

RECEIVED
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TOWN OF AYER
TOWN CLERK

10:40am
Maura Copeland

Town of Ayer
Board of Selectmen
Ayer Town Hall - 1st Floor Meeting Room
1 Main Street
Ayer, MA 01432



Tuesday December 4, 2018
Open Session Meeting Agenda

- 7:00 PM** **Call To Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- 7:05 PM*** **Public Input**
- Joint Appointment by BOS and Planning Board for Planning Board Vacancy**
- 7:15 PM** **Public Hearing – FY' 19 Tax Classification with the Board of Assessors**
- 7:45 PM** **Multifamily Affordable Housing Proposal- Request for L.I.P. Endorsement – 0 Washington Street**
Attorney Adam Costa
- 8:15 PM** **Town Manager's Report**
1. Administrative Update/Review of Warrant(s)
 2. Appointments – Ayer Recycling Committee
 3. Ridge View Heights Approval of Quitclaim Deed
 4. 2019 BOS Issued License Renewals
 5. Proposed Zoning Bylaw Town Meeting Discussion with Town Planner & Economic and Community Development Director
 6. January 2019 Meeting Schedule
- 8:35 PM** **New Business/Selectmen's Questions**
1. Executive Bi – Board Meeting Debrief (Selectman Houde)
- 8:45 PM** **Approval of Meeting Minutes**
November 13, 2018
- Adjournment**

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

The next regularly scheduled meeting of the Ayer Board of Selectmen is Tuesday December 18, 2018

Jonathan Kranz

██████████ Ayer, MA 01432 | ██████████

November 6, 2018

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

Dear Board of Selectmen, Planning Board:

I understand that there is a vacancy on the Planning Board. I hope that you will consider me as an appointee to the Planning Board through to the next election.

My family moved into the former Anderson/O'Toole funeral home on Washington Street last December. We love our new home, and the unique qualities of our new town are a big reason for our enthusiasm.

It would be an extraordinary honor to help the Planning Board, and the citizens of Ayer, in our collective efforts to expand upon our virtues and make Ayer an even more beautiful, more livable town for generations to come.

Please see the accompanying resume, and feel free to contact me via phone or email at your convenience should you have any questions.

Thank you for your consideration.

Sincerely,

Jonathan Kranz

Jonathan Kranz

Principal, Kranz Communications

Ayer, MA 01432

Experience

Kranz Communications, Ayer, MA

January 1996 - Present

Founder and principal of an independent marketing copywriting/communications agency serving clients in high-tech, healthcare, higher education, financial services and business services.

Website: www.kranzcom.com

Client list: <http://www.kranzcom.com/client-list-samples/>

Education

Harvard Business School Executive Education, 2009, Certificate in “Governing for Non-Profit Excellence”

Emerson College, MFA in Creative Writing, 1992 - 1995

Rutgers College, BA in Fine Art, 1981 - 1985

Publications

Our Brothers at the Bottom of the Bottom of the Sea, novel, 2015, Henry Holt & Co.

Writing Copy for Dummies, nonfiction, 2004, J. Wiley & Sons

Numerous articles for a variety of publications, including *Boston Business Journal*, *MarketingProfs*, *Content Marketing Institute* and others

Public Service Leadership

St. Mary Parish, Ayer, lector, October 2017 -

Notre Dame High School, Lawrence, MA, board of directors, 2007 - 2012 (board chair, 2010 - 2011)

Parish of the Incarnation, Melrose, MA, lector, 2003 - 2016

President, Southern New England Chapter, Society for Industrial Archeology, 2004 - 2007

Volunteer reader, Massachusetts Association for the Blind, 1994 - 2016

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Public Notice

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE
By virtue and in execution of the Power of Sale contained in a certain Mortgage given by Michele Kazmaier to Washington Mutual Bank, FA, dated January 18, 2005 and recorded with the Middlesex County (Southern District) Registry of Deeds at Book 44525, Page 94, subsequently assigned to JPMorgan Chase Bank, National Association by JPMorgan Chase Bank, National Association, as attorney in fact for the Federal Deposit Insurance Corporation as receiver of Washington Mutual Bank F/K/A Washington Mutual Bank, FA by assignment recorded in said Middlesex County (Southern District) Registry of Deeds at Book 70353, Page 423, subsequently assigned to Wells Fargo Bank, NA as Trustee for WAMU Mortgage Pass Through Certificates Series 2005-PR2 Trust by JPMorgan Chase Bank, National Association by assignment recorded in said Middlesex County (Southern District) Registry of Deeds at Book 70353, Page 424 for breach of the conditions of said Mortgage and for the purpose of foreclosing same will be sold at Public Auction at 11:00 AM on December 7, 2018 at 44 West Street, Pepperell, MA, all and singular the premises described in said Mortgage, to wit: A certain parcel of land situated on the northwesterly side of West Street in said Pepperell shown as Lot 5 on a plan entitled "Plan of Land in Pepperell, Mass. for Roland Gosselin" dated September 1988 which said plan is duly recorded with the Middlesex County Southern District Registry of Deeds in Book 19586 at Page 409, bounded and described as follows: Southeasterly by said West Street, forty-six and 79/100 (46.79) feet; Northeasterly by Lot 1 on said plan, four hundred and 29/100 (400.29) feet; Easterly by said Lot 1, two hundred thirty-four and 33/100 (234.33) feet; Southwesterly by said Lot 1, one hundred ninety and 00/100 (190.00) feet; Easterly by Lot 2 on said plan, two hundred sixty and 00/100 (260.00) feet; Northeasterly by Lot 6 on said plan, four hundred fifty-five and 65/100 (455.65) feet; Westerly by land now or formerly of one Siodentopp in two courses of ninety-six and 37/100 (96.37) feet and four hundred one and 27/100 (401.27) feet respectively; and

Public Notice

Public Notice

NOTICE OF THE TAKING MUST BE PUBLISHED OR SERVED AND MUST ALSO BE POSTED IN TWO OR MORE PUBLIC AND CONVENIENT PLACES AT LEAST FOURTEEN DAYS BEFORE THE ADVERTISED TIME OF TAKING.
STATE TAX FORM 300
**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF AYER
OFFICE OF THE TAX COLLECTOR**
NOTICE OF TAX TAKING

To the owners of the hereinafter described land and to all others concerned, you are hereby notified that on **DECEMBER 12, 2018** at twelve o'clock p.m. at the AYER Town Hall, pursuant to the provisions of General Laws Chapter 60, Section 53, and by virtue of the authority vested in me as Collector of Taxes, **IT IS MY INTENTION TO TAKE** for the Town of AYER the following parcels of land for non-payment of taxes due thereon, with interest and all incidental expenses and costs to the date of taking, unless the same shall have been paid before that date.

LIST OF PARCELS TO BE TAKEN
AUTUMN RIDGE FARM LLC
PROPERTY: Land and building
CONTAINING: 67.53 AC (more or less)
LOCATION: AUTUMN RIDGE DRIVE
ASSESSORS: 0004000001
REGISTRY: Middlesex South Registry of Deeds Book 44945 Page 464
Said land is taken for non-payment of FY 2014 taxes principal and interest of \$7,097.02

**CRIDER, BARBARA; SUBSEQUENT OWNER
MANNONE, FRANCIS**
PROPERTY: Land and building
CONTAINING: 0.240 AC (more or less)
LOCATION: BROOK STREET
ASSESSORS: 0026000015
REGISTRY: Middlesex South Registry of Deeds Book 6521 Page 406

Public Notice

Public Notice

MCMILLAN, FREDERICK J; MCMILLAN, MARILYN C
PROPERTY: Land and building
CONTAINING: 0.380 AC (more or less)
LOCATION: 15 MAPLE STREET
ASSESSORS: 0034000095
REGISTRY: Middlesex South Registry of Deeds Book 33112 Page 0600
Said land is taken for non-payment of FY 2012 taxes principal and interest of \$1,493.98 plus subsequent taxes principal and interest for a total of \$44,503.49

MICHALCZYK, BRIAN
PROPERTY: Land and building
CONTAINING: 0.190 AC (more or less)
LOCATION: 194 WEST MAIN STREET
ASSESSORS: 0032000032
REGISTRY: Middlesex South Registry of Deeds Book 50394 Page 384
Said land is taken for non-payment of FY 2014 taxes principal and interest of \$4,749.13 plus subsequent taxes principal and interest for a total of \$17,462.31

MICHALCZYK, BRIAN - TR. MT & E TRUST
PROPERTY: Land and building
CONTAINING: 0.250 AC (more or less)
LOCATION: WEST MAIN STREET
ASSESSORS: 0032000033
REGISTRY: Middlesex South Registry of Deeds Book 50394 Page 376 and 380
Said land is taken for non-payment of FY 2014 taxes principal and interest of \$290.67 plus subsequent taxes principal and interest for a total of \$747.28

MICHALCZYK, BRIAN - TR. MT & E TRUST
PROPERTY: Land and building
CONTAINING: 0.740 AC (more or less)
LOCATION: 190 WEST MAIN STREET
ASSESSORS: 0032000034
REGISTRY: Middlesex South Registry of Deeds Book

Public Notice

**LEGAL NOTICE
TOWN OF AYER
TOWN OF HARVARD
TOWN OF SHIRLEY
DEVENS REGIONAL
ENTERPRISE ZONE
MASSACHUSETTS
DEVELOPMENT
FINANCE AGENCY**
The Massachusetts Development Finance Agency and the Town of Harvard, acting by its Select Board, will hold a public hearing pursuant to Chapter 498 of the Acts of 1993 on Tuesday, November 27 at 7:00 P.M. in the upstairs meeting room at Town Hall, 13 Ayer Road, Harvard, MA 01451.
The Massachusetts Development Finance Agency and the Town of Ayer, acting by its Board of Selectmen, will hold a public hearing pursuant to Chapter 498 of the Acts of 1993 on Wednesday, November 28 at 7:00 P.M. in the downstairs meeting room at Town Hall, 1 Main Street, Ayer, MA 01432.
The purpose of these hearing is to present proposed amendments to the Reuse Plan and Zoning By-Laws for the Devens Regional Enterprise Zone and to receive public

Public Notice

**LEGAL NOTICE
COMMUNITY
FOUNDATION OF
NORTH CENTRAL MA
SUPPORTING
FOUNDATION, Inc.**
649 John Fitch Highway
FITCHBURG,
MASSACHUSETTS 01420
The Community Foundation of North Central Massachusetts Supporting Foundation has re-scheduled their Annual Meeting to **January 24 at 11am at The Community Foundation Boardroom, 649 John Fitch Highway, Fitchburg, Massachusetts, 01420.**

November 5, 6, & 7
November 9, 16 & 23,
2018



Public Notice

**Town of Ayer
Board of Selectmen
Public Hearing Notice**
The Ayer Board of Selectmen will be conducting a Public Hearing on Tuesday December 4, 2018 at 7:15 PM in the 1st Floor Meeting Room at the Ayer Town Hall, 1 Main Street Ayer, MA 01432 re: the **Town's FY 2019 Tax Classification.** At the Public Hearing the Ayer Board of Assessors shall provide all information and data relevant to making a decision on allocating the tax burden including the fiscal effect on the available alternatives: Jannice L. Livingston, Chair Christopher R. Hillman Chairman, Vice-Chair Scott A. Houde, Clerk
November 16, 23, 2018

TOWN OF AYER

FY2019 TAX CLASSIFICATION HEARING

OPEN SPACE DISCOUNT

❖ What is Open Space?

- Land maintained in an open or natural condition which contributes significantly to the benefit and enjoyment of the public.

❖ Exclusions:

- Land taxable under the provisions of chapter land.
- Land under a permanent conservation restriction.
- Land held for the production of income.

❖ Board of Selectmen:

- Selectmen may discount up to 25% of the open space percentage share of the tax levy.

RESIDENTIAL EXEMPTION

❖ What is a Residential Exemption?

- Applied to every residential property which is the principal residence of a taxpayer.
- The exemption is subtracted from the assessed value of eligible parcels.

❖ Exclusions:

- Accessory residential land & seasonal homes.
- Non-owner-occupied residential property.

❖ Board of Selectmen:

- Selectmen may adopt a discount of up to 35% of the average residential valuation.

SMALL COMMERCIAL EXEMPTION

❖ What is a Small Commercial Exemption?

- Designed to provide tax relief for small businesses.
- The tax burden is shifted within the C&I class.

❖ Qualifying criteria:

- Eligible properties must be included on the list provided annually to the Assessors by the DLWD.
- Qualifying properties must have a valuation of less than one million dollars and an average annual employment of 10 or fewer people.

