

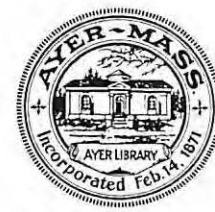
RECEIVED

FEB 26 2021

TOWN OF AYER  
TOWN CLERK

Town of Ayer  
Select Board

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



10:15 am  
Shirley Gopland

**Tuesday March 2, 2021 – 6:00 PM**

**Open Session Remote Participation Meeting Agenda**

*Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order Temporarily Suspending Certain Provisions of the Open Meeting Law. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be broadcast live on Channel 8, and on Zoom. The public may participate remotely by following the call-in information on the bottom of the live broadcast screen.) For the Zoom meeting information relating to remote participation, please contact Carly Antonellis, Assistant Town Manager at [atm@ayer.ma.us](mailto:atm@ayer.ma.us) or 978-772-8220 x100 prior to the meeting.*

6:00 PM

**Call to Order**

Pledge of Allegiance; Review and Approve Agenda; Announcements

**Public Input**

*Individuals with public input and/or questions for the Select Board should call-in at this portion of the meeting and state their name and address when asked by the Chair. Any public input and/or questions may be sent to the Assistant Town Manager, Carly Antonellis at 978-772-8220 or at [atm@ayer.ma.us](mailto:atm@ayer.ma.us)*

6:05 PM\*

**Public Hearing – Transfer of Section 12 All Alcohol License – Nashoba Restaurant, Inc. to Nashoba Club, Inc. – 14 Central Avenue**

6:15 PM

**Recognition of Promoted Public Safety Personnel**

Ayer Police Department & Ayer Fire Department

6:25 PM

**Ms. Alicia Hersey, Program Manager, Community Development Office**

Presentation of Draft Housing Production Plan by MRPC with the Ayer Planning Board

6:40 PM

**Town Manager's Report**

1. Administrative Update/Review of Town Warrant(s)
2. Appointments – Commission on Disabilities
3. COVID-19 Update
4. FY '22 Budget and Annual Town Meeting Update
5. Vote to Approve FY '22 Capital Planning Recommendations for ATM Warrant
6. DLT Grant Letter of Support for Build Out Study
7. Approval of Ayer-Shirley Regional Dispatch Inter-Municipal Agreement

7:00 PM

**New Business/Selectmen's Questions**

7:05 PM

**Approval of Meeting Minutes**

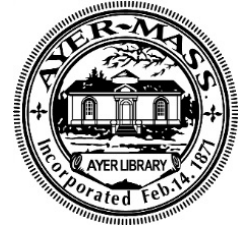
February 9, 2021

**Adjournment**

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

*The next Select Board Meeting will be held remotely on Tuesday March 16, 2021 at 6:00 PM at which the FY'22 Water/Sewer/Solid Waste Rates will be presented to the Select Board.*

**Town of Ayer  
Notice of Public Hearing  
Ayer Select Board**



The Ayer Select Board will be conducting a remote access Public Hearing on Tuesday March 2, 2021 at 6:05 PM regarding an application for a transfer of a Section 12 Restaurant All Alcohol License from Nashoba Restaurant, Inc., d/b/a the Nashoba Club, 14 Central Ave., Ayer to Nashoba Club, Inc., 14 Central Ave., Ayer.

**Name of Applicant:** Nashoba Club, Inc.  
**Date of Public Hearing:** Tuesday March 2, 2021  
**Time of Public Hearing:** 6:05 PM  
**Location of Public Hearing:** Zoom Remote Participation

Zoom information for the Public Hearing may be obtained by contacting Carly Antonellis, Assistant Town Manager at [atm@ayer.ma.us](mailto:atm@ayer.ma.us) or 978-772-8220 x100.

Law Office of  
**Daniel R. Tenczar**

1 Bridgeview Circle, Suite 15  
Tyngsboro, Massachusetts 01879

MA and NH

Tel: (978) 937-2200  
Fax: (978) 458-2307

February 4, 2021

Ayer Town Hall  
1 Main Street  
Ayer, MA 01432

ATTN: Carly Antonellis – Asst. Town Manager

**RE: Nashoba Restaurant, Inc. – Seller**  
**Nashoba Club, Inc. – Buyer**

RECEIVED  
FEB 05 2021 9:05am  
TOWN OF AYER  
SELECTMEN'S OFFICE

**(HAND DELIVERED)**

Dear Asst. Town Manager Antonellis:


Enclosed please find for filing the following documents:

- 1) Application for Common Victualler's License; and
- 2) Application Approval for Extended Use of Property for Outdoor Seating (Covid-19 Emergency Measures)

regarding the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Yours truly,

  
Daniel R. Tenczar

DRT/dh  
Enclosures

OFFICE OF THE BOARD OF SELECTMEN  
TOWN OF AYER, MA



**APPLICATION FOR COMMON VICTUALLER'S LICENSE**

*Application is hereby made for a Common Victualler's License*

**NAME OF APPLICANT:** Nashoba Club, Inc.

**COMPANY NAME:** Nashoba Club

**COMPANY ADDRESS:** 14 Central Ave., Ayer, MA

**TYPE OF BUSINESS:** Restaurant

**NAME OF PARTNERS:** Robert T. Julian, III, Robert T. Julian, Jr.  
and Donna R. Julian

**DESCRIPTION OF PREMISE: (Use back side if necessary)**

Two (2) story wooden building with three (3) rooms on 1st floor - kitchen, dining room  
and bar. Second floor two (2) rooms used for storage. Cellar used for storage.

**APPLICANT'S SIGNATURE:**  **DATE:** 2/3/21

**ADDRESS:** Robert T. Julian, III  
323 Groton Street, Dunstable, MA 01827

**TELEPHONE #:** (978) 772-2736  
**HOME BUSINESS CELL PHONE**

**Selectmen's Meeting Date:** \_\_\_\_\_

**FEE: \$50.00 Cash, Check or Money Order Payable to the Town of Ayer**

**Date Fee Received** \_\_\_\_\_ **Payment Type** \_\_\_\_\_

**FOOD PROTECTION MANAGER LICENSE: Please attach copy**  
16439950  
**License Number** \_\_\_\_\_ **Date of Issue** \_\_\_\_\_

**TAX COLLECTOR:**  
I certify that applicant is current on all local taxes, assessments, betterments or any other municipal charges.  
\_\_\_\_\_  
**Tax Collector** \_\_\_\_\_ **Date** \_\_\_\_\_

**ServSafe**  
National Restaurant Association

**BOSTON  
FOOD SAFETY**

BOSTONFOODSAFETY.COM  
(978) 710-0128

# ServSafe® CERTIFICATION

## ROBERT JULIAN

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)–Conference for Food Protection (CFP).

16439950  
CERTIFICATE NUMBER

10591  
EXAM FORM NUMBER

5/15/2018  
DATE OF EXAMINATION

5/15/2023  
DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

  
Sherman Brown  
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labour Convention 2006, Resolution ABTA N 066-2013 (Regulation 3.2, Standard A5.2).

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This document cannot be reproduced or altered.  
17-1087

Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

RECEIVED  
 FEB 05 2021  
 TOWN OF AYER  
 SELECTMEN'S OFFICE  
 9:05 am

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

See Attached Exhibit A-- description of transaction.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number  FEIN

Entity Name

DBA  Manager of Record

Street Address

Phone  Email

Add'l Phone  Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Two (2) <sup>STORY</sup> wooden building with three (3) rooms on 1st floor. (kitchen, dining room and bar). Second Floor- two (2) rooms used for storage. Cellar also used for storage. See attached Exhibit B- floor plans

Total Sq. Footage	<input type="text" value="4940"/>	Seating Capacity	<input type="text" value="98"/>	Occupancy Number	<input type="text" value="101"/>
Number of Entrances	<input type="text" value="4"/>	Number of Exits	<input type="text" value="4"/>	Number of Floors	<input type="text" value="2"/>

## APPLICATION FOR A TRANSFER OF LICENSE

### 5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name  By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Robert D. Rakip, Jr."/>	<input type="text" value="Pres/Treas/Clerk/Director"/>	<input type="text" value="100%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

<input type="text" value="Robert T. Julian, III"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	
<input type="text" value="President"/>	<input type="text" value="1/3rd"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="text" value="Robert T. Julian, Jr."/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	
<input type="text" value="Secretary"/>	<input type="text" value="1/3rd"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="text" value="Donna R. Julian"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	
<input type="text" value="Treasurer"/>	<input type="text" value="1/3rd"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**APPLICATION FOR A TRANSFER OF LICENSE**

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)**

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.  Yes  No

"See attached Exhibit C - Affidavit of Robert T. Julian, Jr."

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Robert T. Julian, Jr.	On-premise	Julian Lenzi Hospitality Group, Inc.	Lowell

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Robert T. Julian, Jr. and Donna R. Julian	single day permits	RTJ Concessions, Inc.	
	(many years ago)	(at Edaville Railroad, Carver, MA)	



## APPLICATION FOR A TRANSFER OF LICENSE

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?  
Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

### 7. CORPORATE STRUCTURE

Entity Legal Structure  Date of Incorporation

State of Incorporation  Is the Corporation publicly traded?  Yes  No

### 8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

"See attached Exhibit D - Lease"

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?  Yes  No

### 9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:  Phone:

Title:  Email:

## APPLICATION FOR A TRANSFER OF LICENSE

### 10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	350,000.00
B. Purchase Price for Business Assets	100,000.00
C. Other* (Please specify)	5,000.00
D. Total Cost	455,000.00

\*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
RTJ Concessions, Inc.	\$115,000.00
(see attached Exhibit E- bank statements)	RTJ Concessions, Inc. is owned by Robert T. Julian, III, Robert T. Julian, Jr. and Donna R. Julian.
Total:	\$115,000.00

### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Enterprise Bank	\$245,000.00	20 year adjustable rate loan	<input type="radio"/> Yes <input checked="" type="radio"/> No
Robert D. Rakip, Jr.	\$95,000.00	10 year private financing (fixed rate-6.5%)	<input type="radio"/> Yes <input checked="" type="radio"/> No
"(See attached Exhibit F - financing)"			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Inventory is anticipated to be approximately \$5,000.00.

### 11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?

## 12. MANAGER APPLICATION

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name

Date of

Residential Address

Email

Phone

Please indicate how many hours per week you intend to be on the licensed premises

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*

Yes  No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?

Yes  No

"See attached Exhibit G- Passports"

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
			(See attached Exhibit H- resume)	

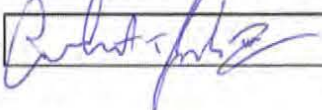
### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature



Date

Law Office of  
**Daniel R. Tenczar**

1 Bridgeview Circle, Suite 15  
Tyngsboro, Massachusetts 01879

MA and NH

Tel: (978) 937-2200  
Fax: (978) 458-2307

February 3, 2021

Ayer Town Hall  
ATTN:  
1 Main Street  
Ayer, MA 01432

ATTN: Carly Antonellis – Asst. Town Manager

**RE: Nashoba Restaurant, Inc. – Seller  
Nashoba Club, Inc. – Buyer  
Liquor License Transfer**

Dear Asst. Town Manager Antonellis:

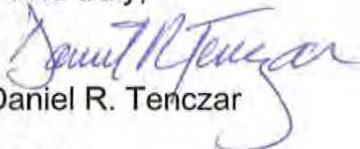
Please be advised that my office represents Nashoba Club, Inc., the purchaser of the business known as the "Nashoba Restaurant", 14 Central Ave., Ayer, Massachusetts.

The Nashoba Club, Inc. (Purchaser) is purchasing the restaurant business/assets from the current owner – Nashoba Restaurant, Inc. (Seller).

As a result, Nashoba Club, Inc. (Purchaser) is requesting that the liquor license be transferred.

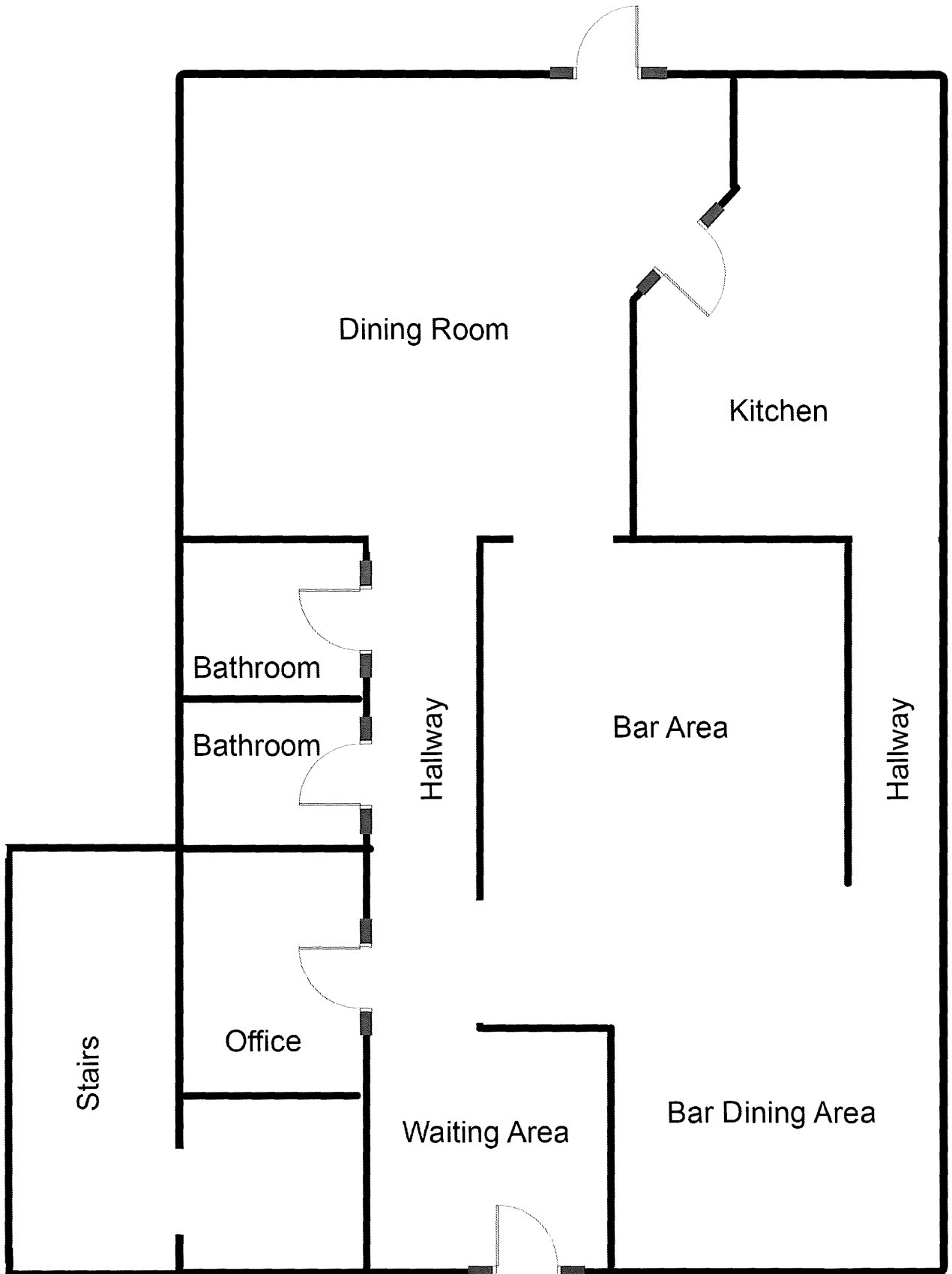
Nashoba Club, Inc. (Purchaser) intends to operate the restaurant/business in a similar manner to the way it is presently conducted by Nashoba Restaurant, Inc. (Seller).

