

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

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

## Memorandum

Date: September 26, 2019

To: Ayer Board of Selectmen

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

Re: Norwood Avenue Street Acceptance

The Ayer Planning Board voted at their meeting on September 10, 2019 to recommend that the Board of Selectmen accept the section of Norwood Avenue within the Elizabeth Estates Subdivision as a Town Street. I had sent the Planning Board a letter with my recommendation for Street Acceptance, pending completion of several punch list items. Based on the DPW inspection of the road, all of these items have been completed. Therefore, I recommend that the Town accept the road as a Public Street at the 2019 Fall Town Meeting.

Attached is the Order of Layout for execution by the Board. The Order of Layout needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose.

TOWN OF AYER  
ORDER OF LAYOUT OF  
NORWOOD AVENUE

The Board of Selectmen of the Town of Ayer, acting pursuant to G.L. c.82, §§21-24, deeming that common convenience and necessity require the layout of Norwood Avenue, beginning approximately 235 feet south of Washington Street extending to Highland Avenue, as a public way, and intending, upon authorization of the Town, to acquire the land or easements necessary for such layouts, hereby lays out said ways in the manner described herein. The boundaries of said way are shown on a plan entitled "Road Acceptance Plan of Land in Ayer, Mass. prepared for North Shirley Realty Trust dated September 2017" which references plan entitled "Elizabeth Estates Definitive Subdivision Plan dated May 3, 2006" which plan is recorded with the Middlesex South District Registry of Deeds as Plan #90 of 2007 and which plans are hereby adopted as a part of this Layout Order and attached hereto and incorporated herein as Exhibit A. The land shown as Norwood Avenue on said plans is hereby laid out as a Town way.

The aforementioned plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for acceptance.

Adopted: October \_\_\_\_\_, 2019

TOWN OF AYER

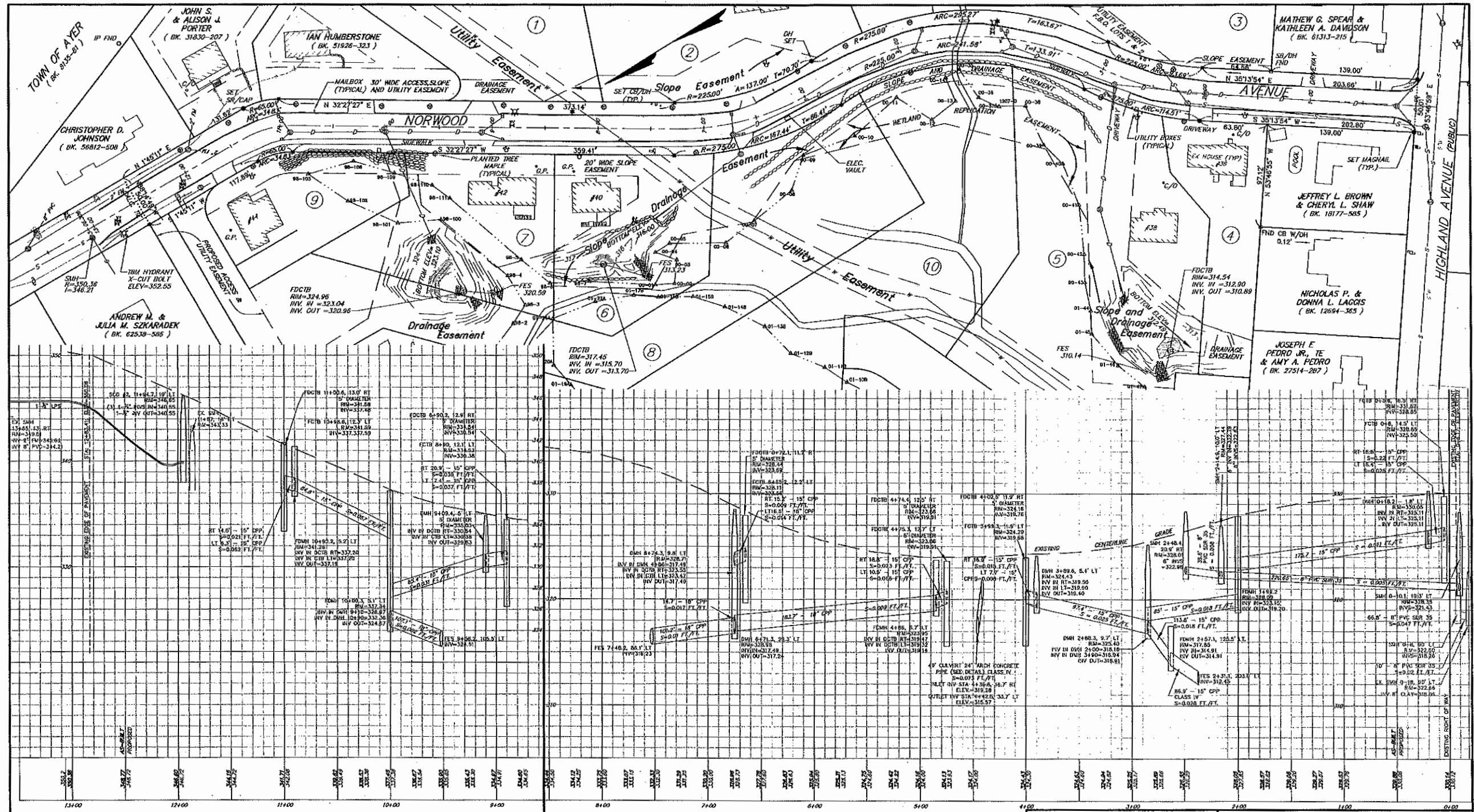
By Its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in the office of the

Town Clerk, \_\_\_\_\_, 2019

\_\_\_\_\_  
Town Clerk, Attest



**Legend**

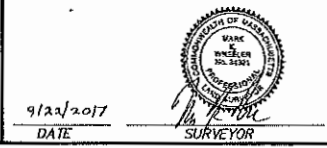
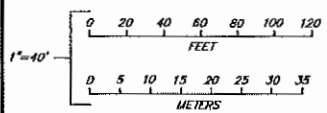
- GRANITE CURB & CURB COO BERM
- EDGE PAVEMENT
- UTILITY BOXES
- WATER LINE AND GATE
- ⊗ HYDRANT
- ⊗ WATER SHUT OFF
- ⊙ DRAIN MANHOLE
- ⊙ CATCH BASIN
- ⊞ DOUBLE CATCH BASIN
- SET CONCRETE BOUND WITH DRILL HOLE
- SET MASHAIL
- ⊙ MAPLE TREE
- ⊙ SEWER MANHOLE
- ⊙ CATCH BASIN
- ⊙ MAIL BOX
- DRAIN LINE
- SEWER LINE
- C/O SEWER CLEANOUT
- ⊙ WATER SERVICE
- G.P. GRINDING PUMP
- SET STEEL ROD WITH SURVEYOR'S CAP

**SCALE**  
VERT. 1" = 4'  
HORV. 1" = 40'

THIS PLAN SHOWS ONLY THOSE FEATURES THAT WERE VISUALLY APPARENT ON THE DATE OF THE AS-BUILT SURVEY. THE LOCATION OF UNDERGROUND UTILITIES ARE NOT KNOWN TO THE ENGINEER AND THEREFORE ANY LOCATIONS ARE APPROXIMATE. THE ABSENCE OF THE UNDERGROUND UTILITIES IS NEITHER IMPLIED OR INTENDED.

UNDERGROUND UTILITIES LOCATIONS ARE FROM CONTRACTOR SKETCHES AND ARE APPROXIMATE ONLY.

SEE "ELIZABETH ESTATES" DEFINITIVE SUBDIVISION PLAN PREPARED FOR NORTH SHIRLEY REALTY TRUST, RECORDED IN MIDDLESEX SOUTH REGISTRY OF DEEDS AS PLAN NO. 90 OF 2007.



ROAD ACCEPTANCE PLAN OF LAND IN  
**Ayer, Mass.**  
PREPARED FOR  
**North Shirley Realty Trust**  
SCALE: 1"=40' SEPTEMBER, 2017

**David E. Ross Associates, Inc.**  
CIVIL ENGINEERS — LAND SURVEYORS  
ENVIRONMENTAL CONSULTANTS  
PO BOX 795-6 LANCASTER COUNTY RD, HARVARD, MA 01451  
(TEL. NO. 978-772-6232)

JOB NO. 15105 PLAN NO. L-9935-AB

REF: NB 426-155, NB 787-70

RECEIVED  
SEP 23 2019

TOWN OF AYER  
TOWN CLERK

9:00am  
Annu Gopeland

September 20, 2019

TOWN OF AYER  
BOARD OF SELECTMEN  
NOTICE OF LAYOUT OF STREETS  
PUBLIC MEETING

Notice is hereby given that at the September 3, 2019 Meeting of the Board of Selectmen, the Board voted its intent to layout as public ways:

Hay Meadow Lane from Station 9+00 to Station 20+73.53

Holly Ridge Road from Station 0+00 to Station 13+68.54

Apple Blossom Drive from Station 0+00 to Station 5+00

as shown on a plan entitled, "Ridge View Heights' Definitive Subdivision Plan of Land in Ayer, Mass.," dated March 1999, as prepared by David E. Ross Associates, Inc. and on file at the Town Clerks office.

The Board will hold a public meeting and vote to approve the layouts as shown on the metes and bounds plans on Tuesday, October 1, 2019 at 6:11 PM in the 1st Floor Meeting Room at Ayer Town Hall, 1 Main Street, Ayer. This meeting is a prerequisite to street acceptance at a Town Meeting.

AYER BOARD OF SELECTMEN

Scott A. Houde, Chairman

Jannice L. Livingston, Vice-Chairman



# DEPARTMENT OF PUBLIC WORKS

---

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

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

## Memorandum

Date: September 26, 2019

To: Ayer Board of Selectmen

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

Re: Haymeadow Lane, Holly Ridge Road, Apple Blossom Drive Street Acceptance

The Ayer Planning Board voted at their meeting on September 10, 2019 to recommend that the Board of Selectmen accept the Haymeadow Lane, Holly Ridge Road, Apple Blossom Drive as a Town Streets. I had sent the Planning Board a letter with my recommendation for Street Acceptance, pending completion of several punch list items. Based on the DPW inspection of the road, all of these items have been completed. Therefore, I recommend that the Town accept the road as a Public Street at the 2019 Fall Town Meeting.

Attached is the Order of Layout for execution by the Board. The Order of Layout needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose.

TOWN OF AYER  
ORDER OF LAYOUT OF  
HAYMEADOW LANE, HOLLY RIDGE ROAD AND APPLE BLOSSOM DRIVE

The Board of Selectmen of the Town of Ayer, acting pursuant to G.L. c.82, §§21-24, deeming that common convenience and necessity require the layout of streets:

Haymeadow Lane from Station 9+00 to Station 20+73.53

Holly Ridge Road from Station 0+00 to Station 13+68.54

Apple Blossom Drive from Station 0+00 to Station 5+00

as public ways, and intending, upon authorization of the Town, to acquire the land or easements necessary for such layouts, hereby lays out said ways in the manner described herein. The boundaries of said ways are shown on plans entitled "Definitive Subdivision Plan of Land in Ayer, Mass. sheets 4,5,6,7 of 55 prepared for Crabtree Development Corp. dated March 1999" recorded with the Middlesex South District Registry of Deeds as Plan #164-4,5,6,7 of 2005, which plans are hereby adopted as a part of this Layout Order, and attached hereto and incorporated herein as Exhibit A. The land shown as Ridge View Heights (Haymeadow Lane, Holly Ridge Road and Apple Blossom Drive) on said plans are hereby laid out as a Town ways.

The aforementioned plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for acceptance.

Adopted: October\_\_\_\_, 2019

TOWN OF AYER

By Its Board of Selectmen

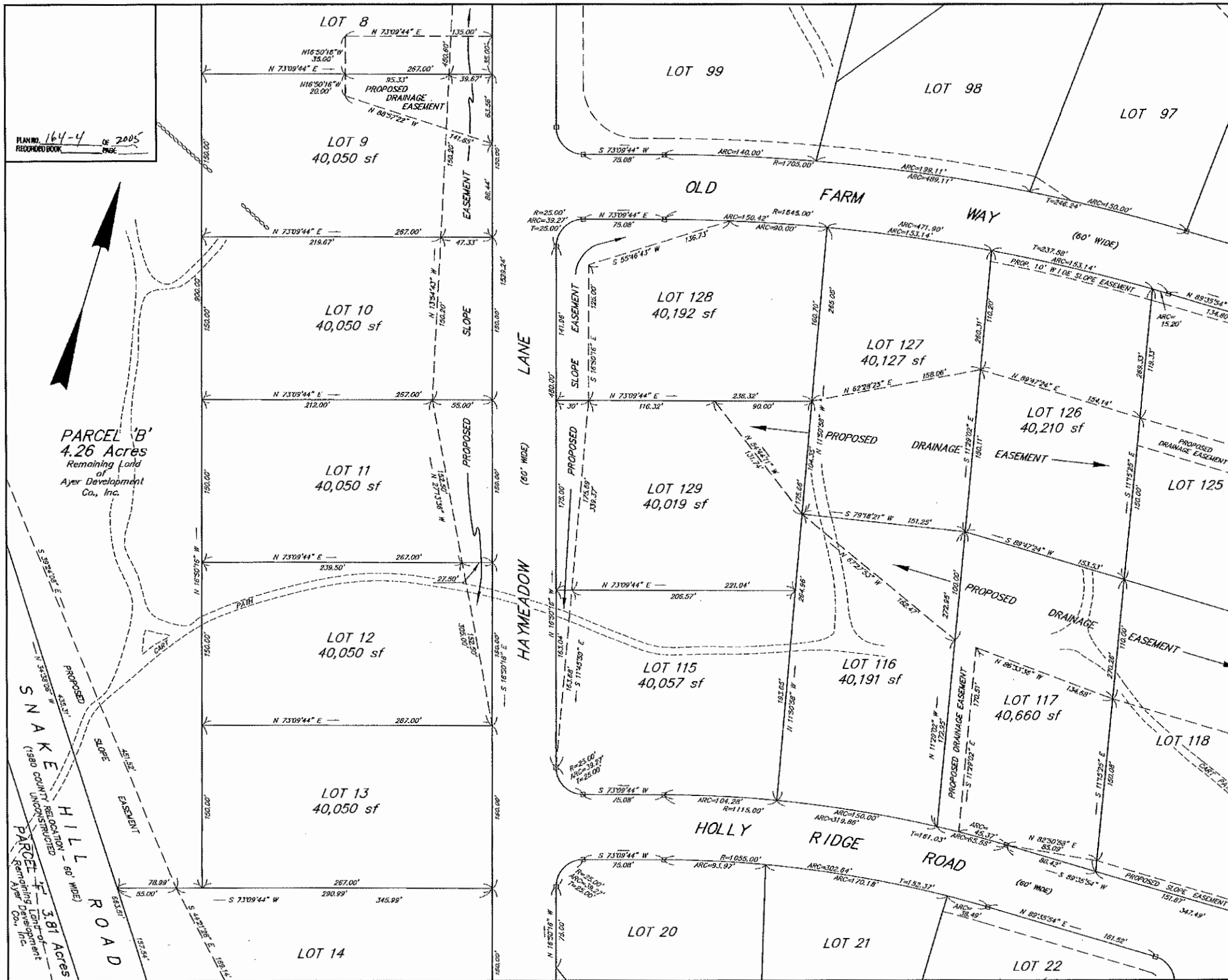
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in the office of the

Town Clerk, \_\_\_\_\_, 2019

\_\_\_\_\_

Town Clerk, Attest



AYER PLANNING BOARD

DATE OF APPROVAL: 4/1/04  
DATE OF ENDORSEMENT: 8/5/04  
SUBJECT TO COVENANT DATED: 8/5/04

William Dilke  
Patricia K. Johnston  
James T. Kraschke  
Elizabeth Hughes

DATE: June 29 2004

Ann Callahan  
CLERK OF THE  
TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL  
OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE  
AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY  
DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

Ann Callahan  
TOWN CLERK

0 20 40 60 80 100 120  
FEET  
0 5 10 15 20 25 30 35  
METERS

1"=40'

I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES  
AND REGULATIONS OF THE  
REGISTERS OF DEEDS.

dated 3/4/04  
DATE SURVEYOR  
ORIGINAL ENDORSEMENT 3/4/99

LEGEND

EDGE OF VEGETATED WETLANDS  
APPROXIMATE LOCATION ZONE B  
500 YEAR FLOOD PLAIN  
INDICATES PERMANENT MONUMENT  
TO BE SET IN ACCORDANCE WITH  
THE TOWN OF AYER SUBDIVISION  
CONTROL REGULATIONS SECT. V.