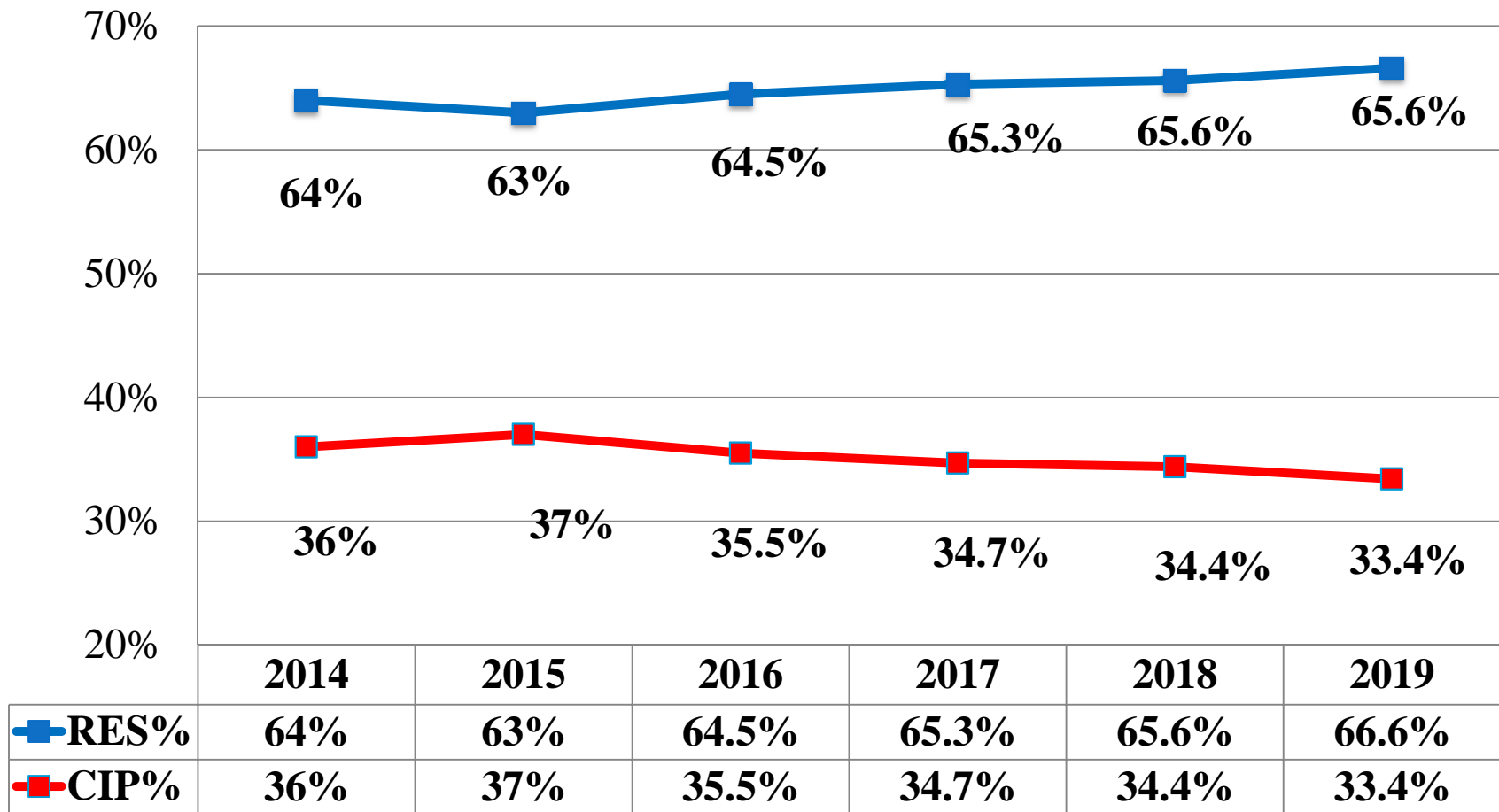
❖ Board of Selectmen:

- Selectmen may adopt an exemption of up to 10% of the value of eligible parcels.

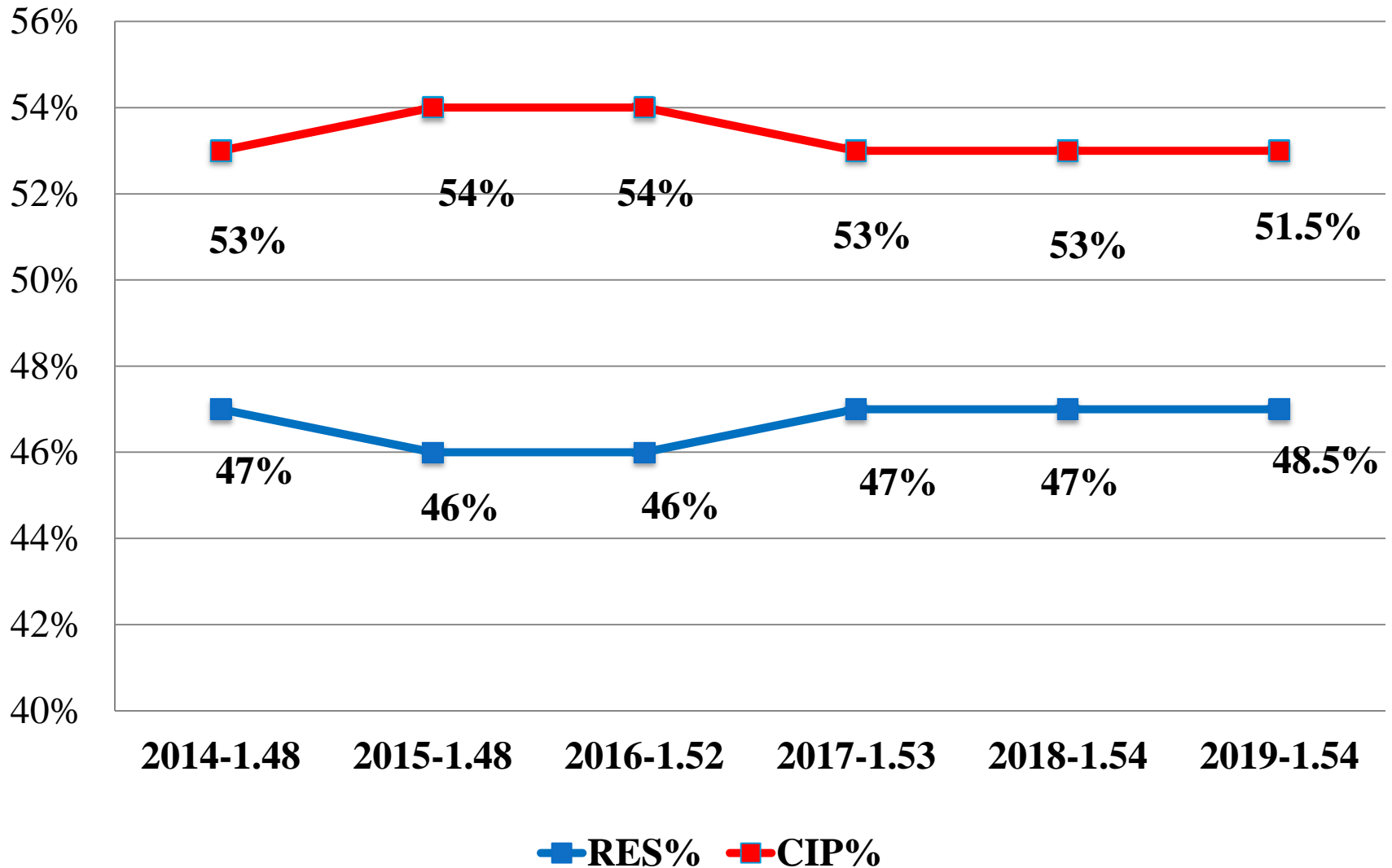
SMALL COMMERCIAL EXEMPTION

Total Com/Ind & Mixed Use Parcels	326
Total number of Commercial Parcels	273
Current # of Eligible Parcels per DLWD List	43
Total Assessed Valuation of Eligible Parcels	\$14,135,300
Total Valuation Exempted of Eligible Parcels	\$1,413,530
Estimated CIP Tax Rate without a S.C.E.	\$28.80
Estimated CI Rate with a 10% S.C.E.	\$28.95
Impact on the Commercial/Industrial Tax Rate	\$0.15

FY2019 VALUATION PERCENTAGES



FY2019 TAX LEVY PERCENTAGES





FY2019 VALUATION SUMMARY

<u>Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>%</u>
Residential	819,924,700	66.6%	67%
Commercial	116,819,900	9.5%	
Industrial	158,111,200	12.8%	
Personal	<u>136,895,270</u>	<u>11.1%</u>	<u>33%</u>
Totals:	1,231,751,070	100%	100%
FY2019 Total Value	1,231,751,070		
FY2018 Total Value	1,153,576,260		
% Change	6.8%		
Avg. Single Family – 2019	332,600		
Avg. Single Family – 2018	312,800		
% Change	6.3%		

FY2019 TAX LEVY SUMMARY

FY2018 Levy Limit	\$22,809,032
Increased 2.5%	\$570,226
FY2019 Growth	\$740,493
FY2019 Debt Exclusions	\$1,451,003
General Override	<u>0</u>
FY2019 Maximum Tax Levy	\$25,570,754
FY2019 Actual Tax Levy	\$23,036,173
Excess Levy Capacity	\$2,534,581
FY2018 Tax Levy	\$23,223,467
% Levy Change	-0.8%

FY2019 SINGLE TAX RATE

FY2019 Tax Levy	<u>\$23,036,173</u>
FY2019 Valuation	\$1,231,751,070  1,000  \$18.70
Single Tax Rate 2019	\$18.70
Single Tax Rate 2018	\$20.13
% Change	-7.1%

FY2018 CLASSIFICATION DATA

<u>Class</u>	<u>Valuation</u>	<u>%</u>	<u>Levy%</u>	<u>Tax Rate</u>
Residential	756,632,300	65.6%	47%	\$14.43
<u>CIP</u>	<u>396,943,960</u>	<u>34.4%</u>	<u>53%</u>	\$31.00
Totals:	1,153,576,260	100%	100%	

* Single Tax Rate	\$20.13
* CIP Shift Factor	1.54
* Res. Factor	0.716706

FY2019 ESTIMATED TAX RATES

<u>CIP Shift%</u>	<u>Res. Factor</u>	<u>CIP Levy%</u>	<u>Res Levy%</u>	<u>Res. Rate</u>	<u>CIP Rate</u>	<u>Avg Res Bill \$Ch</u>	<u>Med C&I Bill \$Ch</u>	<u>Avg Res Bill %Ch</u>	<u>Med C&I Bill %Ch</u>
1.00	1.000000	33.4%	66.6%	\$18.70	\$18.70	\$1,706	(\$3,065)	37.8%	-37.4%
1.10	0.949773	36.8%	63.2%	\$17.76	\$20.57	\$1,393	(\$2,552)	30.9%	-31.1%
1.20	0.899545	40.1%	59.9%	\$16.82	\$22.44	\$1,081	(\$2,039)	23.9%	-24.9%
1.30	0.849318	43.5%	56.5%	\$15.88	\$24.31	\$768	(\$1,526)	17.0%	-18.6%
1.40	0.799091	46.8%	53.2%	\$14.94	\$26.18	\$455	(\$1,013)	10.1%	-12.4%
1.50	0.748864	50.2%	49.8%	\$14.01	\$28.05	\$146	(\$499)	3.2%	-6.1%
1.51	0.743841	50.5%	49.5%	\$13.91	\$28.24	\$113	(\$447)	2.5%	-5.5%
1.52	0.738818	50.8%	49.2%	\$13.82	\$28.43	\$83	(\$395)	1.8%	-4.8%
1.53	0.733795	51.2%	48.8%	\$13.72	\$28.61	\$50	(\$346)	1.1%	-4.2%
1.54	0.728773	51.5%	48.5%	\$13.63	\$28.80	\$20	(\$294)	0.4%	-3.6%
1.55	0.723750	51.8%	48.2%	\$13.54	\$28.99	(\$10)	(\$242)	-0.2%	-2.9%
1.56	0.718727	52.2%	47.8%	\$13.44	\$29.18	(\$44)	(\$189)	-1.0%	-2.3%
1.57	0.713704	52.5%	47.5%	\$13.35	\$29.36	(\$73)	(\$140)	-1.6%	-1.7%
1.58	0.708682	52.8%	47.2%	\$13.25	\$29.55	(\$107)	(\$88)	-2.4%	-1.1%
1.59	0.703659	53.2%	46.8%	\$13.16	\$29.74	(\$137)	(\$36)	-3.0%	-0.4%
1.60	0.698636	53.5%	46.5%	\$13.07	\$29.92	(\$167)	\$14	-3.7%	0.2%
1.70	0.648409	56.8%	43.2%	\$12.13	\$31.79	(\$479)	\$527	-10.6%	6.4%
1.75	0.623295	58.5%	41.5%	\$11.66	\$32.73	(\$636)	\$785	-14.1%	9.6%



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com



By Hand

November 13, 2018

Jannice L. Livingston, Chair
Board of Selectmen
Town of Ayer
1 Main Street
Ayer, Massachusetts 01432

RE: Multifamily Affordable Housing Proposal
Request for LIP Endorsement

Dear Madame Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection and as you might be aware, I represent Ayer Solar II, LLC (the "Applicant"), the proponent of a 976-kW ground-mounted solar photovoltaic installation (the "Solar Project") that was advanced in mid-2017 for property located off Washington Street in Ayer (the "Locus"). The Solar Project was issued site plan approval by the Planning Board on November 9, 2017. Due to the later pursuit of certain zoning amendments by the Town that would and ultimately did prohibit solar energy systems in the A-2 zoning district where the Locus is situated, an approval-not-required (ANR) plan was filed and endorsed, constructively, on March 20, 2018, thereby freezing the zoning applicable to the Locus. The Applicant believed it was well on its way to developing the Solar Project; but a complication quickly arose.

The constructive endorsement of the ANR plan was challenged by a group of 14 residents who reside nearby. Together with the Applicant, the Town's Planning Board is named as a Defendant in those proceedings. See Horgan, et al. v. Fay, et al., Middlesex Superior Court Docket No. 1881CV00919. Although the Applicant is actively defending the lawsuit challenging its ANR endorsement, the unanticipated impediment to constructing the Solar Project and the uncertainty associated with litigation, generally, have caused the Applicant to assess alternatives for developing the Locus. The residents who oppose the Solar Project have repeatedly objected to the "commercial" nature, so-they-say, of the solar energy system at issue. They have expressed a preference for residential use of the property, instead. The Locus, however, even if paired with adjacent land along the aforementioned Washington Street, is unique in its shape and topography; and, further, is subject to a sizeable utility easement. To justify the costs of civil engineering of the Locus, followed by completion of the site work itself, residential use of the Locus and adjacent land must be at a density that is greater than what is authorized by applicable zoning provision(s). That may concern some, but the Applicant believes it can address any concerns with a responsible design and with a project that helps address Ayer's shortage of affordable housing options.