Yours truly,

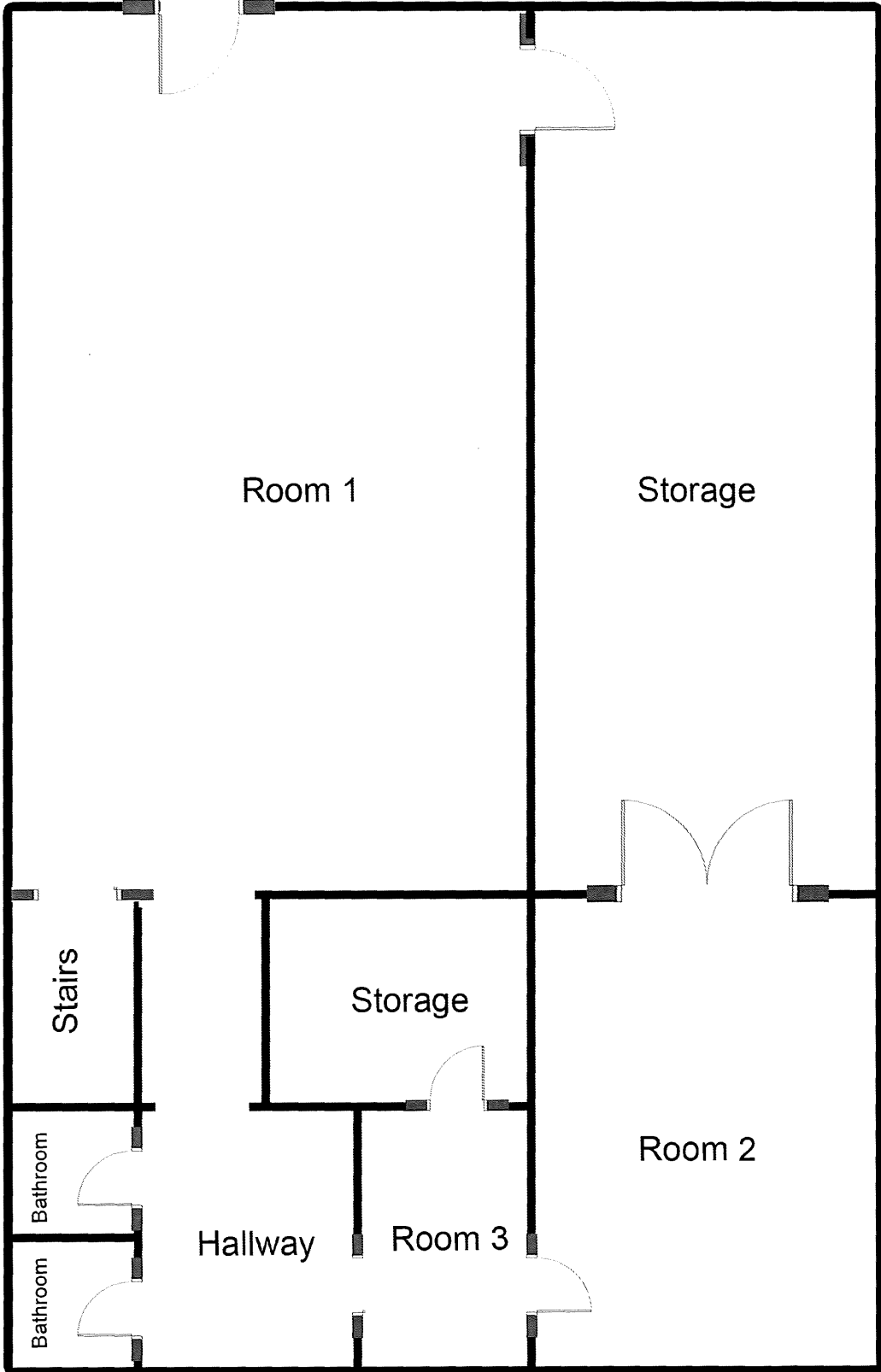
  
Daniel R. Tenczar

DRT/dh

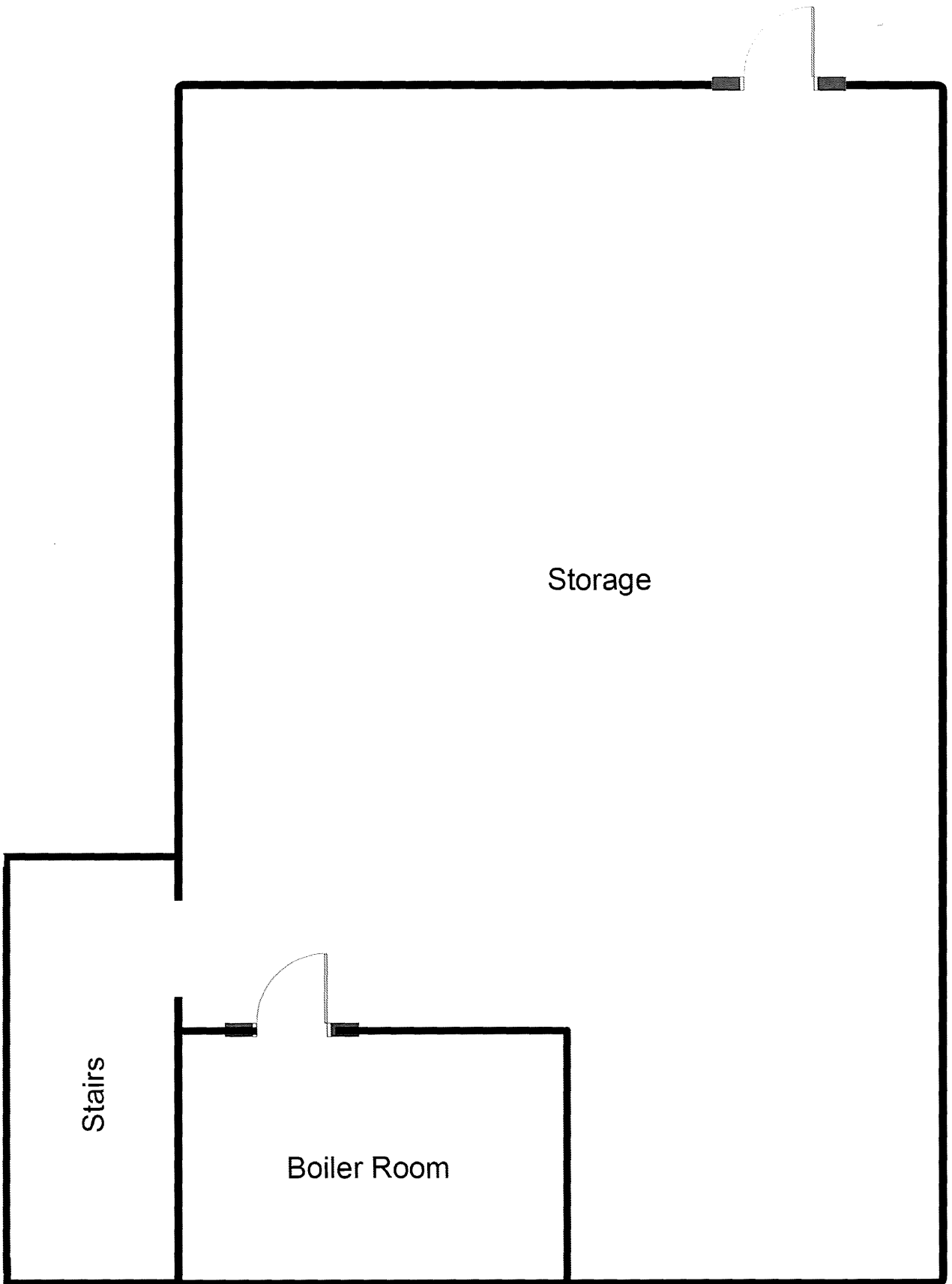
# 1st Floor



# 2nd Floor



# Cellar



Storage

Stairs

Boiler Room

Town of Ayer  
Select Board'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 February 25, 2021  
Public Hearing Date March 2, 2021

Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments:

*The new owner will need to get a food permit (permits are non transferable)*

Signed Bridgette Maloy

Title Health Insp.

Date 2/17/2021



Town of Ayer  
Select Board'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 February 25, 2021  
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Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: DPW has no issues

Signed *MUAJ*

Title DPW Spt

Date 2/18/21



**Town of Ayer**  
**Select Board'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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Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: I support the transfer of license.  
I do not support the placement of outdoor seating on sidewalks with no plan for handling the displaced pedestrian traffic.

Signed [Signature]

Title Chief of Police

Date 2/12/2021

Town of Ayer  
Select Board'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 February 25, 2021  
Public Hearing Date March 2, 2021

Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

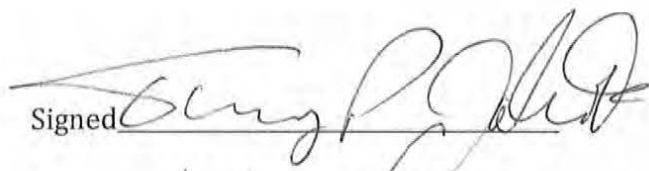
Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: Just inspected, no issues

Signed   
Date 2/11/21

Title Fire Chief

**Town of Ayer**  
**Select Board'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 February 25, 2021

Public Hearing Date March 2, 2021

Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: NO CONCERNS

Signed [Signature]

Title Building Commissioner

Date 2/16/21

**Town of Ayer**  
**Select Board'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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Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments:

*conservation has no concerns with this permit.*

Signed *J. Mulvey*

Title *conservation administrator*

Date *2/11/21*

Town of Ayer  
Select Board'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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\_\_\_\_\_ Town Planner  
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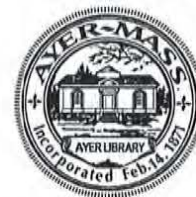
Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: Q3  
PP Bill not paid as of 2/11/21 \$ 89.58 as of 2/16/21  
RE Q3 ' \$ 2,626.06 as of 2/16/21  
\* NOT processed may have submitted payment, ok to proceed  
Signed Barbara Treisey Title Treasurer/Tax Collector

Date 2/11/21

**Town of Ayer**  
**Select Board'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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Review Deadline Date February 25, 2021

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Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: No Issues with Town Clerk Office

Signed *Ann E. Copeland*  
Date *2/11/2021*

Title *Town Clerk*

Town of Ayer  
Select Board'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 February 25, 2021  
Public Hearing Date March 2, 2021

Permit Sought Transfer of Common Vic and Liquor License from Robert Rakip (Nashoba Club)

Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments:

Signed Thomas Heger

Title Assessing Administrator

Date 2/11/21



**From:** [Mark Archambault](#)  
**To:** [Carly Antonellis](#)  
**Subject:** RE: Nashoba Club Transfer of Liquor License & Common Vic.  
**Date:** Thursday, February 25, 2021 11:27:31 AM

---

Hello Carly and Board of Selectmen,

I did review the request for a Liquor License for the new owner of the Nashoba Club and I have no concerns with its issuance.

Sincerely,

Mark Archambault  
Ayer Town Planner

---

**From:** Carly Antonellis <cantonellis@ayer.ma.us>  
**Sent:** Wednesday, February 24, 2021 10:10 AM  
**To:** Chief William Murray <pdchief@ayer.ma.us>; Deputy Chief Brian Gill <bgill@ayer.ma.us>; Mark Archambault <marchambault@ayer.ma.us>; Alan Manoian <amanoian@ayer.ma.us>  
**Subject:** RE: Nashoba Club Transfer of Liquor License & Common Vic.

Reminder – these review forms are due tomorrow.

Thank you!

*Carly*

Carly M. Antonellis  
Assistant Town Manager  
Town of Ayer  
1 Main Street  
Ayer, MA 01432  
978-772-8220

 Please consider the environment before printing this email.

---

**From:** Carly Antonellis  
**Sent:** Wednesday, February 10, 2021 2:43 PM  
**To:** Bridgette Braley <[bbraley@nashoba.org](mailto:bbraley@nashoba.org)>; 'Mark Wetzel' <[mwetzels@ayer.ma.us](mailto:mwetzels@ayer.ma.us)>; Chief William Murray <[pdchief@ayer.ma.us](mailto:pdchief@ayer.ma.us)>; Deputy Chief Brian Gill <[bgill@ayer.ma.us](mailto:bgill@ayer.ma.us)>; [tjohnston@ayer.ma.us](mailto:tjohnston@ayer.ma.us); 'Capt. Jeremy S. Januskiewicz' <[jjanuskie@ayer.ma.us](mailto:jjanuskie@ayer.ma.us)>; Charlie Shultz <[cshultz@ayer.ma.us](mailto:cshultz@ayer.ma.us)>; Jo-Anne Crystoff ([jcrystoff@ayer.ma.us](mailto:jcrystoff@ayer.ma.us)) <[jcrystoff@ayer.ma.us](mailto:jcrystoff@ayer.ma.us)>; Barbara Tierney <[btierney@ayer.ma.us](mailto:btierney@ayer.ma.us)>; 'Susan Copeland' <[scopeland@ayer.ma.us](mailto:scopeland@ayer.ma.us)>; 'Tom Hogan' ([thogan@ayer.ma.us](mailto:thogan@ayer.ma.us))' <[thogan@ayer.ma.us](mailto:thogan@ayer.ma.us)>; Mark Archambault <[marchambault@ayer.ma.us](mailto:marchambault@ayer.ma.us)>; Alan Manoian <[amanoian@ayer.ma.us](mailto:amanoian@ayer.ma.us)>  
**Subject:** Nashoba Club Transfer of Liquor License & Common Vic.

Good Afternoon -

**Town of Ayer**  
**Select Board'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 February 25, 2021  
Public Hearing Date March 2, 2021

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Description See above

Submitted by Robert Julian III, Dunstable MA (has purchased the Nashoba Club)

Address \_\_\_\_\_ Telephone 508-574-0377

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

Comments: RECOMMEND APPROVAL.

Signed 

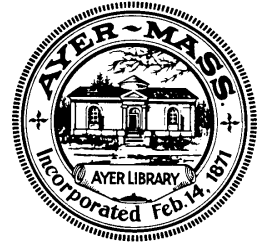
Title Dr. Aoced

Date 2/23/2021

# Town of Ayer

## Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8220 ♦ ext. 141 & 142



### MEMORANDUM

TO: Ayer Select Board & Ayer Planning Board

FROM: Alicia Hersey, Community Development Program Manager

DATE: February 24, 2021

RE: Joint Meeting of the Ayer Select Board & Ayer Planning Board to review  
The Proposed Ayer Housing Production Plan

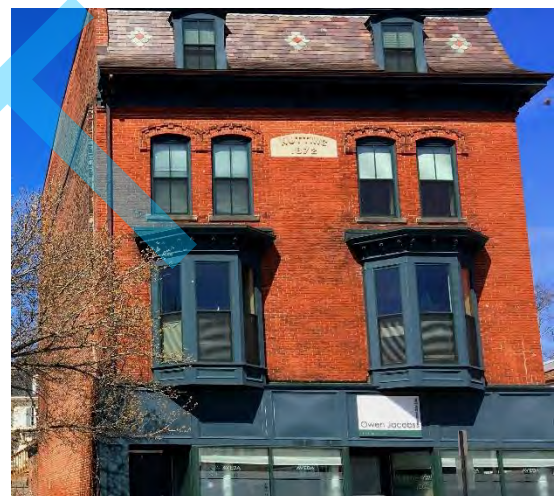
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Over the past year and a half, the Ayer Affordable Housing Committee and the Office of Community and Economic Development have been working Montachusett Regional Planning Commission (MRPC) to create a Housing Production Plan for Ayer.

Blair Haney, Senior Planner at MRPC will present a power point overview of the Ayer Housing Production Plan.

A vote of Ayer Select Board and the Ayer Planning Board to endorse and approve the Ayer Housing Production Plan after which it will be sent to the State for final certification.