ZONING DISTRICT: RESIDENCE A-1  
REVISED 6/4/2004 PER CONDITIONS OF APPROVAL  
NO REVISIONS THIS SHEET 12/1/01

"RIDGE VIEW HEIGHTS"

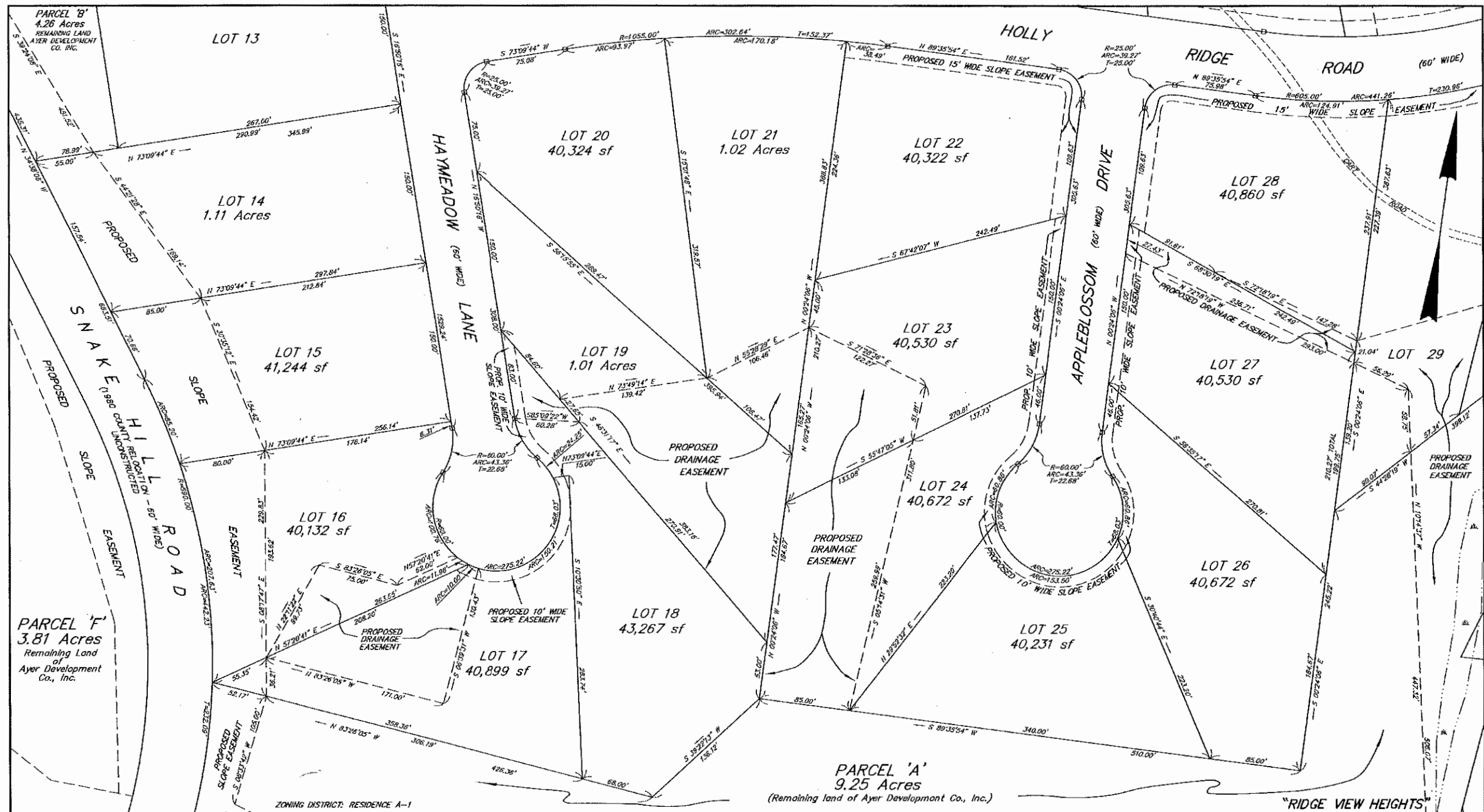
DEFINITIVE SUBDIVISION OF LAND IN  
AYER, MASS.  
PREPARED FOR  
CRABTREE DEVELOPMENT CORPORATION

SCALE: 1" = 40' MARCH 1999

David E. Ross Associates, Inc.  
CIVIL ENGINEERS - LAND SURVEYORS  
ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS  
P.O. BOX 368-111 FITCHBURG RD. - AYER, MASS. 01432-0368  
(TEL. NO. 978-772-8232 FAX 978-772-8258)

JOB NO. 10044 SHEET 4 OF 55 PLAN NO. L-5020

164-4



**AYER PLANNING BOARD**  
 DATE OF APPROVAL: 4/1/04  
 DATE OF ENDORSEMENT: 8/6/04  
 SUBJECT TO COVENANT DATED: 8/5/04  
 William O'Neil  
 Peter K. Johnson  
 Louis T. Farnsworth  
 Elizabeth Hughes

PLAN NO. 164-5 OF 2005  
 RECORDED BOOK PAGE

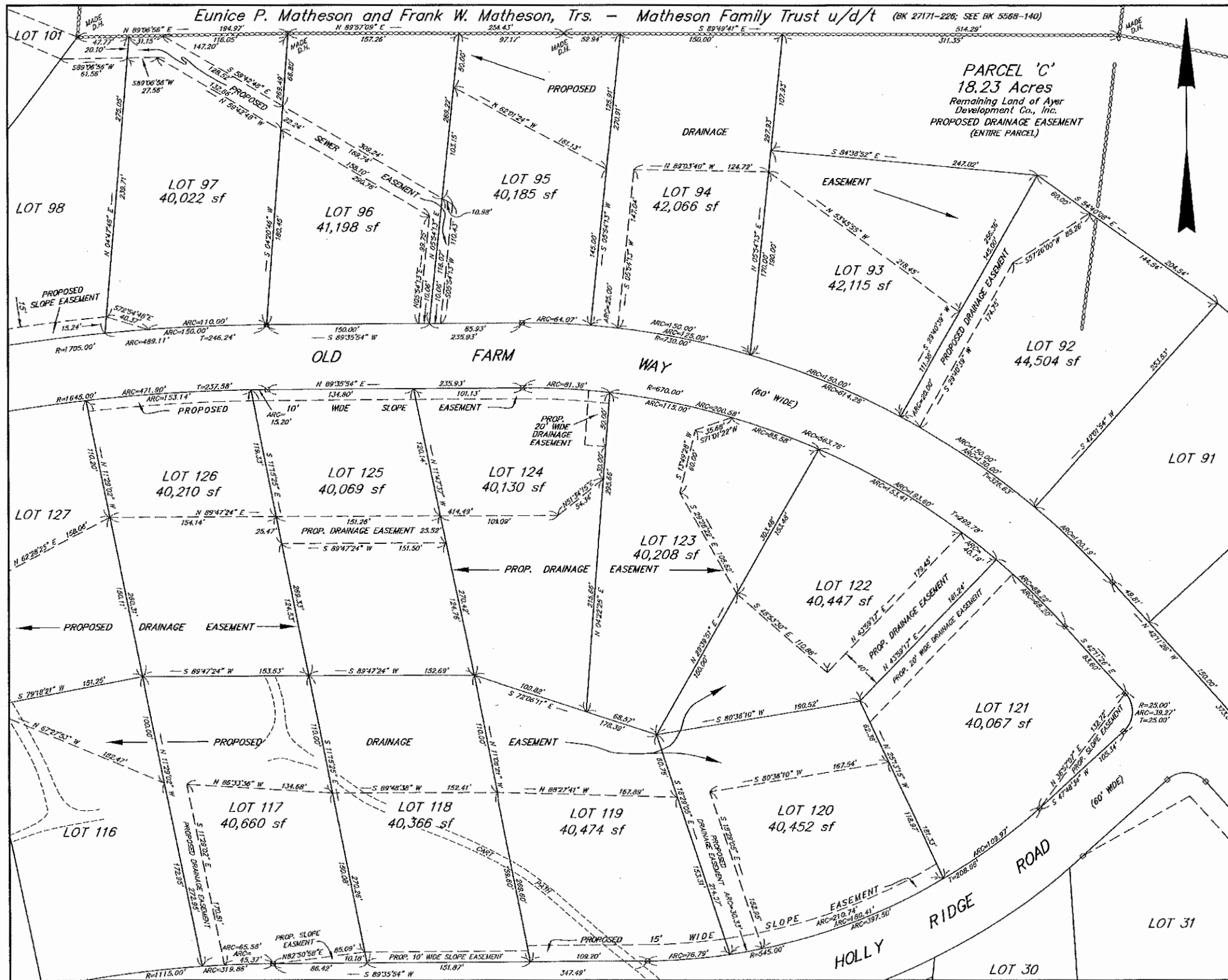
June 29 2004  
 Ann Callahan  
 CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.  
 Ann Callahan  
 TOWN CLERK

**LEGEND**  
 - - - - - EDGE OF VEGETATED WETLANDS  
 - - - - - APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAIN  
 □ . . . . . INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS SECT. V.  
 REVISED 6/4/04 PER CONDITIONS OF APPROVAL  
 NO REVISIONS THIS SHEET 12/7/01

0 20 40 60 80 100 120  
 FEET  
 0 5 10 15 20 25 30 35  
 METERS  
 I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
 6/28/04  
 DATE SURVEYOR  
 ORIGINAL ENDORSEMENT 3/4/99

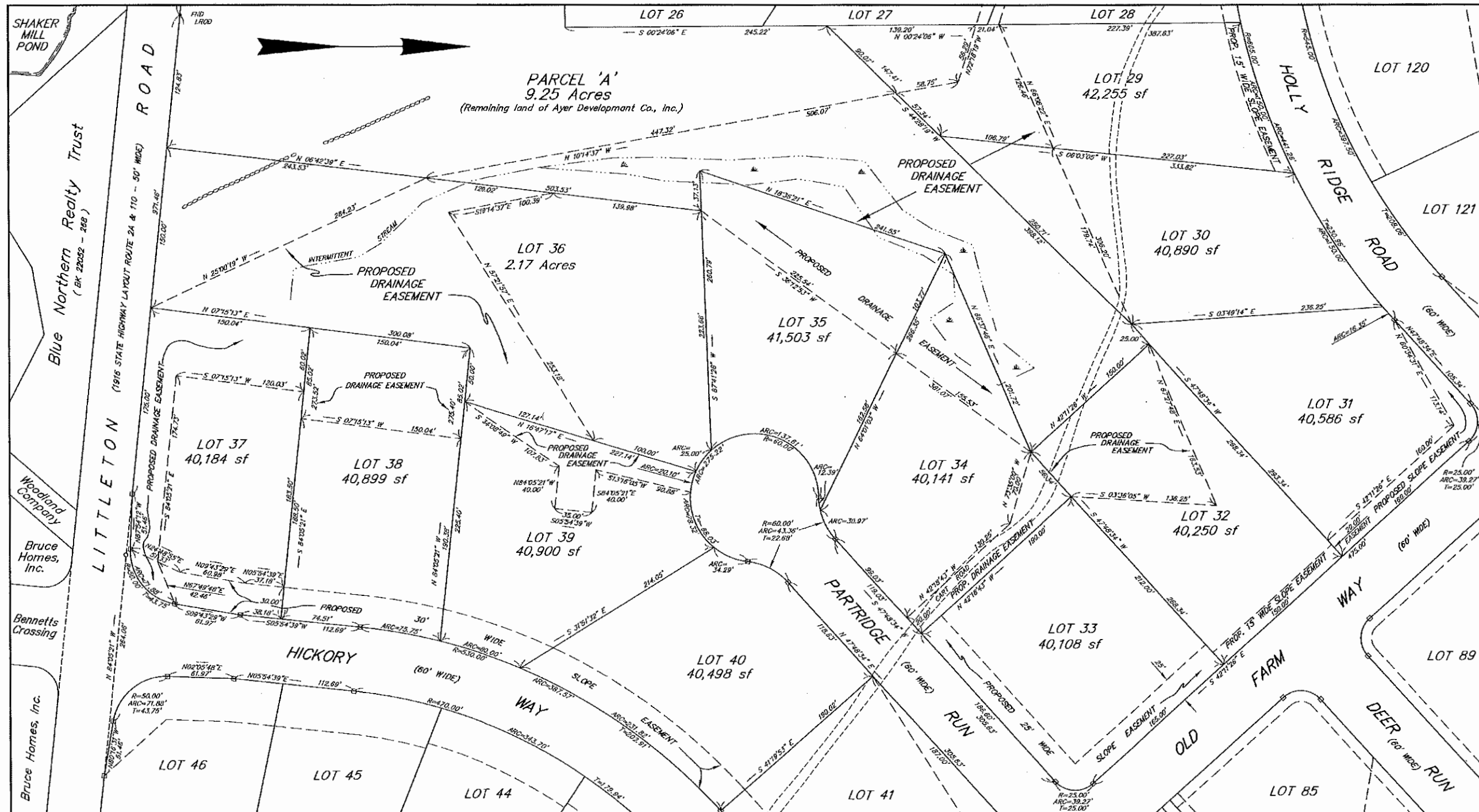
DEFINITIVE SUBDIVISION OF LAND IN  
 AYER, MASS.  
 PREPARED FOR  
**CRABTREE DEVELOPMENT CORPORATION**  
 SCALE: 1" = 40'  
 MARCH 1999  
**David E. Ross Associates, Inc.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS  
 P.O. BOX 368-111 FITCHBURG RD., AYER, MASS. 01432-0368  
 (TEL. NO. 978-772-6232 FAX 978-772-6258)  
 JOB NO. 10044 SHEET 5 OF 55 PLAN NO. L-5020

164-5



164-6

AYER PLANNING BOARD			
DATE OF APPROVAL:	4/1/04		
DATE OF ENDORSEMENT:	8/5/04		
SUBJECT TO COVENANT DATED:	8/5/04		
<i>William D. Dine</i> <i>Patricia K. Johnston</i> <i>James T. Lussick</i> <i>Elizabeth Hughes</i>			
SURV:	SBR	CALC:	MKW
DRAFTED:	MKW	NO:	212, 212-A
DEED:	BN 26481-231	REF:	L-4722; M-3027; L-5019
<b>June 29 2004</b> DATE			
I, <i>Ann Callahan</i> , CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.			
<i>Ann G. Callahan</i> TOWN CLERK			
1"=40' 0 20 40 60 80 100 120 FEET 0 5 10 15 20 25 30 35 METERS			
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.			
<i>James T. Lussick</i> DATE: 4/1/04 SURVEYOR ORIGINAL ENDORSEMENT 3/4/99			
<b>LEGEND</b> - - - - - EDGE OF VEGETATED WETLANDS - - - - - APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAN □ INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS SECT. V.			
ZONING DISTRICT: RESIDENCE A-1			
NO REVISIONS THIS SHEET 12/7/01 PLAN NO. 164-6 OF 2005 RECORDED BOOK PAGE			
REVISED 6/4/2004 PER CONDITIONS OF APPROVAL			
<b>"RIDGE VIEW HEIGHTS"</b> DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS. PREPARED FOR CRABTREE DEVELOPMENT CORPORATION SCALE: 1" = 40' MARCH 1999 <i>David E. Ross Associates, Inc.</i> CIVIL ENGINEERS - LAND SURVEYORS ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS P.O. BOX 368-111 FITCHBURG, MASS. 01432-0368 (TEL. NO. 978-772-6232 FAX 978-772-6236)			
JOB NO. 10044 SHEET 6 OF 55 PLAN NO. L-5020			



AYER PLANNING BOARD

DATE OF APPROVAL: 4/1/04

DATE OF ENDORSEMENT: 8/15/04

SUBJECT TO COVENANT DATED: 8/15/04

*William Wilbur*

*Peter K. Johnston*

*James J. Luciani*

*Elizabeth Hughes*

PLAN NO. 164-7 OF 2005

RECORDING BOOK PAGE

June 29 2004 DATE

1. *Ann Callahan* CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

*Ann Callahan* TOWN CLERK

"RIDGE VIEW HEIGHTS"

LEGEND

- EDGE OF VEGETATED WETLANDS
- APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAIN
- INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS SECT. V.

ZONING DISTRICT: RESIDENCE A-1

REVISED 6/4/2004 PER CONDITIONS OF APPROVAL. NO REVISIONS THIS SHEET 12/7/01

SURV: SHP CALC: MKW DRAFTED: MKW CKD: MKW NO: 212, 212-A DEED: BK 26481-231 REF: L-4722; M-3022; L-5019

0 20 40 60 80 100 120 FEET

0 5 10 15 20 25 30 35 METERS

1"=40'

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

4/29/04 DATE

*David E. Ross* SURVEYOR

ORIGINAL ENDORSEMENT 3/1/99

DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS. PREPARED FOR CRABTREE DEVELOPMENT CORPORATION

SCALE: 1" = 40' MARCH 1999

*David E. Ross Associates, Inc.* CIVIL ENGINEERS - LAND SURVEYORS ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS P.O. BOX 364-111 FITCHBURG RD. - AYER, MASS. 01432-0368 (TEL. NO. 978-772-6232 FAX 978-772-6258)

JOB NO. 10044 SHEET 7 OF 55 PLAN NO. L-5020

164-7

RECEIVED  
SEP 23 2019

TOWN OF AYER  
TOWN CLERK

9:00am  
*Marianne O'Connell*

September 20, 2019

TOWN OF AYER  
BOARD OF SELECTMEN  
NOTICE OF LAYOUT OF STREETS  
PUBLIC MEETING

Notice is hereby given that at the September 3, 2019 Meeting of the Board of Selectmen, the Board voted its intent to layout as public ways: **Hickory Way** from Station 8+50(Old Farm Way) to Woodland Way and **Hemlock Drive** from Station 0+00( Littleton Road) to Station 9+50 (Hickory Way) as shown on a plan entitled, "Ridge View Heights' Definitive Subdivision Plan of Land in Ayer, Mass.," dated March 1999, as prepared by David E. Ross Associates, Inc. and on file at the Town Clerks office.