The proposal submitted herewith, i.e. a plan entitled "Ayer Green Residences 40B Concept Plan," is for a community of 55 townhouse-style condominiums on the Locus

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

and adjacent land, together with requisite appurtenances like an access roadway or driveway, parking spaces and stormwater management facilities (the “Residential Project”). The Applicant anticipates permitting and developing the Residential Project under G.L. c. 40B, a.k.a. the Comprehensive Permit Law, which allows waivers from certain Bylaws, rules and regulations, otherwise applicable, in exchange for the creation of housing which, in part, will be affordable to households earning less than the area median income, or AMI. Of the 55 aforementioned units, at least 14 will be designated as affordable for the minimum term specified by the chosen subsidy.

The Applicant suggests that the Residential Project may be more consistent with some neighbors’ preference for a use of the Locus that is more residential than commercial. The Applicant also believes that the Locus is an ideal location for an affordable housing project like that proposed. The Locus is 49.79 acres in size; the southwesterly boundary of the developed portion thereof will be the aforementioned utility easement; and it is bounded to the northwest by the Nashua River Rail Trail and, beyond that, the project known as “Ayer Solar I,” a.k.a. “Kearsarge Ayer Solar.” Its only residential neighbors are along its northeasterly boundary, and only five (5) in total own properties that immediately abut the Locus. It is notable that these abutters all reside along nearby Madigan Lane, which is a cul-de-sac that will be unaffected, entirely, by the traffic generated by the Residential Project. Their houses are also situated a distance from the boundary with the Locus; and the concept plan for the Residential Project shows an area of lawn or landscaping, to-be-determined, between said boundary and the residences or driveway/roadway on the Locus.

The Residential Project will be developed with an awareness of and a concentration on environmental, economic and social sustainability. Several of the Commonwealth’s Sustainable Development Principles, as established by the Massachusetts Office for Commonwealth Development (OCD), will be satisfied. See <http://www.mass.gov/ocd>. For example, the Residential Project concentrates development through its compact design and is mindful of wetland resources on-site. See *supra*, Principles 1, 5. Additionally, the Project expands housing opportunities to people of all abilities, income levels and household types, by offering both market-rate and affordable townhomes. See *supra*, Principle 6. Still further, the Project provides transportation choice, given the availability of public transportation, i.e. the MBTA Commuter Rail, nearby. See *supra*, Principle 7.

As of the September 14, 2017 update to the Subsidized Housing Inventory (SHI) maintained by the Department of Housing and Community Development (DHCD), 8.7% of Ayer’s housing stock qualifies as affordable. That is a meaningful improvement over years past; but still falls short of the 10% statutory minimum established for the Commonwealth’s cities and towns. The Town of Ayer’s 2005 Comprehensive Plan Update included amongst the Town’s housing goals and recommendations: “[s]ponsor Local Initiative Program (LIP) affordable housing developments...” (Ayer’s Master Plan Update 2017 includes a similar LIP reference and also encourages compact developments.) That is what the Applicant now requests. Unlike a more traditional Chapter 40B process which starts with application to a subsidy like the Massachusetts Housing Finance Agency, a.k.a. MassHousing, and proceeds before the Town only once application is later made to the Zoning Board of

Appeals, a LIP project is premised on collaboration between the Applicant and the Town in an effort to achieve a mutually-beneficial outcome. The Town is rewarded with greater involvement in design, development, operation and management, if it so chooses. The Applicant wishes to provide the Town with that opportunity; to that end, asks that the Board engage in dialogue about the Residential Project, its benefits to the Town and any apprehensions that might be had; and, ultimately, seeks the Selectmen's endorsement of the proposal. Thereafter, DHCD's determination of eligibility will be sought and, subsequently, a comprehensive permit application will be made to the Zoning Board of Appeals.

I kindly ask that you include a discussion of the above on the agenda for your December 4, 2018 meeting. I will attend; and I will gladly answer or respond to Board members' questions and concerns, if any.

Thank you in advance for your consideration.

Sincerely,



Adam J. Costa

AJC/fhs

Enclosure

cc: Goldsmith, Prest & Ringwall, Inc. (w/ encl.)
Client (via e-mail only, w/ encl.)



DRAWING ISSUED FOR:

- CONCEPT
- PERMIT
- CONSTRUCTION
- CONSTRUCTION RECORD

PROPOSED CONCEPTS SHOWN ON THIS DRAWING MAY NOT COMPLY WITH ANY REGULATIONS / BYLAWS / ORDINANCES AND MAY NOT BE SUFFICIENT FOR DETAIL SUPPORT FOR PERMITTING PURPOSES AND IS NOT INTENDED FOR CONSTRUCTION. RESPONSIBILITY UNDER 23B OUR IS IMPLIED OR ACCEPTED.

NO.	DATE	BY	APP.	REVISION DESCRIPTION

GPR
Engineering Solutions
for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.
39 MARK STREET, SUITE 201, AYER, MA 01432
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 978.772.1580 FAX: 978.772.1591
www.gpr-inc.com

RESIDENTIAL DEVELOPMENT

**AYER GREEN RESIDENCES
40B CONCEPT PLAN**

**0 WASHINGTON STREET
AYER, MA**

PREPARED FOR:
AYER GREEN COMMUNITIES

171002-000-CONCEPT-40B.DWG 01-24-18 4:18:51 PM - NADWY:GWR

PLOT 8 © COPYRIGHT GOLDSMITH, PREST & RINGWALL, INC.

Initial Department Head Commentary
Multifamily Affordable Housing Proposal – Request for LIP Endorsement

• **Dept. of Public Works**

The access road was designed as a driveway to access the solar farm on an infrequent basis. I brought up my concerns with the design of the driveway for the two future houses. There are problems with the slope / geometry where the proposed driveway connects to Washington Street and I don't think it can be redesigned to improve the issues.

The Stormwater management for the solar project was complicated and extensive. Adding a significant amount of new impervious surface on the site will make Stormwater management difficult, if not impossible to implement.

Mark Wetzel PE
Superintendent of Public Works

• **Fire Department**

As I remember there was an issue with road width on the original Solar II plan as it relates to fire department access. This plan does not provide enough detail to research that. The town home units will require residential sprinkler systems. We will also need to check turning radius for the ladder truck as the plan does not show enough detail for us to research this.

Chief Robert Pedrazzi
Ayer Fire Department

• **Board of Health**

The BOH has no concerns as long as the project will be served by town water and sewer.

Bridgette Braley R.S.
District Health Inspector
Nashoba Associated Boards of Health

• **Town Planner**

Town Planner initial comments on the proposed 40B LIP project at the Ayer Solar II site:

1. The relatively narrow shape of the parent parcel will require very careful site work in order to prevent erosion and damage to vegetation outside of the building envelopes.
2. The presence of substantial wetlands downslope from the proposed building locations and the access road will likely require the stormwater management systems to be more robust than that needed for a Solar Array access road.
3. Rather than solely treating stormwater through conventional detention basins and the like, I recommend that the proponent consider the use of Low-Impact Development (LID) techniques such as Rain Gardens wherever possible to soften and enhance the visual appearance of the development.
4. The proposed number of residential dwellings will likely have substantial traffic impacts on Groton Road and Washington Street. A full traffic impact and mitigation study should be part of the formal submittal.

5. The narrow shape of the parent parcel somewhat limits the ability to provide an innovative and more attractive layout of the residential units, nonetheless I would like to see an attempt to meet, as much as possible, the specifications for such development as found in the OSRD and Multi-Family sections of the Ayer Zoning Bylaw.

6. Due to the proximity to the Madigan Lane subdivision, I recommend that the applicant provide a tree planting and screening plan for the area between the access road / building envelopes and the Madigan Lane subdivision.

Mark Archambault, AICP
Ayer Town Planner

- ***Community and Economic Development***
Please see attached
- ***Conservation Commission***
Please see attached

From: gbacon@ayer.ma.us
To: [Carly Antonellis](#)
Cc: [Ayer Conservation Commission](#)
Subject: Ayer Solar II 40B Project
Date: Monday, November 26, 2018 10:36:16 PM

Carly

I have reviewed the concept 40B project at the former Solar II site. At this time, and speaking only for myself I can only say that I expect that the Conservation Commission will engage a consultant to assist in the review of any application received for this project and it is quite possible that the Commission would want the project scaled back the mitigate impacts on the wetlands resources.

George Bacon

Nearly the whole project site includes:

- Priority Habitat of Rare species
- Estimated Habitat of Rare wildlife
- Area of Critical Environmental Concern (ACEC)

} MA Natural Heritage and Endangered Species Program



DRAWING ISSUED FOR:

CONCEPT CONSTRUCTION
 PERMIT CONSTRUCTION RECORD

PROPOSED CONCEPTS SHOWN ON THIS DRAWING MAY NOT COMPLY WITH ANY REGULATORY STANDARDS, ORDINANCES, JOBS, ACTS, RULES, ORDINANCES, OR REGULATIONS FOR PLANNING PURPOSES, AND IS NOT INTENDED FOR CONSTRUCTION. AN ENGINEER'S SEAL AND SIGNATURE IS REQUIRED FOR CONSTRUCTION.

NO.	DATE	BY	APP.	REVISION DESCRIPTION

GPR Engineering Solutions for Land & Structures
 GOLDSMITH, PREST & RINDWALL, INC.
 29 WASH STREET, SUITE 200, AYER, MA 01432
 CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
 VOICE: 978.231.0100 FAX: 978.231.0101
 www.gpr-inc.com

RESIDENTIAL DEVELOPMENT
 AYER GREEN RESIDENCES
 40B CONCEPT PLAN

0 WASHINGTON STREET
 AYER, MA

PREPARED FOR:
 AYER CREEK COMMUNITIES

DES. BY: GPN DATE: JULY 2018 JOB 171002 1 OF 1
CHK. BY: KTB

11/27/18 Conservation Administrator
 Illustrated comments

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, Ayer Town Manager
From: Alan S. Manoian AICP, Dir. Ayer Office of Community & Economic Development (AOCED)
Date: 11/30/2018
Re: Comments on Proposed "Ayer Green Residences 40B Concept Plan"

Ayer Green Residences 40B Concept Plan

- Total 55 new residential units
- Total 14 new affordable residential units

The proposed residential development would contribute to the Town's Economic Development goals by providing greatly needed, new, high-quality affordable residential dwellings in close proximity to the Town of Ayer's two largest local employers; Nashoba Valley Medical Center & Ayer/Shirley Regional School District which are respectively ¼ mile and ½ mile from the location of the proposed 40B development. These proposed affordable residential dwellings would provide housing choice opportunities for significant numbers of medical technicians, lab professionals, nurses, etc., as well as, public education staff professionals. In addition, the new Devens Shuttle which makes stops at both the Nashoba Valley Medical Center & Ayer/Shirley Regional School Campus on Washington Street, as well as the Downtown Ayer Commuter Rail Station & Devens, would provide a beneficial public transportation amenity for the new neighborhood. This would deliver a well-connected traditional neighborhood, and an appealing lifestyle.

The Dir. of the AOCED strongly recommends a modified building & street design approach that functionally delivers a more Traditional Neighborhood Design (TND) development pattern outcome. The conceptual building & street design layout as submitted by Applicant proposes an obsolete, auto-oriented, "front parking lot" lifestyle & non-traditional neighborhood design/development pattern; similar to an commercial automobile strip-corridor, with residential townhouses set-back from the neighborhood street and large asphalt surface parking lots fronting the residential dwelling units, and no sidewalks in a relatively dense and more urban residential development pattern.

The Dir. of AOCED strongly recommends the following proven and well-established practices & principles of Traditional Neighborhood Design (TND):

- Proposed new street be laid-out with ample sidewalks & pedestrian connectivity;
- Proposed new residential Townhouse buildings placed/sited so as to functionally address and connect with the pedestrian sidewalk;
- Proposed new residential Town house buildings to provide Public Realm – Private Realm functional delineation by the use of a traditional front yard fence treatment approx. 4ft in height;
- Proposed surface automobile access drives & parking be located at the rear of the Townhouse buildings;
- Proposed new street to be lined & framed with proper sidewalk shade trees;



(An example of “Traditional Neighborhood Design” - TDN)



(Traditional Neighborhood Design – Parking at the Rear of Townhouses)



(Traditional Neighborhood Design – Townhouses Functionally Address the Sidewalk & Street, not a front Surface Parking Lot)

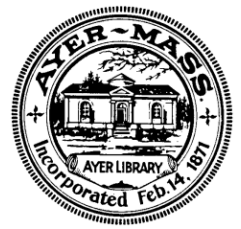
The following comments are submitted by Alicia Hersey, Community Development Program Manager:

The Town has received a proposal for a 40B development at the site off Washington Street, which is the current the proposed Ayer Solar II site. Taking into consideration the Commonwealth of Massachusetts commitment to new affordable housing exemplified by their new Housing Choice initiative which creates incentives for communities that increase sustainable and affordable housing, in addition to the new Ayer Master Plan which third housing goal is to "Encourage housing development that is sustainable, affordable, and serves all members of Ayer's population."

It is important that the Town look seriously at this new 40B proposal. The Applicant is proposing 55 units with 25% (14) units affordable. The Town's SHI number is currently 8.7%; over the next 4 years the Town will be losing a total of 73 units and the proposed new 14 units would help to offset that loss.


It is important to note that should the Town choose to work with the Applicant on this proposed 40B there would be many advantages in design and quality and the delivery of these affordable units. An example of the issues which should be discussed between the Town and the Applicant is whether the units are "sale or rental units". The Applicant has stated that they are condominiums so the assumption is that they are "sale units". Should the applicant decide to develop the property as a rental project with 25% affordable than all 55 units would count as affordable on the Town's SHI list. This has been done by the Commonwealth of Massachusetts to encourage rental development.

Office of the Board of Selectmen
Office of the Town Manager



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

MEMORANDUM

DATE: November 30, 2018
TO: Ayer Board of Selectmen
FROM: Robert A. Pontbriand 
Town Manager
SUBJECT: **Town Manager's Report for the December 4, 2018 Board of Selectmen's Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for your December 4, 2018 BOS meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Warrant(s):

- I will offer a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the last BOS meeting on November 13, 2018.
- I have reviewed, approved, and signed the following Town Warrants since the BOS last met on November 13, 2018:

Accounts Payable Warrant #19-09 in the amount of \$1,919,489.79 was reviewed, approved and signed on November 13, 2018.