**Request the Select Board & Planning Board vote to endorse the Ayer Housing Production Plan.**



# Town of Ayer Housing Production Plan

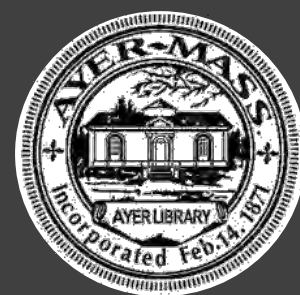
## January 2021 Update

Draft

Prepared by the Montachusett Region Planning

Commission (MRPC) and funded by the

Massachusetts District Local Technical Assistance



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DRAFT

## Section I. Executive Summary

### Introduction

The Town of Ayer Massachusetts is a socio-economically diverse community, designated as an Environmental Justice Community, of approximately 8,000 residents. Though a small New England town (in terms of population and land area), Ayer's noteworthy socio-economic diversity, and substantial multi-family housing stock in older core neighborhoods, is a legacy of Ayer's long heritage, and history as a regional passenger/freight railroad junction (1849-current), and as the host community for the former US Army military installation of Fort Devens (1917-1997). As the Town of Ayer begins its 150<sup>th</sup> year of incorporation, the community continues its civic life cycle of progression, adaptation, resiliency, and growth. Housing Production (for all) is at the very core of Ayer's sustainable social, cultural, and economic life cycle.

Located in North Central Massachusetts, Middlesex County, the Town of Ayer contains a modest land area of approximately 9.6 square miles. The Town of Ayer is located at the nexus of two regional watersheds, two State regional planning districts, two State counties, two regional public transportation systems, Lowell Regional Transit Authority & Montachusett Regional Transit Authority (LRTA & MRTA), and at the western boundary of the Boston-Cambridge-Quincy MA-NH Primary Metropolitan Statistical Area (PMSA).

A compact, mixed-use, micro-urban core emerged around the historic railroad station/junction district along Main Street, gradually embraced by traditional, walkable historic residential neighborhoods (1855-1925); today, these traditional neighborhoods accommodate many of Ayer's multi-family/affordable/rental dwellings.

Communities abutting the Town of Ayer include more affluent communities including, the Town of Groton (to the north), Town of Harvard (to the south), Town of Littleton (to the east), and the Town of Shirley (to the west). The meandering, northward-flowing Nashua River delineates the western border of the township. Abutting the southwest border of Ayer is the extensive land area once accommodating the large military/civilian employment installation of Fort Devens (1917-1997); now the Devens Enterprise Zone/Community, accommodating world-class biotech/innovation/manufacturing firms, totaling 6,000+ high-quality employment opportunities (and growing), as administered by the Devens Enterprise Commission and Mass Development.

The Town of Ayer, designated as "Ayer Junction", born of American, New England and Massachusetts Railroading Heritage. The coming of the Fitchburg Railroad to the Village of South Groton in 1846; followed by the Stoney Brook Railroad, the Worcester & Nashua Railroad, and the Shirley & Peterborough Railroad by 1849 - thus created "The Great Junction" (known then as Groton Junction) was created. In 1871 the residents of Groton Junction seceded from the Town of Groton and incorporated as the Town of Ayer on February 14, 1871. Today, Ayer lives as an active New England regional freight and passenger railroad hub, with a full regional freight rail yard (Ayer Junction), full regional intermodal rail/trucking facility at Devens, and the Downtown Ayer MBTA Passenger Rail Station. Ayer's MBTA Passenger/Commuter Rail Station, linking directly to Boston's North Station to the east, presents an appeal and attraction to those seeking to relocate (their residence) from Metro-Boston

communities westward to the Town of Ayer, thus placing increasing cost/burden and housing price escalation upon both owners and renters.

The town has and continues to steadily gain new residents and housing units. Much of this growth has resulted from the outward movement of people from population centers, such as Boston, in search of more affordable living conditions. This increased pressure on the existing housing market leads to increased costs of housing making it more difficult for existing residents or those who were raised in town to secure affordable living options locally.

Increasing housing prices are also attracting greater attention from private developers interested in Chapter 40B development and prompting Town leaders and residents to recognize that different strategies are required to better plan for housing development and ensure that it is more directed to serving local needs and objectives. According to Chapter 40B regulations, if a municipality has less than 10% of its year-round housing set-aside for low- and moderate-income residents, it is not meeting the regional and local need for affordable housing. This makes the town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.

Based on the Massachusetts Department of Housing and Community Development's most recent data on the Chapter 40B Subsidized Housing Inventory, Ayer has 3,440 year-round housing units (2010 Census), of which the state currently counts 254 units as affordable, representing 7.4% of the year-round housing stock. Ayer is vulnerable to losing control over housing development through Chapter 40B comprehensive permit applications and would need at least 90 more affordable units to meet the 10% standard based on the existing housing stock. Assuming future housing growth, this 10% figure is a moving target and ultimately the required minimum number of year-round units will increase over time.

This Housing Production Plan suggests a range of options to meet pressing local housing needs and to bring Ayer to the state 10% threshold, presenting a proactive housing agenda of Town-sponsored initiatives. Due to the rising costs of homeownership, including escalating energy costs and taxes, some residents are finding it increasingly difficult to afford to remain in Ayer. Children who grew up in the town are now facing the possibility that they may not be able to return to raise their own families locally. Long-term residents, especially the elderly, are finding themselves less able to maintain their homes and keep up with increased real estate taxes but unable to find alternative housing that better meets their current life styles. Families are finding it more difficult to "buy up," purchasing larger homes as their families grow. Town employees and employees of local businesses are increasingly hard pressed to find housing that is affordable in Ayer. More housing options are required to meet these local needs and produce Ayer's fair share of regional needs.

Based on interest from developers in proposing Chapter 40B developments, town residents no longer have the option of maintaining the status quo. New housing will be built, and residents have voiced interest and concern over Ayer's future development and the maintaining of an inclusive community. This Housing Production Plan represents a critical step forward and an opportunity for the town to chart its own course on affordable housing development.

### Summary of Housing Needs Assessment

The Housing Needs Assessment presents an overview of the current housing situation in the town of Ayer, providing the context within which a responsive set of strategies can be developed to address housing



needs and meet production goals. Some key findings in regard to household characteristics, housing characteristics, and housing affordability in Ayer are as follows:

- Ayer's population was 7,287 in 2000 and 8,106 in 2019. The town added 768 residents during this 18-year period, an increase of 11.2%. During this time, Ayer grew at a faster rate than the Montachusett Region and the State.
- Compared to Middlesex County, statewide and national averages, Ayer has a proportionately lower Black or African American population than Middlesex County, Massachusetts and the nation and a lower proportion of other minority populations as well.
- From 2000 to 2019, Ayer gained a total of 1,153 persons between the ages of 55 and 74. And, there was reduction of 488 persons between the ages of less than 5 through 19 years old perhaps indicating a need for more senior housing for an aging population.
- Ayer has a higher portion of residents with a high school diploma or higher (96.6%) than the County (93.1%), the State (90.4%) and the U.S. (87.7%). Although, Ayer has a lower percentage of residents with a bachelor's degree or higher (45.8%) than the county (55.2%), it is higher than the state (42.9%) and the national rate (31.5%).
- While Ayer has a lower percentage of households with female householder no husband present than the County, State, and Nation (see Table II-8), the poverty rate for this household type is 55.7% compared to the County (18.7%), the state (23.3%), and the Nation (27.8%).
- The proportion of family households, families with own children under 18, husband and wife family, and female householder with no husband present are all lower in Ayer than in the County, State, and Nation as a whole.
- Ayer has a larger percentage of householders living alone than does the county, state and nation.
- Of the occupied housing units in Ayer, 63.2% are owner-occupied while 36.8% are renter occupied.
- The highest percent of units in Ayer, 25.6%, were built between 1939 or earlier. The period from 2010 or later saw a substantial percentage increase in construction activity in Ayer (7.6%) – significantly more than the County (3.4%), the State (2.6%), and the Nation (4.2%).
- Ayer's median household income of \$92,778 is lower in comparison with the County (\$102,603), but higher than the State (\$81,215), and the Nation (\$62,843).
- Ayer's median monthly mortgage housing costs is \$2,131. This is more than the U.S. cost, and less than Middlesex County median monthly mortgage housing cost. Ayer's median monthly mortgage cost is also less than the State's cost.
- For rental units housing costs, Ayer's median gross rent of \$1,097 is lower than the median rent values for the U.S., Middlesex County, and the State indicating more affordable rental units.
- About 22.6% of Ayer residents who own a home and have a mortgage are paying more than 30% of their income towards monthly mortgage payments and other selected housing costs. The percent of residents exceeding the 30% level is less in Ayer than Middlesex County, the State, and the U.S.
- About 22.8% of Ayer's residents who rent their home are paying more than 30% of their income for rent. The percent of residents exceeding the 30% level is significantly less in Ayer than Middlesex County, the State, and the U.S.

- The Massachusetts Department of Housing and Community Development's most recent data (December 2020) for the Town of Ayer which documents the Town's Chapter 40B Subsidized Housing Inventory (SHI) in the DHCD SHI inventory, representing 7.4% of Ayer's housing stock.

### Summary of Affordable Housing Goals and Strategies

Throughout Ayer's 2017 Master Plan process and review, a theme of maintaining the character and diversity of the Town has been emphasized. This included an emphasis on housing diversity and affordability. The Town of Ayer's 2017 Master Plan is actively utilized as a working document and blueprint for the community's housing planning. A list of Master Plan Housing Goals are as follows – detailed Master Plan Housing Action Steps can be found on pages 128 and 129 of the Ayer 2017 Master Plan.

- 1. Increase local capacity to plan, develop and manage housing units that meet local needs.**
- 2. Increase housing opportunities for Ayer residents.**
- 3. Encourage housing development that is sustainable, affordable, and serves all members of Ayer's population.**

The Massachusetts Department of Housing and Community Development (DHCD) administers the Planned Production Program that enables cities and towns to adopt a Housing Production Plan that demonstrates production of 0.5% over one year or 1% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (SHI). Ayer will have to produce approximately 17 affordable units annually to meet these production goals through 2025. When the 2020 census figures become available in 2021, this number will be higher. If the State certifies that the locality has complied with its annual production goals, the Town may, through its Zoning Board of Appeals, deny comprehensive permit applications without opportunity for appeal by developers.

Ayer is committed to maintaining its Subsidized Housing Inventory for as long a period as possible. Affordable units must serve households with incomes no greater than 80% of the area median income for which the unit is located. Units must be subject to use restrictions or re-sale controls to preserve their affordability as follows:

- For minimum of thirty years or longer from the date of subsidy approval or construction for new construction.
- For a minimum of fifteen years or longer from the date of subsidy approval or completion for rehabilitation.
- Alternatively, a term of perpetuity is encouraged for both new construction and completion of rehabilitation.

Units are or will be subject to an executed Regulatory Agreement between the developer and the subsidizing agency unless the subsidy program does not require such an agreement. The units have been or will be marketed in a fair and open process consistent with state and federal fair housing laws.

## Summary of Implementation of Housing Production Plan

In addition to Housing Goals and Action Steps in the Ayer 2017 Master Plan, the Town intends to pursue the following additional strategies to assist in promoting housing opportunities to meet the needs of the Town's citizens identified in the Housing Needs Assessment.

1. Continue to Apply for Massachusetts Community Development Block Grant (CDBG) Funds for Housing Rehabilitation.
2. Be Recognizant of Chapter 40B, recognizing that the Town is open to a quality 40B development that offers inclusionary housing.
3. Use the new Ayer Inclusionary Housing Bylaw to work with developers in creating housing that includes affordable units.
4. Support the Ayer Affordable Housing Committee's efforts to create an Ayer Housing Trust for the promotion and development of Affordable Housing in Ayer using housing funds from CPA and funds generated through the new "Inclusionary Housing Bylaw" which allows for "In Lieu Of" payments from developers.
5. Encourage and channel prospective mixed-use and high-density residential development within the adopted, compact, walkable, sustainable, and traditional "Downtown Ayer/Park Street" Form-Based Zoning Code District and "West Ayer Village" Form-Based Zoning Code District – and thereby away from Ayer's increasingly limited and precious natural open lands, meadows, woodlands, wetlands, and wildlife habitat – and thereby discouraging a costly, sprawling, wasteful, non-traditional housing/neighborhood development pattern.
6. Continue to Collaborate with Habitat for Humanity.
7. Promote the Use of the Open Space Residential Development (or Cluster Development) Bylaw.
8. Explore preparation of a Planning Assistance Grant application to the Massachusetts Executive Office of Energy & Environmental Affairs and Montachusett Regional Planning Commission's (MRPC) District Local Technical Assistance (DLTA) Program for Implementation of this Housing Production Action Plan and the Town's recently completed Master Plan.

## Section II. Comprehensive Housing Needs Assessment

### Ayer Geography

According to the United States Census Bureau, the town has a total area of 9.6 square miles (24.8 km<sup>2</sup>), of which 9.0 square miles (23.4 km<sup>2</sup>) is land and 0.6 square mile (1.4 km<sup>2</sup>) (5.75%) is water. Ayer borders the following towns: Shirley, Groton, Littleton, and Harvard.

### Demographic Data

#### Historic Population Data

Ayer's population was 7,287 in 2000 and 8,106 in 2019. The town added 819 residents during this 19-year period, an increase of 11.2%. Comparing population growth of nearby communities and the Montachusett Region and Massachusetts as a whole as shown in Table II-1, indicates that Ayer grew at a faster rate than the Region, the State, and the abutting community of Harvard over this 19-year period.

**Table II-1: Population Growth 2000-2019**

Town	2000	2010	2019	'00-'19 % Change
Ayer	7,287	7,427	8,106	11.2%
Groton	9,547	10,646	11,313	18.5%
Harvard	5,981	6,520	6,569	9.8%
Shirley	6,373	7,211	7,633	19.8%
Montachusett Region	228,005	236,475	246,450	8.1%
Massachusetts	6,349,097	6,547,629	6,850,553	7.9%

Source: 2000 and 2010 U.S. Census, American Community Survey 2015-2019

#### Gender

As indicated in Table II-3, there are slightly more females living in Ayer than males, as does the gender distribution of Middlesex County, the State of Massachusetts, and the U.S.

**Table II-3: Gender Distribution**

Gender	Ayer #	Ayer %	Middlesex Co. %	Mass. %	U.S. %
Male	4,019	49.9%	48.9%	48.5%	49.2%
Female	4,036	50.1%	51.1%	51.5%	50.8%

Source: American Community Survey 2015-2019

#### Minorities

Based on 2015-2019 5-Year Census information, compared to Middlesex County, statewide and national averages, Ayer has a proportionately lower Black or African American population than Middlesex County,

Massachusetts and the nation and a lower proportion of other minority populations as well. The largest proportion of Ayer’s minorities is classified as Hispanic or Latino, representing 5.7 % of the population.

**Table II-4: Race by Geographic Place**

Race	Ayer #	Ayer %	Middlesex County %	Massachusetts %	United States %
White	7,137	88.0%	76.7%	78.1%	72.5%
Black or African American	349	4.3%	5.3%	7.6%	12.7%
American Indian	23	0.3%	0.2%	0.2%	0.8%
Asian	287	3.5%	11.9%	6.6%	5.5%
Hispanic or Latino (of Any Race) **	466	5.7%	8.0%	11.8%	18.0%
Another Race	8	0.1%	2.8%	4.2%	4.9%
Two or More	302	3.7%	3.0%	3.3%	3.3%

Source: American Community Survey 2015-2019

### Disabled Populations

As shown in Table II-5 below, according to the 2015-2019 American Community Survey, 9.7% of Ayer residents 18 years and older have a disability. Veterans have more than twice the rate of disabilities (22.3%) than nonveterans (8.2%).