The Board will hold a public meeting and vote to approve the layouts as shown on the metes and bounds plans on Tuesday, October 1, 2019 at 6:14 PM in the 1st Floor Meeting Room at Ayer Town Hall, 1 Main Street, Ayer. This meeting is a prerequisite to street acceptance at a Town Meeting.

AYER BOARD OF SELECTMEN

Scott A. Houde, Chairman

Jannice L. Livingston, Vice-Chairman

# DEPARTMENT OF PUBLIC WORKS

---

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

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

## Memorandum

Date: September 26, 2019

To: Ayer Board of Selectmen

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

Re: Hickory Way and Hemlock Drive Street Acceptance

The Ayer Planning Board voted at their meeting on September 10, 2019 to recommend that the Board of Selectmen accept Hickory Way and Hemlock Drive as a Town Streets. I had sent the Planning Board a letter with my recommendation for Street Acceptance, pending completion of several punch list items. Based on the DPW inspection of the road, all of these items have been completed. Therefore, I recommend that the Town accept the road as a Public Street at the 2019 Fall Town Meeting.

Attached is the Order of Layout for execution by the Board. The Order of Layout needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose.



TOWN OF AYER  
ORDER OF LAYOUT OF  
HICKORY WAY AND HEMLOCK DRIVE

The Board of Selectmen of the Town of Ayer, acting pursuant to G.L. c.82, §§21-24, deeming that common convenience and necessity require the layout of:

Hickory Way - Station 8+50(Old Farm Way) to Woodland Way

Hemlock Drive - Hemlock Drive from Station 0+00(Littleton Road) to Station 9+50 (Hickory Way)

as public ways, and intending, upon authorization of the Town, to acquire the land or easements necessary for such layouts, hereby lays out said ways in the manner described herein. The boundaries of said ways is shown on a plan entitled "Definitive Subdivision Plan of Land in Ayer, Mass. sheets 9,11,12 of 55 prepared for Crabtree Development Corp. dated March 1999" recorded with the Middlesex South District Registry of Deeds as Plan #164-9,11,12 of 2005, which plans are hereby adopted as a part of this Layout Order, and attached hereto and incorporated herein as Exhibit A. The land shown as Ridge View Heights (Hickory Way and Hemlock Drive) on said plans are hereby laid out as a Town ways.

The aforementioned plans are hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for acceptance.

Adopted: October\_\_\_\_, 2019

TOWN OF AYER

By Its Board of Selectmen

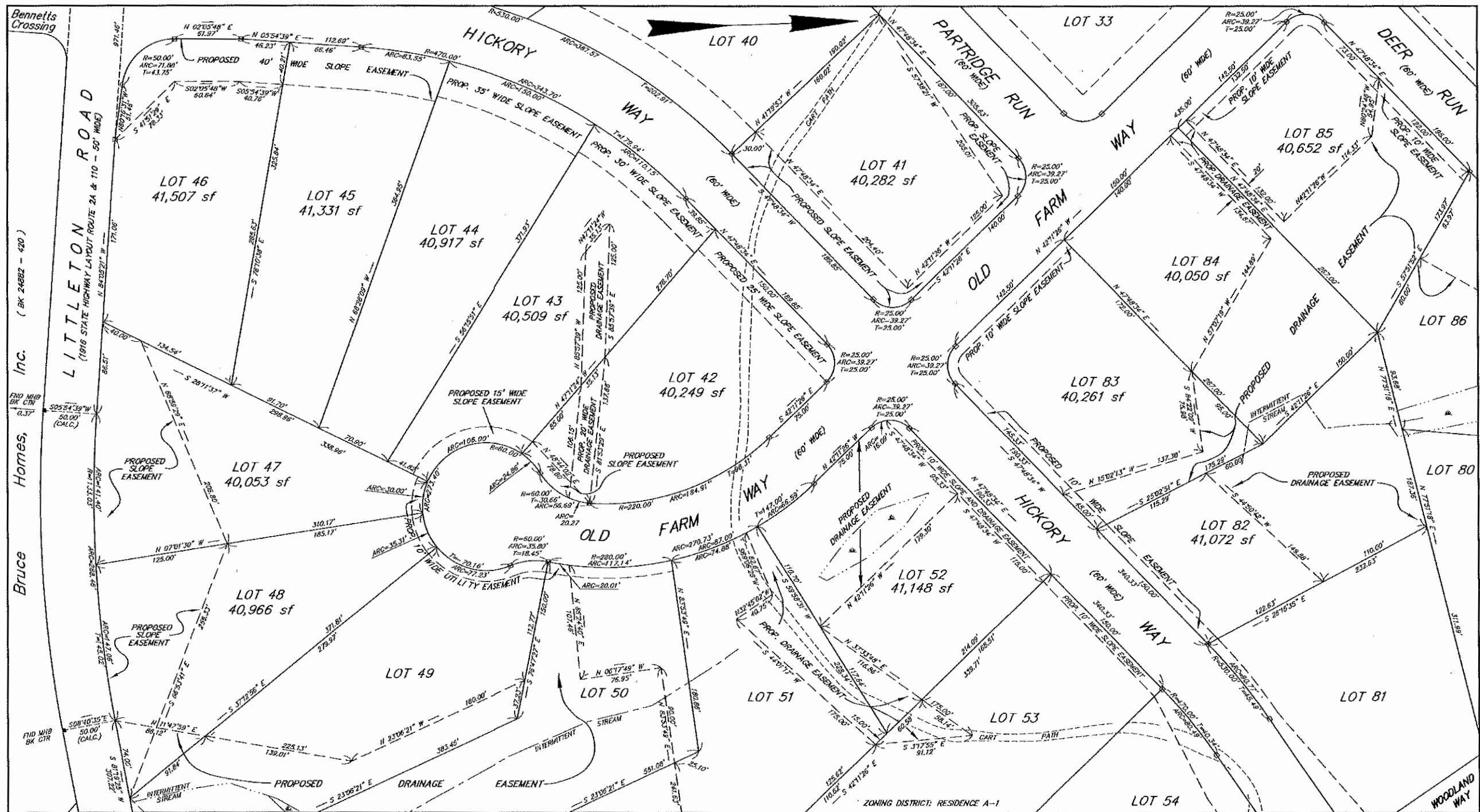
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in the office of the

Town Clerk, \_\_\_\_\_, 2019

\_\_\_\_\_

Town Clerk, Attest



**AYER PLANNING BOARD**  
 DATE OF APPROVAL: 4/1/04  
 DATE OF ENDORSEMENT: 8/15/04  
 SUBJECT TO COVENANT DATED: 8/15/04  
 William Dillie  
 Peter K...  
 James J...  
 Elizabeth H...

PLAN NO. 164-9 OF 2005  
 RECORDED BOOK PAGE

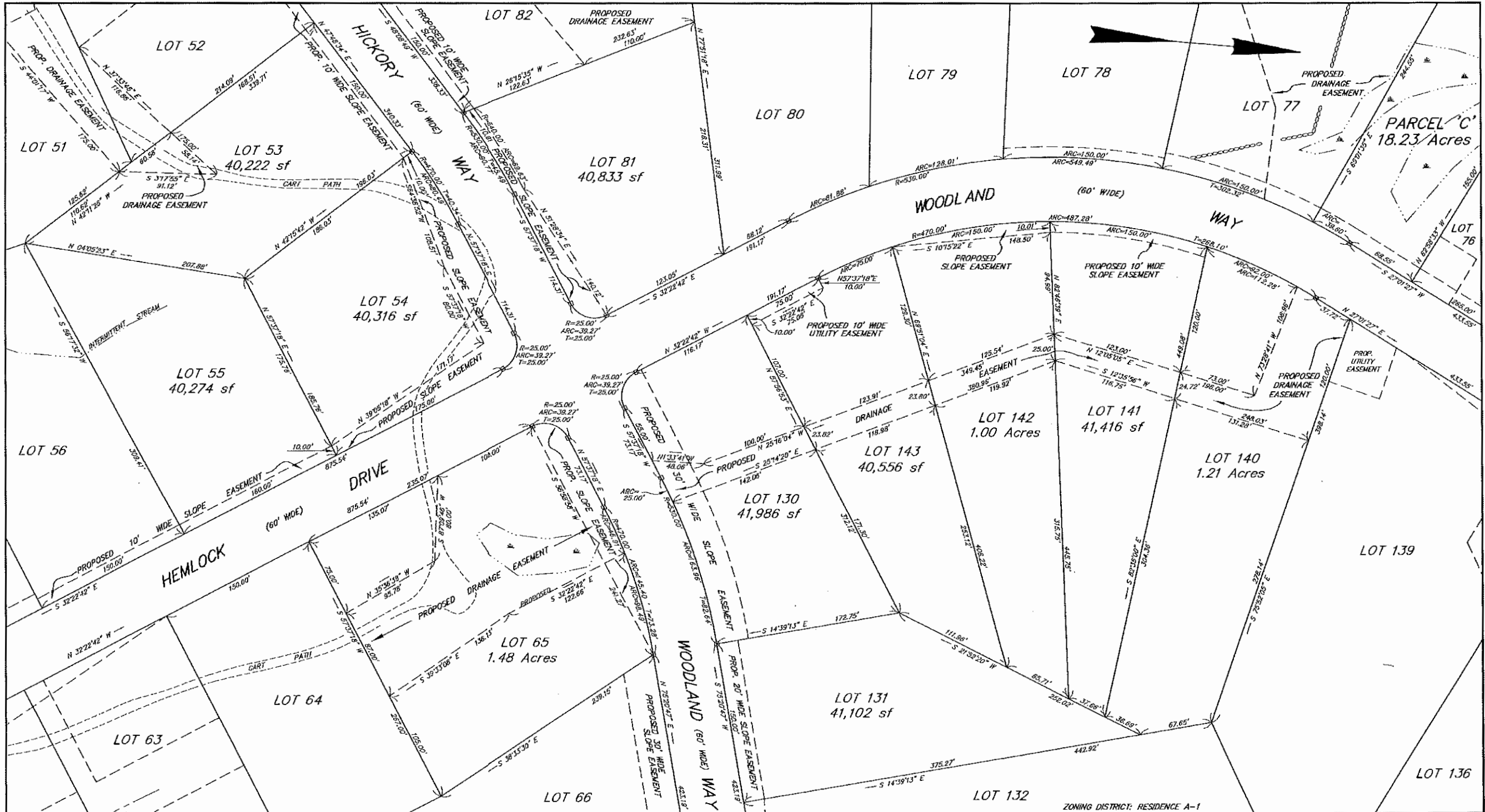
June 29 2004  
 I, Ann G. Caplan CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORING OF SAID NOTICE.  
 Anne M. Collette  
 TOWN CLERK

**"RIDGE VIEW HEIGHTS"**  
**LEGEND**  
 - - - - - EDGE OF VEGETATED WETLANDS  
 - - - - - APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAN  
 □ . . . . . INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS, SECT. V.  
 ZONING DISTRICT: RESIDENCE A-1  
 REVISED 6/4/2004 FOR CONDITIONS OF APPROVAL. NO CHANGES TO THIS SHEET 12/1/01

1" = 40'  
 0 20 40 60 80 100 120  
 FEET  
 0 5 10 15 20 25 30 35  
 METERS  
 I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
 6/28/04  
 DATE SURVEYOR ORIGINAL ENDORSEMENT 3/4/99

DEFINITIVE SUBDIVISION OF LAND IN  
 AYER, MASS.  
 PREPARED FOR  
**CRABTREE DEVELOPMENT CORPORATION**  
 SCALE: 1" = 40' MARCH 1999  
**David E. Rass Associates, Inc.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS  
 P.O. BOX 368 - 111 FITCHBURG RD. - AYER, MASS. 01432-0368  
 (TEL. 978-772-6232 FAX 978-772-6258)  
 JOB NO. 10044 SHEET 9 OF 55 PLAN NO. L-5020

164-9



AYER PLANNING BOARD  
 DATE OF APPROVAL: 4/1/04  
 DATE OF ENDORSEMENT: 8/5/04  
 SUBJECT TO COVENANT DATED: 8/5/04  
 William Dille  
 Peter K. Johnson  
 James J. ...  
 Elizabeth Hughes

PLAN NO. 164-11 OF 2005  
 RECORDED BOOK PAGE

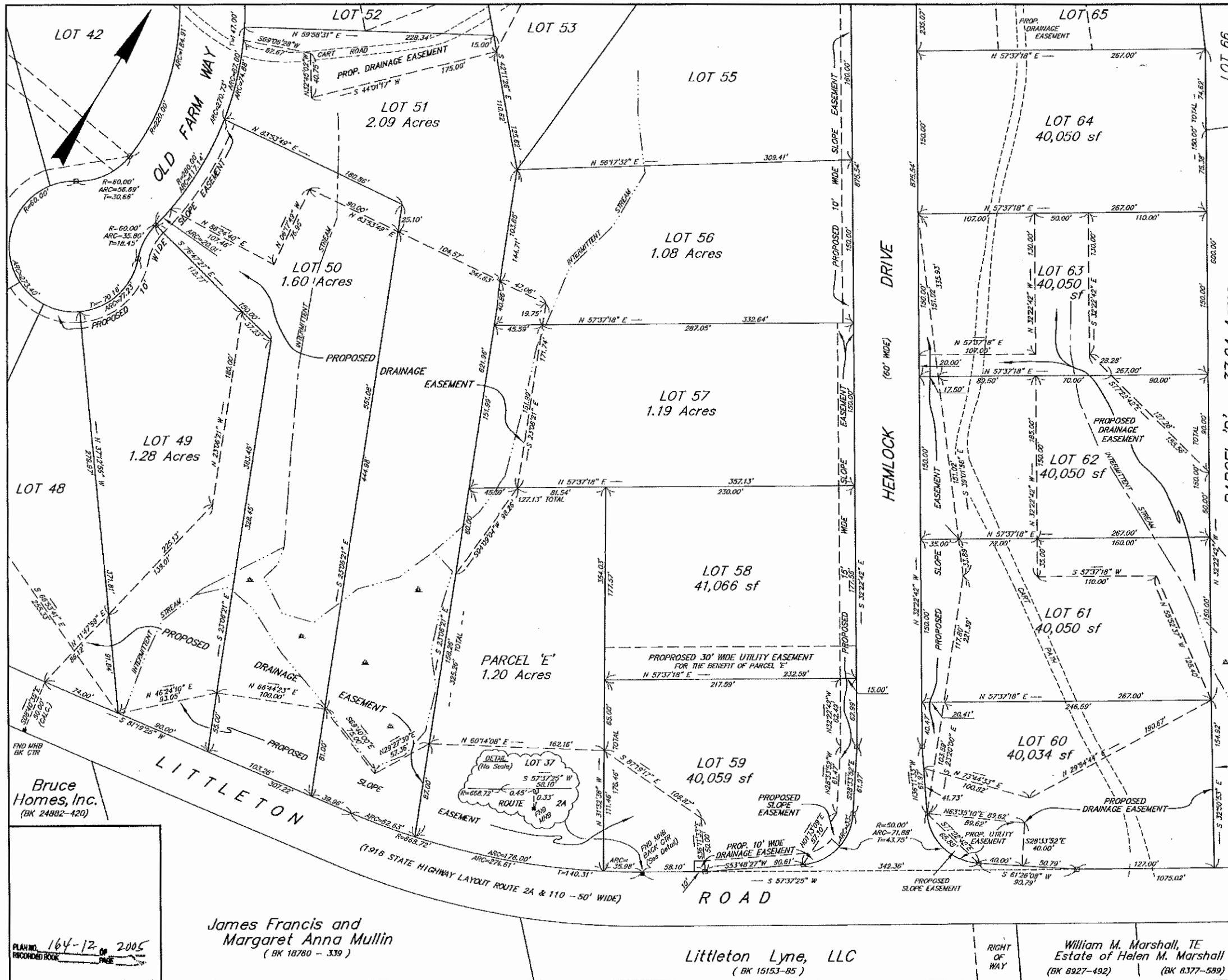
June 29 2004  
 ANN C. CALLAHAN CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN REFORMED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.  
 ANN C. CALLAHAN TOWN CLERK

"RIDGE VIEW HEIGHTS" LEGEND  
 - - - - - EDGE OF VEGETATED WETLANDS  
 - - - - - APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAIN  
 □ INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS SECT. V.  
 REVISED 6/4/2004 PER CONDITIONS OF APPROVAL. NO REVISIONS THIS SHEET 12/7/01  
 SURV: SBR CALC: MKW DRAFTED: MKW CK'D: MKW I/R: 212, 212-A DEED: BK 20481-231 REF: L-4222; M-3027; L-5019

ZONING DISTRICT: RESIDENCE A-1  
 0 20 40 60 80 100 120 FEET  
 0 5 10 15 20 25 30 35 METERS  
 I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
 4/28/04 DATE SURVEYOR  
 ORIGINAL ENDORSEMENT 3/4/89

DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS. PREPARED FOR CRABTREE DEVELOPMENT CORPORATION SCALE: 1" = 40' MARCH 1999  
 David E. Ross Associates, Inc. CIVIL ENGINEERS - LAND SURVEYORS ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS P.O. BOX 368-111 FITCHBURG RD. - AYER, MASS. 01432-0368 (TEL. NO. 978-772-6232 FAX 978-772-6250)  
 JOB NO. 10044 SHEET 11 OF 55 PLAN NO. L-5020

164-11



AYER PLANNING BOARD  
 DATE OF APPROVAL: 4/1/04  
 DATE OF ENDORSEMENT: *M/S/04*  
 SUBJECT TO COVENANT DATED: 8/5/04  
*William O'Neil*  
*Patrick J. Dunbar*  
*James J. Karsala*  
*Elizabeth Hughes*

June 29, 2004  
 I, *Ann G. Callahan* CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.  
*Ann G. Callahan*  
 TOWN CLERK

LEGEND  
 - - - - - EDGE OF VEGETATED WETLANDS  
 - - - - - APPROXIMATE LOCATION ZONE B 500 YEAR FLOOD PLAIN  
 □ . . . . . INDICATES PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER SUBDIVISION CONTROL REGULATIONS SECT. V.

