

COMMUNITY PRESERVATION PLAN

Fiscal Years 2010—2014

Community Preservation Act Committee
Town of Ayer, Massachusetts



Adopted on
April 1, 2009

Prepared by
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community preservation
+ planning

Cover Photos—top to bottom: 1. Farmland, 2. Ayer Town Hall, 3. Downtown Ayer
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Adoption

This Community Preservation Plan was adopted by the Town of Ayer Community Preservation Act Committee on April 1, 2009.

COMMUNITY PRESERVATION ACT COMMITTEE MEMBERS

David Bodurtha, Clerk, appointed by the Conservation Commission

(OPEN SEAT), appointed by the Finance Committee

Mark Fermanian, appointed by the Planning Board

Ric Hamel, appointed by the Parks Commission

Gary Luca, Chair, appointed by the Board of Selectmen

(OPEN SEAT), appointed by the Housing Authority

Bob Pena, appointed by the Historical Commission

Alene Reich, citizen at large, appointed by the Board of Selectmen

Beth Suedmeyer, citizen at large, appointed by the Board of Selectmen

Acknowledgements

This Plan is the result of effective community leadership, foresight, and collaboration. The Community Preservation Act Committee (CPAC) is particularly grateful to Selectman Rick Gilles, former CPAC chair, whose leadership and diligence brought this planning effort to fruition. In addition, the CPAC thanks former CPAC members, Pat Walsh, Carol Tillis, and Bob Moore, for their service to the Town of Ayer and assistance with this planning effort. The CPAC is also grateful for the involvement and input of town board and commission members, specifically, members of the Board of Selectmen, Comprehensive Plan Implementation Committee, Conservation Commission, Fire Station Reuse Committee, Greenway Committee, Historical Commission, Housing Authority representatives, Open Space Working Group, Parks Commission, Planning Board, and School Committee.

Finally, the CPAC thanks the citizens of Ayer for supporting the Ayer CPA program and welcomes continued citizen input.

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Summary of Plan

The Town of Ayer Community Preservation Act Committee (CPAC) developed this Community Preservation Plan (Plan) to guide the allocation of Community Preservation Act funds for the next five years (fiscal years 2010-2014). The goals identified through this Plan are intended to further the CPAC's mission: maximize the benefit of the CPA Fund for Ayer.

The Community Preservation Act (CPA), as enabled through Massachusetts General Laws Chapter 44B, was adopted by Ayer voters in April 2001. The Ayer CPA receives funds through a local property tax surcharge of 1% and a variable state match of 5% to 100% of the local receipts. In the first two years of the program, Ayer's local property tax surcharge was 3% - it was reduced to 1% by ballot vote in Fiscal Year 2003. Ayer adopted the CPA surcharge with exemptions for low-income households and low/moderate-income senior households. Since adoption, Ayer has raised approximately \$2M CPA funds including state matches of 100% for 2002-2007 and 67.62% state match received in October 2008.

CPA funds are statutorily limited to four general types of projects: community housing, historic preservation, open space, and recreation, with 10% minimum spending requirements for each of the first three categories.

CPA ACHIEVEMENTS

In order to appropriate CPA funds, Town meeting must act on a recommendation of the CPAC, a nine-member committee with representatives appointed by various boards and committees. As of Fall 2008, Ayer has appropriated CPA funds for a total of ten projects. With roughly \$1M, CPA funding will result in the following community preservation achievements upon completion of current CPA projects:

- Restoration of Ayer Town Hall's historic slate roof
- Town-wide inventory of historic resources (phases I & II)
- New irrigation system at Pirone Park
- New recreation amenities and preservation of Sandy Pond Beach
- New fencing at Page-Hilltop Playground
- New affordable single-family homeownership unit by Habitat for Humanity
- New elevators at an Ayer Senior Housing Complex
- A greenway trail signage and bridge construction project
- Historic restoration of the Pleasant Street School and conversion to affordable housing

PLANNING PROCESS

In Fall 2007, the CPAC developed a mission statement and preliminary goals and action matrix based on its review of past plans and extensive committee discussions. To assist with the transformation of its work into this Community Preservation Plan, the CPAC contracted the planning services of JM Goldson community preservation + planning in February 2008.