**Table II-5: Ayer Disabled Population**

	Veterans	Nonveterans	Total
Population 18 years and older	698	5,709	6,407
With a disability #	156	466	622
With a disability %	22.3%	8.2%	9.7%

Source: American Community Survey 2015-2019

### Population by Age of Residents

According to Table II-6 below, in the nineteen-year time span from 2000 to 2019, Ayer gained a total of 1,153 persons between the ages of 55 and 74. And, there was reduction of 408 persons between the ages

of less than 5 through 19 years old perhaps indicating a need for more senior housing for an aging population.

**Table II-6: Age Distribution**

<b>Age Group</b>	<b>2000</b>	<b>2010</b>	<b>2019</b>
<5 Years Old	513	490	593
5-19 Years	1,460	1,414	972
20-34 Years	1,700	1,481	1,746
35-44 Years	1,364	1,107	1,139
45-54 Years	848	1,306	1,044
55-64 Years	526	780	1,401
65-74 Years	462	435	740
75 Years and Over	414	414	471
Median Age	34.8	38.2	41.0
16 Years Old and Over	N/A	5,990	6,682
18 Years Old and Over	5,539	5,752	6,573
21 Years Old and Over	5,220	5,401	6,471
62 Years and Over*	987	1,040	1,640
65 Years and Over*	876	849	1,211

Source: 2000 and 2010 U.S. Census, American Community Survey 2015-2019 5-Year Estimates

The continued aging of the baby boomers is reflected in the increased median age of the Town from 34.8 to 41.0 over nineteen years. This aging of the Town’s population, which is a national trend, indicates a need to consider the development of more senior housing in the community to accommodate the town’s current population and enable them to continue to live in Ayer in the future.

#### Education Level

According to the table II-7, Ayer has a higher portion of residents with a high school diploma or higher (94.6%) than the County (93.4%), the State (90.8%) and the U.S. (88.0%). Although, Ayer has a lower percentage of residents with a bachelor’s degree or higher (48.7%) than the county (56.3%), it is higher than the state (43.7%) and the national rate (32.1%).

**Table II-7: Educational Attainment**

	<b>Ayer %</b>	<b>Middlesex County %</b>	<b>Massachusetts %</b>	<b>U.S. %</b>
Population 25 years and over	6,057	1,123,325	4,781,683	220,662,076
Less than 9 <sup>th</sup> grade	1.5%	3.3%	4.4%	5.1%
9 <sup>th</sup> grade to 12 <sup>th</sup> grade, no diploma	3.8%	3.3%	4.9%	6.9%

High School Graduate (includes equivalency)	22.6%	19.0%	24.0%	27.0%
Some college, no degree	14.6%	12.3%	15.4%	20.4%
Associate's degree	8.7%	5.8%	7.6%	8.5%
Bachelor's degree	25.6%	27.5%	24.1%	19.8%
Graduate or professional degree	23.1%	28.8%	19.6%	12.4%
% high school graduate or higher	94.6%	93.4%	90.8%	88.0%
% bachelor's degree or higher	48.7%	56.3%	43.7%	32.1%

Source: American Community Survey 2015-2019 5-Year Estimates

### Poverty

The poverty rate for all persons in Ayer, according to the 2015-2019 5-Year ACS is 7.7% which is higher than Middlesex County (7.4%), but lower than the state (10.3%) and the Nation (13.4%).

### Household and Housing Characteristics

#### Households By Type

Interestingly, the proportion of married-couple and cohabitating couple households, households with own children under 18, and female householder with no partner present are all lower in Ayer than in the County, State, and Nation as a whole.

**Table II-8: Households By Type**

Households by Type	Ayer #	Ayer %	Middlesex County %	State %	U.S. %
Married-couple family	1,489	41.9%	51.5%	47.1%	48.2%
With own children of the householder under 18 years	613	17.3%	22.4%	18.6%	18.8%
Cohabiting couple household	408	11.5%	6.1%	6.7%	6.3%
With own children of the householder under 18 years	97	2.7%	1.1%	1.8%	2.2%
Male householder, no	832	23.4%	16.8%	17.2%	17.8%

spouse/partner present					
With own children of the householder under 18 years	86	2.4%	0.8%	0.9%	1.3%
Householder living alone	539	15.2%	11.0%	11.9%	12.5%
65 years and over	217	6.1%	3.2%	3.6%	3.5%
Female householder, no spouse/partner present	823	23.2%	25.6%	29.0%	27.7%
With own children of the householder under 18 years	23	0.6%	3.9%	5.2%	5.3%
Householder living alone	702	19.8%	15.2%	16.6%	15.4%
65 years and over	298	8.4%	7.6%	8.3%	7.5%
Households with one or more people under 18 years	850	23.9%	30.2%	29.1%	31.0%
Households with one or more people 65 years and over	985	27.7%	28.1%	30.1%	29.4%

Source: American Community Survey 2015-2019 5-Year Estimates

### Household Size

Ayer's average household size for both owner occupied (2.48) and renter occupied (1.91) are lower than the County, State, and Nation. Table II-9 presents the data for average household size by geographic place.

**Table II-9: Average Householder of owner and renter occupied units Place**

	Ayer	Middlesex County	State	U.S.
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Average Household Size Owner Occupied	2.48	2.74	2.69	2.70
Average Household Size Renter Occupied	1.91	2.25	2.26	2.49

Source: American Community Survey 2015-2019 5-Year Estimates

### Housing Stock Inventory

Table II-10 provides the status of housing units within Ayer. The table below shows there were a total of 3,640 housing units within the Town with occupied units comprising 97.6 % (3,552 units) of the housing stock and vacant housing units comprising about 2.4% of the housing stock. Of the occupied housing units, 63.2 % (2,245 units) were owner-occupied while 36.8% (1,307 units) were renter occupied.

**Table II-10: Housing Stock Inventory**

HOUSING OCCUPANCY	Number	%
Total housing units	3,640	100%
Occupied housing units	3,552	97.6%
Vacant housing units	88	2.4%
<b>HOUSING TENURE</b>		
Occupied housing units	3,552	100.0%
Owner-occupied housing units	2,245	63.2%
Renter-occupied housing units	1,307	36.8%

Source: American Community Survey 2015-2019 5-Year Estimates

### Total Housing Units 2000-2019 and Homeownership

A comparison of total, occupied, and vacant housing units in Ayer and surrounding communities is shown in Table II-11. The number of housing units in Ayer increased by 494 units from 2000 to 2019, to 3,640 total units in 2019. Of these, 88 units or 2.4% were vacant in 2019, a decrease of 84 vacant units over 2000. This vacancy rate is lower than the total vacancy rate of the surrounding communities.

**Table II-11: Housing Units by Community**

Town	Housing Units 2000					Housing Units 2019				
	Occupied	%	Vacant	%	Total	Occupied	%	Vacant	%	Total
Ayer	2982	94.5	172	5.5	3154	3552	97.6	88	2.4	3640
Groton	3268	96.3	125	3.7	3393	4071	95.6	188	4.4	4259
Harvard	1809	81.3	416	19.7	2225	1864	95.4	90	4.6	1954
Shirley	2067	95.9	89	4.1	2156	2449	94.3	148	5.7	2597

Source: 2000 U.S. Census, American Community Survey 2015-2019 5-Year Estimates

### Age of Housing Stock

The highest percent of units in Ayer, 26.8%, were built between 1939 or earlier, and 17.4 % of the Town's housing stock was constructed between 2000 and the present. The period from 2010 or later saw a

substantial percentage increase in construction activity in Ayer (7.6%) – significantly more than the County (3.4%), the State (2.6%), and the Nation (4.2%).

**Table II-12: Age of Housing Stock**

Year Structure Built	Ayer		Middlesex Co.	State Average	National Average
	Estimate	%	%	%	%
Total housing units <sup>1</sup>	3,640	N/A	N/A	N/A	N/A
Built 2010 or later	335	9.2%	4.1%	3.3%	5.2%
Built 2000 to 2009	269	7.4%	6.8%	7.1%	14.0%
Built 1990 to 1999	459	12.6%	7.1%	7.7%	13.9%
Built 1980 to 1989	396	10.9%	9.2%	10.8%	13.4%
Built 1970 to 1979	284	7.8%	10.5%	11.6%	15.2%
Built 1960 to 1969	231	6.3%	11.2%	10.2%	10.6%
Built 1950 to 1959	229	6.3%	12.1%	11.3%	10.3%
Built 1940 to 1949	462	12.7%	5.3%	5.5%	4.9%
Built 1939 or earlier	975	26.8%	33.4%	32.5%	12.6%

Source: American Community Survey 2015-2019 5-Year Estimates

#### Housing Units by Number of Units in Structure

Housing units by the number of units in the structure is available through the 2015-2019 ACS 5-year estimate data. As shown in Table II-13, Ayer has 49.1% 1-unit, detached and the remaining structures providing a relatively balanced mix of units per structure allowing for a variety of housing options.

**Table II-13: Units in Structure**

Units in Structure	Number	%
Total housing units	3,640	100%
1-unit, detached	1,787	49.1%
1-unit, attached	384	10.5%
2 units	318	8.7%
3 or 4 units	387	10.6%
5 or 9 units	426	11.7%
10 or more units	320	8.8%
Mobile home or other type of housing	18	0.5%

Source: American Community Survey 2015-2019 5-Year Estimates

## Income and Housing Costs

### Household Income and Median Household Income

As can be seen in the Table below, Ayer's median household income of \$92,778 is lower in comparison with the County (\$102,603), but higher than the State (\$81,215), and the Nation (\$62,843). Also, in comparison, Ayer has fewer households earning \$150,000 or more (23.8%) than the County (32.0%), but more than the state (23.4%) and the Nation (13.5%).

**Table II-14: Household Income**

Households	Ayer %/\$	Middlesex County %	Massachusetts %	U.S. %
< \$15,000	7.6%	3.0%	9.4%	10.3%
\$15,000-\$24,999	3.5%	5.3%	7.2%	8.9%
\$25,000-\$34,999	2.5%	5.1%	6.7%	8.9%
\$35,000-\$49,999	7.0%	7.5%	9.3%	12.3%
\$50,000-\$74,999	21.4%	12.5%	14.2%	17.2%
\$75,000-\$99,999	12.2%	11.4%	12.1%	12.7%
\$100,000-\$149,999	22.1%	19.2%	17.8%	15.1%
\$150,000 or more	23.8%	32.0%	23.4%	13.5%
Median Household Income (dollars)	\$92,778	\$102,603	\$81,215	\$62,843

Source: American Community Survey 2015-2019 5-Year Estimates

### Housing Affordability

The generally accepted definition of affordable housing is that housing is considered affordable when "a household pays no more than 30 % of its annual income for rent or mortgage." Multiple sources and organizations agree with this definition. These include the American Planning Association, the Massachusetts Department of Housing and Community Development (DHCD), the Greater Boston Housing Report Card, and the Citizens' Housing and Planning Association (CHAPA). Households paying in excess of 50 % of their annual income are considered severely cost burdened and, comparing statistics from the 2000 and 2019 U.S. Census, these households represent a growing share of households in Massachusetts.

### Housing Costs and Affordability

As reported by the ACS 2015-2019 5-year estimates, Table II-15 shows selected monthly owner costs for those Ayer housing units with a mortgage. The median monthly housing cost for units with a mortgage is \$2,131. Table II-16 shows the range of rent prices paid by Ayer's residents. The median monthly rent is \$1,097.

Ayer's median monthly housing costs for units with a mortgage is about \$536 more than the U.S. cost of \$1,595 but about \$478 less than Middlesex County (\$2,609) and about \$34 less than the State (\$2,165).

**Table II-15: Selected Monthly Owner Costs (With Mortgage)**

	<b>Ayer #</b>	<b>Ayer %</b>	<b>Middlesex County %</b>	<b>State %</b>	<b>U.S. %</b>
Housing units with a mortgage	1,700	N/A	N/A	N/A	N/A
Less than \$500	0	0.0%	0.1%	0.4%	1.2%
\$500 to \$999	62	3.6%	2.3%	5.0%	17.0%
\$1,000 to \$1,499	374	22.0%	8.6%	15.1%	27.4%
\$1,500 to \$1,999	278	16.4%	15.2%	22.8%	21.0%
\$2,000 to \$2,499	521	30.6%	19.9%	20.5%	13.0%
\$2,500 to \$2,999	195	11.5%	18.1%	14.5%	7.9%
\$3,000 or more	270	15.9%	35.9%	21.8%	12.5%
Median (dollars)	\$2,131	N/A	\$2,609	\$2,165	\$1,595

Source: American Community Survey 2015-2019 5-Year Estimates

**Table II-16: Gross Rents**

	<b>Ayer #</b>	<b>Ayer %</b>	<b>Middlesex County %</b>	<b>State %</b>	<b>U.S. %</b>
Occupied units paying rent	1,248	N/A	N/A	N/A	N/A
Less than \$500	15	1.2%	9.4%	13.6%	9.4%
\$500 to \$999	438	35.1%	10.9%	20.4%	36.2%
\$1,000 to \$1,499	648	51.9%	22.7%	27.4%	30.0%
\$1,500 to \$1,999	63	5.0%	25.6%	19.6%	14.0%
\$2,000 to \$2,499	36	2.9%	16.1%	10.1%	5.6%
\$2,500 to \$2,999	0	0.0%	7.8%	4.6%	2.4%
\$3,000 or more	48	3.8%	7.4%	4.3%	2.4%
Median (dollars)	\$1,097	N/A	\$1,636	\$1,282	\$1,062

Source: American Community Survey 2015-2019 5-Year Estimates

For rental units housing costs, Ayer's median gross rent of \$1,097 is lower than the median rent values for both Middlesex County (\$1,636) and the State (\$1,282) indicating more affordable rental units.

Table II-17 indicates that about 22.6% of Ayer residents who own a home and have a mortgage are paying more than 30 % of their income towards monthly mortgage payments and other selected housing costs. As previously indicated, housing is generally considered affordable when it requires no more than 30% of its occupants' income. Nevertheless, the percent of residents exceeding the 30 % level is substantially less in Ayer than Middlesex County (27.8%), the State (30.1%), and the U.S. (27.8%).

Table II-18 shows similar information for renters, indicating that about 23% of Ayer's residents who rent their home are paying more than 30 % of their income for rent. The percent of residents exceeding the

30% level is significantly less in Ayer than Middlesex County (44.9%), the state (49.5%) and the nation (49.6%).

**Table II-17: Selected Monthly Owner Costs as a Percent of Monthly Income**

	<b>Ayer #</b>	<b>Ayer %</b>	<b>Middlesex Co. %</b>	<b>State %</b>	<b>U.S. %</b>
Housing Units with a mortgage (excluding units where SMOCAP cannot be computed)	1,687	N/A	N/A	N/A	N/A
Less than 20.0 %	798	47.3%	43.5%	41.6%	45.9%
20.0 to 24.9 %	343	20.3%	17.4%	16.9%	15.7%
25.0 to 29.9 %	165	9.8%	11.3%	11.5%	10.5%
30.0 to 34.9 %	52	3.1%	7.2%	7.6%	6.9%
35.0 % or more	329	19.5%	20.6%	22.5%	20.9%

Source: American Community Survey 2015-2019 5-Year Estimates

**Table II-18: Gross Rent as a Percent of Monthly Income**

	<b>Ayer #</b>	<b>Ayer %</b>	<b>Middlesex Co. %</b>	<b>State %</b>	<b>U.S. %</b>
Occupied units paying rent (excluding units where GRAP cannot be computed)	1,248	N/A	N/A	N/A	N/A
Less than 15.0 %	260	20.8%	13.6%	13.0%	13.1%
15.0 to 19.9 %	199	15.9%	14.7%	12.6%	12.9%
20.0 to 24.9 %	324	26.0%	14.1%	12.6%	12.9%
25.0 to 29.9 %	181	14.5%	12.8%	12.3%	11.6%
30.0 to 34.9 %	16	1.3%	9.8%	10.0%	9.1%
35.0 % or more	268	21.5%	35.1%	39.5%	40.5%
Not computed	59	N/A	N/A	N/A	N/A

Source: American Community Survey 2015-2019 5-Year Estimates

### MGL Chapter 40B Definition of Households Meeting Affordable Housing Requirements and Income Levels

The State statute concerning affordable housing development (MGL Ch. 40B, Sections 20-23) cites that affordably-produced and priced homes must be available to households where the incomes do not exceed 80 % of the median family income (MFI) for the region in which the community is located. The U.S. Department of Housing and Urban Development (HUD) calculates the income limits for local areas on an annual basis, based on median income by metropolitan and nonmetropolitan area. It should be noted that HUD's calculation of income limits does not always equal a strict calculation of 80 % of the MFI due to adjustments for high housing costs relative to income, application of state nonmetropolitan income limits in low-income areas, and national maximums in high income areas.