REVISED 6/4/2004 PER CONDITIONS OF APPROVAL  
 NO REVISIONS THIS SHEET 12/7/01  
 ZONING DISTRICT: RESIDENCE A-1

SURV:	SBR
CALC:	MKW
DRAFTED:	MKW
CK'D:	MKW
MR:	212, 212-A
DEED:	BK 20481-231

1" = 40'  
 0 20 40 60 80 100 120 FEET  
 0 5 10 15 20 25 30 35 METERS

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS.  
*David E. Ross*  
 DATE: 6/29/04 SURVEYOR  
 ORIGINAL ENDORSEMENT 3/4/99  
 REF: L-4722; M-3027; L-5019

PARCEL 'D' 37.94 Acres  
 Remaining Land of Ayer Development Co., Inc.  
 "RIDGE VIEW HEIGHTS"

DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS.  
 PREPARED FOR  
**CRABTREE DEVELOPMENT CORPORATION**  
 SCALE: 1" = 40' MARCH 1999  
**David E. Ross Associates, Inc.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 ENVIRONMENTAL CONSULTANTS - LANDSCAPE ARCHITECTS  
 P.O. BOX 368-111 STONINGBURG RD. - AYER, MASS. 01432-0368  
 (TEL. NO. 978-772-6232 FAX 978-772-6258)

Bruce Homes, Inc.  
 (BK 24882-420)

James Francis and Margaret Anna Mullin  
 (BK 18760 - 339)

Littleton Lye, LLC  
 (BK 15153-85)

William M. Marshall, TE  
 Estate of Helen M. Marshall  
 (BK 8927-492) (BK 8377-589)

PLAN NO. 164-12 OF 2005  
 RECORDED BOOK PAGE

164-12

# Town of Ayer CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432  
Phone 978-772-8249 ♦ Fax 978-772-8208



September 27, 2019

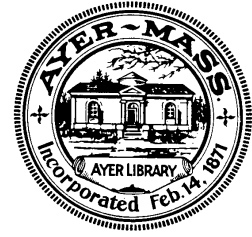
The Conservation Commission is proposing an update to our inadequate local wetlands protection bylaw. Currently, the Town uses the framework of the State's Wetlands Protection Act (WPA) to oversee construction and other activities that take place close to wetlands or in their buffer zones. The State's WPA provides a regulatory pathway for local Conservation Commissions to receive applications, issue permits, oversee and enforce activities in wetland resource areas and their buffer zones on behalf of the State. *A local bylaw provides more local oversight over specific local concerns.*

The major areas of change between the State law and our local bylaw are:

- the protection of the buffer zone as a Resource Area
- the increased protection for vernal pools
- the addition of a category of "minor activities," primarily for homeowners
- coordination with other Town boards and commissions
- the ability to write regulations
- the expansion of abutter notification from 100' to 300'

The new bylaw will not:

- impact existing conditions or structures
- allow the Conservation Commission to enter your property without prior notification and consent
- prevent new projects or development, but will ensure that they are done right
- prevent appeal challenges to Conservation Commission decisions



# Town of Ayer

## SPECIAL TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium  
141 Washington Street, Ayer, MA 01432  
October 28, 2019 @ 7:00 P.M.

Commonwealth of Massachusetts  
Middlesex, ss.

### GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-eighth (28<sup>th</sup>) day of October, 2019, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 1<sup>st</sup> day of October AD 2019.

\_\_\_\_\_  
Scott A. Houde, Chair

\_\_\_\_\_  
Jannice L. Livingston, Vice Chair

**AYER BOARD OF SELECTMEN**

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 18, 2019. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

**ARTICLE 1: PAYMENT OF PRIOR YEAR BILLS**

To see if the Town will transfer from Free Cash and appropriate the following amount to pay unpaid bills of Fiscal Year 2018, as authorized under General Laws Chapter 44, or take any action thereon or in relation thereto:

<u>Department</u>	<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
Police	Terranova Auto Body	FY 2018	\$200.60
DPW-Solid Waste	Casella Recycling	FY 2019	\$4,972.31

*Explanatory Note: This Article would authorize the Town to pay two prior year bills.*

Sponsor: Board of Selectmen  
Finance Committee: To Report at Town Meeting 9/10ths Vote Required

**ARTICLE 2: TRANSFER BORROW AUTHORIZATION FOR SPECTACLE POND WATER TREATMENT PLANT- IMPROVEMENTS FOR REMOVAL OF PERFLUORINATED ALKYL SUBSTANCES (PFAS)**

To see if the Town will vote to transfer the unexpended borrowing authorization totaling \$3,570,000 as voted under Article 14 of the May 14, 2018 Annual Town Meeting, Grove Pond Water Treatment Plant – Improvements for the Removal of Perfluorinated Alkyl Substances (PFAS) to pay for the improvements needed for the removal of PFAS at the Spectacle Pond Water Treatment Plant, or take any action thereon or in relation thereto.

Board of Selectmen: Simple Majority Vote Required  
Finance Committee: To Report at Town Meeting

*Explanatory Note: This Article would transfer the unexpended borrowing authorization totaling \$3,570,000 from Article 14 of the May 14, 2018 Annual Town Meeting for the Grove Pond Water Treatment Plant Improvements and transfer it for the purposes of the Spectacle Pond Water Treatment Plan Improvements. Since the May 14, 2019 Annual Town Meeting, the U.S. Army has entered into a grant agreement with the Town to pay for the construction of the Grove Pond Water Treatment Plant Improvements.*

**ARTICLE 3: BORROW AUTHORIZATION FOR THE PARKS AND RECREATION BUILDING**

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of selectmen, to borrow the sum of \$250,000 for the purposes of funding the construction of the Parks and Recreation Building to be located at Pirone Park, including demolition and site preparation costs and costs incidental or related thereto. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to

the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action thereon or in relation thereto.

Board of Selectmen:

Finance Committee: To Report at Town Meeting

Two Thirds Vote Required

*Explanatory Note: This Article would authorize the borrowing of up to \$250,000 for the purposes of funding and awarding the bid to construct the Parks and Recreation Building to be located at Pirone Park.*

## **ARTICLE 4: AMEND SECTION 10.1 OF THE AYER ZONING BYLAW (Yield Plan Requirements)**

To see if the Town will vote to amend the Ayer Zoning Bylaw, Section 10.1, Open Space Residential Development, by deleting the strikethrough bold text and inserting the **underlined bold text** as follows:

### **10.1.1 Purpose**

The primary purpose of this Section 10.1 is to preserve the open space resources of the Town of Ayer. This is necessary for the protection of the Town's water resources and other unique environmental assets. This Section 10.1 is also intended to foster compact development patterns using flexible regulations for density and lot dimensions and to promote and encourage creativity in neighborhood design.

The Town encourages the use of Open Space Residential Development (OSRD) because it results in the preservation of contiguous open space and important environmental resources, while allowing design flexibility. OSRD reduces development impacts on farmland, forests, wildlife habitats, large tracts of contiguous open space, environmentally sensitive areas, steep slopes, hilltops, and historically significant areas.

To encourage this type of development, OSRD is allowed by right, subject ~~only~~ to this Section, **applicable provisions of the Ayer Zoning Bylaw**, and the requirements of the Planning Board's Regulations Governing the Subdivision of Land. An OSRD that does not require approval as a subdivision is allowed by right subject to Site Plan approval by the Planning Board. In order to encourage small subdivisions to follow OSRD principles, there is no minimum parcel size or number of lots required for an OSRD.

### **10.1.4 Maximum Number of Dwelling Units**

**The maximum number of residential units in an OSRD is determined through submission of a "Yield Plan", which is essentially a plan meeting most of the standards of a Preliminary Subdivision Plan according to Ayer's Rules and Regulations Governing the Subdivision of Land, with some additional information as described below. The Yield Plan shall show the maximum number of lots and/or dwelling units ("base lot / unit yield") that could be placed upon the site in a**



**conventional subdivision, in full conformance with all applicable provisions of the Ayer Zoning Bylaw, Subdivision Regulations, state and local Health laws and regulations, the Massachusetts Wetlands Protection Act, local Wetlands Protection Bylaw and other applicable requirements.**

**The Yield Plan and Preliminary Subdivision Plan may be submitted at the time of Preliminary Plan application, or, in cases when a Preliminary Subdivision Plan is not submitted, the Yield Plan shall be submitted with the Definitive Subdivision Plan application. In cases where a proposed development does not involve subdivision of the original tract of land in an OSRD application, a Yield Plan shall still be required.**

**No land that is unusable for building due to being subject to an easement, or otherwise legally restricted, shall be included as land available for development. The applicant shall have the burden of proof to demonstrate that the maximum number of lots and dwelling units resulting from the design and preliminary engineering specifications shown on the Yield Plan is feasible.**

#### **10.1.4. A. Yield Plan Requirements**

##### **1. Title and Name of Subdivision**

**2. A locus plan at a scale of one-inch equals 1,000 feet (1" = 1,000')**

**3. The Zoning classification of the parcel being subdivided, including any zoning district boundaries.**

**4. The boundaries of the parcel being subdivided, reference point north, date, datum (NAD 83 and NAVD 88), scale and legend.**

**5. The names, addresses and telephone numbers of the record owner(s), the applicant, and the names, addresses, telephone numbers, stamps and signatures of the engineer and surveyor and/or Landscape Architect responsible for the preparation of the Plan.**

**6. Prominent landscape elements that might be contributory to the site's preserved open space network, including topographic features, open landscapes, woodlands, water and wetlands, as well as man-made cultural and historic resources. Publicly-available sources such as the MA Natural Heritage series, MA GIS Wetlands Resources mapping, MA Historical Commission and other sources, may be employed in this assessment. In cases where a professional wetland delineation has been prepared, such formal wetland delineation is preferable to general wetland locational information from publicly-available sources.**

**7. Locations of all existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, and off-street parking areas.**

**8. All proposed lot lines with lot dimensions and land area, as well as proposed common areas. In cases where the proposed OSRD development involves any type of attached dwellings, the units shall be depicted with their approximate layout, location and applicable lot lines to the extent known at this preliminary stage. For the purpose of this item, "land area" is "lot area" as defined in the Ayer Zoning Bylaw. To facilitate this calculation on properties containing bodies of water or other areas excluded by the Bylaw from lot area calculations, applicants shall show gross parcel area and the area of any bodies of water, in addition to lot areas.**

**9. Topography of the land at two (2) foot contour intervals, based upon field survey. At the discretion of the Town Planner, and with the concurrence of the Planning Board, applicant may request submission of wider contour intervals, based upon US Geological Survey data, Natural Resources Conservation Service soils maps, MA Geographic Information System layers, or other publicly-available sources, as well as any existing topographic survey.**

**10. Existing and proposed lines and widths of streets, rights of way, sidewalks, access and utility easements, and other known encumbrances on the property.**

**11. Proposed roadway grades, which may be approximate if general topographic data per requirement 9. above is being used.**

**12. The approximate location and type of stormwater management facilities, drawn at the conceptual engineering level without design detail and data. All proposed major elements of the site system shall be indicated in their approximate future locations, whether closed collection and discharge, open retention/detention, natural stormwater flow, or bio-retention components. A narrative shall be provided summarizing the general approach to stormwater management on the site.**

**13. The proposed sanitary sewer system and water distribution system, drawn to a conceptual engineering level, accompanied by any available soils and hydrological information.**

**The Planning Board shall review the Yield Plan and make a Finding as to the base lot yield and/or dwelling units immediately upon accepting a Preliminary Plan for consideration, or at the first meeting of the Public Hearing in cases where a Preliminary Plan is not submitted. The Planning Board shall provide its findings on lot and/or unit yield in writing to the applicant.**

**To be counted towards the base lot yield, a proposed building lot must meet applicable lot area, frontage and other dimensional requirements, and have enough non-wetland area, based on the information required by Section 10.1.4 A, to accommodate a dwelling while meeting all dimensional requirements.**

Or take any action thereon or in relation thereto.

Planning Board: To report at Town Meeting

Board of Selectmen:

Two Thirds Majority Vote

*Explanatory Note: The Planning Board has discovered that the existing formula, adopted as part of the comprehensive Zoning Bylaw Update of March 2018, is not serving the Town well in that it results in many more lots on a parcel undergoing subdivision than would be possible in a conventional subdivision plan, resulting in crowded subdivisions with greater use of common driveways, longer roads, and less flexibility in designating the best land to be preserved as open space. This Article would replace the existing formula used to calculate the number of lots within Open Space Residential Development subdivision with provisions for a yield plan to do the same. Presentation to be made at Town Meeting.*

## **ARTICLE 5: ZONING BYLAW AMENDMENT OF SECTIONS 2.0 DEFINITIONS; SECTION 5.3.2; AND APPENDIX A, TABLE OF USE REGULATIONS (Accessory Apartments)**

To see if the Town will to amend the Ayer Zoning Bylaw, Section 2.0 Definitions; Section 5.3.2; and Appendix A, Table of Use Regulations by deleting the strikethrough bold text and inserting the **underlined bold text** as follows:

Add the following definition to Section 2.0 Definitions:

**ACCESSORY APARTMENT: a dwelling unit subordinate in size and accessory to a detached single-family dwelling, which may be located within an owner-occupied single-family dwelling or in a structure accessory thereto, such as in an attached or detached garage or barn, upon the issuance of a Special Permit from the Zoning Board of Appeals (ZBA).**

### 5.3.2 Residential Accessory Uses

The following shall be deemed accessory residential uses under this Bylaw:

A. An accessory building, such as a garage for parking and storage of up to three (3) vehicles, not more than one of which shall be a commercial vehicle; or a barn, shed, or greenhouse.

B. An accessory structure, such as gazebos, tennis courts or above-ground or belowground swimming pools.

C. ~~Home occupation~~ **Accessory apartment**, subject to the following requirements:

**1. An accessory apartment is allowed only by Special Permit from the Zoning Board of Appeals;**

**2. There shall be not more than one accessory apartment on a lot;**

- 3. The owners of the dwelling or property with the accessory apartment shall occupy one of the units as their principal residence, except for temporary absences of not more than six months. For the purposes of this Bylaw, "owners" shall be one or more individuals holding title to the property, and "principal residence" shall mean the owner's residence or for voting and tax purposes;**
- 4. The gross floor area of the accessory apartment shall not exceed twenty-five (25) percent of the gross floor area of the existing dwelling to a maximum of 750 sq. ft.;**
- 5. The accessory apartment shall be designed so as to preserve the appearance of the existing single-family dwelling on the lot.**
- 6. There shall be provided at least one off-street parking space for the accessory apartment in addition to parking for the principal dwelling. Off-street parking shall be located in a garage or carport, or in the driveway. In order to be eligible for an accessory apartment, the principal dwelling must be able to provide the required number of off-street parking spaces as required in Section 9.1.2 A. of the Ayer Zoning Bylaw. In no event shall off-street parking for an accessory apartment be located within a required yard area;**
- 7. The accessory apartment shall not be held in, or transferred into separate ownership from the principal residence under a condominium form of ownership or otherwise;**
- 8. Owners of Accessory Apartments approved under this section must file an affidavit with the Building Commissioner each year stating that the requirements of any Special Permit issued under this section, and any conditions of approval issued by the Zoning Board of Appeals, are still being met. Such affidavit is due within one month of the anniversary date of the decision of the Zoning Board of Appeals.**
- 9. Accessory apartments shall be discontinued and reincorporated into the principal residence if the property owner dies or transfers ownership of the principal dwelling, or when the accessory apartment ceases to be occupied; unless the Zoning Board of Appeals (ZBA) grants a new Special Permit for the changed circumstances.**
- 10. Prior to submitting a Special Permit application with the ZBA, applicants must consult with the Building Commissioner to show that they have the ability to install an accessory apartment in conformance with this section. The letter of the Building Commissioner to the ZBA shall be considered part of the necessary application package for a Special Permit application.**

Amend Appendix A, Table of Use Regulations to incorporate Accessory Apartments as follows:

Under **RESIDENTIAL USES**, Accessory Apartments are allowed in the various zoning districts as follows:

**A1: SPZ, A2: SPZ, GR: SPZ, DFBCD\*: SPZ, MUT: SPZ, GB: SPZ, LI: N, I: N, HCS: N**

*\*(DFBCD = Downtown Form-Based Code District that replaced 'Downtown Business' / DB)*

Where SPZ = Special Permit needed from the Zoning Board of Appeals

P = Permitted Use and N = Not Permitted

Or take any action thereon or in relation thereto.