Working with JM Goldson, the CPAC further studied existing plans to create resource profiles and a preliminary list of goals for the CPA program overall and in each of the four CPA categories. CPAC members also responded to a questionnaire and participated in a planning workshop to prioritize the preliminary CPA goals. At the planning workshop, the CPAC used a group decision-making technique, referred to as dot voting, to indicate priorities. JM Goldson analyzed the results of the dot-voting exercise to determine the CPAC's top priorities overall and in each of the CPA categories.



The overall principles and goals laid out in the Preliminary Plan were derived from the goals that the CPAC collectively identified as the highest priorities through the planning workshop and subsequent review and consideration of the preliminary draft Plan. The CPAC distributed summary copies of the preliminary draft Plan at Annual Town Meeting, Spring 2008, and made the full Plan available on the Town of Ayer website.

During Fall 2008, the CPAC solicited additional public feedback on the draft Plan. During this process, JM Goldson appeared as a guest on the Mary Spinner show (Ayer Public Access Channel) to provide an update on the planning process and to encourage citizens to attend upcoming meetings with various Town boards and commissions.

Throughout November and early December 2008, JM Goldson and CPAC members attended public meetings with the Board of Selectmen, Comprehensive Plan Implementation Committee, Conservation Commission, Fire Station Reuse Committee, Historical Commission, Housing Authority representatives, Open Space Working Group, Parks Commission, Planning Board, and School Committee. At these meetings JM Goldson presented the draft Plan and solicited feedback and ideas for possible projects.

The overall principles as well as category-specific goals and project possibilities are based on a combination of the CPAC's analysis of resources and needs, its work to identify initial priorities, citizen and Town board and commission feedback on the draft Plan, and project possibilities solicited from citizens.

SOURCES

Much of the data provided in this Plan is extracted from the 2005 *Town of Ayer: Comprehensive Plan Update*. In addition, many of the community preservation resources identified throughout this Plan were based on the 2006 *Ayer Reconnaissance Report: Freedom's Way Landscape Inventory*. The specific sources used in creating this Plan are short-referenced throughout the document and detailed in the List of Sources on page 44.

SUMMARY OF PRINCIPLES AND GOALS

This Plan establishes three guiding principles for the CPA program overall as well as goals specific to each of the four project categories. The principles and goals were determined through the planning process described on the previous page and are intended to provide guidance on the use of CPA funds in Ayer. The goals are not binding. This Plan also describes Ayer's CPA activities to date, revenue projections, existing resources, and project possibilities in each of the project categories. The guiding principles and goals, summarized below, are described in greater detail in the following chapters.

GUIDING PRINCIPLES

- Prioritize Open Space Protection
- Maximize Community Benefits
- Be Fiscally Conservative

COMMUNITY HOUSING GOALS

- Support Achievement of State's 10% Mandate
- Convert Existing Buildings to Affordable Housing
- Assist Elderly, Disabled, and Family Households
- Create New Affordable Units Through Development of Small-Scale Infill Housing
- Support Energy-Efficiency Improvements for Existing Affordable Housing Units

HISTORIC PRESERVATION GOALS

- Restore Historic Resources and Create/Improve Public Access
- Protect Historic Landscapes and Farmland
- Complete the Identification of Historic Resources
- Preserve and Rehabilitate Downtown Ayer's Historic Resources

OPEN SPACE GOALS

- Protect Environmentally-Sensitive Land
- Create Protected Greenways
- Acquire Open Space for Passive Recreation
- Protect Rural Character and Scenic Vistas

RECREATION GOALS

- Create Waterfront Access
- Create New Trails and Trail Connections
- Construct Neighborhood Pocket Parks and Community Gardens
- Create Town-Wide Recreation Facilities

IMPLEMENTATION

The CPAC developed this Plan to provide guidance for the utilization of CPA funds for fiscal years 2010-2014. In the CPAC's review of applications for CPA funding, it intends to use these principles and goals to guide its deliberations and selection of projects to recommend to Town Meeting for funding. The project ideas listed throughout the Plan were generated at public meetings and serve as examples of some of the projects that could be funded through CPA funds.

The CPAC encourages town meeting participants, town boards and commissions, and future applicants seeking CPA funds to use this document to guide requests for the use of CPA funds and decisions on allocation of funds.