Based on HUD’s designation, Ayer is part of the Boston-Cambridge-Quincy, MA HUD Metro Fair Market Rents (FMR) area. The median family income for this area in FY2019, calculated on the basis of a 4-person family, is \$111,500. Based on this and HUD’s adjustments discussed above 2019, adjusted low income limits for family sizes ranging from 1 to 8 persons are shown in Table II-19.

**Table II-19: Low (80%) Income Limits by Household Size (2019)**

Household Size	80% of Median Income
1	\$62,450
2	\$71,400
3	\$80,300
4	\$89,200
5	\$96,350
6	\$103,500
7	\$110,650
8	\$117,750

Source: U.S. Department of Housing and Urban Development (HUD)

For the purposes of Chapter 40B, affordable housing is generally defined as housing units that are:

1. Subsidized by an eligible state or federal program.
2. Subject to a long-term deed restriction limiting occupancy to income eligible households for a specified period of time (at least 30 years or longer for newly created affordable units, and at least 15 years for rehabilitated units).
3. Subject to an Affirmative Fair Marketing Plan.<sup>2</sup>

The Chapter 40B threshold for affordable housing is that every community must have 10 % of their housing meet the 80 % median household income figure discussed above. If a Town or City does not have 10 % of their year-round housing units on the State’s affordable housing inventory, then a developer can file a plan in their application for a comprehensive permit under the provisions of MGL Chapter 40B that can have greater development density allowed under the Town’s zoning bylaw. If the application is denied by the Zoning Board of Appeals, the developer can appeal to the Massachusetts Housing Appeals Committee.

Sixty-Seven (67) communities in Massachusetts have met or exceeded the 10% threshold, based on the updated Subsidized Housing Inventory (SHI) released by DHCD on September 14, 2017. This means that 19.1 % of Massachusetts’ 351 municipalities have achieved the Chapter 40B target, which represents nearly 10% of growth since 2013. Given that less than 12% of the State’s communities have reached this threshold, DHCD developed the Housing Production Plan (HPP) Program in 2003. Since the 2013 SHI, 26 additional communities have reached or exceeded the 10% threshold. Based on the principles of this program, by taking a proactive approach in the adoption of an HPP, cities and towns are more likely to achieve both their affordable housing and community planning goals. HPPs give communities that are

under the 10 % threshold but are making steady progress in producing affordable housing on an annual basis, more control over comprehensive permit applications. The Town of Ayer, according to the most recent SHI, has 7.4% and is close to exceeding the 10% threshold.

If a community has a DHCD approved HPP and is granted certification of compliance with the plan, a decision by the Zoning Board of Appeals (ZBA) relative to a comprehensive permit application will be deemed “consistent with local needs” under MGL Chapter 40B and ZBA decisions will be upheld by the Housing Appeals Committee.

### The Supply-Demand Housing Gap

According to the Warren Group, between January 2019 to October 2019, a total of 60 single-family homes were sold in Ayer for a median sales price of \$346,000. Using conventional financing, a family with an estimated average median family income of \$110,460, as estimated for Ayer by ACS based on 2013-2017 data, can afford a single-family home with an approximate maximum sales price of \$436,449. This assumes a \$20,000 (approx. 4.5%) down payment and a mortgage loan amount of \$416,449 with an interest rate of 3.858 % (current rate) for a 30-year fixed rate mortgage. Based on these terms, a single-family home sold for \$416,449 would require a monthly mortgage payment of \$1,954 for principal and interest or a total housing payment somewhere in the range of \$2,797 including estimated property taxes, and insurance.

However, the income level for any housing unit to qualify for the MGL Chapter 40B Subsidized Housing is based on a minimum of 80 % of the Median Income for the Boston-Cambridge-Quincy, MA-NH HUD Metro Fair Market area (HFMA). According to HUD, the median family income for this area in FY2019 is \$113,300. Based on the HUD calculation of low income for this area, the annual income threshold to qualify for low income housing for a family of four would be \$89,200. Based on this annual income, the sales price of an affordable home would be \$348,276 (again, assuming a \$20,000 down payment and an interest rate of 3.858 %). This would allow for a monthly mortgage payment of \$1,540 for principal and interest or a total monthly housing cost of \$2,163 including estimated property taxes and insurance.

For rental units, Ayer’s Median Monthly Rental Unit price of \$1,015 equals a yearly rental housing cost of \$12,180. At this rate, median rate rental housing in Ayer would be available to a 4-person household earning \$40,600 (based on housing costs equal to 30% of annual income). This is well below the 80 % of area wide median income level for a family of four set by HUD defining low income (see Table II-19). However, it should be noted, as indicated in Table II-18, that about 26% of the rental households in Ayer are spending 30% or more of their income in rent. This indicates a disparity between rental costs and income of renters in Ayer.

Fair Market Rents (FMR) are calculated annually for the Town of Ayer (which, as indicated above, is part of the Boston-Cambridge-Quincy, MA HUD Metro FMR Area). A two-bedroom FMR apartment for FY2019 is calculated to be at \$2,194. This FMR value is more than twice as high as Ayer’s Median Monthly Rental price of \$934.

## Housing Market – Current Development Trends

The Ayer Building Department has provided figures for building permits issued in Ayer for new single- and multi-family housing for the past 7 years. As indicated in Table II-20, Ayer has issued several building permits each year. In fact, over the last 7 years, a total of 245 permits were issued, indicating a strong recovery in the housing market.

**Table II-20: Ayer Building Permits**

Year	Single-Family	Multi - Family	Total
2019	18	3 (6 total)	27
2018	44	1 (2 total)	44
2017	16	1 (3 total)	19
2016	26	0	26
2015	36	4 (8 total)	44
2014	26	4 (8 total)	34
2013	30	2 (6 total)	36
2012	26	6 (16 total)	42

While U.S. home values having fallen by more than 20% nationally from the peak value point in 2007 until the low in late 2011, some homeowners are still underwater on their mortgages, meaning they owe more than their home is worth. As of December 31, 2019, the percent of Ayer homeowners underwater on their mortgage is 4.5%, slightly higher than the percent of Massachusetts homeowners underwater on their mortgage (4.2%) but much lower than the national rate of 8.2%.

## Home Values

Table II-21 shows the number of single-family homes sold from the period between 2011 and 2018. The number of home sales in Ayer shows a steady increase, while the median sale price for homes has a general pattern of an increase in home values.

**Table II-21: Home Sales and Median Sales Price**

Year	1-Fam	Price
2018	93	\$339,900
2017	65	\$332,000
2016	98	\$338,000
2015	81	\$325,000
2014	73	\$295,000
2013	57	\$270,000
2012	66	\$260,500
2011	54	\$286,500

Source: The Warren Group, 2019



## Subsidized Housing Inventory

The Massachusetts Department of Housing and Community Development (DHCD) documents municipal Chapter 40B Subsidized Housing Inventory (SHI). DHCD's most recent data (2020) for the Town of Ayer shows 254 Affordable units, representing 7.4% of Ayer's housing stock. This is down from the 2017 SHI report which had the Town inventory at 8.69%. This drop in inventory is primarily due to the loss of 15 Ayer Housing Rehabilitation units which expired after 15 years. The Town may lose an additional 51 units over the next 5 years.

## Development Conditions and Constraints that include all Zoning Districts where Residential is Allowed

MRPC's Geographic Information System (GIS) Department mapped out partial and absolute development constraints and limitations within the Town of Ayer (see Appendix A: Development Analysis Map). The Map separates land by Residentially zoned lands and Non-Residentially zoned lands. Total land residentially zoned is 3,745 acres. A summary of each partial and development constraint follows below.

Absolute Development Constraints: Absolute Development Constraints are such constraints where no building is allowed due to regulatory or ownership (e.g. protected open space land). The undeveloped land in Ayer covered by the Absolute Development Constraints consists of 632 acres. This amounts to 16.9% of the Town's residentially zoned land area. The data layers that make up the set of absolute development constraints are as follows:

- CR/APR (Conservation Restriction)/Agricultural Protection Restriction) and Permanently Protected Open Space areas. Lands held either by ownership or by a conservation restriction are prohibited from future development.
- Wetlands, as mapped by MassGIS for DEP for wetlands under the Wetlands Protection Act. The Rivershed Protection Act of the 1990s added further protection to areas along rivers. Thus a 100-foot buffer around Ayer's rivers and streams has been included as an Absolute Development Constraint along with the mapped wetlands.
- FEMA 100-year Flood Zone: Areas identified by FEMA that are subject to be inundated by 100-year flood levels.
- DEP Zone A and Zone I relate to Drinking Water Protection. Zone A is for the Surface Water Supply, but no Zone A's are in Ayer. Zone I is for groundwater drinking water wells and Ayer has nine wells located near Grove Pond and Spectacle Pond.
- The Watershed Protection Act (WsPA) regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds for the purpose of protecting the quality of drinking water. The 200 foot buffer areas of the WsPA are considered absolute development constraints related to drinking water protection. No part of Ayer is effected by the WsPA.

Partial Development Constraints: Partial Development Constraints are such constraints where building would be allowed, but may be subject to additional regulatory review (e.g. Rivers Protection Act buffer), or where such development would be occurring within identified environmental resources (e.g. *BioMap*

2 Core Habitat and Supporting Natural Landscapes). The land area covered by the Partial Development Constraints consists of 437 acres. This amounts to 11.8% of the Town’s residentially zoned land area.

Partial constraints include lands that have slopes greater than 15%, *BioMap 2* Core Habitat and Supporting Natural Landscapes, FEMA 500-Year Flood Zone Areas, Wetland Protection Act buffer areas (50 feet), Rivers Protection Act buffer (200 feet), WsPA buffer (400 feet), DEP Zone B, DEP Zone C, DEP Zone II and DEP IWPA (Interim Wellhead Protection Area). A summary of each of these partial constraints follows below.

- **Steep Slopes:** Given the hilly topography in parts of Ayer, there are locations of land area that have a steep slope (greater than 15%), which can be cost prohibitive for developers. Although the presence of steep slopes alone will not determine the development potential of a site, the combination of steep slopes and shallow soils on top of bedrock could influence the type of development suitable for the site.
- **BioMap2 Core Habitat** identifies specific areas necessary to promote the long-term persistence of Species of Conservation Concern (those listed under the Massachusetts Endangered Species Act as well as additional species identified in the State Wildlife Action Plan), exemplary natural communities, and intact ecosystems.
- **BioMap2 Critical Natural Landscape** was created to identify and prioritize intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames.
- **FEMA 500-year Flood Zone:** Areas identified by FEMA that are subject to be inundated by 500-year flood levels.
- **Buffers for wetlands (50 feet), Rivers Protection (200 feet) and the WsPA at a 400-buffer** for regulatory areas noted in the Absolute Development Constraints section, have been mapped as partial development constraints.
- **DEP Zone B, Zone C, Zone II and IWPA** relate to Drinking Water Protection. Zones B and C are for the Surface Water Supply. Zone II and the IWPA are for groundwater drinking water wells.

**Table II-22: Development Analysis in Residential Districts**

Area	Acres	Percent
Total Residentially Zoned Land	3745	100.0%
Developed Residentially Zoned Land	1455	38.8%
Undeveloped Land	2290	61.2%

Undeveloped Land w/ Partial Constraints	437	11.7%
Undeveloped Land w/ Absolute Constraints	632	16.9%
Undeveloped land w/o Constraints	1221	32.6%

Source: MRPC GIS Dept, MassGIS

## Local Zoning

The Town of Ayer Zoning Map & Municipal Zoning Bylaw depict and describe the eleven (11) Zoning Districts, and three (3) Zoning Overlay Districts, that regulate the use and development pattern of the modest 9.8 square miles of land and water that embody the township’s spatial geography. Of the eleven (11) Zoning Districts, nine (9) are conventional Euclidian “use-based” zoning districts, and two (2) are innovative “place/character-based” Form-Based Code (FBC) zoning districts adopted at Spring 2019 & Fall 2019 Town Meeting, respectively, known as the “Downtown Ayer/Park St. FBC” & the “West Ayer Village” FBC. As reported in the 2017 Town of Ayer Master Plan, “Just over one-half of the Town is zoned for residential use exclusively...nearly half is zoned for commercial activity.” Land Area Allocation is as follows: Residential 1,207 acres/19.2%; Commercial & Industrial 1,082 acres/17.3%; Permanent Open Space 867 acres/13.8%; Water & Wetlands 878 acres/14%; Undevelopable 368 acres/5.9%; Potentially Developable 140 acres/2.2%; Developable 190 acres/3.0%. Residential Districts totaling 53% of Ayer’s total land area include (Residence A-1) & (Residence A-2); 27% & 26% respectively. Commercial Districts totaling 46% of Ayer’s total land include (General Business), (Light Industrial), (Heavy Industrial) & (Devens Regional Enterprise Zone); 9%, 9%, 10% & 18% respectively. Fall 2019 Ayer Town Meeting adopted a number of progressive residential zoning bylaws including, the Accessory Apartment Special Permit Bylaw; the Open Space Residential Development (OSRD) “Yield Plan”; Inclusionary Housing Bylaw Amendment; and the Wetlands Protection Bylaw Amendment. Spring 2020 Town Meeting adopted the Reduction in Required On-Site Parking Spaces for Residential Dwellings (1 space/unit) in the T.6 Sector of the Downtown/Park St. FBC Zoning District. As reported in the (2017) municipal Master Plan, “At just 9.8 sq. miles and with less than 200 developable acres remaining, Ayer has very limited land available for future development. The Town is no longer in a position to be permissive toward developers and land-owners seeking to develop fiscally and environmentally unsustainable projects.”

## State and Federal Land

The Commonwealth of Massachusetts owns approximately 121.67 acres in Ayer, as shown in Map 2 contained in the Appendix. This includes:

- Massachusetts Department of Fish and Game, Ayer Game Farm
- Massachusetts Department of Fish and Game, Northeast District Headquarters

## Federal Owned Land

The Federal Government owns approximately 252.45 acres in Ayer, as shown in Map 2 contained in the Appendix. This includes:

- Oxbow National Wildlife Refuge

### Capacity of Municipal Infrastructure

According to the 2019 Open Space and Recreation Plan update, “the majority of Ayer’s population is served by municipal water and sewer systems. Current plans for both systems focus on upgrades rather than expansion. Both water and sewer systems are operated as Enterprise utilities which are funded totally with user rates and fees. The water system dated back to 1896 and the sewer system was constructed in the mid-1940’s. The water system serves 3313 customers and has an average day water demand of 1.25 MGD with a maximum day demand of 2.5 MGD. The Town of Ayer’s water distribution system consists of approximately 47 miles of water mains ranging in diameter from four to sixteen inches. Approximately 9 miles of pipe is over 100 years old.