Accounts Payable Warrant #19-09A in the amount of \$16,550.00 was reviewed, approved, and signed on November 13, 2018.

Payroll Warrant #19-10 in the amount of \$326,323.99 was reviewed, approved, and signed on November 20, 2018.

Appointments - Ayer Recycling Committee:

- I respectfully recommend that the BOS appoint Rebecca Jones of Ayer to an unexpired three year term on the Ayer Recycling Committee to expire on June 30, 2020.

Ridge View Heights Approval of Quitclaim Deeds:

It is respectfully requested that the BOS vote to approve the Ridge View Heights Quitclaim Deeds as prepared by Town Counsel and approved by Town Meeting under Article 30 on May 14, 2012 and under Article 10 on October 22, 2018 respectively (See Attached)

2019 BOS Issued License Renewals:

- It is respectfully recommended that the BOS vote to approve the 2019 BOS Issued License Renewals (See Attached Memo).

Proposed Zoning Bylaw Town Meeting Discussion with Town Planner & Economic and Community Development Director:

- There are several major zoning bylaw matters before the Town which will require Town Meeting approval. Specifically, zoning bylaw amendments pertaining to the zoning of recreational marijuana; the proposed form based code for Park Street; and the Petapawag Overlay zoning district (a goal of the Master Plan).
- These major items will require formal presentations to Town Meeting and will warrant significant time for questions and discussion at Town Meeting. The Administration is concerned that there may be a need for a Special Town Meeting to properly address these matters. We would like to discuss with the BOS its thoughts regarding these matters and to obtain some direction from the BOS as to how to proceed.
- To facilitate that conversation, please see the attached memos provided by the Town Planner and Economic and Community Development Director, who will appear before the BOS to further discuss. (See Attached Memos)

January 2019 BOS Meeting Schedule:

- Since the BOS normally meets on the 1st and 3rd Tuesdays of each month; in January, the first Tuesday is January 1, 2019 which is New Year's Day, a holiday and Town Hall is closed. Therefore the BOS will need to select an alternate date for that meeting.
- The 3rd Tuesday is January 15, 2019 which does not pose a scheduling issue.

Thank you.

Attachment(s): Ridge View Heights Quitclaim Deeds with Letter from Town Counsel
2019 BOS Issued License Renewals Memo
Memo from the Town Planner
Memo from the Director of Economic and Community Development

November 19, 2018



Katharine Lord Klein
kklein@k-plaw.com

Mr. Robert A. Pontbriand
Town Manager
Ayer Town Hall
One Main Street
Ayer, MA 01432

Re: Ridge View Heights – Parcels C, D-3 and I

Dear Mr. Pontbriand:

Enclosed please find as follows:

1. Quitclaim Deed from B. Duke Pointer and Richard D. Roper to the Town of Ayer for Parcel C and Parcel D-3, as approved by the vote taken under Article 30 of the May 14, 2012 Annual Town Meeting. I enclose plans showing these two lots; and
2. Quitclaim Deed from B. Duke Pointer and Richard D. Roper to the Town of Ayer for Parcel I, as approved by the vote taken under Article 10 of the October 22, 2018 Special Town Meeting. I enclose a plan showing this lot.

I would appreciate if the Board of Selectmen would sign the Acceptance attached to each Quitclaim Deed, and you would send these, along with certified copies of the two Town Meeting votes to my attention, and I will record the documents.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink that appears to read "Katharine Lord Klein".

Katharine Lord Klein

KLK/jsh
Enc.

651881/AYER/0118

QUITCLAIM DEED

B. DUKE POINTER and RICHARD D. ROPER, as Trustees of the RIDGE VIEW REALTY TRUST, a trust established by instrument dated September 25, 2007 and recorded in the Middlesex South District Registry of Deeds in Book 50157, Page 178,

For consideration paid, and in full consideration of nominal consideration as a gift granted to the TOWN OF AYER, Middlesex County, Massachusetts, a Municipal Corporation, acting by and through its BOARD OF SELECTMEN (hereinafter the "Grantee") in accordance with the Vote taken under Article 30 of the May 14, 2012 Annual Town Meeting, a certified copy of which is attached hereto,

with Quitclaim Covenants , the following described parcels of land:

That certain parcel of land located in Ayer, Middlesex County, Massachusetts, situated on the westerly side of Woodland Way, containing 18.23 acres of land and being shown as all that land located in said Ayer within "Parcel 'C'" on the plan of land entitled: " 'Ridge View Heights' Definitive Subdivision of Land in Ayer, Mass., Prepared for Crabtree Development Corporation, Scale: 1"= 40', March 1999", prepared by David E. Ross Associates, Inc. and recorded with the Middlesex South District Registry of Deeds as Plan No. 164 of 2005. Reference is hereby made to said plan of land for a more particular description of Parcel C, and

That certain parcel of land located in Ayer, Middlesex County, Massachusetts, situated on the easterly side of Woodland Way and the northwesterly side of Littleton Road, containing 33.50 acres of land and being shown as "Parcel 'D-3'" on the plan of land entitled: "Plan of Land in Ayer, Mass., Owned by Ridge View Realty Trust, Scale: 1" = 50', January, 2018", prepared by David E. Ross Associates, Inc. and recorded with Middlesex South District Registry of Deeds as Plan No. 456 of 2018. Reference is hereby made to said plan of land for a more particular description of Parcel D-3. Parcel D-3 was formerly shown as Parcel D-2 on the plan of land entitled: "Plan of Land in Ayer, Mass., Prepared for Crabtree Development Corp.," dated December 2007, prepared by David E. Ross Associates, Inc. and recorded with the Middlesex South District Registry of Deeds as Plan No. 119 of 2011.

Parcel D-3 is subject to and with the benefit of a Declaration of Reservation of a Utility Easement dated November 15, 2017 and recorded with said Registry of Deeds at Book 70247, Page 273.

Parcel D-3 is subject to a "16.5' Wide American Telephone and Telegraph Company Easement" as shown on said last mentioned plan and described in the instrument recorded with said Registry of Deeds at Book 1037, Page 409.

Executed under seal this 31st day of October, 2018

RIDGE VIEW REALTY TRUST

B Duke Pointer
By: B. Duke Pointer, Trustee

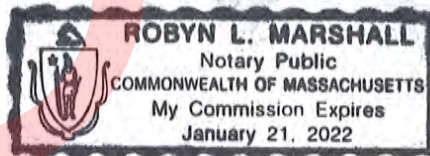
Richard D Roper
By: Richard D. Roper, Trustee

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.

On this 31st day of October, 2018, before me, the undersigned notary public, personally appeared B. Duke Pointer and Richard D. Roper, proved to me through satisfactory evidence of identification, which was MA Drivers License, and acknowledged to me that they signed it voluntarily for its stated purpose as Trustees of the Ridge View Realty Trust.

Seal

Robyn L Marshall
Notary Public
My Commission Expires: 1/21/22



ACCEPTANCE BY BOARD OF SELECTMEN

On this ____ day of _____, 2018, the Town of Ayer, acting by and through its Board of Selectmen, hereby accepts the foregoing Quitclaim Deed from B. Duke Pointer and Richard D. Roper, Trustees of the Ridge View Realty Trust, for Parcels C and D-3 in Ridge View Heights.

TOWN OF AYER,
By its Board of Selectmen

Jannice L. Livingston, Chair

Christopher R. Hillman, Vice Chair

Scott A. Houde, Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned Notary Public, personally appeared _____, member of the Ayer Board of Selectmen, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Board of Selectmen of the Town of Ayer.

Notary Public
My Commission Expires:

QUITCLAIM DEED

B. DUKE POINTER and RICHARD D. ROPER, as Trustees of the RIDGE VIEW REALTY TRUST, a trust established by instrument dated September 25, 2007 and recorded in the Middlesex South District Registry of Deeds in Book 50157, Page 178,

For consideration paid, and in full consideration of nominal consideration as a gift granted to the TOWN OF AYER, Middlesex County, Massachusetts, a Municipal Corporation, acting by and through its BOARD OF SELECTMEN (hereinafter the "Grantee") in accordance with the Vote taken under Article 10 of the October 22, 2018 Special Town Meeting, a certified copy of which is attached hereto,

with Quitclaim Covenants, grant the following described parcel of land:

That certain parcel of land located in Ayer, Middlesex County, Massachusetts, situated on the westerly side of Hemlock Drive, containing 24,410 s.f. of land and being shown as "Parcel 'I'" on the plan of land entitled: "Modification of Definitive Subdivision of Land in Ayer, Mass. Owned by Ridge View Realty Trust, Scale: 1" = 40', April 2016" prepared by David E. Ross Associates, Inc. and recorded with the Middlesex South District Registry of Deeds as Plan No. 143 of 2017 (see sheet 1 of 3). Reference is hereby made to said plan of land for a more particular description of Parcel I.

Parcel I is subject to and with the benefit of a "Proposed 20' Wide Slope Easement" as shown on said plan of land for purposes of providing sufficient subjacent and lateral support, and suitable grades to support, maintain, repair and replace the adjacent Hemlock Drive right of way and roadway and stormwater management features constructed therein. Parcel I is also subject to and with the benefit of a drainage easement for the benefit of the streets and ways shown on said plan of land and generally for the streets and ways shown on the original subdivision plan entitled "'Ridge View Heights' Definitive Subdivision of Land in Ayer, Mass., Prepared for Crabtree Development Corporation," dated March 1999, and being Plan No. L-5020 by David E. Ross Associates, Inc., endorsed by the Ayer Planning Board on 5 August 2004, and recorded in the Middlesex South District Registry of Deeds as Plan No. 164 of 2005, and as subsequently amended, and may be used for all purposes for which subdivision roadway stormwater management system drainage easements are commonly used in the Town of Ayer.

Executed under seal this 31st day of October, 2018

RIDGE VIEW REALTY TRUST



By: B. Duke Pointer, Trustee

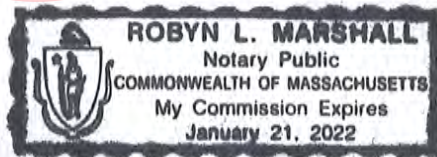

By: Richard D. Roper, Trustee

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.

On this 31st day of October, 2018, before me, the undersigned notary public, personally appeared B. Duke Pointer and Richard D. Roper, proved to me through satisfactory evidence of identification, which was ma Drivers License, and acknowledged to me that they signed it voluntarily for its stated purpose as Trustees of the Ridge View Realty Trust.

Seal


Notary Public
My Commission Expires: 1/21/22



ACCEPTANCE BY BOARD OF SELECTMEN

On this ____ day of _____, 2018, the Town of Ayer, acting by and through its Board of Selectmen, hereby accepts the foregoing Quitclaim Deed from B. Duke Pointer and Richard D. Roper, Trustees of the Ridge View Realty Trust, for Parcel I in Ridge View Heights.

TOWN OF AYER,
By its Board of Selectmen

Jannice L. Livingston, Chair

Christopher R. Hillman, Vice Chair

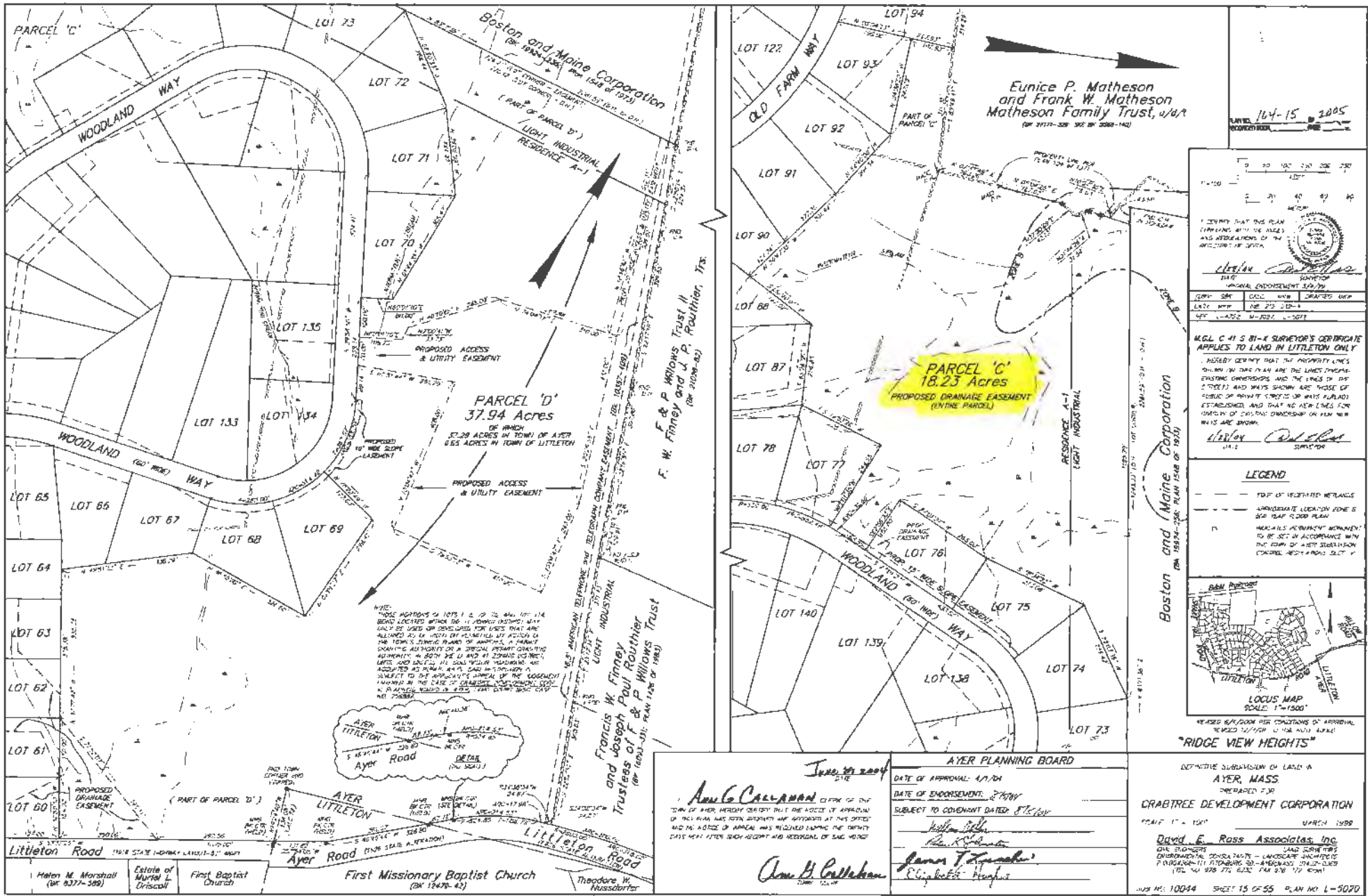
Scott A. Houde, Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned Notary Public, personally appeared _____, member of the Ayer Board of Selectmen, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Board of Selectmen of the Town of Ayer.