This Plan is not intended to be a static document. The CPAC intends to periodically review the Plan to reconfirm or amend its principles and goals based on new experiences, changing circumstances, and citizen feedback, including at the CPAC's annual public hearing.



Chapter 1 Overview

This section addresses Ayer's community preservation program, overall, and is intended to guide the use of CPA funds by providing a general framework for determining funding priorities. This section includes a profile of Ayer's CPA activities to date, revenue projections, and describes the CPAC's guiding principles for overall CPA expenditures.

GENERAL CPA ELIGIBILITY

The CPA provides funding for four general types of projects: community housing, historic preservation, open space, and recreation. While the statute provides a generous amount of flexibility for CPA communities to determine the portion of CPA resources allocated to each of the four categories, it does require that a minimum of 10% of total revenue be spent or set aside for each of three categories: community housing, historic preservation, and open space. There is no minimum spending requirement for the recreation category (locally referred to as "unrestricted open space").

ROLE & COMPOSITION OF THE CPAC

The statute requires all CPA communities to establish a Community Preservation Act Committee (CPAC) of not less than five nor more than nine members. In Ayer, the CPAC consists of nine members. By statute, the CPA must include a representative from each of the following five town entities: Conservation Commission, Historic Commission, Housing Authority, Planning Board, and Board of Park Commissioners (the equivalent of Ayer's Parks Commission). In addition to this minimum statutory requirement, the Selectmen appoint a member of the Board of Selectmen and two citizens to serve as at-large members and the Finance Committee also appoints a member. The CPAC is charged with studying the community preservation needs, possibilities, and resources and making recommendations on the use of CPA funding to the municipality's legislative body.

APPLICATION & FUNDING PROCESS

The CPAC holds two funding rounds each year to correspond with the Spring and Fall town meetings. Copies of the CPAC Project Application Guidelines are available at the Town Clerk and Selectman's offices at Town Hall. Applicants seeking CPA funds are required to submit a complete application to the CPAC for review in accordance with the bi-annual deadlines set by the CPAC each year. The CPAC reviews and deliberates on each application in open public meetings. Through majority vote, the CPAC determines which projects to recommend for funding to Town Meeting. Projects that are not recommended for funding by the CPAC are not eligible for consideration by Town Meeting.

PROFILE OF AYER'S COMMUNITY PRESERVATION PROGRAM

CPA BASICS

- The Community Preservation Act (CPA), Massachusetts General Laws Chapter 44B, was adopted by Ayer voters in April 2001.
- The Community Preservation Act Committee (CPAC), a nine-member body appointed by various boards and commissions, is responsible for recommending CPA appropriations to Town Meeting.
- The Ayer CPA generates revenue from 1% property tax surcharge and a variable state match, with exemptions for low-income residents and low/moderate-income seniors.
- Ayer's total CPA revenue generated since adoption is just over \$2M, including revenue generated through the local surcharge, 100% state match FY02-FY08, and 67.62% match in FY09.
- Through the local surcharge and 67.62% state match, Ayer generated over \$208,000 which was available for expenditure in FY09 (current year).
- Four project categories: **open space, historic preservation, community housing**, and recreation.
- At least 10% of annual revenue must be spent (or reserved) for projects in each of the three categories in **bold** (above).

CURRENT CPA PROJECTS

- Roughly \$900,200 of CPA funds have been appropriated as of June 2008.
- As depicted in the chart below, 50% of appropriations were for community housing projects, 28% historic preservation, and 22% recreation (unrestricted open space).
- No appropriations have been made to date for open space projects, however, on CPAC recommendation, Ayer has reserved close to \$600K, which is approximately 30% of total revenue, for future CPA open space projects.
- Ten CPA projects have been funded to date.