Planning Board: To Report at Town Meeting

Board of Selectmen:

Two Thirds Majority Vote

*Explanatory Note: This Article would provide provision for Accessory Apartments/Dwelling Units in the Ayer Zoning Bylaw. This is needed to help the Town fulfill its various housing needs. Presentation to be made at Town Meeting.*

## **ARTICLE 6: ZONING BYLAW AMENDMENT OF SECTION 10.3 (Inclusionary Housing)**

To see if the Town will vote to amend the Ayer Zoning Bylaw, Section 10.3, Affordable Housing by deleting the strikethrough bold text and inserting the **underlined bold text** as follows:

### **10.3 ~~Affordable Housing~~ Inclusionary Housing**

#### **10.3.1 Purposes**

The purposes of this section are to create housing that is affordable to low- or moderate-income households; ensure a diverse and balanced community, with housing available for households of all income levels as a matter of basic fairness; and provide reasonable cost offsets to developers who provide new affordable units.

#### **10.3.2 Applicability and Density Bonuses**

- A. This Section 10.3 applies in all districts to any development for five (5) or more townhouse or multi-family dwelling units. Developments shall not be segmented to avoid compliance with this Section 10.3. "Segmentation" shall mean divisions of land that would cumulatively result in an increase by five (5) or more dwelling units above the number existing on a parcel of land or contiguous parcels in common ownership twenty-four (24) months prior to the date of application. Where such segmentation occurs, it shall be subject to this Section 10.3.

- B. This Section 10.3 shall not apply to the rehabilitation or reconstruction of any building or structure that has been substantially destroyed or damaged by fire or other casualty, provided that any such rehabilitation or reconstruction that results in the addition of five (5) or more dwelling units above the number that previously existed on the lot shall be subject to this section.
- C. ~~For any other development~~, The Planning Board may approve up to two additional two (2) market-rate units for each affordable unit provided by the applicant. For example, in a development that would normally be allowed to have ten (10) units under the district's dimensional and density requirements, two (2) shall be affordable units, and in exchange for providing two (2) affordable units, the applicant shall be eligible to request four (4) additional market-rate units, for a combined total of fourteen (14) units in the development. ~~In granting a special permit under this Section 10.3~~, The Planning Board shall have authority to modify the dimensional and density requirements that apply to the development in order to accommodate the additional units.

### 10.3.3 Basic requirements

- A. Minimum affordable housing requirement. In any development subject to this Section 10.3, at least one of every five (5) units shall be affordable housing.
- B. Affordability standards. Each affordable unit created under this Section 10.3 shall be sold or rented to and occupied by a household with income at or below eight (80) percent of area median income, as determined by the U.S. Department of Housing and Urban Development (HUD).
- C. Methods of providing affordable housing. Any development subject to this Section 10.3 shall provide affordable housing through one or more of the following methods, or any combination thereof:
  - 1. On-site units: affordable housing constructed on the same site as the proposed development. This is the preferred method of complying with the inclusionary housing requirement.
  - 2. Off-site units: affordable housing provided on a different site in the Town of Ayer.
  - 3. Payment of a fee in lieu of units: in lieu of providing on-site or off-site units, the applicant may make a cash contribution to the Ayer Housing Authority or another public, quasi-public, or non-profit housing development organization approved by the Planning Board. The fee per affordable housing unit shall be 2.5 times the HUD income limit for a qualified household of four persons.
- D. Location and comparability of affordable units.

1. On-site units shall be dispersed throughout the buildings and the floors of each building such that no single building or floor therein has a disproportionate percentage of affordable units.
  2. Affordable units, whether on-site or off-site, shall be comparable to market-rate units in exterior building materials and finishes, overall construction quality, energy efficiency, and amenities.
- E. Development Schedule. On-site and off-site affordable units shall be constructed in proportion to the number of market-rate units in the development. For every five (5) units for which a building permit has been issued, the applicant shall apply for and obtain a building permit for at least one (1) affordable unit, and the affordable unit shall meet the requirements for a certificate of occupancy before any additional building permits shall be issued for market-rate units. For example, if the applicant obtains building permits for four (4) units, the building permit for the fifth unit must be for an affordable unit, and so forth. When the applicant has been approved for a payment in lieu of units, the full payment may be made prior to the issuance of any building permits or paid in equal installments prior to the issuance of each building permit. The Planning Board may approve an alternative production schedule if it determines that such alternative serves the purposes of this Section 10.3.
- F. Affirmative Marketing. The selection of eligible homebuyers or renters for the affordable units shall be in accordance with an affirmative marketing plan approved by the Planning Board prior to the issuance of any building permits for the development. The affirmative marketing plan shall comply with DHCD regulations and guidelines that are in effect within six (6) months of the date that the affordable units will be ready for occupancy.
- G. DHCD Requirements. The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to approve the affordable units for listing on the Chapter 40B Subsidized Housing Inventory.

**H. ~~Density Bonus.~~**

- ~~1. For an OSRD, the density bonus for affordable units shall be as set forth in Section 10.1.~~**
- ~~2. For any other development, the Planning Board may approve up to two additional two (2) market-rate units for each affordable unit provided by the applicant. For example, in a development that would normally be allowed to have ten (10) units under the district's dimensional and density requirements, two (2) shall be affordable units, and in exchange for providing two (2) affordable units, the applicant shall be eligible to request four (4) additional market-rate units, for a combined total of fourteen (14) units in the development. In granting a special permit under this Section 10.3, the Planning Board shall have authority to modify the dimensional~~**

~~and density requirements that apply to the development in order to accommodate the additional units.~~

- I. Procedures.
  1. No building permit shall be issued for a development that is subject to this Section 10.3 unless the Planning Board **has granted any pertinent necessary approvals**.
  2. The ~~special permit~~ application shall include the information necessary to demonstrate compliance with all requirements of this Section 10.3:
    - a. Computation of the minimum required number of affordable units;
    - b. Computation of the density bonus;
    - c. A plan showing the proposed location of the affordable units in the development;
    - d. A table showing the proposed unit sizes and configurations of all units in the development, demonstrating substantial comparability between the proposed market-rate and affordable units;
    - e. The proposed affirmative marketing plan; and
    - f. The proposed affordable housing restriction and, for homeownership units, the proposed affordable housing deed rider, which may be DHCD's model deed rider.
- J. The special permit application, review, and decision procedures shall be in accordance with Section 3.4.
- K. Preservation of Affordability
  1. Affordable housing units shall be subject to an affordable housing restriction, which shall be in force in perpetuity or for the maximum period allowed by law, and shall be enforceable under the provisions of G.L. c. 184, §§ 31-32.
  2. No building permit for the development shall be issued unless an affordable housing restriction has been approved by the Planning Board and DHCD.
  3. For an affordable homeownership unit, no certificate of occupancy shall be issued until the applicant submits documentation acceptable to the Building Inspector that an affordable housing deed rider has been signed by the homebuyer and recorded at the Registry of Deeds.



### 10.3.4 Affordable Housing Regulations

The Planning Board may adopt rules and regulations in order to administer this Section 10.3. Such rules and regulations shall be on file in the Ayer Planning Department and the office of the Town Clerk.

Or take any action thereon or related thereto.

Planning Board: To report at Town Meeting

Board of Selectmen:

Two Thirds Vote Required

*Explanatory Note: The purpose of this Article is to clarify that the provision of the Affordable Housing section of the Zoning Bylaw apply to development proposals permitted by-right as well as by Special Permit.*

## **ARTICLE 7: WETLANDS PROTECTION BYLAW AMENDMENT**

To see if the Town will vote to amend the existing Wetlands Protection Bylaw (Bylaw 26) by deleting the entire existing Wetlands Protection Bylaw and replacing it with the following:

### **WETLANDS PROTECTION BYLAW**

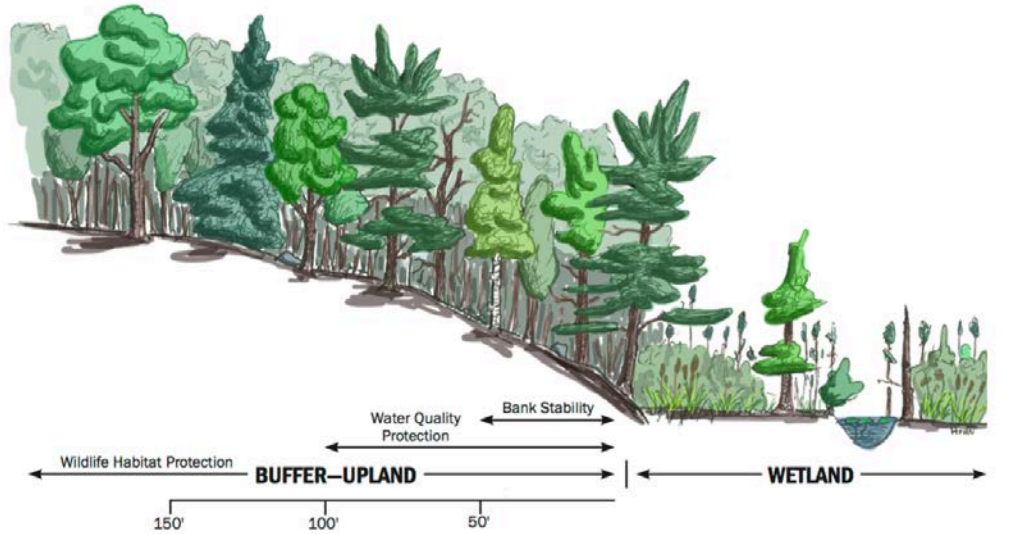
#### **PREAMBLE**

Wetlands are critically essential natural resources, performing numerous invaluable and irreplaceable ecological functions: protecting and improving water quality by filtering out sediments and pollutants; creating vital fish and wildlife habitats, including habitats for rare and endangered species; acting as a natural sponge to store floodwaters, reduce erosion, and protect or minimize flood damage to man-made structures and properties. These are in addition to the scenic values and recreational opportunities (swimming, fishing, boating, hiking, birding, hunting) provided by wetlands that shape and color the character of a community.

Of Ayer's total land area (approximately 6082 acres or 9.6 sq. miles), approximately 13.5% or 829 acres consist of surface wetlands and open water. Ponds are a dominant feature in Ayer, including Sandy Pond, where the Town Beach is located, and notably pristine Long Pond, both classified by the Commonwealth as 'Great Ponds'. Some of the ponds form a chained network that bisects Ayer. Several important streams also run through the town, with Nonacoicus Brook connecting the last of the chained ponds (Plow Shop) to the Nashua River – this portion of which was officially designated by Congress in 2019 as part of the National Wild & Scenic Rivers System – that forms most of Ayer's western boundary. Complex hydrological conditions below the surface add to this vast water system, tying surface wetlands to groundwater, river watersheds, aquifers, and floodplains.

Most importantly, all of Ayer's drinking water comes from its wetland resources. With all of the valuable functions and ecosystem services that wetlands and their adjacent upland

areas provide, their healthy preservation is critical to the maintenance of Ayer’s ecosystem, community character, and even the preservation and enhancement of property values for individual residents. Passage of the Massachusetts Wetlands Protection Act in 1972 laid a basic groundwork for protection, but as development pressures increase throughout the Commonwealth, individual communities benefit from added protections to best meet their own specific needs.



Wetland resource areas are defined by the presence of highly specific soils and plant communities. The first 50’ of upland buffer adjacent to a wetland provides soil or bank stability. The first 100’ adjacent to a wetland provides water quality protection. The entire upland buffer and beyond provides important wildlife habitat protection. This graphic for information only.

**SECTION 1: PURPOSE**

- A. The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Ayer by managing activities determined by the Ayer Conservation Commission (the “Commission”) as likely to have a significant or cumulative adverse impact on resource areas. This includes but is not limited to the protection of the following interests and values: public or private water supply, aquifer and groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife and wildlife habitat, rare plant or animal species and habitat, agriculture and aquaculture, and recreational and aesthetic values deemed important to the community (collectively, the “**resource area values protected by this bylaw**”). This bylaw is intended to use the Home Rule authority of the Town of Ayer to protect additional resource areas, interests and values to a greater degree than the Wetlands Protection Act (G.L. c. 131, § 40, the “Act”), and to implement, through, local regulations and permits, additional standards and procedures stricter than those in the Act and its regulations (310 CMR 10.00 et seq.).

- B. The Commission will consider the environmental standards set forth by broader federal agencies (such as the U.S. Environmental Protection Agency or U. S. Army Corps of Engineers) and legislation protecting wetlands and wetland habitat (such as the Clean Water Act and the Endangered Species Act). The Commission will consider environmental standards and permitting requirements put forth by other state agencies– such as MassWildlife, the Natural Heritage & Endangered Species Program (NHESP), the Massachusetts Environmental Species Act (MESA), and the Massachusetts Environmental Policy Act (MEPA) and review process. Finally, the Commission will work to coordinate policies, regulations, and permitting standards with other Town of Ayer bylaws and regulations.

## SECTION 2: JURISDICTION

- A. Except as permitted by the Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any wetlands, wet meadows, bogs, swamps, vernal pools, springs, banks, lakes, ponds of any size, beaches, and lands under water bodies; intermittent streams, brooks and creeks; or within the 100 foot Buffer Zone of any of the aforesaid resource areas; perennial rivers, streams, brooks and creeks, including Buffer Zone lands adjoining these resource areas out to a distance of 200 feet, known in the Act as the Riverfront Area; or any land subject to flooding (collectively the “**resource areas protected by this bylaw**”). Said resource areas shall be protected whether or not they border surface waters.
- B. The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Act’s regulations (310 CMR 10.04). Neither applications nor permits are therefore required in the case of this usage.
- C. An activity proposed or undertaken outside the resource areas and buffer zones protected by this bylaw is not subject to regulation and does not require the filing of a Notice of Intent unless and until that activity actually alters or detrimentally impacts a resource area subject to protection. In the event that such activity has in fact altered a resource area protected by this bylaw, the Commission shall impose through enforcement action such conditions on the activity or any portion thereof as it determines necessary to protect resource area interests.

## SECTION 3: PRESUMPTIONS

- A. In reviewing activities proposed within the 100 foot Buffer Zone, the Commission shall consider the Buffer Zone as a resource area in its own right, and shall presume the Buffer Zone is important to the protection of adjacent resource areas because activities undertaken in close proximity to those areas have a high likelihood of

adverse impact, either immediately as a consequence of construction, or over time as a consequence of daily operation. Further, the Commission shall recognize the inner portion of the Buffer Zone as having a higher ecological value than the outer portion. Adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, alteration of hydrological or stormwater flow patterns, and loss of wildlife habitat.

- B. In reviewing activities proposed within the Riverfront Area, the Commission shall presume the Riverfront Area is important to the resource area values protected by this bylaw unless demonstrated otherwise. Applicants must prove by a preponderance of evidence that (1) there is no practicable or substantially equivalent economic alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant or cumulative adverse impact on the areas or values protected by this bylaw.
- C. The Commission shall presume that all areas meeting the definition of “vernal pools” under Section 9 of this bylaw, including the adjacent upland area, perform essential and valuable habitat functions that merit protection.

#### **SECTION 4: EXEMPTIONS AND EXCEPTIONS**

- A. The applications and permits mandated by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- B. The applications and permits mandated by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by, or has been ordered to be performed by, an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

- C. The Commission also may specify “minor activities” within the 100-foot Buffer Zone to wetland resource areas and within the 200-foot Riverfront Area as exempt from the application and permitting process. Further details and specifications will be found in 310 CMR 10.02(2)(b)1 & 2 and the Commission’s regulations.
- D. Prior to the commencement of a project, if there is a question as to whether an activity is in fact minor in scope, an informal assessment by the Conservation Administrator or a Commission review through a Request for Determination of Applicability (“RDA”) is recommended.
- E. This bylaw and the regulations adopted by the Commission shall apply in all instances where they are more stringent than the provisions of the Wetlands Protection Act (G.L. c. 131, §40) and the Department’s regulations (310 CMR 10.00, et seq.).