Notary Public
My Commission Expires:



Eunice P. Matheson
and Frank W. Matheson
Matheson Family Trust, w/4/4
(BY 2011-202 102 BY 2009-140)

164-15 2005
RECORD BOOK

0 20 40 60 80 100 120 140 160 180 200 220 240 260 280
1"=100'

0 20 40 60 80 100
1"=20'

I CERTIFY THAT THIS PLAN (SHOWING 4770 SQ. FEET) HAS APPROVED BY THE RECORDING OFFICE.

John C. Callahan
DATE: 4/1/04
SCALE: 1"=100'

M.G.L. C 41 S 81-A SURVEYOR'S CERTIFICATE APPLIES TO LAND IN LITTLETON ONLY

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES OF THE EXISTING OWNERSHIP AND THE LINES OF THE EXISTING WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT THE NEW LINES FOR OWNERSHIP OF CERTAIN OWNERSHIP ON THIS PLAN ARE APPROX.

John C. Callahan
DATE: 4/1/04

LEGEND

- TOP OF UNDEVELOPED WETLANDS
- APPROXIMATE LOCATION OF ZONE 5 360' 10' 10" 10" PLAN
- WETLANDS ADJACENT TO WETLANDS TO BE SET IN ACCORDANCE WITH THE TOWN OF AYER STEADFAST CONTROL ACT AND 100' 10" 10" 10"



RENDERED 6/1/04 PER CONDITIONS OF APPROVAL
RECORDED 12/1/04 IN THE RECORD BOOK

DEFENSIVE SUBDIVISION OF LAND IN
AYER, MASS
DRAFTERED 2/04
MARCH 1998

David E. Ross Associates, Inc.
ONE STANFORD UNIVERSITY DRIVE - LANDSCAPE ARCHITECTURE
P.O. BOX 111111 - BOSTON, MA 02111-1111
TEL: 617 552 7711 FAX: 617 552 7711

AYER PLANNING BOARD

June 10, 2005

Ann C. Callahan CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN SENT BY AIR MAIL AT THIS OFFICE AND THE NOTICE OF APPROVAL HAS BEEN RECEIVED BY THE DEFENSE DRAFTING CENTER, 1000 WASHINGTON STREET, BOSTON, MASSACHUSETTS 02108.

DATE OF APPROVAL: 4/1/04
DATE OF ENDORSEMENT: 2/10/04
SUBJECT TO COVENANT DATED 8/1/04

Ann C. Callahan
James T. ...

164-15

Middlesex Registry of Deeds
Southern District
Cambridge, Massachusetts
Plan No. 456 of 2018
Filed 1/12/2018
M. E. H. M. A. M.
Surveyor

FOR REGISTRY USE ONLY

Lot 64

Lot 63

Lot 62

Lot 61

Lot 60

Lot 66

Lot 67

Lot 68

Lot 69

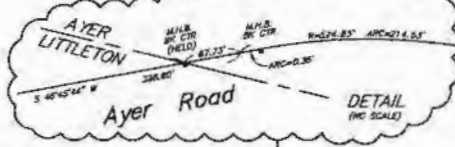
Lot R

Parcel 'D-3'
33.50 Acres
32.85 Acres in Town of Ayer
0.65 Acres in Town of Littleton

Drainage Easement
SEE PLAN L-9806

Drainage Easement
SEE PLAN L-5020

Lot 0-2
1.34 Acres



Littleton Road
1816 STATE HIGHWAY LAYOUT ~ 50' WIDE

Ayer Littleton Road
1820 STATE ALTERATION

Littleton Road
1808 STATE HIGHWAY

Helen M. Marshall (BK 8377-089)
ESTATE OF MARCEL L. DRISCOLL

First Missionary Baptist Church
(BK 12740-62)

PLAN OF LAND IN
Ayer, Mass.
OWNED BY
Ridge View Realty Trust
SCALE: 1" = 50'
JANUARY, 2018
David E. Ross Associates, Inc.

Ayer Planning Board
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.
C 41 S 81-P DATE:
SUBJECT TO COVENANT DATED SEPTEMBER 1, 2016

1"=50'
0 25 50 75 100 125 150
FEET
0 10 20 30 40
METERS

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

1/12/2018
DATE SURVEYOR

NOTE: ENDORSEMENT OF THIS PLAN BY THE PLANNING BOARD AS "APPROVAL NOT REQUIRED" DOES NOT CONSTITUTE COMPLIANCE WITH THE ZONING BYLAW.

NOTE: DRAINAGE EASEMENTS SHOWN WITH SHADDED PATTERN ARE SHOWN ON A PLAN OF EASEMENTS IN AYER, MASS., PREPARED FOR GRANTREE DEVELOPMENT CORP., BEING PLAN NO. L-8908 BY DAVID E. ROSS ASSOCIATES, INC. DATED DECEMBER, 2008, APPROVED BY MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN 1046 OF 2007 (SHEETS 4 & 7).

* SEE NOTES ON SHEET 1 OF 2

M.G.L. C 41 S 81-K SURVEYOR'S CERTIFICATE APPLIES TO LAND IN LITTLETON ONLY

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

1/12/2018
DATE SURVEYOR

OWNER/APPLICANT
Ridge View Realty Trust
P.O. BOX 803
AYER, MA 01432-0803

CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS
LANCASTER COUNTY ROAD, PO BOX 795, HAYWARD, MA 01451
(TEL. NO. 978-772-6232)
JOB NO. 10044 SHEET 2 OF 2 PLAN NO. L-13467

SUPP. S.B.A. CALC. M.K.W. DRAFTED: M.K.W. CK'D: M.K.W. NS: 212 SHEETS DEED: BK 52423 PG. 250 REF: L-5020, L-9189, L-9806, L-10700, L-12917, L-13232

456 of 2018 V2

MD

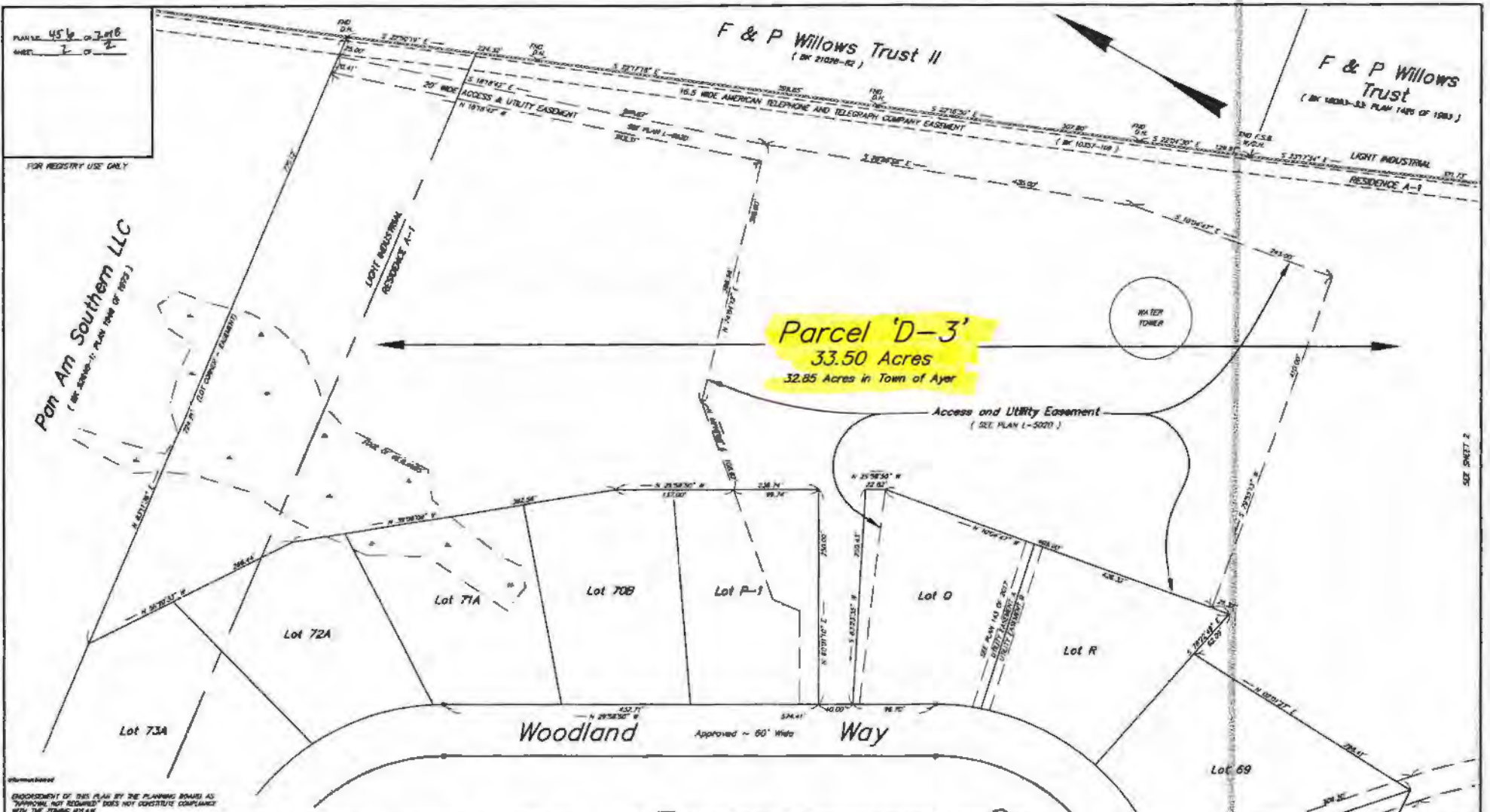
PLAN: 456 of 2018
 SHEET: 2 of 2

F & P Willows Trust II
 (BK 21020-02)

F & P Willows Trust
 (BK 10021-02 PLAN 1405 OF 1983)

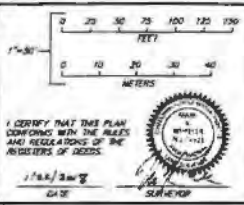
Parcel 'D-3'
 33.50 Acres
 32.85 Acres in Town of Ayer

Pon Am Southern LLC
 (BK 20000-01 PLAN 1400 OF 1993)



ENDORSEMENT OF THIS PLAN BY THE PLANNING BOARD AS "APPROVAL NOT REQUIRED" DOES NOT CONSTITUTE COMPLIANCE WITH THE ZONING BYLAW.

Ayer Planning Board
 APPROVAL UNDER SUBMISSION CONTROL LAW NOT REQUIRED.
 C 41 S 21-P DATE: _____
 SUBJECT TO COVENANT DATED: SEPTEMBER 1, 2018



M.G.L. C 41 S 21-A SURVEYOR'S CERTIFICATE APPLIES TO LAND IN LITTLETON ONLY

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

1/22/2018 DATE SURVEYOR

- REVISIONS:
- LOT D-2 AND PARCEL D-3 ARE A REVISION OF LOT D-1 AND PARCEL D-1 SHOWN ON A PLAN ENTITLED "PLAN OF LAND IN AYER, MASS., PREPARED FOR CHARITABLE DEVELOPMENT CORP.", DATED DECEMBER 2002, BOOK PLAN NO. L-10020 BY DAVID E. ROSS ASSOCIATES, INC., RECORDED AS PLAN 116 OF 2011.
 - LOTS D AND R ARE SHOWN IN THEIR ENTIRETY ON A PLAN ENTITLED, "MODE NEW HEIGHTS' DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS., PREPARED FOR CHARITABLE DEVELOPMENT CORPORATION", DATED MARCH 1998, ENDORSED AUGUST 3, 2004 AND BEING PLAN NO. L-5020 BY DAVID E. ROSS ASSOCIATES, INC., RECORDED IN HANDBOOK SOUTH DISTRICT, REGISTER OF DEEDS AS PLAN 164 OF 2005.
 - LOTS P-1, 70A, 71A, 72A AND 73A AND PROPOSED UTILITY EASEMENTS A AND B ARE SHOWN IN THEIR ENTIRETY ON A PLAN ENTITLED "MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND IN AYER, MA, OWNED BY MODE NEW REALTY TRUST", DATED APRIL 2006, BEING PLAN NO. L-12917 BY DAVID E. ROSS ASSOCIATES, INC., RECORDED AS PLAN 143 OF 2017.
 - 30' WIDE UTILITY EASEMENT FROM WOODLAND WAY TO LOT D-2 IS SHOWN IN ITS ENTIRETY ON "PLAN OF EASEMENT IN AYER, MASS., OWNED BY MODE NEW REALTY TRUST", BEING PLAN NO. L-13232 BY DAVID E. ROSS ASSOCIATES, INC., RECORDED AS PLAN 1027 OF 2017.