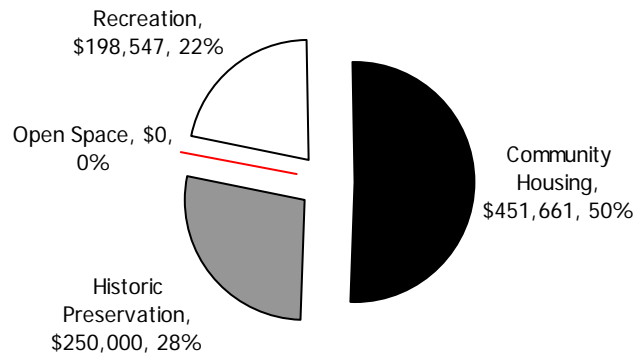
REVENUE PROJECTIONS

- FY10 estimated revenue is \$167,612 which includes the assumption of a 29% state match (based on the DOR's projection released in March 2009).
- Estimating the state match for subsequent years is difficult given uncertainties of the State CPA Trust Fund collections and outcome of the pending legislation that would fix the trust fund match to a 75% minimum. However, the estimates in the table on next page assume 29% state match for purposes of estimation.

(Ayer Assessing Dept., CP Coalition, DOR, calculations by author)

Total CPA Project Appropriations (FY02-08)

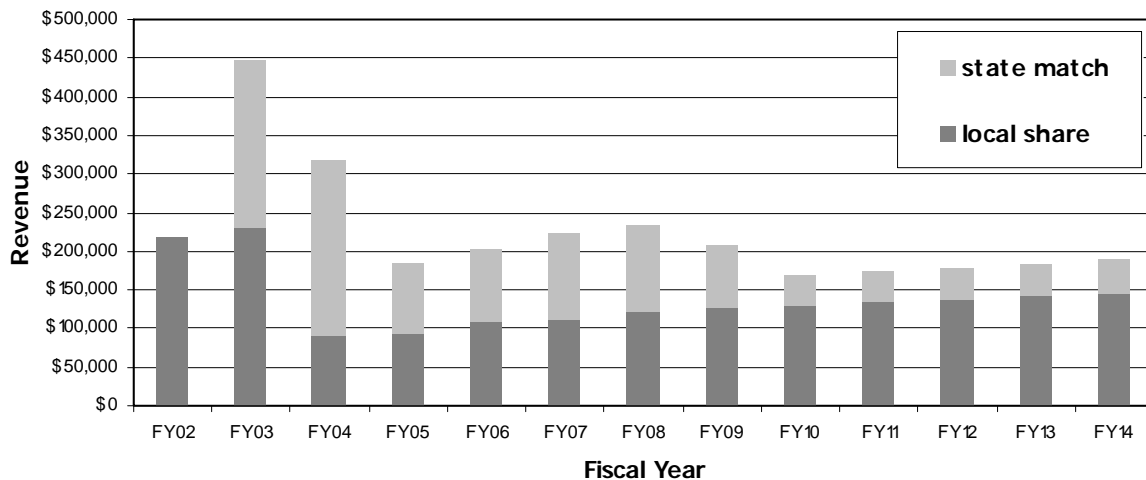
Source: Ayer CPAC and Town Accountant, calculations by author
October 2008



| Past & Projected CPA Revenue (FY02-FY14) | | | | |
|---|--------------------|--------------------|----------------------|----------------------|
| Sources: Ayer CPAC (past revenue data), Assessing Department (local share projections), CP Coalition (state match projections), calculations by author, October 2008, updated March 2009. | | | | |
| Note: Projections for state match are subject to change given uncertain level of State Trust Fund collections and outcome of pending legislation that would fix the state match to a 75% minimum. | | | | |
| fiscal year | local share | state match | state match % | total revenue |
| FY02 | \$218,342 | \$0 | | \$218,342 |
| FY03 | \$229,445 | \$218,342 | 100% | \$447,787 |
| FY04 | \$89,962 | \$229,445 | 100% | \$319,407 |
| FY05 | \$93,534 | \$89,962 | 100% | \$183,496 |
| FY06 | \$109,333 | \$93,534 | 100% | \$202,867 |
| FY07 | \$112,353 | \$109,333 | 100% | \$221,686 |
| FY08 | \$121,134 | \$112,353 | 100% | \$233,487 |
| FY09 | \$126,147 | \$81,911 | 67.62% | \$208,058 |
| FY10 | \$129,932 | \$37,680 | 29% | \$167,612 |
| FY11 | \$133,830 | \$38,811 | 29% | \$172,641 |
| FY12 | \$137,844 | \$39,975 | 29% | \$177,819 |
| FY13 | \$141,980 | \$41,174 | 29% | \$183,154 |
| FY14 | \$146,115 | \$42,373 | 29% | \$188,488 |
| Total | \$1,789,951 | \$1,092,520 | | \$2,736,356 |

Past & Projected CPA Revenue (FY02-FY14)

Sources: Ayer CPAC (past revenue data), Assessing Department (local share projections), CP Coalition (state match projections), calculations by author, November 2008 and March 2009



GUIDING PRINCIPLES FOR OVERALL CPA EXPENDITURES

The Community Preservation Act Committee has established three guiding principles. These principles are important because they provide guidance on how to approach CPA spending overall, as described in more detail below.