‘The Town of Ayer owns and maintains a town-wide wastewater collection and treatment system. The sanitary sewer system consists of approximately 177,000 linear feet (LF) of gravity sewer, 17,000 LF of force mains, and 19 pump stations. The Ayer WWTP was constructed in 1982. It is a tertiary treatment facility with a capacity of 1.8 MGD. The WWTP discharges to the Nashua River under an NPDES discharge permit. The plant processes include primary clarification, Extended fine bubble aeration, anoxic digestion, secondary clarification, filtration and UV disinfection. Sludge is pumped and hauled off site for disposal. The plant is currently undergoing a \$6.5M upgrade to address facility age, safety and operational efficiency. “

### Roads and Transportation

Transportation Infrastructure in Ayer is in close proximity to major Massachusetts State Highways Routes 2 and 495. Route 2A passes through the entire town including Main Street, Downtown Ayer. These roadways provide access to north-south and east-west transportation throughout the region. There is also a minor State Route, Route 111 that bisects the town, running from Harvard into Groton.

The MBTA Commuter Rail Station is located in Downtown Ayer on the Fitchburg Line that runs between Fitchburg and Boston. The Ayer Commuter Rail Station is located 36 miles from Boston’s North Station. The Fitchburg line accommodates approximately 5,000 one-way passengers every day; approximately 435 of which board in Ayer. The current train schedule includes 17 round trip trains on week days, which depart from and arrive in Ayer nearly hourly to make the 70 minute journey to and from North Station.

Ayer is a member of the Montachusett Area Regional Transportation Authority (MART), which provides fixed route bus service within Ayer, Shirley, Devens and Leominster area. The bus line runs six times a day with three morning trips and three evening trips and makes stops at the Ayer Commuter Rail Station, the Ayer-Shirley Regional High School, the Nashoba Valley Medical Center, and the Carlton Rotary within Ayer, several points within Devens, and also has stops in Shirley and Littleton. The primary purpose of this bus is to improve the connections between the commuter rail stations and area businesses that are not located within walking distance of the station.

In 2002, the Department of Conservation and Recreation constructed the Nashua River Rail Trail. The rail trail extends for 12.3 miles connecting Ayer to Groton, Pepperell, Dunstable, and terminates just south of the Nashua, New Hampshire border. The rail trail in Ayer is accessed at the 80-car parking lot (which

doubles as commuter rail parking). The trail is a regional draw for cyclists, pedestrians, inline skaters, wheelchairs, and cross - country skiers.

## Schools

The towns of Ayer and Shirley share a Regional Public-School district since 2011. Four school buildings include the Page Hilltop Elementary School and the Ayer-Shirley Regional High School both located in Ayer, and the Lura A. White Elementary School and Ayer-Shirley Regional Middle School located in Shirley. Renovation of the high school was completed in 2016. In addition to K-12 academic curriculum, the public - school system offers an early childhood program at both elementary schools and extracurricular programs at the middle and high schools, including sports, drama, music, art, robotics, and mock trial. A non-profit program offers before- and afterschool care to pre-school and elementary aged children in Ayer through the school district. A private education foundation serves the Public School District with grants of up to \$300,000 for enrichment project and programs. Ayer-Shirley Community Education provides a continuing education program through the regional school district. Courses, seminars, recreational activities and outings for community-members of all ages occur outside of school hours on evenings and weekends. Offerings include fitness, art, nature walks, ESL, technical skills, and other personal improvement workshops.

## Ayer Housing Authority

According to the Town's Master Plan Update 2017, "The Ayer Housing Authority owns two properties: Silas Nutting Grove Apartments and Isaac's Lane. Silas Nutting Grove includes 54 apartments and 7 units of congregate housing. Isaac's lane offers 6 duplexes with the ability to house up to 12 families. The Pleasant Street School was developed by the Ayer Elderly Housing Partnership in 2007 as a historic preservation/adaptive reuse project, creating 22 units of subsidized rental elderly housing. Community Preservation Act (CPA) funds along with HUD Federal funds and multiple sources of State funds were used to complete this project, the Pleasant Street School is overseen by the Ayer Housing Authority."

## Section III. Affordable Housing Goals and Strategies

The Town of Ayer's 2017 Master Plan is actively utilized as a working document and blueprint for the community's housing planning over the next several years. The Master Plan Housing Goals and Action Steps in the Implementation Plan (page 128 to 129) are as follows:

### 1. Increase local capacity to plan, develop and manage housing units that meet local needs.

- a. Form a Housing Committee to maintain an inventory of Ayer's affordable/workforce housing options and administration to determine if the town is meeting the needs and goals of Ayer's residents today.
- b. Formally coordinate meetings between the Housing Committee, COA, Housing Authority, Community & Economic Development Department, Planning Board, and Community Preservation staff and committee chairs on a quarterly basis to discuss housing issues and opportunities to ensure information is being transmitted throughout Town Hall.

- c. Increase the availability of information regarding housing assistance and request agency brochures to keep in Town Hall and via links on the Town's website. (MassHousing loan programs, Section 8 application, private bank loans available to Low/Mod income households, etc.) Utilize the Town's social media to advertise new opportunities.
- d. Track affordable developments listed on the SHI and proactively address expiring restrictions.

## **2. Increase housing opportunities for Ayer residents.**

- a. Work with the Planning Board to provide education on housing needs, particularly with respect to the types of housing needed, to ensure that new development meets local needs, is appropriately designed, and adequately reviewed by the Town.
- b. Inventory affordable housing opportunities, both existing and in the development pipeline, and distribute between COA, HA, C&ED, CPC to increase awareness of local housing opportunities.
- c. Promote and advertise the Housing Rehab program to increase awareness.
- d. Coordinate with Caza Manor, the Ayer Motor Lodge, and local church leadership, who are currently providing most emergency housing services, and local nonprofits to formalize and improve homelessness services in Ayer.
- e. Identify town-owned property and/or lower cost market rate homes to convert into affordable housing as Local Initiative Projects (LIP).

## **3 Encourage housing development that is sustainable, affordable, and serves all members of Ayer's population.**

- a. Strengthen site plan review process and standards to ensure that new development will adequately serve Ayer residents. Waivers for sidewalks and other design standards should be discouraged. Board level review should encourage floor plans for 3+ bedroom family apartments, starter homes, and housing appropriate for seniors.
- b. Adopt a Chapter 40R Smart Growth Zoning District around Downtown to encourage redevelopment that will generate additional housing units, including affordable units.
- c. Increase infill development opportunities in existing residential areas to minimize the destruction of critical environmental habitats and drinking water supply areas. Incentives could include zoning amendments that allow for Traditional Neighborhood Development (TND), minimum lot size reductions, shared driveway waivers, and accessory dwelling units.
- d. Update subdivision bylaws to remove sections that encourage inefficient housing development (remove excessive roadway widths, ban cul-de-sacs and other roads that do not connect, mandate sidewalks, etc.).

## Town Actions since the 2017 Master Plan

Since the adoption of the 2017 Master Plan, the Town of Ayer has undertaken the following actions and implemented multiple new zoning policies to achieve their housing goals.

1. Ayer Affordable Housing Committee was formed February 2019. The committee is made of a member from the Town's CPC committee, Housing Authority Board, Planning Board member, Director for the Council of Aging and two private citizens, one of which is a social worker who works with the Homeless population and another who is a local realtor. The stated "Purpose" of the committee is as follows:

*"The Ayer Affordable Housing Committee works toward guiding the process of creating more affordable housing opportunities in the community."*

2. In the first year the Ayer Affordable Housing committee has initiated the creation of this Housing Production Plan.
3. May 2018 the Ayer Affordable Housing bylaw was adopted. This Bylaw was updated October 2019, renamed (Ayer Inclusionary Housing bylaw) and expanded so any new multifamily developments created in the Town must create an affordable unit for every 5 units developed. With this requirement the Town provides the developer an incentive of additional units for each affordable unit.
4. The Ayer Affordable Housing committee supported the Planning Board's, Town Planners and Community Development office's work to pass a new Accessory Apartment zoning bylaw.
5. The Ayer Affordable Housing Committee worked to create an Ayer Housing Trust. The Ayer residents approved the formation of an Ayer Affordable Housing Trust at the Special Annual Fall Town Meeting 2020.
6. In May of 2019 the Town of Ayer was designated a Housing Choice Community by Governor Baker. This designation recognizes the commitment of the Town to inclusionary housing principles and practices.
7. The Ayer office of Community and Economic Development in conjunction with the CPA have been working with a private developer on the redevelopment and reuse of the Ayer Historic Fire Station at 14 Washington Street. The Fire Station redevelopment project proposes 6 affordable rental units.
8. In 2019 the Town passed the Downtown/Park Street Form Based Code zoning district and the West Main Street Village Form Based Code zoning district. Both areas are being targeted for commercial and residential high-density development.

## Numerical Goal for Annual Housing Production

The Town of Ayer's numerical goal for annual housing production is based on the Housing Production Plan Regulations (760 CMR 56.03(4)). This Housing Production Plan (HPP) is required to show a strategy for housing production supporting an increase in the Town of Ayer's number of Subsidized Housing Inventory (SHI) Eligible Housing units by at least 0.50 percent of its total units during every calendar year covered by the HPP, until the overall percentage exceeds the Statutory Minimum set forth in the regulations.

The Chapter 40B Subsidized Housing Inventory published by the Department of Housing and Community Development, based on the 2010 U.S. Census shows that Ayer has a total of 3,440 year-round housing units. Therefore, the total amount of SHI units required for the Town of Ayer to achieve the statutory minimum is 344 units. DHCD's inventory of Ayer's SHI qualified housing indicates that there were 254 SHI units in Ayer as of December 2020. At a required rate of 0.5 percent of total housing produced per year to comply with the Chapter 40B minimum, this would mean that Ayer would need to produce 17 SHI units per year or 34 units over a two-year period. Section IV of this HPP, Implementation Strategies, provides a chart showing the Town's goals to achieve the required annual housing production target.

Following DHCD approval of this Housing Production Plan, once the Town of Ayer has achieved its numerical goal for housing production, either for one year or two years, the Town may request certification for municipal compliance from DHCD in accordance with the DHCD Chapter 40B regulations. As discussed in the preceding section, such certification would mean a decision by Ayer's Zoning Board of Appeals (ZBA) relative to a comprehensive permit application will be deemed "consistent with local needs" under MGL Chapter 40B.

If the Town of Ayer has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the ZBA shall provide written notice to the Applicant, with a copy to the DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs, the grounds that it believes which have been met, and the factual basis for that position, including any necessary supporting documentation. If the Applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to the DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA notice, including any documentation to support its position.

Specific language from Massachusetts Department of Housing and Community Development (DHCD) regulations, 760 CMR 56, subsection 56.03(8), describing the certification process and incorporated into this Housing Production Plan at the request of DHCD, is presented below:

- (a) If a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the *Statutory Minima* defined at 760 CMR 56.03(3) (b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis



for that position, including any necessary supportive documentation. If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

(b) For purposes of this subsection 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760 CMR 56.03(2)(c).

(c) If either the Board or the Applicant wishes to appeal a decision issued by the Department pursuant to 760 CMR 56.03(8)(a), including one resulting from failure of the Department to issue a timely decision, that party shall file an interlocutory appeal with the Committee on an expedited basis, pursuant to 760 CMR 56.05(9)(c) and 56.06(7)(e)(11), within 20 days of its receipt of the decision, with a copy to the other party and to the Department. The Board's hearing of the Project shall thereupon be stayed until the conclusion of the appeal, at which time the Board's hearing shall proceed in accordance with 760 CMR 56.05. Any appeal to the courts of the Committee's ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

## Section IV. Implementation of Housing Production Plan

This section presents a set of implementation strategies for addressing the affordable housing needs of the Town of Ayer and its residents.

### Preferred Development Characteristics

The preferred sites for new housing would be those with existing infrastructure (including transportation, Town water and sewer services) capable of handling new development. Also, these expansion areas should encourage compact development rather than sprawl, suggesting that new housing should be located near existing centers or villages.

### Expansion Areas for Affordable Housing

The Town's new Downtown/Park Street Form Based Code zoning district and the West Main Street Village Form Based Code zoning district are two examples of expansion areas for Affordable housing in our community. In addition, the new inclusionary zoning bylaw allows for multifamily development in all zoning districts either by right or by special permit in all zoning districts except for A1 and Industrial. Under this bylaw any multifamily development greater than 5 units is required to have an affordable component.

### Endorsed Sites for 40B Projects

The Town is open to quality 40B projects and continues to talk with Developers regarding the use of 40B in the development of certain sites in Town. None of these sites have been specifically designated or endorsed as 40B Sites.

### Municipal Land for Affordable Housing

At this time there are no Municipal sites that have been identified as potential locations for the development of affordable housing. Yet as stated above, the Town is actively talking with nonprofit developers interested in pursuing a quality friendly 40B.

### Implementation Strategies

As discussed in the preceding section, there are actions which the Town of Ayer is pursuing to facilitate the development of affordable housing within the community. Moving forward, the Town intends to pursue the following additional strategies to achieve the numerical targets required under the Housing Production Plan program and to assist in promoting housing opportunities to meet the needs of the Town's citizens identified in the Housing Needs Assessment.

#### **1. Continue to Apply for Massachusetts Community Development Block Grant (CDBG) Funds for Housing Rehabilitation**

The Town of Ayer has successfully applied for Community Development Block Grant monies (CDBG/CDF funds) supporting their Housing Rehabilitation Program in excess of 20 years. These funds are managed through Massachusetts Department of Housing and Community Development. Beneficiaries of this program are low- and moderate-income residents in Ayer that otherwise would likely not have been able to afford home improvements/building code compliance/septic repairs.

In addition to Housing Rehabilitation, the Town has successfully applied for Community Development Block Grants/ Economic Development Funds (CDBG/EDF) to rehabilitate two downtown buildings with commercial space on the first floors and rental units above, creating an additional 11 affordable units. Recently, Town's Office of Community and Economic Development has applied for a CDBG, CDF FY20 grant for the redevelopment of the Historic Ayer Fire Station into 6 affordable rental units.

The Town of Ayer should continue to apply for CDBG funds for Housing Rehabilitation. CDBG is a federal program under the US Department of Housing and Urban Development (HUD), which is implemented at the State level by Department of Housing and Community Development (DHCD).

Responsible Municipal Entity: Select Board and Ayer Economic and Community Development Department.

- 2. Recognizant of Chapter 40B**, recognizing that the Town is open to a quality 40B development that offers inclusionary housing options that meet our housing goals. Ayer will continue to strive to comply with Chapter 40B when an opportunity presents itself with conscience effort to meet our 10% low to moderate-income housing goals which are in line with State mandated goals.

While the average home sale price and average contract rent in Ayer and a majority of the Montachusett Region does provide opportunities for some affordable housing when compared statewide, as indicated in the Housing Inventory and Assessment there is a need for more. The benefits of being proactive in this area include a good faith effort to comply with Chapter 40B.

Responsible Municipal Entity: Community & Economic Development Department, Planning Board, and Zoning Board of Appeals.

- 3. Use the new Ayer Inclusionary Housing Bylaw to work with developers in creating housing that includes affordable units.** The Town of Ayer allows for multifamily dwelling units in all zoning districts except of A1 and Industrial by right or through special permit. This bylaw has an incentive component allowing the developer two additional units for every affordable unit provided.

Responsible Municipal Entity: Community & Economic Development Department Planning Board/Department and Zoning Board of Appeals.

- 4. Create an Ayer Housing Trust for the promotion and development of Affordable Housing in Ayer using housing funds from CPC and funds generated through the new “Inclusionary Housing Bylaw” which allows for “In Lieu Of” payments from developers.**

Responsible Municipal Entity: Community & Economic Development Department, Community Preservation Committee (CPC), Select Board

- 5. Continue to Collaborate with Habitat for Humanity**

Habitat for Humanity is a well-known nonprofit that believes that all people should have a decent, safe and affordable place to live. Habitat builds and repairs houses throughout the world using volunteer labor and donations. Partner families then purchase these houses through no-profit mortgage loans or innovative financing methods.