PLAN OF LAND IN
Ayer, Mass.
 OWNED BY
Ridge View Realty Trust
 SCALE: 1" = 50'
 JANUARY, 2018
David E. Ross Associates, Inc.
 CIVIL ENGINEERS - LAND SURVEYORS
 ENVIRONMENTAL CONSULTANTS
 LANCASTER COUNTY ROAD, PO BOX 795, HAVARD, MA 01451
 (TEL. NO. 978-772-8232)
 JOB NO. 10044 SHEET 1 OF 2 PLAN NO. L-13407

SUPV. S.B.R. CALC. M.K.W. DRAFTED: M.K.W. CK'D: M.K.W. NR. 212 SERIES DEED: BK 52423, PG. 250 REF: L-5020, L-9188, L-9806, L-10700, L-12917, L-13232

456 of 2018 2/2

Middlesex Registry of Deeds
Southern District
Cambridge, Massachusetts
Plan No. **L-12817**
Book **8-13** Page **20**
Recd. **7/13/2017**
H. 43.34
A. 11.11
M. 1.11
Alfred J. Burt
Register

FOR REGISTRY USE ONLY

APPROVED - 60' WIDE DRIVE

Lot 54
Kenneth
and Barbara
Kleynen
(BK 63589-126
PL 164 OF 2005)

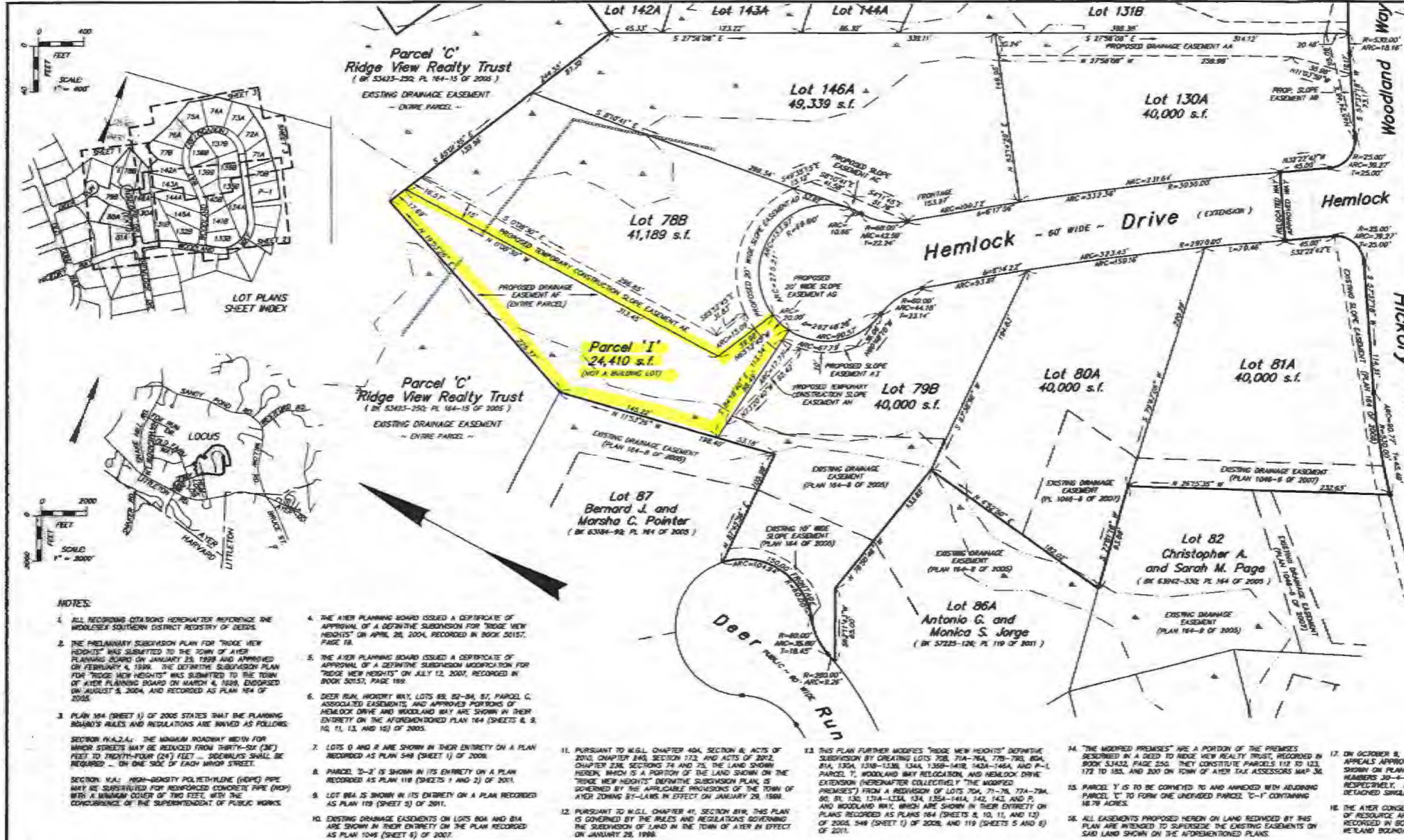
Lot 53
Kenneth G.
and Carol L.
Schreffler
(BK 63578-145
PL 164 OF 2005)

LOT PLAN

S. J. MULLANEY ENGINEERING, INC.
CIVIL SITE DESIGN & PERMITTING
300 WHITNEY ST. SUITE 201 P.O. BOX 732 - LUDLOW, MA 01453-0732
TEL: 978-534-2121 FAX: 978-534-2197 EMAIL: info@sjmullaney.com

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND AT
WOODLAND WAY, AYER, MA
PREPARED FOR OWNER AND APPLICANT
RIDGE VIEW REALTY TRUST
P.O. BOX 853
AYER, MA 01432-0853
TEL: 978-772-4281 FAX: 978-772-4341

SHEET **2** OF **28**
PLAN NO. **L-12817**
RECORDABLE SHEET **1** OF **3**



- NOTES:
- ALL RECORDS (DRAWINGS HEREINAFTER REFERENCE THE MIDDLESEX SOUTHERN DISTRICT REGISTRY OF DEEDS.
 - THE PRELIMINARY SUBDIVISION PLAN FOR "RIDGE VIEW HEIGHTS" WAS SUBMITTED TO THE TOWN OF AYER PLANNING BOARD ON JANUARY 23, 1998 AND APPROVED ON FEBRUARY 4, 1998. THE DEFINITIVE SUBDIVISION PLAN FOR "RIDGE VIEW HEIGHTS" WAS SUBMITTED TO THE TOWN OF AYER PLANNING BOARD ON MARCH 4, 1998, ENDORSED ON AUGUST 3, 2004, AND RECORDED AS PLAN 164 OF 2005.
 - PLAN 164 (SHEET 1) OF 2005 STATES THAT THE PLANNING BOARD'S RULES AND REGULATIONS ARE INVOKED AS FOLLOWS:
SECTION 14.2.1.4: THE MINIMUM ROADWAY WIDTH FOR HIGHWAY STREETS MAY BE REDUCED FROM THIRTY-SIX (36) FEET TO THIRTY-FOUR (34) FEET... DIMENSIONS SHALL BE MAINTAINED... ON ONE SIDE OF EACH MINOR STREET.
SECTION 14.2.1.5: HIGH-DENSITY POLYETHYLENE (HDPE) PIPE MAY BE SUBSTITUTED FOR REINFORCED CONCRETE PIPE (RCP) WITH A MINIMUM COVER OF TWO FEET, WITH THE CONFORMANCE OF THE SUPERINTENDENT OF PUBLIC WORKS.
 - THE AYER PLANNING BOARD ISSUED A CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION FOR "RIDGE VIEW HEIGHTS" ON APRIL 26, 2004, RECORDED IN BOOK 50157, PAGE 19.
 - THE AYER PLANNING BOARD ISSUED A CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION MODIFICATION FOR "RIDGE VIEW HEIGHTS" ON JULY 12, 2005, RECORDED IN BOOK 50153, PAGE 189.
 - DEER RUN, HICKORY WAY, LOTS 86, 87, 88, 89, 90, 91, PARCELS C, ASSOCIATED EASEMENTS, AND APPROVED PORTIONS OF HEMLOCK DRIVE AND WOODLAND WAY ARE SHOWN IN THEIR ENTIRETY ON THE AFOREMENTIONED PLAN 164 (SHEETS 8, 9, 10, 11, 12, AND 13) OF 2005.
 - LOTS 8 AND 9 ARE SHOWN IN THEIR ENTIRETY ON A PLAN RECORDED AS PLAN 549 (SHEET 1) OF 2008.
 - PARCEL 2-2 IS SHOWN IN ITS ENTIRETY ON A PLAN RECORDED AS PLAN 118 (SHEETS 1 AND 2) OF 2011.
 - LOT 81A IS SHOWN IN ITS ENTIRETY ON A PLAN RECORDED AS PLAN 119 (SHEET 2) OF 2011.
 - EXISTING DRAINAGE EASEMENTS ON LOTS 80A AND 81A ARE SHOWN IN THEIR ENTIRETY ON THE PLAN RECORDED AS PLAN 1046 (SHEET 6) OF 2007.
 - PURSUANT TO M.G.L. CHAPTER 40A, SECTION 6, AND ACTS OF 2010, CHAPTER 840, SECTION 172, AND ACTS OF 2012, CHAPTER 238, SECTIONS 74 AND 75, THE LAND SHOWN HEREIN, WHICH IS A PORTION OF THE LAND SHOWN ON THE "RIDGE VIEW HEIGHTS" DEFINITIVE SUBDIVISION PLAN, IS GOVERNED BY THE APPLICABLE PROVISIONS OF THE TOWN OF AYER ZONING BY-LAWS IN EFFECT ON JANUARY 28, 1998.
 - PURSUANT TO M.G.L. CHAPTER 41, SECTION 81B, THIS PLAN IS GOVERNED BY THE RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF AYER IN EFFECT ON JANUARY 28, 1998.
 - THIS PLAN FURTHER MODIFIES "RIDGE VIEW HEIGHTS" DEFINITIVE SUBDIVISION BY CREATING LOTS 78B, 79A-79C, 79E, 80A, 81A, 130A, 131B-131E, 134A, 135B-141E, 142A-146A, AND P-1, PARCELS T, WOODLAND WAY RELOCATION, AND HEMLOCK DRIVE EXTENSION (HEREINAFTER COLLECTIVELY THE MODIFIED PREMISES) FROM A REDIVISION OF LOTS 70A, 71-76, 77A-79A, 80, 81, 130, 131A-131A, 134, 135A-141A, 142, 143, AND P, AND WOODLAND WAY, WHICH ARE SHOWN IN THEIR ENTIRETY ON PLANS RECORDED AS PLANS 164 (SHEETS 8, 10, 11, AND 12) OF 2005, 549 (SHEET 1) OF 2008, AND 119 (SHEETS 5 AND 6) OF 2011.
 - THE MODIFIED PREMISES ARE A PORTION OF THE PREMISES DESCRIBED IN A DEED TO RIDGE VIEW REALTY TRUST, RECORDED IN BOOK 53432, PAGE 250. THEY CONSTITUTE PARCELS 112 TO 123, 172 TO 182, AND 200 ON TOWN OF AYER TAX ASSESSORS MAP 36.
 - PARCEL 1 IS TO BE CORRECTED TO AND ANNEXED WITH ADJOINING PARCEL 1 TO FORM ONE UNDIVIDED PARCEL "C-1" CONTAINING 16.79 ACRES.
 - ALL EASEMENTS PROPOSED HEREON ON LAND REDIVIDED BY THIS PLAN ARE INTENDED TO SUPERSEDE THE EXISTING EASEMENTS ON SAID LAND SHOWN ON THE AFOREMENTIONED PLANS.
 - ON OCTOBER 8, 2009, THE AYER ZONING BOARD OF APPEALS APPROVED USE VARIANCES FOR LOTS 79-75 SHOWN ON PLAN 164 (SHEET 10) OF 2005. CASE FILE NUMBERS 20-4-72, 20-4-73, 20-3-74, AND 20-3-75, RESPECTIVELY. EACH VARIANCE ALLOWED ON THE LOT A DETACHED SINGLE FAMILY DWELLING AS A PRINCIPAL USE.
 - THE AYER CONSERVATION COMMISSION ISSUED AN ORDER OF RESOURCES AREA DELINEATION ON NOVEMBER 8, 2014, RECORDED IN BOOK 64482, PAGE 506, ESTABLISHING THE WETLAND BOUNDARIES SHOWN HEREIN.

ZONING DISTRICT: RESIDENCE ZONE A-1

Ayer Planning Board

APPROVAL UNDER SUBDIVISION CONTROL LAW REQUIRED

DATE OF APPROVAL: 8/1/2018 DATE OF ENDORSEMENT: 8/1/2018

SUBJECT TO ORDINANCE DATED: 6/7/2018

[Signature]

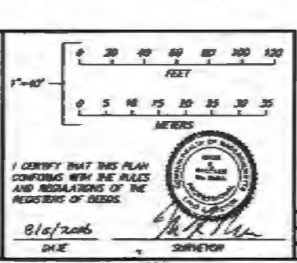
BOARD MEMBER, CONSTITUTE A MAJORITY

AUGUST 28, 2018
DATE

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

[Signature]

TOWN CLERK



LEGEND

- ZONING DISTRICT LINE
- PROPERTY LINE
- LOCUS
- EASEMENT LINE
- EDGE OF VEGETATED WETLANDS
- STONE WALL
- FOUND CONCRETE FOUND BY DRILL HOLE
- PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF AYER, MASS.