- PRIORITIZE OPEN SPACE PROTECTION
- MAXIMIZE COMMUNITY BENEFITS
- BE FISCALLY CONSERVATIVE

PRIORITIZE OPEN SPACE PROTECTION

Prioritize funding for projects to protect open space that may otherwise be lost, while remaining open to other worthy projects in any of the four CPA categories.

Due to the importance of protecting open space and natural resources and the fact that no CPA funds have yet been spent in the open space category, the CPAC's greatest priority is open space protection. To this aim, the Town has already reserved almost \$600K of CPA funds for future open space projects (close to 30% of total CPA revenue through FY08). In addition, the Comprehensive Plan Implementation Committee has established an ad-hoc Open Space Working Group (OSWG) to identify and evaluate unprotected open space properties. The CPAC intends to work closely with the OSWG and other conservation organizations, as appropriate, to protect critical open space properties with the assistance of CPA funds.

The Ayer CPAC generally does not generate project ideas or initiate projects but instead evaluates project applications on a bi-annual basis, weighing the merits of each application before deciding which to recommend for CPA funding. Given this role, the CPAC intends to remain open to project possibilities and new opportunities in any of the four CPA categories. The CPAC is also mindful of complying with the statutory 10% minimum spending requirements for community housing, historic preservation, and open space.

MAXIMIZE COMMUNITY BENEFITS

Give the greatest priority to projects that demonstrate the most significant and widespread community benefits resulting from the project, as well as those with strong community support.

The CPAC wants to generate projects that create significant community benefits and have strong community support. Community benefits can be demonstrated in various ways, including:

- Serving more than one CPA purpose
- Providing public access and accessibility
- Serving a significant amount of people
- Supporting underserved populations
- Having visibility or a prominent location
- Having ecological or societal significance
- Demonstrating sufficient capacity to maintain the asset
- Providing for longevity of benefits

BE FISCALLY CONSERVATIVE

Minimize CPA project appropriations by leveraging other public/private funds, pro-bono professional services, donated labor and materials, and other such cost-saving measures.

Approximately \$1.9M in total CPA funds is estimated to be available for new project appropriations for FY10-FY14. In order to maximize the effectiveness of this revenue to achieve Ayer's community preservation goals to the greatest extent possible, the funds will need to be significantly leveraged with other funding sources. Whenever possible CPA funds should be viewed as a source for partial project funding that is paired with other public or private funds.

In addition, CPA funds should be used for maximum benefit with minimum project costs, by seeking bargain sales, discounted or donated professional services, labor, and materials, and other cost-saving measures. Through leveraging and cost-saving measures, CPA funds can be stretched to achieve greater community benefits.

AVAILABILITY OF CPA FUNDS

From inception of the CPA program in Ayer through FY14 (the end of the CPAC's current planning horizon), the CPA is projected to generate a total of \$2.75M. This projection assumes a state match of 29% in FY10 and subsequent years. Please note, that the projections for FY11 and beyond have a great degree of uncertainty due to a number of factors: unknown amount of future CPA communities (some new may adopt and others may revoke or even increase/reduce the local surcharge), unknown level of the statewide CPA Trust Fund collections, and unknown outcome of the pending legislation ("An Act to Sustain Community Preservation") that would fix the State Trust Fund distribution at a minimum of 75% match.