Habitat for Humanity homes have been built in Ayer in the past and Community Preservation Act funds were successfully used as a funding resource. In 2004, Habitat for Humanity North Central Massachusetts constructed a single-family house in the downtown area. In 2015 the Town of Ayer donated a parcel of land on Central Avenue and Habitat for Humanity North Central Massachusetts, constructed an affordable duplex. The Town will continue to work with Habitat for Humanity to promote affordable homeownership opportunities.

Responsible Municipal Entity: Select Board, Ayer Community and Economic Development Department, Community Preservation Committee.

**6. Explore preparation of a Planning Assistance Grant application to the Massachusetts Executive Office of Energy & Environmental Affairs (EOEEA) and MRPC's District Local Technical Assistance (DLTA) Program for Implementation of this Action Plan**

**EOEEA's Planning Assistance Grants** have been available annually over the last few years through the Executive Office of Energy & Environmental Affairs (EEA) to plan, regulate (zone), and act to conserve and develop land consistent with the Massachusetts' Sustainable Development Principles. In past years, grant awards have been up to \$50,000 per proposal. Priorities for the program include:

- Zoning for sustainable housing production consistent with the Baker-Polito Administration's Housing Choice Initiative (e.g. Accessory Dwelling Units, 40R Smart Growth Zoning, Transit Oriented Development, or Mixed-Use zoning);
- Mitigation of climate change through zoning and other regulations that reduce energy use and greenhouse gas emissions via a better mix of land uses, more compact growth, enhanced design, etc.; and
- Zoning that results in permanent land conservation (e.g. Natural Resource Protection Zoning or Transfer of Development Rights).

**MRPC's District Local Technical Assistance (DLTA) Program** is funded annually by the Legislature and the Governor through a state appropriation. The DLTA program enables MRPC staff to deliver eligible services to its communities.

Eligible activities for DLTA are divided into three categories:

- **Planning Ahead for Housing:** Planning and implementation activities that encourage and support affordable and market-rate housing production opportunities or support municipalities complying with new HUD fair housing regulations..
- **Planning Ahead for Growth:** Planning and implementation activities that encourage and support economic development opportunities. Past projects include Master Plan Chapter development,

permitting guidebooks, environmental planning (including identifying and prioritizing existing and potential lands for preservation), and assistance in zoning changes.

- **Supporting the Community Compact, including regionalization:** Supporting municipalities who are seeking to adopt state best practices under the Community Compact Cabinet program, including those who want to pursue projects of a regional nature.

Responsible Municipal Entity: Select Board and the Ayer Community and Economic Development Department.

**7. Promote the Use of the Open Space Residential Development (or Cluster Development) Bylaw.**

There are many benefits of Open Space Residential Development including the efficient use of land to protect environmental resources. In the Town of Ayer, the vast majority of developable land is within the residential districts that make up most of the rural areas. Zoning in Ayer already allows for open space residential development.

Responsible Municipal Entity: Ayer Community and Economic Development Department.

### Numerical Targets and Schedule

As discussed in Section III, the Town of Ayer’s numerical goal for SHI annual housing production is 17 units per year over a one-year period to meet the 0.5 % units per year requirement and 34 units per year to meet the 1.0 % units per year to meet the two-year housing production threshold. These housing production requirements are based on the 2008 DHCD HPP regulations and data from the 2010 U.S. Census. Note that as a result of a recent interagency agreement between the Commonwealth of Massachusetts and State Housing Agencies, at least 10% of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three or more bedrooms with certain exceptions (e.g., age-restricted housing, assisted living, and other developments in which the policy is not appropriate for the intended residents). Based on these goals the following table presents the Town of Ayer’s housing production numerical targets and schedule for the next five years:

**Table IV-1: Ayer Housing Production Schedule**

Year	Number of Units
2021	17
2022	17
2023	17
2024	17
2025	17

The Town of Ayer has established these production goals to realistically reflect current development plans and expectations of SHI housing production. As discussed previously, the target will be readjusted in 2020 on the basis of the 2020 U.S. Census and changes in the overall Ayer housing stock.

## Use Restrictions

Affordable housing in Ayer will be maintained through deed restrictions to ensure long-term affordability of the units. DHCD recommends the following restrictions to be applied for all units intended to be credited toward meeting the 10 percent rule of Chapter 40B and the DHCD Subsidized Housing Inventory:

- All affordable units must serve households with incomes no greater than that established in the original project approval, which in no event is to be greater than 80 percent of the area median income, adjusted for household size, as annually revised and published by the U.S. Department of Housing and Urban Development (HUD).
- The limitation must remain in place for the life of that residential unit, except that in the case of rehabilitated units the term may be reduced to as little as 15 years if there is no workable alternative. Future sale or rent price will be based upon maintaining affordability at the same percentage of area median as in the initial basis, adjusting for changed median incomes and changed tax, condo fees, and other costs.
- Units must be subject to a regulatory agreement between the developer and the subsidizing agency unless the subsidy program does not require such an agreement.
- The units must be marketed in a fair and open process consistent with state and federal fair housing laws.

DRAFT

# APPENDIX A

## DEVELOPMENT ANALYSIS MAP

DRAFT

# **APPENDIX B**

## **2019 Ayer Housing Production Plan Public Input Session**

**DRAFT**



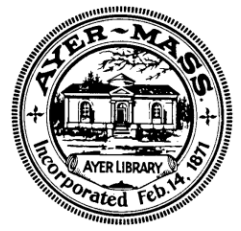
# **APPENDIX C**

## **Approval Letters from Select Board & Planning Board**

**DRAFT**

**Office of the Select Board  
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:** February 26, 2021

**TO:** Ayer Select Board

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

**SUBJECT: Town Manager's Report for the March 2, 2021 Ayer Select Board Meeting**

Dear Honorable Select Board,

I am pleased to transmit to you the following Town Manager's Report for the March 2, 2021 Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

**Administrative Update/Review of Town Warrant(s):**

- I will provide a brief Administrative Update on the various activities, initiatives, and projects of the Administration since the Select Board last met on February 16, 2021.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on February 16, 2021:

Accounts Payable Warrant #21-16 in the amount of \$489,131.11 was reviewed, approved, and signed on February 16, 2021.

Payroll Warrant #21-17 in the amount of \$358,177.78 was reviewed, approved, and signed on February 23, 2021.

**Appointments - Commission on Disabilities:**

- On recommendation of the Director of Community and Economic Development (see attached memo), I am respectfully requesting that the Select Board vote to appoint the following individuals to the Ayer Commission on Disabilities:

Caitlin Gamache to fill a vacant three-year term which expires on June 30, 2021

Laura Warner to fill a vacant three-year term which expires on June 30, 2021

David Cibor to fill a vacant three-year term which expires on June 30, 2021

Ava Sheriff to fill a vacant three-year term which expires on June 30, 2023

**COVID-19 Update:**

- I will provide a brief COVID-19 Update at the meeting of the ongoing COVID-19 preparedness efforts of the Town.

**FY 2022 Budget and Annual Town Meeting Update:**

- I will provide brief update on the FY 2022 Budget and Annual Town Meeting Warrant at the meeting. The second Budget Public Forum will be held on Monday, March 8, 2021 at 6pm on Zoom. This will be a Joint Meeting of the Select Board and Finance Committee and all Town Department Heads will be in attendance. The deadline for all Annual Town Meeting Warrant Articles and Citizens Petitions is Friday, April 2, 2021 at 12pm.

**Vote to Approve the FY 2022 Capital Planning Recommendations for the Annual Town Meeting Warrant:**

- I am respectfully requesting that the Select Board vote to approve the FY 2022 Capital Planning Recommendations as approved by the Town's Capital Planning Committee (see attached) for placement on the Annual Town Meeting Warrant for consideration of approval by the Town Meeting on April 26, 2021.

**DLTA Grant Letter of Support for Build Out Study:**

- The Town Planner is respectfully requested a letter of support from the Select Board for the Town's DLTA Grant Application for a Build Out Study. I am respectfully requesting that the Select Board vote to authorize a letter of support like the one submitted by the Town Manager (see attached).

**Approval of Ayer-Shirley Regional Dispatch Inter-Municipal Agreement:**

- I am respectfully requesting that the Select Board vote to approve the attached Ayer-Shirley Regional Dispatch Inter-Municipal Agreement with signature by the Select Board (see attached). As the Select Board is aware, the Town's of Ayer and Shirley previously regionalized emergency dispatch services into a regional dispatch center located at the Ayer Police Station. The Regional Dispatch Center is administered by Chief Murray and all Dispatchers who staff the Dispatch Center are Town of Ayer Employees.
- The previous Intermunicipal agreement was a two-year agreement which expired on June 30, 2020. Due to the unforeseen impacts of COVID-19 there had been delays in the negotiations of the successor agreement between Ayer and Shirley. However, there has been no delay or interruptions in the operations of this state-of-the art regional dispatch center which continues to serve Ayer and Shirley very well.
- The attached Intermunicipal Agreement was negotiated by the Ayer Town Manager, Shirley Town Administrator, and Director of State 911 with review and input from the Ayer Police Chief and Ayer Finance Manager. The attached Intermunicipal Agreement is for a three-year term effective July 1, 2020 to June 30, 2023. The Town of Ayer receives the following funding for the regional dispatch center (see page 6 of the attached IMA) as follows:

FY 2021: Shirley pays a \$145,000 Assessment

FY 2022: Shirley pays a \$145,000 Assessment and State 911 pays \$38,500

FY 2023: Shirley pays a \$145,000 Assessment and State 911 pays \$56,000

- The Shirley Board of Selectmen are scheduled to approve the Intermunicipal Agreement at their March 8, 2021 meeting.

Thank you.

Attachments: Memo from the Dir. of Com. & Eco. Dev. Re: Commission on Disabilities Appointments  
FY 2022 Capital Plan Recommendations of the Capital Planning Committee  
Letter of Recommendation from the Town Manager Re: DLTA Grant for Build Out Study  
DRAFT Intermunicipal Agreement for Regional Dispatch

# Town of Ayer

## Office of Community & Economic Development

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



To: Robert Pontbriand, Town Manager  
From: Alan S. Manoian, Dir. AOCED  
Date: 2/23/2021  
Re: List of Appointee Applicants for Ayer Commission on Disabilities - March 2<sup>nd</sup> Ayer  
Select Board Meeting

### Appointee Applicants to the Ayer Commission on Disabilities

- Caitlin Gamache, 3 Appleblossom Dr., Ayer MA 01432
- Laura Warner, 47 Washington St., Ayer MA 01432
- David Cibor, 147 West Main St., Ayer MA 01432
- Ava Sheriff, 29 Washington St., Ayer MA 01432

AOCED has requested (though not required) the Ayer Commission on Disabilities Appointee Applicants be present (via ZOOM) for the SB Meeting.

As of January 8, 2021

**2022 Capital Planning Committee Approvals**

GENERAL FUND		FY2022 Amount Requested	Approved by Cap Plan Comm	Date Approved	purchase (see note A)	reserve for borrow	move to operating budget	other funding - see notes	net amount to borrow	estimated term	Assumes 5% interest and 5% bond admin 1st year estimated FY22 debt service		estimated FY23 debt service	Notes
Facilities	Police Station HVAC replacement	\$145,000	Approved	12/8/2020		\$92,435			\$52,565	10	\$5,257	\$7,096		
	Town all phone system & communication infrastructure upgrades	\$28,000						CARES Act						
	Pickup truck	\$30,000	Approved	12/8/2020	\$30,000									Actual cost of phone system over \$30,000
Library	HVAC repairs	\$12,000	Approved	12/8/2020	\$12,000				\$0					
Fire	Deputy Chief vehicle	\$65,000	Not approved											moved out to FY2023
	SCBA compressor & fill station	\$70,000	Approved	12/8/2020					\$70,000	5	\$7,000	\$16,450		Fire Dept to apply for grant. If received, will only need a 5% match.
	Rescue tools & lifting jacks	\$33,007	Approved	12/8/2020	\$33,007									
Police	Replace Chief's vehicle	\$57,000	Not approved											moved out to FY2023
DPW	<b>Admin</b>													
	Main St decorative street light upgrades	\$70,000	Approved	12/8/2020					\$70,000	10	\$7,000	\$9,450		
	<b>Highway</b>													
	Road paving (supplements Chap 90), includes Mass Works local share \$50,000	\$200,000	Approved	12/8/2020					\$200,000	10	\$20,000	\$27,000		
	<b>Stormwater</b>													
	Storm drain upgrades	\$100,000					\$100,000							move to operating budget as in prior years
	Culvert replacements, includes Mass Works local share \$50,000	\$100,000					\$100,000							move to operating budget as in prior years
	Stormwater asset/master plan grant match (grant equals \$72,000)	\$40,000	Approved	12/8/2020	\$40,000									to use available funds (developer dam repair account)
<b>Total general fund requests</b>		<b>\$950,007</b>			<b>\$115,007</b>	<b>\$92,435</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$392,565</b>		<b>\$39,257</b>	<b>\$59,996</b>		

Note A: The balance in the Capital Stabilization Fund as of December 10,2020 assuming all the FY21 funding is spent totals \$2,751,914. In past recent years, the town has "purchased" capital assets with a value of \$40,000 or less, using transfers from Capital Stabilization.



**Office of the Select Board**  
**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](http://www.ayer.ma.us)

February 25, 2021

Montachusett Regional Planning Commission (MRPC)  
Attn: John Hume, Director of Planning and Development  
64 Abbott Avenue  
Leominster, MA 01453

Dear Mr. Hume,

For the current (March 2021) round of the **District Local Technical Assistance (DLTA)** program, the Town of Ayer is seeking assistance with a Build-Out Study of its recently adopted Main Street and Park Street Form-Based Code (FBC) districts. Ayer has adopted a FBC for its former 'Downtown Business' district as a mechanism to channel and encourage development in Ayer's compact center, near its Commuter Rail Station. The provision of affordable and market rate housing units in downtown Ayer is a key objective of the FBC.

To undertake careful planning for this area as envisioned in Ayer's Master Plan and other recent Planning documents, Ayer needs to know how full build-out of the Downtown / Park Street Form-Based Code (DAPSFBC) could impact the Town in terms of the number of new dwelling units, additional population, school-aged children, area of retail and commercial development, water and sewer demand, parking demand and other factors that go into planning an urban core.

As Ayer's Town Manager, I wholeheartedly support this DLTA application as put forth by the Town Planner and Director of Community and Economic Development. These staff personnel will serve as the core of a Steering Committee for this project and will provide staff time as local match. A letter of support from the Ayer Select Board, based on a vote at their March 2, 2021 meeting, will be forthcoming shortly.

In you have any questions regarding this letter of support, please do not hesitate to contact me at 978-772-8220 or by email at [tm@ayer.ma.us](mailto:tm@ayer.ma.us).

Thank you for your time and consideration.

Sincerely,

Robert Pontbriand  
Ayer Town Manager

Cc: Ayer Select Board  
Ayer Planning Board  
Ayer Office of Community and Economic Development  
Ayer Department of Public Works



INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF AYER AND THE  
TOWN OF SHIRLEY REGARDING THE AYER SHIRLEY REGIONAL DISPATCH  
CENTER (ASRDC)

March \_\_\_ 2021

This Agreement is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between the Town of Ayer, Massachusetts (“Ayer”) and the Town of Shirley, Massachusetts (“Shirley”) (collectively, the “Parties”) regarding the operation of a primary police and fire department dispatch system.

WHEREAS the Parties previously entered into an Agreement for the period of December 6, 2017 to June 30, 2020 which created the Ayer Shirley Regional Dispatch Center (ASRDC). This Agreement shall serve as the successor agreement to the June 30, 2020 Agreement.