## **SECTION 5: APPLICATIONS AND FEES**

- A. Review and permit applications, including but not limited to:
  - a. Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may submit a written RDA to the Commission. An RDA is a request for the Commission to review a proposed activity and issue a Determination of Applicability (“DOA”) stating whether the activity is subject to this bylaw.
  - b. A Notice of Intent (“NOI”) is an application for an Order of Conditions (“OOC”) permit to conduct an activity subject to this bylaw.
  - c. An Abbreviated Notice of Resource Area Delineation (“ANRAD”) is a request for the Commission to certify through an Order of Resource Area Delineation (“ORAD”) the location and extent of a resource area as defined under this bylaw.
  - d. An Amendment to an Order of Conditions is an application to modify the scope of a previously permitted activity.
- B. Written applications shall be filed with the Commission to perform activities in or affecting resource areas, as set forth in Section 2 of this bylaw. Permit applications shall be filed with the Commission in accordance with the procedures and requirements of the Act and 310 CMR 10.00 et. seq., as well as any further procedures adopted by the Commission through this bylaw and/or its regulations. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

- C. An application will not be considered complete, unless and until the applicant pays the appropriate filing fee in accordance with 310 CMR 10.03(7) and 310 CMR 4.00 et seq. Applications may be subject to a local filing fee, as imposed by the Commission through its regulations.
- D. Coordination with other boards: In order for a permit application to be considered complete, the Commission and/or its Administrator reserve the right to exercise a 14-day period for the solicitation of feedback and comments from other Town departments and officials including, but not limited to, any of the following: the Board of Selectmen, Town Planner, Planning Board, Zoning Board of Appeals, Board of Health, Department of Public Works, Town Engineer, Building Inspector, and Office of Community and Economic Development. In addition, comments may be solicited by the Commission from an adjoining municipality's conservation commission if the application or RDA pertains to property within 300 feet of that municipality. In the case of large and complex project applications, applicants may be required to provide additional copies of applications and plans to other departments and officials for this purpose.
- E. Outside consultants:
- a. Upon receipt of a permit application or RDA, or at any point during the hearing process, the Commission may require the imposition of reasonable fees upon an applicant for the employment of outside consultants, engaged by the Commission, for expert assistance in the review of proposed projects so as to assist the Commission in reaching a final decision on an application. Outside consultants can include engineers, wetlands scientists, wildlife biologists, and other professionals, and their services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeological and drainage analysis; advising on environmental or land use law; and to aid in the ongoing monitoring or evaluation of a particularly complex project. The cost for the outside consultant shall be borne by the applicant as provided in G.L. c. 44, §53G.
  - b. Pursuant to regulations adopted by the Commission, as well as the "Rules for Hiring Outside Consultants under G.L. c. 44 §53G" adopted as policy by the Commission in May 2017, consultant fees shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. The entire fee must be received before the initiation of consulting services.

- c. Additional consultant fees may be requested where the required review is more expensive than originally calculated or where new information requires additional consultant services.
  - d. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal.
  - e. An applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified.
  - f. The Commission shall return any unused portion of the consultant fee to the applicant upon completion of the consultant's services.
- F. The Commission may waive the filing fee, consultant fee, and/or costs and expenses for a permit application or RDA filed by, or for, a town department.
- G. Any application can be withdrawn by an applicant at any time, without prejudice.

#### **SECTION 6: NOTICE AND HEARINGS**

- A. Any person filing a permit or other application (i.e. NOI, ANRAD) or other request (such as an Amendment to an OOC) with the Commission at the same time shall give to all abutters (as described below) written notice thereof, by certified mail (return receipt requested), by certificates of mailing, or by hand delivery (with signed and dated receipt), to their mailing addresses shown on the most recent applicable tax list of the Assessor's office. These abutters include owners of bordering land, owners of land opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property lines of the applicant, including any in another municipality or across a body of water. Excluded from the abutter notification process are RDAs, Extensions to Orders of Conditions and Requests for Certificates of Compliance.
- B. The notice shall briefly describe the project and state where copies of the applications and plans may be examined or obtained by abutters. It shall include the date of any Commission hearing or meeting if known. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.
- C. When an applicant is someone other than the property owner, the application, the notice of the hearing or meeting, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

- D. Upon receipt of a completed permit application, the Commission shall open the public hearing or meeting within 21 days from receipt of a completed permit application, NOI, Amendment to OOC, RDA, or ANRAD unless an extension is determined to be necessary, and agreed to in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its own discretion or in response to comments and recommendations that it deems persuasive as received from abutters or concerned residents, from the boards and officials listed in Section 5E above, or from outside consultants (Section 5F above). If permission for a continuance or postponement is not granted, the Commission may deny the permit if it believes the applicant cannot provide sufficient information to the Commission for purposes of conducting a proper review of a project subject to this bylaw.
- E. The Commission shall conduct a public hearing on any permit application, NOI, ANRAD, or Amendment to an Order of Conditions with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality.
- F. An RDA does not require abutter notification or the publication of written notice in the newspaper.
- G. The Commission shall issue its decision on the application in writing within 21 days of the close of the public hearing or meeting unless an extension is authorized in writing by the applicant, or pending confirmed receipt of other forthcoming and required state and/or federal permits.
- H. The Commission may combine its hearing under this bylaw with the hearing conducted under the Act and its regulations. Notice of a hearing so combined shall not be considered defective solely because it fails to make reference to this bylaw.

## **SECTION 7: PERMITS AND CONDITIONS**

- A. If the Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water use which will result therefrom, are likely to have a significant individual or cumulative adverse effect upon the wetland resource area values and interests protected by this bylaw, the Commission shall, within 21 days of the close of said hearing, issue or deny an OOC or other permit for the activities requested. No conditions shall be imposed, nor shall the Commission, in reference to this bylaw, render any determination unless the Commission meets with a quorum present.
- B. The Commission is empowered to deny a permit for the applicant's failure to meet the requirements of this bylaw. The Commission may also deny a permit or Order of



Conditions: a) for failure to submit necessary information and plans requested by the Commission; b) for failure to comply with the procedures, design specification, performance standards, and other requirements in regulations of the Commission; c) for failure to avoid, minimize or mitigate unacceptable significant or cumulative adverse effects upon the resource area values and interests protected by this bylaw; d) for where, in its judgment, such denial is necessary to preserve environmental quality of either or both to the subject lands and contiguous lands; or e) for where it finds that no conditions are adequate to protect such values and interests. The Commission in its sole discretion may consider any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

- C. In any permit or OOC it approves, the Commission shall impose conditions which it determines necessary or desirable to protect said resource area values and interests, and all activities shall be done in compliance with those conditions. In imposing conditions, the Commission shall consider the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, which have resulted from past activities, permitted and exempt, or which may result from foreseeable future activities.
- D. To prevent resource area loss, the Commission shall require applicants to avoid wetlands alteration whenever feasible; to minimize wetlands alteration; and, where alteration is unavoidable and has been minimized, to provide required mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure long-lasting success in light of historically common rates of replication failure.
- E. The Commission may also grant an OOC for projects within wetland resource areas if it determines that the granting of such an OOC will result in a significant public or environmental benefit and that, because of the characteristics of the land, the proposed alterations, and/or proposed mitigation measures, the interests of this bylaw will be maintained.
- F. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, regardless of the type of resource area, natural vegetation, or the amount or type of alteration proposed. The imposition of a wildlife habitat study may be based upon the Commission's determination of the importance of the habitat area, with consideration of, but not limited to, proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who meets the qualifications set out in 310 CMR 10.60.
- G. At its own discretion, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in

writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

- H. A permit, OOC, DOA, or ORAD shall expire three years from the date of issuance. At its discretion, the Commission may renew any such permit for one or more additional periods of up to three years, provided that a request for a renewal is received in writing by the Commission at least 21 days prior to expiration.
- I. A permit may identify requirements which shall be enforceable for a stated number of years, in perpetuity, or until permanent protection is in place, and these requirements shall apply to current and subsequent owners of the land affected thereby. Amendments to permits, OOCs, DOAs, or ORADs shall be processed in accordance with the procedures of the Act, 310 CMR 10.00 et seq. and MassDEP Policy 85-4.
- J. The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, OOC, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.
- K. For good cause the Commission may revoke any permit, OOC, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to Section 6A and B above, and after a public hearing.
- L. No work proposed in any application shall be undertaken until the permit, OOC, or ORAD issued by the Commission with respect to such work has been recorded in the Middlesex County South Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

## **SECTION 8: REGULATIONS**

After public notice and public hearing, the Commission shall enact regulations to carry out the purposes of this bylaw, effective when approved by vote of the Commission and filed with the Town Clerk. Failure by the Commission to put forward such rules and regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and establish procedures, design specifications, performance standards, and other measures and safeguards. Stricter standards may also be employed for jurisdictional lands and

waters within the Petapawag and Squannissit Areas of Critical Environmental Concern (ACEC), as designated by the Massachusetts Executive Office of Energy and Environmental Affairs.

## **SECTION 9: DEFINITIONS**

Unless otherwise defined in this bylaw or regulations promulgated by the Commission, the definitions set forth in the Act and 310 CMR 10.00 et seq. shall apply to this bylaw.

The following definitions shall apply in the interpretation and implementation of this bylaw:

### **ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD)**

This form (WPA Form 4A) provides a public hearing procedure for an applicant to confirm the precise boundaries of bordering vegetated wetlands (BVW) or other resource areas. The permit issued under an ANRAD is an Order of Resource Area Delineation, or ORAD, which must be recorded at the Registry of Deeds.

### **ABUTTER**

Shall mean, owners of land bordering the subject property, owners of land directly opposite on any public or private street or way, and abutters to abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water.

### **ADJACENT UPLAND RESOURCE AREA**

Shall include lands with 100 feet of any freshwater wetland; marsh; flat; wet meadow; bog; swamp; vernal pool; bank; reservoir; lake or pond of any size; creek; intermittent stream; beach or land under water bodies; and lands within 200 feet of perennial rivers and streams.

### **AGRICULTURE**

Shall refer to the definition as provided by MGL c. 128 sect. 1A.

### **ALTER**

Shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- 1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- 2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- 3) Drainage, or other disturbance of water level or water table;
- 4) Dumping, discharging, or filling with any material which may degrade water quality;
- 5) Placing of fill, or removal of material, which would alter elevation;

- 6) Driving of piles, erection, expansion or repair of buildings, or structures of any kind;
- 7) Placing of obstructions or objects in water;
- 8) Destruction of vegetation including cutting, trimming, or removal of trees and shrubs;
- 9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- 10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- 11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas and values protected by this bylaw.

**AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)**

Areas crossing multiple towns and given special recognition for the quality, uniqueness and significance of their natural and cultural resources are designated as ACECs by the Mass. Executive Office of Energy and Environmental Affairs. In order to better preserve, restore, and enhance critical environmental resources/resource areas in the Commonwealth, ACECs receive increased environmental oversight through additional state permitting standards, elevated performance standards, and lowered thresholds for review.

**BANK**

Shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

**BUFFER ZONE**

See definition for **ADJACENT UPLAND RESOURCE AREA** above.

**FRESHWATER WETLAND**

Shall include all wetlands whether or not they border on a water body. For the purposes of this bylaw, lakes or ponds of any size, all bordering vegetated wetlands, as well as isolated vegetated wetlands shall be protected.

**LAND SUBJECT TO FLOODING**

Shall include lands subject to the temporary inundation of water, whether by stormwater, groundwater or surface water, including a rise or expansion in the surface of an existing body of water, such that land not usually covered by water is flooded.

**MINOR ACTIVITIES**

Shall refer to those activities within the Buffer Zone (but not within other resource areas identified as jurisdictional by this bylaw) that are temporary in nature, have negligible immediate impact, and do not have adverse impacts to adjacent resource areas. Per the guidance established in 310 CMR 10.02(2)(b)1 & 2, the Commission

shall, in its regulations, provide examples of minor activities that do not require Commission review. Factors to consider when measuring the potential for adverse impacts include the extent of the work and/or ground disturbance, the proximity to adjacent resource areas, the need for erosion controls, and the measures employed to prevent adverse impacts to resource areas during and following the work.

**NOTICE OF INTENT (NOI)**

This form (WPA Form 3) is filed by an applicant who proposes to do work within 100 feet of a wetland resource area or within 200 feet of a river or stream protected by the Massachusetts Wetlands Protect Act or the Ayer Wetlands Protection Bylaw. The permit issued under an NOI is an Order of Conditions, or OOC, which must be recorded at the Registry of Deeds.

**PERSON**

Shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

**POND (Inland)**

Per 310 CMR 10.04, shall refer to any open body of fresh water, either naturally occurring or human-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended 'advisory' or 'severe' drought, per the Massachusetts Executive Office of Energy and Environmental Affairs. The following human-made bodies of open water shall not be considered ponds:

- 1) Basins or lagoons which are part of wastewater treatment plants;
- 2) Swimming pools or other impervious human-made basins;
- 3) Individual gravel pits or quarries excavated from upland areas at active construction sites, unless inactive for five or more consecutive years;
- 4) Stormwater impoundments such as retention or detention basins.

**RARE SPECIES**

Shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

**REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)**

This form (WPA Form 1) is filed by a person desiring to know whether or not a proposed activity, or an area, is subject to this bylaw. An RDA can also be filed by any person, as defined above that wishes to know if wetlands exist within 100 feet of a site proposed for development. Minor projects within the 100-foot buffer zone are also considered under this filing category. The permit issued under an RDA is a Determination of Applicability or DOA.

## **VERNAL POOL**

- 1) Shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.
- 2) The adjacent upland resource area for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression, or ½ of the distance between the vernal pool and any existing house foundation, whichever is smaller. In either case, the adjacent upland resource area for vernal pools shall not extend over lawns, gardens, and landscaped or developed areas existing as of the effective date of this bylaw.

## **WILDLIFE HABITAT**

Shall mean those areas that due to their plant community, composition and structure, hydrological regime, or other characteristics, provide important food, shelter, migratory or over-wintering areas, or breeding areas for wildlife.

Except as otherwise provided in this bylaw or in associated regulations of the Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (MGL c. 131 sect. 40) and regulations (310 CMR 10.00).

## **SECTION 10: SECURITY**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder, including conditions requiring mitigation work, be secured wholly or in part by one or both of the following methods:

- A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
- B. By accepting a Conservation Restriction, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Ayer, acting through the Commission.

## SECTION 11: ENFORCEMENT; SITE INSPECTIONS

- A. No person without written authorization from the Commission shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.
- B. In order to carry out its duties under this bylaw, whether reviewing an application submitted for permitting or monitoring compliance with an Order of Conditions or other permit, the Commission and/or its agents, will need to perform site inspections from time to time by entering land privately owned by an applicant or serving as a project site. When site inspections, surveys or sampling are determined to be necessary, the Commission and/or its agents shall enter the privately owned subject land at reasonable times and with the prior notification and consent of the property owner. Failure to provide consent may be grounds for the Commission to a) deny a permit application on the grounds of inadequate review; b) seek an administrative search warrant for permission to enter; or c) revoke an open OOC if it is determined to be necessary. Such site inspections shall at all times be subject to the constitutions and laws of the United States and the Commonwealth.
- C. The Commission is authorized to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, administrative orders/warrants, non-criminal citations under MGL c. 40 sect. 21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- D. In addition to any other remedy available in law or in equity, any person who violates any provision of this bylaw, regulations, permits, or administrative orders issued thereunder, may, at the option of the Commission, be subject to noncriminal prosecution and fines up to a maximum of \$300, pursuant to MGL c. 40 sect. 21D and adopted by the Town of Ayer in Article LIII of its general bylaws. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall also constitute a separate offense.
- E. As per Article LIII of the general bylaws, the provisions of this bylaw and regulations, or of any permit or order issued thereunder, may be enforced by the Commission, by its agents, by a Commissioner so authorized by vote of the Commission, or by any police officer of the Town. The Commission may request the Board of Selectmen and Town Counsel to take legal action for enforcement under

civil law. The Commission may request the Chief of Police to take legal action for enforcement under criminal law.

## **SECTION 12: BURDEN OF PROOF**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative adverse effects upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or at the Commission's discretion, to continue the hearing to enable the applicant or others to present additional evidence.

## **SECTION 13: APPEALS**

A decision of the Commission shall be reviewable in the superior court in accordance with MGL c. 249 sect. 4.

## **SECTION 14: RELATION TO THE WETLANDS PROTECTION ACT**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Act and regulations thereunder. It is the intention of this bylaw that the purposes, jurisdiction, presumptions, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Act and regulations.

## **SECTION 15: SEVERABILITY**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Or take any action thereon or in relation thereto.

Board of Selectmen:

Conservation Commission: Recommends (9/26/2019) Simple Majority Vote Required

*Explanatory Note: This Article would strike the Town's existing Wetlands Protection Bylaw and replace it with the bylaw set forth in this Article. Presentation to be made at Town Meeting.*

## **ARTICLE 8: COMMUNITY PRESERVATION ACT SURCHAGE**

To see if the Town will vote to amend its acceptance of the Community Preservation Act, General Laws Chapter 44B, Sections 3 through 7 inclusive, originally approved under Article 2 of the February 15, 2001 Special Town Meeting and accepted at the April 23, 2001



Annual Town Election; by increasing the surcharge on real property from 1% to 3% beginning in Fiscal Year 2021, such amendment to become effective upon the approval by the voters at the 2020 Annual Town Election; or take any action thereon or in relation thereto.