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

8/1/2018 DATE

[Signature] SURVEYOR

SURV. M.S.E. DAVID E. ROSS
D.M.C. M.A.S. EMMA E. ROSS
REF: L-2005 L-1008 L-1009 L-1010 L-1011 L-1012
DEED: BY 53432-250 (164) 549 (1) 119 (5,6)

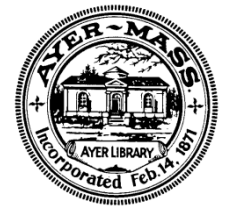
REVISION: 8/1/2018
NO RECORDING THIS SHEET

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND IN
Ayer, Mass.
OWNED BY
Ridge View Realty Trust
SCALE: 1" = 40'
APRIL 2018
David E. Ross Associates, Inc.
CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS
P.O. BOX 368 - 111 FROSBURG RD. - AYER, MASS. 01432
TEL. NO. 978-772-6232
DEED: BY 53432-250 (164) 549 (1) 119 (5,6)

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND AT
WOODLAND WAY, AYER, MA
PREPARED FOR OWNER AND APPLICANT
RIDGE VIEW REALTY TRUST
P.O. BOX 853
AYER, MA 01432-0853
TEL: 978-772-4281 FAX: 978-772-4341

143 OF 2017 (1 OF 3)

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



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

Memorandum

To: Board of Selectmen
From: Carly Antonellis, Assistant Town Manager
Date: November 30, 2018
Re: 2019 License Renewals

The following is a list of the 2019 License Renewals. I am recommending approval of all license renewals listed below subject to successfully meeting all requirements as set forth by Ayer Bylaw XLII and relevant Massachusetts General Law(s).

Pursuant to Bylaw XLII, this list is currently under review for outstanding bills, taxes, fees, assessments, liens, betterments and any other municipal charges by the Tax Collector, Treasurer, and Department of Public Works.

In addition to the full payment due, the following list of requirements must be met before a license will be released.

Additional License Renewal Requirements, As set forth by Town of Ayer Bylaw XLII and Massachusetts General Law(s)		
Code	License Type	Requirements
Class 1	New/Used Motor Vehicle Dealership License	Proof of \$25,000 Surety Bond
Class 2	Used Motor Vehicle License	
Class 3	Junk Auto Dealer's License	n/a
CV	Common Victualler	n/a
BW	Beer/Wine	Completion of ABCC Form, proof of liquor liability insurance, Fire Inspection by AFD
AA	All Alcohol	
s15	Off Premise/Package Store	
s12	On Premise/Restaurant/Club	
Amusement	Amusement License	n/a
Sunday Entertain	Sunday Entertainment License	n/a

2017 License Renewals		
Business Name	Business Address	License Type
Toreku Tractor & Equipment, Inc.	4 Littleton Road	Class 1
Gervais Inc.	5 Littleton Road	Class 1
Trailer Home Sales	1 Fitchburg Road	Class 1
L-3 Communications	90 Nemco Way	Class 1
Central Collision Center	121 Central Avenue	Class 2
Don's Auto Sales	9 Bishop Road	Class 2

2017 License Renewals		
Business Name	Business Address	License Type
J.C. Madigan, Inc.	8 Shaker Road	Class 2
Terranova Auto Body	40 Littleton Road	Class 2
Sean's Auto & Truck Center, Inc.	42 Littleton Road	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	Class 2
Power of Honesty, Inc.	179 West Main Street	Class 2
Ayer Auto Repair	85-87 Central Ave.	Class 2
Turbo Lube	21 Fitchburg Road	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	Class 3
Subway	1 Mill Street	CV
Ayer Convenience	60 Park Street	CV
Deven's Pizza & Deli	210 West Main Street	CV
McDonald's Restaurant	2 Sandy Pond Road	CV
Wendy's Restaurant	2 Barnum Road	CV
Woo Jung Restaurant	174 West Main Street	CV
Verona Pizza & Seafood	18 Park Street	CV
Dunkin Donuts	18 Park Street	CV
Karyn's Kitchen	200 West Main Street	CV
Ayer Gulf	26 Park Street	CV
The Cottage Restaurant	18 Main Street	CV
Wok & Roll	49 Park Street	CV
Lazy Mary's	30 Littleton Road	CV
Taco Bell	4 Sandy Pond Road	CV
Union Coffee	25 Main Street #1	CV
Tipo Taco's	35 Main Street	CV
The Vineyard	63 Park Street	s15BW
Ayer Shop 'n Save	22 Fitchburg Road	s15BW
Ayer Package Store, Inc.	48 Main Street	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	s15AA
Archer's Mobil	70 Main Street	s15BW; CV
Chung Ge Market	210D West Main Street	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	s12BWC; CV
Carlin's	7 Depot Square	s12AA; CV; Amusement; Sunday Entertain;
Billiard's Café	39 Main Street	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	s12AA; CV
Markoh's on Main	43 Main Street	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	s12AA; CV
Tiny's Restaurant	2 Groton School Road	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	s12AA; CV; Amusement
Parthenon Pizza	60 West Main Street	CV; Amusement
Osawa Bistro	9 Main Street	s12AA; CV
Bar25	25 Main Street	S12AA; CV
Mango Grill - Not Renewing	38 Littleton Road	s12AA; CV - Not Renewing

MEMORANDUM

TO: AYER BOARD OF SELECTMEN
FROM: MARK ARCHAMBAULT, TOWN PLANNER
RE: RECREATIONAL MARIJUANA BYLAW PROCESS LEADING TO A SPRING, 2019 TM
DATE: NOVEMBER 30, 2018

Since the Commonwealth of Massachusetts legalized the production, processing and sale of recreational marijuana (Rec. MJ) on November 6, 2016, the Cannabis Control Commission (CCC) and the towns and cities of Massachusetts have been scrambling to provide the legal and procedural framework to responsibly and fairly regulate such uses. At the fall 2017 Special Town Meeting, the Town of Ayer voted to allow one Rec. MJ **retail** facility operated by the owner of the existing medical MJ establishment as provided in the new law. This retail facility is still undergoing permitting review at the CCC.

However, the new law provides for a wide variety of establishments and operations related to Rec. MJ that have yet to be addressed in any regulations of the Town. These include **1) marijuana cultivation facilities**, nearly all of which are large, indoor facilities requiring suitable electrical, water supply and sewer access; **2) marijuana processing and product facilities**, which take the raw product produced in the cultivation facilities and ready it for retail sales; **3) Marijuana Testing Laboratories**, which ensure that the product grown in the cultivation facilities meets the standards established by the CCC and state and local safety regulations; **4) Marijuana Transporters**, which serve as the legal and regulated means by which product is transported between all of the above facilities. There are several other categories of minor operations found in the model bylaw and other bylaws I have collected which I will analyze as described in the process and schedule below.

Ayer is blessed with substantial Industrially-zoned land, as well as land zoned for General Business, which are likely to be the zoning districts most suited to hosting most of the above types of facilities. If regulated and sited correctly, most of the above establishments could be operated without being noticed by the casual passerby, and without causing the traffic and parking issues that are apparent (for now at least) for the two retail facilities that have been opened in Massachusetts to date. The CCC regulations provide for substantial economic and tax benefits for towns hosting these facilities, and Ayer, which is blessed with substantial industrial and general business land, may be in a better situation to capitalize on such benefits than many towns. It is my understanding that the Town Manager and Economic Development offices have been receiving nearly weekly inquiries into the status of zoning for Rec. MJ facilities in town, which testifies to the substantial demand for such facilities. I believe that with careful planning, these facilities can be accommodated in Ayer in a fashion that will not cause public nuisance issues and which, when established, may be a substantial boon to Ayer's economic development efforts.

Over the next month I would like to convene a '**Recreational MJ Working Group**', as outlined in the schedule below, to carefully consider how other towns in Massachusetts have addressed these issues, leading to a comprehensive Rec. MJ Bylaw that responsibly regulates these uses in the Town of Ayer.

My proposed schedule for developing such Bylaw leading to a spring, 2018 Town Meeting vote is found on the back of this page.

AYER RECREATIONAL MARIJUANA BYLAW

PRELIMINARY PROCESS AND SCHEDULE LEADING TO BYLAW

- 1) **Collect Model and Actual Bylaws** from RPCs and other towns (*completed November 28, 2018*)
- 2) **Review the collected Bylaws** to look for commonalities and issues that must be covered in such a Bylaw. (December 3 – 21, 2018)
- 3) From this, **develop a list of issues** that the Town must address in drafting such Bylaw. (December 14 – 28, 2018)
- 4) **Convene a ‘Recreational MJ Bylaw working group’** at this point to review the above findings and discuss the issues that must be resolved related to drafting the Bylaw.

*(I propose we start this right after the holidays in **very early January**. We can begin before then by identifying who should be in such working group. Suggestions: Town Manager, Asst. Town Manager, Town Planner, Economic Devt. Director, Building Commissioner, Police Chief or designee from PD, Fire Chief or designee from FD, DPW Superintendent or Representative; Board of Health (Bridgette Braley); School District Representative.)*

These members would conduct research pertinent to their expertise identified in the above steps. Examples: needed electrical, water, space and fire safety requirements for indoor growing facilities; GIS analysis of separation requirements in state law that may affect siting decisions, i.e. so many feet from a school, church, day care facilities, etc.; analysis of available space or vacant buildings in the Industrial and General Business Districts, consideration of traffic impacts, etc.)

- 5) **Develop Draft Recreational MJ Bylaw**: Completion of 1st draft Bylaw by February 14, 2019.
- 6) **Legal Review of Recreational MJ Bylaw**: From February 15 to early March, 2019. Modifications to the Bylaw will be made immediately upon receiving comments from Town Counsel.
- 7) **Informational Public Meeting(s)** to present the findings of the ‘Rec MJ Bylaw Working Group’ and draft Bylaw: starting in mid-February, with a second public information session in early March, 2019.
- 8) **Planning Board Public Hearing**: 1st PB meeting of March, 2019 – exact date will depend on when the Special Town Meeting (or Annual Town Meeting) to present this Bylaw is scheduled.
- 9) **Preparation of Warrant Article(s) and Presentation**: In time for the deadline for submitting final Town Meeting warrant article text prior to printing of the Warrant.
- 10) **Presentation at a meeting of the Ayer Board of Selectmen**: At the BOS meeting just prior to the Special or Annual Town Meeting to answer any questions and clarify the content of the Bylaw prior to Town Meeting vote.

Downtown Ayer/Park Street Corridor Form-Based Code Process Outline

Production & Delivery for Spring 2019 Special Town Meeting



Definition of a Form-Based Code: "A Form-Based Code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (*rather than separation of uses*) as the organizing principle for the Code. A Form-Based Code is a regulation, not a mere guideline, adopted into city, town, or county law. A Form-Based Code offers a powerful alternative to conventional zoning regulation."

Form-Based Codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-Based Codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a Regulating Plan that designates the appropriate form and scale (*and therefore, character*) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g.,

FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-Based Codes are regulatory, not advisory. They are drafted to implement a community Master Plan. Ultimately, a Form-Based Code is a tool; the quality of development outcomes depends on the quality and objectives of the community Master Plan that a Code implements.

Note: Only “new construction” & “substantial reconstruction” of existing buildings within the proposed new Downtown Ayer & Park Street Corridor Form-Based Code Zoning District will be subject to the proposed new Form-Based Code regulations.



Ayer BOS Status Report:

Downtown Ayer/Park St. Corridor Form-Based Code Production Process-Schedule Update:

Tuesday, Dec. 4th, 7:00PM

1st DRAFT Code Writing:

Internal Form-Based Code Technical Formulation Begins:

Alan S. Manoian AICP

Nov 26th – Dec 21st

Ayer Planning Board:

Downtown Ayer/Park Street Corridor Form-Based Code Formulation Review & Comment:

Wednesday, December 12th, 6:15PM

Planning Board:

Downtown Ayer/Park Street Corridor Form-Based Code Formulation Review & Comment:

Tuesday, January 8th, 6:15PM

FBC Public Charrette:

Downtown Ayer/Park Street Corridor Form-Based Code 2nd Public Visioning & Design Charrette:

Thursday, January 10th, 6:00PM – 8:00PM

Public Charrette in Great Hall at Ayer Town Hall

Full public review & comment on proposed:

- Downtown Ayer/Park St. Transect Pattern;
- New Regulating Plan
- Building Frontage Types;
- Building Development Standards;
- Building Envelope Standards;
- Street-Types;
- Land-Use Requirements

Ayer Planning Board:

1st DRAFT Review & Comment Form-Based Codes for Downtown Ayer/Park Street Corridor:

Tuesday, January 22nd, 6:15PM

Production & Delivery 1st DRAFT Internal Code Formulation:

Alan S. Manoian AICP

Monday, Jan 28th

Production & Delivery 2nd DRAFT Internal Code Formulation:

Alan S. Manoian AICP

Tuesday, Feb. 11th

Ayer Planning Board:

2nd DRAFT Review & Comment Form-Based Codes for Downtown Ayer/Park Street Corridor:

Tuesday, Feb. 12th, 6:15PM

Ayer Legal Counsel Review & Comment:

Feb. 12th – Mar. 12th

Final DRAFT Code Production & Delivery Internal Code Formulation:

Alan S. Manoian AICP

Tuesday, Feb. 26th

Final DRAFT Code Technical Review/Legal Review & Comment Session:

Weekly Municipal Land-Use Group Meeting

Thursday, Feb 28th, 2:00PM

Ayer Planning Board:

Final DRAFT Code Delivery to Ayer Planning Board for Vote on Approval:

Tuesday, Mar. 12th, 6:15PM

Ayer BOS Final Code Presentation:

Downtown Ayer/Park Street Corridor Form-Based Code Product Presentation

Tuesday, Mar. 19th, 7:00PM

Special Town Meeting Vote:

Downtown Ayer/Park Street Corridor Form-Based Code Packaging, Submission & Delivery for Spring 2019 Special Town Meeting:

(TBA) Spring 2019



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



Broadcast and Recorded by APAC

Tuesday November 13, 2018
Open Session Meeting Minutes

BOS Present: Jannice L. Livingston, Chair; Scott A. Houde, Clerk

Absent: Christopher R. Hillman, Vice – Chair

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

Call To Order: J. Livingston called the meeting to order at 6:17 PM.