WHEREAS the Parties desire to enter into this Agreement to collaborate to preserve and protect the lives, safety, and property of their citizens; and

WHEREAS, the Ayer Police Department has a communication center capable of handling police, fire, and EMS calls from Shirley; and

WHEREAS the Parties believe that emergency response times from their Police and Fire Departments will not be reduced as a result of this Agreement; and

WHEREAS, this Agreement is pursuant to G.L. c. 40, Section 4A which allows the Chief Executive Officer of each town to enter into agreements with one or more other towns to perform joint activities or undertakings, which any one of them is authorized by law to perform; and

NOW THEREFORE, the Parties agree as follows:

I. Introduction

Public safety is of paramount importance to the Parties. By working cooperatively, the Ayer and Shirley Police and Fire Departments will continue to achieve the objective of preserving and protecting the lives, safety, and property of the residents of Ayer and Shirley. Under the regional dispatch system described in this Agreement, the Ayer Shirley Regional Dispatch Center (“ASRDC”) will be the primary recipient of all emergency police, fire, and EMS calls from or for Shirley and will dispatch Shirley’s emergency responders as appropriate, in accordance with the policies and procedures of the Ayer Police and Fire Departments.

II. Term of Agreement

The term of this Agreement shall be for three (3) years commencing on July 1, 2020 and expiring on June 30, 2023.

III. Withdrawal or Termination of Agreement

Either Party may terminate this Agreement by providing written notice to the other party respectively at least one-year (12 months) prior to withdrawal from the Agreement

IV. Ayer's Responsibilities

A. In operating the ASRDC, Ayer shall be responsible for the following operations:

1. Receive police, fire, and EMS related Emergency 911 calls as the Primary PSAP (The primary public safety answering point located at 54 Park Street, Ayer, MA 01432).
2. Make and receive Police, Fire, and DPW Departments radio transmissions with respect to all responses by the ASRDC.
3. Conduct "Toning Out" of responding staff from the appropriate town, including Staff Recall, as necessary.
4. Receive non-emergency police and fire department traffic from participating towns on a regular business line for services related to the regional dispatch center such as general information, manpower recall, and run times.
5. Monitor the activity of all police, fire, and DPW department vehicles.
6. Maintain a log of all police and fire department activities as related to the regional dispatch center.
7. Maintain appropriate dispatch records in accordance with all federal, state, and local requirements.
8. Monitor and receive mutual aid requests to and on behalf of Shirley, pursuant to MGL Chapter 48, Section 59A.
9. Dispatch Shirley resources to respond to all calls received pursuant to this Agreement.

10. Provide the daily radio test for local, regional, and state mutual aid requests.
11. Notify other public safety service agencies and utilities at the request of the Shirley Police and Fire Departments.
12. Daily operating procedures and administrative management of the ASRDC shall be the sole responsibility of the Chief of the Ayer Police Department or his/her designee.
13. The policies and procedures regarding the operation and administration of the ASRDC are the ultimate responsibility of the Ayer Police Chief, subject to consultation with and guidance provided by the Ayer Fire Chief, Shirley Police Chief, and Shirley Fire Chief. Draft policies may be offered by any member community.
14. Provide the Town of Shirley with a breakdown of how all grant money is expended.
15. Provide the Town of Shirley Public Records Officer(s) with a copy of all public records requests made pertaining to the ASRDC and/or Town of Shirley.

V. Shirley's Responsibilities

1. All policies and procedures concerning public safety in Shirley are the sole responsibility of the Town of Shirley. Ayer has no responsibility pursuant to this Agreement to respond to any emergencies with Ayer personnel within Shirley.
2. The Shirley Police and Fire Departments shall provide promptly the following data to the regional dispatch center as the following new information is available:
  - a. All running cards and street location information, patrol sector districts, contract information for personnel, other town agencies and affiliations and business information.
  - b. All Shirley Police and Fire Departments Standard Operating Guidelines, General Orders and memorandum regarding emergencies and dispatches; and
  - c. All documents reasonably necessary for the regional dispatch center to perform its obligation under this Agreement

3. If a telephone line failure or technical difficulty, including but not limited to an equipment failure, natural disaster, or storm, renders the ASRDC unable to provide dispatch services, Ayer shall first attempt to use all reasonably available local and state assets to replace such services. In the event that those assets are not able to perform the requisite dispatch obligations, the Shirley Police and Fire Departments shall assume all standard responsibilities for police, fire and EMS dispatch for Shirley, using Shirley's reasonably available resources at no expense to Ayer, until the regional dispatch center is able to resume its services.

#### VI. Personnel of the ASRDC

1. Upon implementation of this Agreement, all Dispatchers of the ASRDC shall be employees of the Town of Ayer and governed by the Collective Bargaining Agreement currently in place between the Town of Ayer and the APPOA Communication Workers.
2. Matters involving personnel of the ASRDC including discipline shall be handled in accordance with the Collective Bargaining Agreement currently in place between the Town of Ayer and the APPOA Communication Workers or Mass General Laws, Chapter 150 E.
3. As stated under Section IV, Subsection 12 of this Agreement, staffing policies, daily operating procedures and administrative management of the regional dispatch center shall be the sole responsibility of the Chief of the Ayer Police Department and/or his/her designee.
4. Ayer will make every reasonable effort to initially hire qualified Shirley Dispatchers for the ASRDC, whose terms and conditions of employment would thereafter be governed by the agreement between the Town of Ayer and the APPOA. Each party shall be responsible for its own legal costs incurred during the transition to the ASRDC. Unemployment costs of Shirley employees who are not hired by the ASRDC will be incurred by Shirley.
5. Shirley shall have a seat at the bargaining table during contract negotiations with APPOA Communications Workers Union, provided, however, that the Ayer Board of Selectmen shall make the final determinations regarding any agreement resulting therefrom.

#### VII. Conflict and Dispute Resolution

1. A "Conflict Resolution Board" is hereby established for the purpose of resolving any disputes that may occur between the Parties during this

Agreement. Members of the Conflict Resolution Board shall include the Chiefs from the Ayer and Shirley Police and Fire Departments or their designees. The Board shall meet monthly during the term of this Agreement, or at such other times as agreed to by the Parties.

2. No suit upon any claim or cause of action upon, or for damages upon, by reason of, or growing out of this Agreement or its non-performance or faulty performance, shall be filed or maintainable by any Party unless notice of such claim or cause of action be given to the other Parties at its/their address at the end of this agreement, not less than thirty (30) days prior to filing.
3. In the event any dispute of any kind should arise between the Parties concerning the construction of this Agreement or the breach thereof, then and in that event, such dispute may, upon agreement of the Parties, be submitted to an arbitrator selected by the American Arbitration Association. The proceedings before said arbitrator shall be governed by the rules and regulations of said Association, and the award, determination of said arbitrator shall be binding and conclusive upon those Parties, and they herewith agree to abide thereby. Any costs associated with arbitration shall be split evenly between the Parties, unless resolution is not achieved within six (6) months. If the Parties cannot reach a resolution within six (6) months of the commencement of arbitration, the costs for the arbitration process incurred after such six-month period shall be borne by the Party raising the dispute. The Parties may also mutually agree to use other forms of alternative dispute resolution, including mediation or an agreed upon third party to address disputes arising under this Agreement. Each Town reserves the right, either in law or equity, by suit, and complaints in the nature of specific performance or other proceeding to enforce or compel performance of any or all covenants herein.
4. The Parties mutually agreed to formulate and implement a Management Control Agreement for IMC and an Overview/Troubleshooting Policy both for the ASRSDC upon execution of this Agreement.

VIII. Expansion of Membership of the Regional Dispatch Center

Any expansion of membership of the regional dispatch center shall be subject to approval by a majority vote of each Board of Selectmen of the Towns of Ayer and Shirley.

IX. Entire Agreement, Modification, Amendment

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations, and representations, either written or oral. No officer, official, agent, or employee of any of the participating Parties shall have the power to amend, modify, or alter this Agreement or waive any of its provision or to bind any of the participating Towns by making any promise or representation not contained herein. Any modification shall be by a written amendment duly authorized by all the Towns. Said amendment shall be executed in the same manner as this Agreement is executed.

X. Indemnification

To the extent permitted by law, each Party shall defend, indemnify, and hold the other Town harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs, and expenses, including attorney's fees, arising solely out of the indemnifying Party's acts or omissions, breach of this Agreement, or the negligence or misconduct of the indemnifying party or its agents or employees. In entering into this Agreement, neither Party waives any governmental immunity or statutory limitation of damages.

XI. Shirley Assessment for Services of the ASRDC

Shirley agrees to pay Ayer the following for all services provided by the regional dispatch center set forth by this Agreement:

FY 2021 Shirley Assessment: \$145,000.00 billed semiannually on July 1<sup>st</sup> and January 1.

FY 2022 Shirley Assessment: \$145,000.00 billed semiannually on July 1<sup>st</sup> and January 1. The balance of the Shirley Assessment for FY 2022 in the amount of \$38,500.00 shall be funded from the State 911 Grant.

FY 2023 Shirley Assessment: \$145,000.00 billed semiannually on July 1<sup>st</sup> and January 1. The balance of the Shirley Assessment for FY 2023 in the amount of \$56,000.00 shall be funded from the State 911 Grant.

Shirley agrees to submit payment in full for each such bill to Ayer within thirty (30) days of receipt of said bill. Any dispute concerning billing shall be first presented in writing by the disputing party within said thirty (30) days, and thereafter shall be resolved in accordance with the "Conflict Resolution" section of this Agreement.

Shirley shall not be responsible for any of Ayer's costs of operating the ASRDC.

Ayer shall not be responsible for maintaining Shirley's own radio and computer equipment, nor any obligations under service or support agreements related thereto. Shirley shall remain responsible for funding its own Police and Fire Departments, including any service and support agreements.

XII. Financial Safeguards

A. Pursuant to G.L. Chapter 40, Section 4A, Ayer agrees to maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received for such services. At least annually, Ayer shall prepare financial statements reflecting the services provided under this Agreement. Ayer agrees to audit such records regularly and to permit access to the other party to all such records concerning any audit.

B. The Parties will ensure that officers responsible for the obligations under this Agreement will provide any required performance bonds.

XIII. Severability

If any provisions, section, phrase, or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the Parties that the remaining provisions hereof shall continue in full force and effect.

XIV. Renegotiation of Agreement: The Parties mutually agree that renegotiations for a successor Agreement shall commence no later than six (6) months prior to the expiration of this Agreement (June 30, 2023)

XV. Notice

Any notice under this Agreement shall be provided as follows:

To Ayer:

Ayer Board of Selectmen  
C/o Town Manager  
1 Main Street

To Shirley:

Shirley Board of Selectmen  
C/o Town Administrator  
7 Keady Way

Ayer, MA 01432

Shirley, MA 01464

XVI. Governing Law

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.

XVII. Authorization

Each signatory below represents that it is duly authorized to execute this Agreement on behalf of the Parties

Town of Ayer  
By its Select Board,  
Town Manager,  
Police Chief and Fire Chief

Town of Shirley  
By its Board of Selectmen,  
Town Administrator,  
Police Chief and Fire Chief

\_\_\_\_\_  
Shaun C. Copeland, Chair

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

\_\_\_\_\_  
Jannice L. Livingston, Clerk

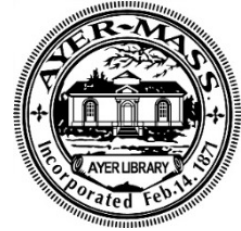
\_\_\_\_\_  
Robert A. Pontbriand  
Town Manager

\_\_\_\_\_  
William A. Murray  
Police Chief

\_\_\_\_\_  
Tim Johnston  
Fire Chief



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



*Broadcast and Recorded by APAC*

**Tuesday February 9, 2021**  
**Open Session Meeting Minutes**

**SB Present:** Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair  
*Both Via Remote Participation*

**SB Absent:** Jannice L. Livingston, Clerk

**Fin Com Present:** Patrick Diamond, Chair; Mark Smith, Vice-Chair; Matthew Selby; Lou Conrad  
*All Via Remote Participation*

**Fin Com Absent:** Terry Harvell

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager  
Dr. Mary Malone, Superintendent of Schools, Ayer Shirley Regional School District  
Mr. William Plunkett, Business Manager, Ayer Shirley Regional School District  
*All Via Remote Participation*

**Select Board Call to Order:** S. Copeland called the meeting to order at 6:06 PM.

**Remote Access:** S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

**Finance Committee Call to Order:** P. Diamond called the meeting to order at 6:08 PM.

Dr. Malone was joined by two members of the Ayer Shirley Regional School Committee for her FY '22 budget presentation, Mrs. Joyce Reischutz, Chair and Mr. Jonathan Deforge, Secretary. Dr. Malone reported that from FY '20 – FY '21 the District is down about 80 students, which is largely contributed to the COVID-19 pandemic. The Choice Out enrollment has increased by 11 students and the Choice In enrollment is down 12. Dr. Malone stated that the Special Education Enrollment is 21.5% of the total enrollment or 317 students. She stated that the Special Education Out of District Costs range from \$36,000 to \$312,000 per placement.

Mr. Plunkett presented the budget drivers for FY '22, he stated that health insurance, employee salaries, and Out of District tuition costs are several of the major drivers. He stated that overall revenue is down about \$135,000 compared to last year. He reported that the overall district assessment would increase by 2.2%, which is an increase of about \$430,000 dollars. The Ayer assessment, without debt service would be, \$11,769,808, an increase of \$243,995 or 2.1%. The Ayer assessment, with debt service would be, \$12,680,749, an increase of \$12,680,749 or 1.8%.

P. Diamond asked how Ayer and Shirley costs compared to the state average. B. Plunkett stated the Town is a little under the state average with the state on per pupil expenditures.

S. Copeland asked about special education students in cost sharing districts. Dr. Malone explained that when a Special Education student moves into a new district mid-year, the costs are shared between the two communities.

L. Conrad asked if the state puts a cap on Special Education costs. Dr. Malone stated that there is no state cap. B. Plunkett stated that some costs are offset the next year by the Special Education Circuit Breaker. He then noted that the health insurance for FY '22 was at a 5% increase and was wondering if the District had received specific information or whether that was a projection. B. Plunkett stated that it was a projection based on information from the underwriter. L. Conrad asked whether the Computer Science position was filled at the high school. Dr. Malone stated that the position was not filled, due to the pandemic, but is looking to fill it for the next school year.

R. Pontbriand thanked Dr. Malone and B. Plunkett and members of the School Committee for their budget presentation. S. Copeland asked for any public input; there was none.

L. Conrad thanked Dr. Malone for her years of service. He asked Dr. Malone, if there were no confines of a budget, what item would she be advocating for. Dr. Malone stated the high school fields need to be updated because they are in dire shape and not usable.

Dr. Malone then presented the District's 3 Year Capital Plan, which includes new boilers at Page Hilltop School, the addition/replacement of air filters due to the COVID-19 pandemic.

S. Houde asked about the field project and asked if Shirley had set a date for the vote. Dr. Malone stated that the field project funding question would be placed on the Annual Town Election Ballot.

S. Houde then asked about the status of Page Hilltop School and that about 2 years ago the Select Board asked the School Committee, with the support of the Finance Committee to considering replacing Page Hilltop and starting the MSBA process. Dr. Malone stated that right now the focus is getting the field replaced. Shirley Member J. Reischutz stated that the MSBA had done an evaluation stating that the Page Hilltop School classrooms were too big and was scaling back projects. She stated that she would be interested in submitted a letter from the District, once the MSBA offers more large-scale funding. S. Houde stated that both elementary schools are in need of repair and hopes that the School Committee continues to evaluate options and that he would help in that process.

**Select Board Adjournment:**

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to adjourn at 7:14 PM. **By Roll Call:** S. Copeland, aye; S. Houde, aye. **Motion passed by Roll Call Vote 2-0.**

**Fin Com Adjournment:**

**Motion:** A motion was made by M. Smith and seconded by M. Selby to adjourn at 7:15 PM. **By Roll Call:** P. Diamond, aye; M. Selby, aye; M. Smith, aye; L. Conrad, aye. **Motion passed by Roll Call Vote 4-0.**

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

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

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