Board of Selectmen:  
Community Preservation Committee: Simple  
Majority Vote

*Explanatory Note: This Article is the first step of a two-step process to increase the Town's Community Preservation Act Surcharge on real property from the existing 1% to 3%. Increasing to 3% makes the Town eligible for additional State matching CPC funds. If this Article passes, then voters will have to pass the increase by a ballot at the 2020 Annual Town Election.*

## **ARTICLE 9: ZONING BYLAW AMENDMENT FOR THE WEST AYER VILLAGE FORM-BASED CODE**

To see if the Town will vote to amend the Ayer Zoning Bylaw and Zoning Map by deleting the West Main Street General Business ("GB") District, and replacing it with a Form-Based Code District ("FBC"), and amending all Sections of the Ayer Zoning Bylaw, Sections 1.0 through 10.0 inclusive, including all Table headings, titles, etc. that reference the subject West Main Street General Business "GB" District throughout the Bylaw, so as to accommodate the proposed new West Ayer Village Form-Based Code District "FBC" as necessary throughout the Ayer Zoning Bylaw; Section 5.2 Table of Use Regulations and Section 6.2 Schedule of Dimensional Requirements, will also be amended to replace references to the subject West Main Street General Business District with the Form-Based Code District and address allowable uses and requirements; and further, to amend Section 5.2, Table of Use Regulations as follows to accommodate the proposed Form-Based Code district: Residential Use: 1.1 from (SPZ) to (SPB); 1.3 from (SPZ) to (P); 1.4 from (N) to (SPB); 1.5 from (N) to (SPB); 1.9 from (SPZ) to (SPB); 1.10 from (SPZ) to (SPB); 1.11 from (SPZ) to (SPB); 4.3 from (P) to (SPB); 5.2 from (P) to (SPB); 5.14 from (P) to (N); with the full text of the proposed West Ayer Village Form-Based Code Zoning Bylaw on file in the Town Clerk's office; or take any action thereon or in relation thereto.

Planning Board: To report at Town Meeting.  
Board of Selectmen: Two Thirds Vote Required

*Explanatory Note: The full text of the proposed West Ayer Villiage Form-Based Code Zoning Bylaw can be found on the Town of Ayer website at <https://www.ayer.ma.us>; and paper copies can be obtained at the Town Clerk's Office at the Ayer Town Hall. Presentation to be made at Town Meeting.*

## **ARTICLE 10: STREET ACCEPTANCE – NASHUA STREET EXTENSION**

To see if the Town will vote to accept as a Town public way, Nashua Street Extension, in the Town of Ayer, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid

out by the Board of Selectmen, as shown on a plan entitled "Lotting Plan prepared by Goldsmith, Priest and Ringwall", a copy which is on file with the Town Clerk.

And to see if the Town will further vote to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements, or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote

### **ARTICLE 11: STREET ACCEPTANCE – NORWOOD AVENUE**

To see if the Town will vote to accept as a Town public way, Norwood Avenue, in the Town of Ayer, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid out by the Board of Selectmen, as shown on a plan entitled "Elizabeth Estates Definitive Subdivision Plan prepared by David E. Ross Associates", a copy which is on file with the Town Clerk.

And to see if the Town will further vote to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements, or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote

### **ARTICLE 12: STREET ACCEPTANCE – HAY MEADOW LANE; HOLLY RIDGE ROAD; AND APPLE BLOSSOM DRIVE**

To see if the Town will vote to accept as a Town public way, Hay Meadow Lane from Station 9+00 to Station 20+73.53; Holly Ridge Road from Station 0+00 to Station 13+68.54; and Apple Blossom Drive from Station 0+00 to Station 5+00 in the Town of Ayer, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid out by the Board of Selectmen, as shown on a plan entitled "Ridge View Heights' Definitive Subdivision Plan of Land in Ayer as prepared by David E. Ross", a copy which is on file with the Town Clerk.

And to see if the Town will further vote to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements, or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote

## **ARTICLE 13: STREET ACCEPTANCE – HICKORY WAY AND HEMLOCK DRIVE**

To see if the Town will vote to accept as a Town public way, Hickory Way from Station 8+5 (Old Farm Way) to Woodland Way and Hemlock Drive from Station 0+00 (Littleton Road) to Station 9+50 (Hickory Way) in the Town of Ayer, County of Middlesex, Commonwealth of Massachusetts, as heretofore laid out by the Board of Selectmen, as shown on a plan entitled "Ridge View Heights' Definitive Subdivision Plan of Land in Ayer as prepared by David E. Ross", a copy which is on file with the Town Clerk.

And to see if the Town will further vote to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift or otherwise the fee to or easements in said roadway, together with all related drainage, utility and other easements, or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote

## **ARTICLE 14: BYLAW AMENDMENT – CHANGE DATE AND TIME OF ANNUAL TOWN ELECTION**

To see if the Town will vote to amend Section 3 of Bylaw I (Town Meetings) by deleting the strikethrough bold text and inserting the **underlined bold text** as follows, said amendment to take effect on July 1, 2020:

### ARTICLE I – TOWN MEETINGS

**SECTION 1.** The Annual Town Meeting shall be held on the fourth Monday of April each year. The Annual Fall Meeting shall be held at 7 o'clock in the evening on the fourth Monday in October of each year.

**SECTION 2.** Every Town Meeting shall be notified by Posting attested copies of the warrant calling the same in Three or more public places, one of which shall be the Town Hall, seven days at least before the day appointed for said Meeting.

**SECTION 3.** ~~The annual Meeting shall be called at seven o'clock in the forenoon and the polls shall remain open from five minutes past seven o'clock in the forenoon until eight o'clock in the afternoon. All business except the election of such officers and the determination of such matters as by law or vote of the town are required to be elected or determined by official ballot, shall be adjourned until seven o'clock on the evening of the second Monday of May each year for action thereon.~~ **The Annual Town Election shall be held on the second Tuesday of May with the polls open from 7am to 8pm.**

**SECTION 4.** The number of voters necessary to constitute a quorum at Town Meetings, except such parts of meeting as are devoted exclusively to the election of town officers, shall be fifty.

**SECTION 5.** Attendance at Town Meetings shall be limited to registered voters except that other specifically named persons shall be admitted upon request of any election officer of the Town, or by vote of the meeting, and school children of the Town may be admitted to a separate section reserved for them when space is available therefor.

**SECTION 6.** Authority of the Town Moderator: If in consideration of a warrant article at Town Meeting a two-thirds vote is required by statute for passage of such article, the Moderator may declare the vote to be a two-thirds vote without a count, provided, however, that if the vote is immediately questioned by one (1) or more voters, a count shall be taken; or take any action thereon or in relation thereto.

Or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote Required

*Explanatory Note: This Article would change the date of the Annual Town Election from the current fourth Monday in April to the second Tuesday in May. This Article would take effect on July 1, 2020.*

## **ARTICLE 15: BYLAW AMENDMENT – CHANGE DATE AND TIME OF THE ANNUAL TOWN MEETING**

To see if the Town will vote to amend Section 1 of Bylaw I (Town Meetings) by deleting the strikethrough bold text and inserting the underlined bold text as follows, said amendment to take effect on July 1, 2020:

### ARTICLE I - TOWN MEETINGS

**SECTION 1.** The Annual Town Meeting shall be held on the fourth ~~Monday~~ Saturday of April each year commencing at 10 o'clock in the morning. The Annual Fall Meeting shall be held at 7 o'clock in the evening on the fourth Monday in October of each year.

**SECTION 2.** Every Town Meeting shall be notified by Posting attested copies of the warrant calling the same in Three or more public places, one of which shall be the Town Hall, seven days at least before the day appointed for said Meeting.

**SECTION 3.** The Annual Meeting shall be called at seven o'clock in the forenoon and the polls shall remain open from five minutes past seven o'clock in the forenoon until eight o'clock in the afternoon. All business except the election of such officers and the determination of such matters as by law or vote of the town are required to be elected or determined by official ballot, shall be adjourned until seven o'clock on the evening of the second Monday of May each year for action thereon.

**SECTION 4.** The number of voters necessary to constitute a quorum at Town Meetings, except such parts of meeting as are devoted exclusively to the election of town officers, shall be fifty.

**SECTION 5.** Attendance at Town Meetings shall be limited to registered voters except that other specifically named persons shall be admitted upon request of any election officer of the Town, or by vote of the meeting, and school children of the Town may be admitted to a separate section reserved for them when space is available therefor.

**SECTION 6.** Authority of the Town Moderator: If in consideration of a warrant article at Town Meeting a two-thirds vote is required by statute for passage of such article, the Moderator may declare the vote to be a two-thirds vote without a count, provided, however, that if the vote is immediately questioned by one (1) or more voters, a count shall be taken; or take any action thereon or in relation thereto.

Or take any action thereon or in relation thereto.

Board of Selectmen:

Simple Majority Vote Required

*Explanatory Note: This Article would change the date and time of the existing Annual Town Meeting from the second Monday in May at 7pm to the fourth Saturday in April at 10am. This Article would take effect on July 1, 2020.*

A True Copy Attest: \_\_\_\_\_

Date: October 2, 2019

**Susan E. Copeland, Town Clerk**

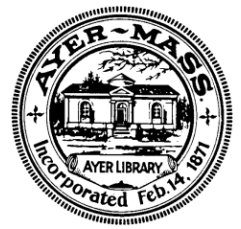
As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall, at least fourteen days before said meeting, all as herein directed.

\_\_\_\_\_  
**Constable**

Date: October 2, 2019

**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:** September 27, 2019

**TO:** Ayer Board of Selectmen

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

**SUBJECT: Town Manager's Report for the October 1, 2019 BOS Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the October 1, 2019 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 BOS last met on September 18, 2019.
- I have reviewed, approved and signed the following Town Warrants since the BOS last met on September 18, 2019:

Accounts Payable Warrant #20-05 in the amount of \$1,133,912.99 was reviewed, approved and signed on September 16, 2019 (*Note: Was not included in the September 18, 2019 BOS Meeting Packet*)

Payroll Warrant #20-06 in the amount of \$352,272.66 was reviewed, approved and signed on September 24, 2019.

**Appointments – Cultural Council:**

- I am respectfully recommending that the BOS appoint Mr. Peter O'Clair of Ayer to the Ayer Cultural Council for a three-year term to expire on June 30, 2022.

**Rescheduling of the December 3, 2019 BOS Meeting:**

- With the calling of a Special Election by the BOS to take place on Tuesday, December 3, 2019 with voting to take place at the Town Hall from 7am to 8pm; in accordance with the Secretary of State's Office, there should not be any public meetings in an official polling place during an election. Therefore, respectfully, the BOS should discuss and reschedule the Tuesday, December 3, 2019 BOS Meeting.

**Recertification of Acceptance of Child Legacy Account:**

- I will be joined by Town Treasurer/Tax Collector, Ms. Barbara Tierney regarding the BOS recertifying the acceptance of the Child Legacy Account. The Child Legacy account was created in 1998 as part of the Time Capsule at Main Street Bank (formerly, North Middlesex Bank). It is a 100-year CD that matures in 2098. At maturity, the funds will be under the direction of the Ayer Board of Selectmen. The monies will be directed to use to *“support worthy philanthropic causes in the Town of Ayer.... education and the cultural arts and the promotion of recreational endeavors”*.
- As the BOS can see from the attached BOS Meeting Minutes from 1998 (See attached), the BOS certified the acceptance of the Child Legacy Account subject to review by Town Counsel which never took place. Town Counsel has since reviewed, and it is respectfully recommended that the BOS vote to recertify the acceptance of the Child Legacy Account.

**Reduction in the Number of Seats on the Ayer Disability Commission:**

- For over ten years the Town has struggled to reach a quorum of appointed members on the Ayer Disability Commission. Currently there is only one member. The current composition of the Commission is nine (9) appointed members by the BOS.
- In consultation with Town Counsel, I am respectfully recommending and requesting that the BOS vote to set the membership of the Ayer Disability Commission at five (5) appointed members by the BOS. This will assist in the Town’s ability to attain an achievable quorum and facilitate ability of the Commission to function organizationally. This is similar to what the Town recently did with respect to the Cultural Council.
- However, unlike the instance of the Cultural Council which required an act of Town Meeting; with respect to the membership of the Disabilities Commission, the statute allows this discretion for the Board of Selectmen since there is no statutory requirement for a bylaw, and the Town has no bylaw dictating the number of commission members. Therefore, the Board of Selectmen may by vote establish the number of members being no less than five nor more than thirteen pursuant to the provisions of G.L. c. 40, sec. 8J

**One Day Beer and Wine License – St. Mary’s Parish – October 19, 2019:**

- I am respectfully recommending that the BOS vote to approve a One Day Beer and Wine License for St. Mary’s Parish “October Fest” on Saturday, October 19, 2019 from 4:30pm to 9:30pm (See attached).

Thank you.

Attachment(s): BOS Meeting Minutes from 1998 Re: Child Legacy Account  
One Day Beer and Wine License Request from St. Mary’s Parish

Selectmen's Meeting  
Monday, November 2, 1998  
2nd floor Town Hall, Main St., Ayer, MA

6:30p.m. Open Session

The Board met with Chairman Hamel, Selectman Bresnahan and Selectmen Sullivan.

*Tax Classification Study Committee's Report to the Selectmen*

Chairman Hamel opened the meeting stating the purpose of opening at 6:30pm this evening was to allow the Board of Assessors to present the Fy-99 Tax Classification Committee's Report and to receive comments on the report. The Board met with Thomas Hogan, Assessor's Assistant, David Allen, Committee Member and Murray Clark, also a Member of the Committee. Mr. Clark met with the Board and stated the Committee was promulgated by the Selectmen following the Tax Classification Public Hearing of Fy-98. The Selectmen appointed six (6) people to this committee to review and make recommendations to all issues relating to property tax classification. The Committee met from April through August of 1998. Mr. Clark presented each of the Selectmen a report by the Committee to assist the Board with their Fy-99 Tax Classification options. Mr. Clark ran through each of the options: Open Space, Residential Exemption, Small Commercial Exemption and Residential factor. Mr. Clark reviewed with the Board the adoption back in 1985 to establish two rates primarily due to Ayer's large commercial, industrial and residential rate. Mr. Clark stated Ayer is unique among Mass. municipalities in that 55% of the Town's taxable valuation lies in CIP. Mr. Clark reviewed Ayer's history with respect to property tax classification. Mr. Clark concluded with the Committee's recommendation for the Board to apply the following strategies for the FY-99 Tax Classification Hearing.

1. Not to adopt unless supported by significant CIP development a residential classification that causes CIP to pay over 70% of the property tax levy.
2. That the residential factor be adopted annually that adjust the levy percentages based upon the changes in valuation.

The Board of Selectmen thanked Mr. Clark for the presentation. Mr. Clark in turn thanked Thomas Hogan for the preparation and dissemination of information presented this evening. Chairman Hamel called for a motion to accept the report as presented. Selectman Bresnahan moved the Board accept the Report of Tax Classification Study Committee as presented on November 2, 1998. Selectman Bresnahan requested Mr. Hogan keep the information current and consistent, 2nd by Selectman Sullivan, VOTE: unanimous so moved. Chairman Hamel advised the viewing public to the Public Hearing for the Fy-99 Tax Classification will be conducted on 11-9-98 at 6:30p.m. at the Town Hall.

7:00p.m. Open Session

The Minutes of 10-19-98 were read and amended.

**Public Input:** Chairman Hamel requested if there was anyone present wishing to be heard. Donald Benere-on behalf of Groveland St. Residents seeking to include Groveland St. to the Town's Sewer System.  
Robert Pena-Communications Committee, re: Town sponsoring a "Volunteer Fair" for Boards/Committees/Commissions recruiting volunteers to serve on open Town Government Committees, Commissions & Boards.

**#1. Angus Bruce-Bennetts Brook Sub-Division**

The Board after a brief discussion voted to approve to plow Bennetts Brook with the following contingencies. Selectman Bresnahan moved the Town accept snow maintenance "plowing" of streets in Phase 1 & 2 of Bennetts Brook based on the following contingencies:

1. Mr. Bruce to finish paving of streets and sidewalks in Phase 1 & 2 - Bennetts Crossing to Pingrey Way to Robins Road back to Bennetts Crossing.



2. Phase 3 to be completed by Spring of 99 with all paving completed for acceptance at the Annual Town Meeting in May of 1999.
3. Any damage occurring to streets during this winter will be the responsibility of Mr. Bruce.
4. Mr. Bruce shall maintain a cleared area behind the guardrail for students waiting for buses.
5. Mr. Bruce at the direction of the School Committee shall attain the required insurance coverage required by the School Committee for school buses to enter Bennetts Brook.
6. State to install signage east and west of Bennetts Brook entrance.

The Board requested if any problem comes up with School Committee the Selectmen wish to be made aware of it.

The Board also advised Mr. Bruce to the Winter Parking Ban which goes into effect on November 15, 1998 to March 31, 1999 all motor vehicles in the subdivision must be off the streets midnight to 6:00a.m.