Executive Session: At 6:18 PM, J. Livingston made a motion, seconded by S. Houde, to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 Contract Negotiations to discuss negotiation strategy for the DPW, Fire and Police Superiors Contracts and to reconvene in Open Session at 7:00 PM. J. Livingston further stated to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **Motion passed by Roll Call Vote 2-0.**

Reconvene in Open Session: The BOS reconvened in Open Session at 7:00 PM.

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

Review and Approve Agenda: R. Pontbriand asked to move the Transfer Station Hours discussion to before M. Wetzel's report.

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

Announcements: J. Livingston made the following announcement:

- The winter parking ban will be in effect from November 15, 2018 – April 15, 2019. On street parking is prohibited between midnight and 6:00 AM and during active snowstorms.
- Town Hall will be closed on Thursday November 22, 2018 and November 23, 2018 in observation of the Thanksgiving Holiday.
- The 3rd Annual Downtown Ayer Candlelight Stroll & Tree Lighting will take place on Saturday December 1, 2018. Meet at the Rail Trail Lot at 5:00 PM.
- The FY'19 Tax Classification Hearing will be held on Tuesday December 4, 2018 at 7:15 PM during the BOS meeting.
- There will be a Special Town Election at the Town Hall on Tuesday December 11, 2018 from 7:00 AM – 8:00 PM regarding financing for the athletic field proposal.

Public Input: None

Transfer Station Survey: S. Houde went over his analysis of the transfer station survey; stating that 61% of the 321 residents that took the survey are not happy with the current hours. The survey was available for two weeks both online and in hardcopy at various locations throughout Town. 293 (92%) of the respondents are current Transfer Station users. The remaining 26 (8%) who are not current users were asked to provide information of why they do not use the Transfer Station; the majority of the comments site affordability as a deterrent to usage. Other comments range from convenience of curbside pickup, inconvenience of the hours, and inability to bring trash to the Transfer Station. S. Houde stated that the results will be further analyzed and placed on the Town's website.

Superintendent Mark Wetzel, Ayer Dept. of Public Works: *Solid Waste Fee Adjustment Recommendation:* M. Wetzel presented his results from gathering information from other Towns, as requested by the BOS. He made the following recommendation for Transfer Station Rates:

	Current Fees	Recommended Fees
Annual Permit	\$80.00	\$90.00
Senior Citizen Rate	\$50.00	\$60.00
Second Permit	\$20.00	\$30.00
One Day Permit	\$10.00	\$10.00
PAYT 15 Gallon Trash Bag	\$2.00	\$3.00
PAYT 33 Gallon Trash Bag	\$3.00	\$4.00
PAYT 50 Gallon Trash Bag	\$4.00	\$5.00
Bulk Tag	\$5.00 each	\$5.00 each

J. Livingston asked what the fees pay for. M. Wetzel stated that they cover fixed costs and also mentioned that the recycling and disposal costs are going up. J. Livingston then highlighted all the services offered at the Transfer Station.

S. Houde asked about the number of users. M. Wetzel stated that there are approximately 700 regular users and approximately 580 senior users. The seniors, with a reduced fee rate are increasing, while the regular users decrease.

J. Livingston said that the Town could consider raising the senior age from 60 to 62 in the future. She also mentioned the idea of putting flyers about the transfer station in the tax bills to all households.

J. Livingston then asked if R. Pontbriand could have an analysis of the rates done up showing what a 60% general fund subsidy would have on the rates. The general fund subsidy is currently 46%.

S. Houde stated that he had concern with raising the senior rate because bag costs are also going up. He'd like to hold the senior rate at \$50 or increase it to \$55, not \$60. J. Livingston also suggested changing the One Day Permit fee from \$10 to \$15.

Motion: A motion was made by J. Livingston and seconded by S. Houde to adopt the new fee structure as presented, but amending the senior rate from \$60 to \$55 and amending the one day permit from \$10 to \$15. **Motion passed 2-0.**

Approval of Change Order 1 for Waterline Industries –M. Wetzel presented Change Order 1 for the Wastewater Treatment Plant Phase 1 Upgrade Contract with Waterline Industries. The Change Order is for \$43,124.68 for additional demolition work.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Change Order #1 in the amount of \$43, 124.68 for Waterline Industries. **Motion passed 2-0.**

Contract for Barnum Road Water Main and Meter Vault – M. Wetzel presented the contract with J D’Amico Corp. which was the low bidder at \$193,903.68 November 4, J. D’Amico \$193,903. 68. They did the Pearl Street water main and other successful projects in Ayer. M. Wetzel recommend that the BOS execute the contract.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the contract for Barnum Road Water Main and Meter Vault in the amount of \$193,903.68 with signature by the Board. **Motion passed 2-0.**

Alan Manoian, Director of Community & Economic Development: *Commuter Rail Station Fence Wrap Design Project Funding* – A. Manoian presented a project proposal to wrap the recently installed fence at the Ayer Commuter Rail Station with a design treatment material with the images of the historic tiles on the Town Hall Building. This would present a “gallery wall” to the station and screen the visually-blighted area behind the Commuter Rail Station. The MBTA has installed the fence and the Town would be responsible for the fence wrap design treatment material.

R. Pontbriand stated that A. Manoian would be seeking \$6,000 and in order to commence with the project now, the funding would need to come from UDAG unrestricted funds subject to replenishment at a future Town Meeting.

S. Houde asked about issues of graffiti and replacement. A. Manoian stated that in the event that a panel is vandalized, individual panels are able to be replaced. Additionally, many of the businesses in Depot Square have cameras and we would be working with our law enforcement and other partners to monitor.

Motion: A motion was made by S. Houde and seconded by J. Livingston to authorize up to \$6,000 from the UDAG unrestricted funds for the purposes of the Commuter Rail Station Fence Wrap Design Project with the funds being replenished at a future Town Meeting. **Motion passed 2-0.**

Town Manager's Report: *Administrative Update/Review of Warrant(s)* – In the interest of time, R. Pontbriand referred BOS members to the meeting packet to review the signed warrants. R. Pontbriand also gave a brief administrative update stating that the FY'20 budget process underway and all capital requests have been submitted; budget requests are due 12/14/18 and the material will be distributed in January to BOS and Fin Com.

Home Rule Petition Technical Change – R. Pontbriand presented the technical changes that the State Legislature is requested be made with respect to the Home Rule Petition for the Vineyard's All-Alcohol License as approved previously by Town Meeting. These technical changes do not change the substance of the Home Rule Petition but clarifies language.

Motion: A motion was made by S. Houde and seconded by J. Livingston to adopt the technical changes to the Home Rule Petition (H4907) for the Vineyard All Alcohol License requested by the State Legislature. **Motion passed 2-0.**

Ratification of Pirone Park Path Contract – R. Pontbriand stated that the Pirone Park Path Contract was procured under MGL Chapter 30, 39M and as such the Town Manager's signature on the contract requires a vote of ratification. The contractor wanted to start the project on November 1, 2018 as it is a weather-dependent project.

Motion: A motion was made by S. Houde and seconded by J. Livingston to ratify the Town Manager's signature on the Pirone Park Path Contract between the Town and ANJ Construction Corp. **Motion passed 2-0.**

Review of the October 22, 2018 Special Fall Town Meeting – The BOS discussed with the Town Manager the recent October 22, 2018 Special Fall Town Meeting.

J. Livingston state that the meeting "was a mess" and this cannot happen again. The confusion created the illusion that "something nefarious was going on."

R. Pontbriand stated that the tone of the Town Meeting is set by the Moderator. There was no official welcome or introductory remarks explaining the evening; as a result there was a lack of professionalism at Town Meeting. The Moderator often times did not appear to know the rules of Town Meeting (i.e. whether something was 2/3 or simple majority). The Planning Board should have been on the stage but last time the Moderator did not like that. There is this "obsession" by the Moderator about how long Town Meeting will last and this "general tone" of rushing through. The Moderator does not like presentations at Town Meeting and has stated that all presentations must be pre-approved by him. The Town Planner should not have been reamed out five minutes before Town Meeting because he had a brief presentation on the Articles and the Moderator was not only told this in advance but it is required by law that the Planning Board (or their designee) give a report to Town Meeting on the Articles. This is contradictory to the BOS goal of increased transparency, information, and public participation. It is recommended that the Moderator consider going to professional Moderator training which is offered in Massachusetts. Additionally, in many towns, the Moderator holds office hours a couple of weeks prior to Town Meeting for residents to learn about Town Meeting and ask questions.

J. Livingston stated that she "cannot stand the excuse by an elected official; that they are elected and can do whatever they want." That statement is not acceptable.

R. Pontbriand continued by stating that there was confusion regarding the high school field project process from the beginning. Town Counsel sent another attorney not familiar with the issue(s) on the local level as the result of a last-minute, unforeseen emergency. Town Counsel has owned this, apologized, and will rectify. He further recommended the following actions to improve Town Meeting: moving forward all warrant articles will need to be signed off on by boards and committees prior to the BOS approving them on the warrant; the Moderator should offer office hours two weeks in advance of Town Meeting to answer resident's questions; and all zoning related presentations need to be visual in nature as opposed to text base for clarity of presentation.

Susan Copeland, Town Clerk approached the BOS table to discuss. She stated that speaking for all Departments, a lot of behind the scenes work goes into Town Meeting by professional Town Hall staff. People have the right to ask questions and the Moderator needs to facilitate an open and professional Town Meeting

S. Houde asked if the Moderator had been invited to come to the meeting (he had not); and asked that the Moderator be asked to come to a future BOS Meeting to further discuss these Town Meeting concerns.

Cultural Council Appointment – R. Pontbriand recommended that the BOS appoint Ms. Lauren Metzler-Baretta to the Ayer Cultural Council for a term to expire on June 30, 2019.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Ms. Lauren Metzler-Baretta to the Ayer Cultural Council for a term to expire on June 30, 2019. **Motion passed 2-0.**

Discussion about potential RFP for Town Counsel Services – R. Pontbriand stated that at the request of the BOS, the issue of issuing an RFP for Town Counsel Services was to be discussed. R. Pontbriand stated that Town Counsel is an annual appointment by the BOS. R. Pontbriand stated that KP Law has been Ayer's Town Counsel for many years and has served the Town very well. They are a leader in municipal law and their rates are very competitive. They have served the Town very well and they have all of the legal expertise in one firm. Additionally, there are many open legal items that KP Law is working on and to potentially switch Town Counsel would require them to stay on for a transition period.

J. Livingston stated that KP Law has been with the Town for a while and it is sometimes good practice to periodically issue and RFP.

S. Houde stated that he would like a list of the current open legal items KP Law is working on.

R. Pontbriand stated that he would compile the list as well as do some preliminary research on the issue of rates, other law firms, etc. He restated that KP Law has and continues to serve the Town of Ayer very well.

Amended Committee Charge for the Water/Sewer Rate Review Committee – R. Pontbriand presented a proposed amendment to the Water/Sewer Rate Review Committee which would amend the charge of the Committee to include adding the annual review and recommendation of all Transfer Station Fees.

J. Livingston stated that by adding this to the charge of the Committee, it will allow a quarterly meeting and review of the rates and an annual formal recommendation to the BOS, thus taking the pressure off the DPW Superintendent.

Motion: A motion was made by J. Livingston and seconded by S. Houde to amend the charge of the Water/Sewer Rate Review Committee to include the annual review and recommendation of Transfer Station fees. **Motion passed 2-0.**

Proposal for a Devens Disposition Study Committee – R. Pontbriand presented a proposal for the creation of an Ayer – Devens Jurisdiction and Disposition Study Committee as requested by the Board at the October 16, 2018 BOS meeting. R. Pontbriand explained that the committee charge was largely modeled after the successful committee formed in the Town of Harvard. The Committee would be charged with planning for and initiating discussion with the appropriate parties with the goal of presenting a plan to the Town of Ayer Voters to resume jurisdiction over the land presently part of Devens formerly under the jurisdiction of the Town of Ayer. R. Pontbriand further detailed the Committee's Charge as set forth in his November 8, 2018 memo to the BOS. The Committee would be appointed by the BOS and consist of one Selectman; two Planning Board representatives; five residents (at least one of whom

lives on Devens); and the Ayer Director of Economic and Community Development. Additionally, the Committee would receive the professional support of the Town Manager's Office and all Town Departments. Finally, the Committee would be subject to the Open Meeting Law and Public Records Law with all meetings being public meetings.

J. Livingston stated that she would like to amend the membership of the Committee to include two residents from Devens.

S. Houde concurred. He also asked if there was a set appointment term. R. Pontbriand stated that at this time there would be no appointment term.

J. Livingston stated that the BOS would interview all potential appointments and the BOS can always address this issue later.

Motion: A motion was made by J. Livingston and seconded by S. Houde to form the Ayer-Devens Jurisdiction/Disposition Study Committee as set forth in the Town Manager's November 8, 2018 memo with the amendment of two of the five resident members being residents from Devens. **Motion passed 2-0.**

Access Easement for Depot Square – R. Pontbriand presented the Access Easement as drafted by Town Counsel for the purposes of legally allowing an access easement for truck traffic in Depot Square. This Access Easement had been previously authorized by the Ayer Town Meeting in May 2018.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Access Easement for Depot Square with signature by the Board. **Motion passed 2-0.**

License Agreement – Ayer Family Pharmacy - R. Pontbriand presented a license agreement between the Town of Ayer and Ayer Family Pharmacy. The license agreement, as drafted by Town Counsel, would resolve an encroachment issue as part of the Ayer Family Pharmacy property is on Town of Ayer Land.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the License Agreement between the Town of Ayer and Ayer Family Pharmacy for signature by the Board. **Motion passed 2-0.**

New Business/Selectmen's Questions: S. Houde asked if there is any way that the Board could receive a DRAFT copy of the meeting agenda prior to posting so that the Board can see who is coming before the meeting as this may facilitate additional topics to be discussed.

J. Livingston stated that the Town Manager puts the DRAFT meeting agenda together and submits it to the Chair for review and approval prior to posting.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of October 16, 2018. **Motion passed 2-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of October 22, 2018. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston to adjourn at 10:02 PM. **Motion passed 2-0.**

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

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____