### **#2. Town Accountant-Lisa Gabree**

1. Y2K Update: Ms. Gabree stated she has tested all the PC's in the system which access MUNIS, four (4) failed minor testing the only PC that failed Y2K & would require replacement is the Mass. Small Cities Program, which is used primarily for word processing and spreadsheets. The Computer Ctr. is in the process of determining whether an upgrade is necessary for MUNIS-a COBOL run program. The cost of an upgrade if needed would be approximately \$1,000.00. The School Department submitted a written response, but not a verification of vendors -which is to be submitted back to Lisa by 11-12-98. Also reporting back by 11-12 are the Assessors, DPW, Fire, Library and Police Departments re: status of Year 2K issues. Ms. Gabree reported that the Department of Revenue requires the Town to report steps taken to ensure Y2K compliance to be submitted along with the recap sheet. The timeliness of the two reports coincides with Y2K issues. Ms. Gabree stated she will report back to the Board at their next meeting on November 16, 1998. The Board thanked Ms. Gabree for her update.

On another matter the Board met with Ms. Gabree re: the Town's Audit Service Contract. Ms. Gabree stated the Firm of Giusti, Hingston and Company has performed the audit of the Town of Ayer for several years. Ms. Guisti has familiarity with the Town's auditing and computer systems reducing interruption of Town staff, and has a good working relationship with the Town and extensive experience auditing municipalities throughout Massachusetts. Ms. Gabree stated the audit, a single audit, is made in accordance with generally accepted auditing standards under the provisions of Government Auditing Standards and Audits of State & Local Governments. Ms. Gabree ran through supporting financial principals with the Board. Ms. Gabree recommended the Board award the three year contract to Guisti, Hingston and Company of Georgetown, MA for \$13,000.00 a year, Selectman Bresnahan moved the Board accept the recommendation of the town Accountant and award Guisti, Hingston and Company the Auditors Contract for \$13,000.00 a year for years 1998, 1999, and 2000, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

### **#3. Ayer Park Dept.**

Mr. Kreidler advised the Board to the Park Commissioners being unable to attend tonight's meeting due to a conflict in scheduling-they are meeting this evening outside of Town Hall. Mr. Kreidler advised the Board to the background re: the \$30,000.00 UDAG appropriation. The Board was advised to the UDAG appropriation of \$30,000.00 being voted by a previous board and of the purpose of that appropriation being for a building from Devens being moved & refurbished to a location at Pirone Park as reflected in Selectmen's Minutes in 1996--- and later in 1997 Selectmen requested \$17,000.00 at their meeting on 6/2/97 from the unused \$30,000.00 appropriation be utilized to fund the matching funding for the Police Department Grant "Cops & Kids" to receive a grant award of \$35,978.00. Selectman Bresnahan moved the Board vote to rescind that authorization and vote not to support the \$30,000.00 UDAG appropriation to be utilized by the Park Dept. Selectman Sullivan 2nd the motion for discussion purposes and requested the Board hold off on any vote until meeting with the Park Dept. Selectman Bresnahan rescinded his

motion and the Board requested the Park Dept. be contacted to meet with the Selectmen at their next meeting on 11-16-98.

**4. Public Hearing: Ayer Exxon Beer & Wine License-44 Park Street, Ayer, MA**

The Board met with Anu and Hitesh Bhagat owners of the Ayer Exxon Tiger Mart re: Change of Directors of the Corporation. Selectman Bresnahan read into the record the legal notice which ran in the Nashoba Publications the week of October 28, 1998. Ms. Bhagat advised the Board to her husband not being a U.S. Citizen which does not allow him to be on the Board of Directors of the Corporation, he can be an officer but not a director; and for the need this evening to submit a Change of Directors to the ABCC. Chairman Hamel requested if there was anyone present wishing to speak for or against the license application-no one stepped forward. Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the change of directors naming Anu Bhagat as sole director of the corporation, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

**#5. Building Commisisoner:**

The Board met with Gabe Vellante, Building Commissioner/Zoning Officer re: Junk, Abandoned, Wrecked, Dismantled or Discarded vehicles-Article XXI and Unregistered vehicles-Article XXXVI. Mr. Vellante advised the Board to current By-law not having teeth to enforce the way it is written and of By-law being challengable. Mr. Vellante suggested after meeting with the Police Chief that the Police Department be charged with enforcement of the Unregistered vehicle problem staing the Police could take swifter action through non-criminal citations. Mr. Vellante suggested the Board amend the Unregistered By-law to the Town's Junk Vehicle By-law and add trailers and campers to this category for amendment at the Annual Town Meeting; and zoning complaints must be formalized to be enforceable. Selectman Bresnahan moved the Building Commissioner and Police Chief work together in a collaborative effort of co-operation to resolve this problem. Selectman Sullivan reviewed with the Building Commissioner previous meeting concerns with three specific areas of Town: West Main St., Columbia St. and Pond St. Mr. Vellante stated he will continue to enforce the by-law until new one is in place.

On another matter the Board requested Mr. Vellante to contact the the Contractor who is removing the roof shinges and windows at Page's block to develop another alternative proposal to restricting parking in front of the Page's Block which would also incorporate safety controls.

**#6 Fire Chief: re: Feasibility Study**

The Board after meeting with the Fire Chief requested he solicate cost estimates regarding repairing the building or if building a new facility is warranted. The Board reviewed with the Chief the Warrant Article at the Fy-98 Annual Town Meeting funding \$2,500.00 for a consultant to conduct a cost comparison.

On another matter the Chief recommended that no use of the Town Hall for outside functions or Park Dept. functions be conducted until a Fire Alarm System is installed in the building and a evacuation plan is developed. The Fire Chief's recommendation was read into the record. Selectman Bresnahan moved the use of the building by the Park Dept. be withheld based upon the Fire Chief's recommendation until further investigation is done by the Fire Chief and Building Commisisoner, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board along with the approval of the Advisory Board approved of emergency funding from UDAG funds of \$9,029.00, if this is a allowable use/or from the Reserve Fund if not allowed by UDAG for the cost of repairs to the Town's Jaws of Life Equipment housed at the Ayer Fire Department. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Chairman Hamel requested if the Chief had recieved the memo from Ron Englade-Representative Hargraves aid re: proximity of tanks and transformers to the commuter station. The Fire Chief stated he had and would respond to Rep. Hargraves Office re: commuter's concerns.

**#7. Police Chief**

The Board met with Chief Rizzo re: a request for a change order on the Police Station's landscaping. The Board requested the Chief get copies of Ross Assoc. representative William Murray's letters re: the landscaping recommendations of the Ayer Police Station and to investigate other options with local contractors for the replacement of shrubs and treatment of grubs. The Board also requested maintenance be reviewed with the Dept. of Public Works and local landscapers for the maintenance of the grounds.

On another issue the Board met with Chief Rizzo and Lt. Denmark regarding a Grant Update. Lt. Denmark advised the Board to the Selectmen in 1997 approving \$17,000.00 cash match from the Youth Center \$30,000.00 appropriation for a Cops & Kids Grant which fell through and of two other Police Dept. Grants which need local matches of approximately \$7,500.00. After a short discussion the Board moved to approved of \$7,467.00 to be funded through UDAG, if allowable as a appropriate use, or from the Reserve Fund if not- for the Town's cash match for two Police Dept. grants: 1996 Local Law Enforcement Block Grant \$3,469.00 and the 1997 Local Law enforcement Block Grant for \$3,998.00. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

**#8. Town Administrator's Report:**

Action Items;

1. Winter Parking Ban announced for 11-15-98 to 3-31-99.
2. The Board approved of the North Middlesex Savings Bank Legacy fund for the Time Capsule contingent upon Town Counsel's review and recommendations should the Town of Ayer is no longer be in existence in 100 years-2098 and what to do with Trust if not in existence.
3. The Board accepted the resignation of Edith Jones from the Council on Aging with regrets and requested a letter of appreciation be sent to her.
4. Selectman Sullivan moved the Board approved of the Groton Board of Selectmen sponsoring the legislation for the expanding the Town of Ayer's Economic Target Area by limiting it to just the West Groton parcel it is interested in, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. The Board was advised to the Planning Board's distribution list for the Consultant's By-law re: Guilford Railroad being closed on November 6, 1998 and of eight companies being mailed requests for professional services which would call for cost estimate and a detailed scope of services. Selectman Sullivan requested status of Zone II Deliniation-Mr. Kreidler advised the Board to Tata & Howard preparing this deliniation which must pass the Board's approval as well as EPA/DEP. Selectman Sullivan stressed the critical need for this Zone II deliniation.

**New Business:**

1. The Board approved of the Treasurers request for short term borrowing in anticipation of revenue notes contingent upon the Treasurer submitting in writing his reasoning for this borrowing of \$1,500,000.00.
2. The Board requested a citizen at large be selected to serve on the SCADA Steering Committee for the Joint Board's of Selectmen along with Mr. Kreidler and Ms Sullivan, Mr. kreidler's alternate. The Board suggested Mr. Pena solicit volunteers through the Communications Committee or the proposed Volunteer Fair as well as announcing this position on Cable.
3. Mr. Kreidler announced Senator Durand announcement of the Recall Petition passing.
4. The Board decided not to take any action regarding responding to a former Ayer Police Officer's attorney re: him requesting his job back.
5. Mr. Kreidler advised the Board to State Engineer coming out on 11/3/98 to look at the E. Main St. Bridge-specifically scaffolding under bridge concern.

**#9. Supt. Girouard's Report: see report dated 10-30-98**

Action Items:

1. The Board award the bid for the traffic markings to: Traffic Markings of Franklin, Ma for the bid award of \$6,963.00.

2. The Board awarded the Salt Bid for the bid award of \$28.90/ton to Eastern Mineral, Lowell, MA
3. Supt. Girouard announced Chapter 90 funds can be utilized for the construction of school zone sidewalks on Washington St.-scheduled for the next construction season.
4. Supt. Girouard to verify the speed signage posted at 35/MPH on Washington St.
5. Supt. Girouard advised the Board to alternative being submitted re: Rogers St. & W. Main St. he will be prepared to report back at the next Selectmen's Meeting.
6. The Stop signage at Oakridge Dr. new development entrance/exit area were put up as well as "slow children" signs.
7. The Board was advised to SCADA system contracts not executed but awarded to amend the billing software.
8. Supt. Girouard reported on Crabtree Development's low water pressure, stating initial reports found pressure to meet state minimum requirements, but the fact of the matter is that water pressure does not meet standards. The Board reviewed the report submitted for former Town Engineer John Deline re: Crabtree Heights and Long Pond Estates. Supt. Girouard reported on alternate corrective measures both costly one requiring special hydrants and pumps for each home and more costly a pumping station which would require 8-10 months to put in place at a cost of \$250,000.00
9. The Board requested Mr. Kreidler & the Fire Chief put in place an emergency fire plan for home in the Crabtree Development should it be needed-perhaps encompassing the ponds in the vicinity.
10. The Board scheduled Monday the 16th of November at 5:00p.m. to meet at the Ayer Town Hall with the Regional Waterwater Study Committee.

11:15p.m. Selectman Bresnahan moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. chapter 39, Section 23b, Exemption #

*St. Mary Parish*  
31 Shirley Street  
Ayer, MA 01432

September 24, 2019

Board of Selectmen  
Town of Ayer  
1 Main Street  
Ayer, MA 01432



To the Ayer Board of Selectmen:

We will be having an Oktoberfest Supper on Saturday, October 19, 2019 at 5:00pm in our Parish Hall.

We would like a permit to serve beer and wine that night between 4:30 and 9:30pm.

Thank you in advance,

A handwritten signature in blue ink that reads "Betsy Diskin".

Betsy Diskin, Parish Manager

Ph. 978 772-2414

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



*Broadcast and Recorded by APAC*

**Wednesday September 18, 2019**  
**Open Session Meeting Minutes**

**BOS Present:** Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

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

**Call to Order:** S. Houde called the meeting to order at 6:00 PM.

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

**Approval of Agenda:** J. Livingston asked to amend the agenda by adding a discussion about a letter of support for the Devens Museum as Item #3 Under New Business.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde amend the agenda. **Motion passed 2-0.**

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

**Announcements:** S. Houde announced that the Town will be hosting a Visioning Session for the Council on Aging on Monday September 30, 2019 at 5:30 PM at the High School regarding the feasibility plan for a new home for the COA.

**Public Input:** None

**Nashoba Valley Technical School District 50<sup>th</sup> Anniversary Proclamation:** Dr. Denise Pigeon and School Committee Member Chris Prehl were in attendance to celebrate Nashoba Valley Tech's 50<sup>th</sup> Anniversary. BOS members congratulated the Nashoba Valley School District and presented Dr. Pigeon and Mr. Prehl with a Town Proclamation.

**Special Election (to fill BOS vacancy) Discussion:** S. Houde stated that since the last BOS meeting, the Town has learned that the term length of the vacant seat would expire in April of 2022. It was originally reported that the term length would be until the next Town Election which is April 2020. He stated he was in favor of calling a Special Election.

J. Livingston asked if the Town had received a petition with 200 signatures. R. Pontbriand reported it had not. J. Livingston stated that she was very torn in her decision because she has been approached by many people requesting that the BOS not call a Special Election.

Ruth Maxant-Schulz, 8 Taft Street, stated that they were very close to receiving 200 signatures on the Special Election petition.

Jess Gugino, 8 Mountain View Avenue, asked what the voter turnout was in the last Special Election. R. Pontbriand stated he would be able to get that information from the Town Clerk.

R. Pontbriand presented two potential dates for a Special Election verified by the Town Clerk, the Secretary of State's Office and Town Counsel.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to call a Special Election on Tuesday December 3, 2019 from 7:00 AM to 8:00 PM at the Ayer Town Hall. **Motion passed 2-0.**

**Alan Manoian, Director, Community & Economic Development:** *West Main Street Form Based Code Overview* – A. Manoian gave an overview of the West Main Street Form Based Code that will appear on the Special Town Meeting Warrant October 28, 2019. Similar to the Park Street/Downtown Form Based Code, the intent is to revitalize the West Main Street corridor, by adding a sidewalk and new infrastructure, such as water and sewer, to attract private investment. He also reported that the Town of Ayer and MassDevelopment have submitted a MassWorks grant for \$3 million dollars to assist with infrastructure costs.

*Master Plan Quarterly Update* – A. Manoian gave an update on the Master Plan Implementation Plan. There have been a series of roundtable discussion for all sections of the Plan and the next steps are the synthesis sessions. This will bring Board and Committee members in to learn more about Master Plan implementation. He stated that 65% of the high priority goals in the Master Plan have been accomplished.

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)* - R. Pontbriand provided an administrative update of the various activities, initiatives, and projects of the Administration for the period of time since the BOS last met. He also referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting. R. Pontbriand reported that the Town had received \$175,000 Green Communities Grant from the Massachusetts Department of Energy Resources to replace various fixtures/equipment in Town facilities. He also reported that the Ayer Shirley Regional Dispatch Center had been awarded a \$700,000 grant from Massachusetts 911 to fund the regional dispatch service. R. Pontbriand then gave a brief update of what items will be appearing on the Fall Special Town Meeting Warrant on October 28, 2019.

*Review/Discussion of DRAFT FY 2021 Budget Calendar* – R. Pontbriand reported that the Finance Committee will have standing meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month. He also said that the budget calendar may ultimately change depending on the outcome of moving Town Meeting dates and times, which will be appearing on the upcoming warrant.

*Debrief from 9/11/2019 Fin Com Meeting* – R. Pontbriand reported that the Finance Committee recently voted to support the BOS in supporting the need for a new elementary school in Ayer. He also reported that the School Committee has asked the Department of Education for an amendment to the Regional School Agreement to allow for a regional elementary school in either Ayer or Shirley.

**New Business/Selectmen's Questions:** *Debrief from 9/10/2019 Rate Review Committee (Selectman Livingston):* J. Livingston recently attended a Rate Review Committee in which the Committee discussed Transfer Station Rates. J. Livingston also stated that several enforcement issues were discussed at the meeting including the number of black bags, being thrown in the dumpsters instead of Town bags. Additionally, the enforcement of the bulk tags, stating that some items are being placed in the Swap Shed instead of disposed of with the bulk stickers. The Committee also discussed raising the age of the senior discount to 65 to align with the water/sewer discount eligible age.

*Debrief from Devens Framework Meeting (Selectman Livingston):* J. Livingston reported that she and R. Pontbriand recently attended a meeting of the Devens Jurisdiction Framework Committee and that the majority of the meeting was selecting officers for the Committee and that at many points during the meeting there was contention between some of the Harvard representatives and MassDevelopment. The Officers selected for the Committee are: Victor Normand, Harvard and Jessica Strunkin, MassDevelopment, Co-Chairs; Jannice Livingston, Ayer, Vice Chair; and Michael McGovern, Town Administrator Shirley, Clerk. The group next meets on 10/16/19 to discuss the committee's charge.

*Devens Museum Discussion* – J. Livingston stated that she ran into State Representative Sheila Harrington who asked if the Town would write a letter of support for her legislation designating the Fort Devens Museum as the official veterans and military museum in the Commonwealth. The BOS asked R. Pontbriand to prepare a letter from the BOS.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from August 13, 2019. **Motion passed 2-0.**

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adjourn at 7:15 PM. **Motion passed 2-0.**

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

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

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

DRAFT