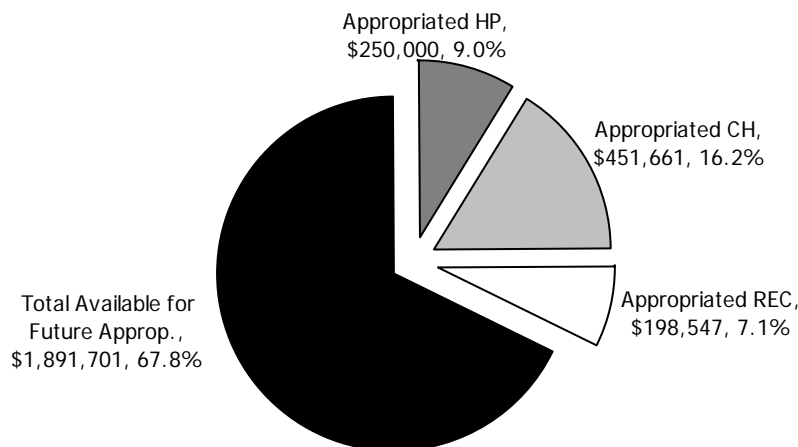
Through past project appropriations, roughly \$900,200 CPA funds have been committed, leaving about \$1.9M available for new project appropriations through FY14. (See the chart below.)

The CPA statute requires that a minimum of 10% of revenues be spent or reserved in each of three CPA categories: open space, community housing, and historic preservation. There are no minimum spending requirements for recreation. The remaining 70% of funds can be applied to projects in any of the four CPA categories. Although the Town is only required to set aside a minimum of 10% in the three main categories, Ayer has set aside almost 30% in the Open Space category, as shown in the table on the next page.

Total Appropriated and Available CPA Revenue (FY02-FY14)

HP = historic preservation, CH = community housing, REC = Recreation

Source: Ayer CPAC and Town Accountant, calculations by author, updated March 2009



Just over 7% of total past and projected revenue (FY07-FY14) has already been committed to recreation (unrestricted open space), 16% to community housing, and 9% to historic preservation.

In order to estimate the minimum required spending levels and general revenue available for FY10-FY14, CPA spending to date, existing reserve funds, and undesignated funds were factored into the equation (see the table below).

| Estimated Available CPA Funds (FY02-FY14) | | | | | |
|--|--------------------------------|-------------------|-------------------|-------------------|---|
| OS=open space; HP=historic preservation; CH=community housing; Updated November 2008 and March 2009 | | | | | |
| Fiscal Year | Total Available Revenue | OS Reserve | HP Reserve | CH Reserve | Undesignated & Budgetary Reserve |
| FY02-FY09 | \$1,001,987 | \$587,524 | \$29,949 | \$23,867 | \$360,647 |
| FY10 | \$167,612 | \$50,284 | \$16,761 | \$16,761 | \$83,806 |
| FY11 | \$172,641 | \$17,264 | \$17,264 | \$17,264 | \$120,849 |
| FY12 | \$177,819 | \$17,782 | \$17,782 | \$17,782 | \$124,473 |
| FY13 | \$183,154 | \$18,315 | \$18,315 | \$18,315 | \$128,208 |
| FY14 | \$188,488 | \$18,849 | \$18,849 | \$18,849 | \$131,942 |
| Total | \$1,891,701 | \$710,018 | \$118,920 | \$112,838 | \$949,924 |
| <p>Note 1: The term "available " refers to revenue that is unspent.</p> <p>Note 2: OS Reserve includes approximately 30% of total revenue to date (and for FY10) in the existing reserve and assumes reserve of 10% of total annual revenue for future years. However, as it has done in the past, the Town may appropriate more than the minimum from time to time. The HP and CH reserves include current revenue remaining in reserves and assumes 10% of total annual revenue in future years.</p> <p>Note 3: Undesignated & Budgetary Reserve funds also include administrative.</p> <p>Note 4: All figures represented in this table are estimates based on the most accurate data available at the time regarding projected local property tax revenue and State Trust Fund distributions. All figures are subject to change.</p> | | | | | |



Chapter 2 Community Housing

This section addresses the CPA's role in furthering the creation of community housing in Ayer, includes a profile of Ayer's community housing, and describes the CPAC's priority goals for creation of community housing.

COMMUNITY HOUSING NEEDS

Homeownership Affordability

With deflated housing prices, more homes are now affordable to low-income homebuyers (see the chart on the right). Sixty-three percent (or 15 units) of the total three-plus-bedroom units sold in Ayer between November 2007-2008 were sold at prices affordable to low-income households (Zillow). (See the profile on the next page for more detail.) Whereas, the same analysis done for February 2006-2007 indicated that no units had been sold for prices affordable to low-income households.

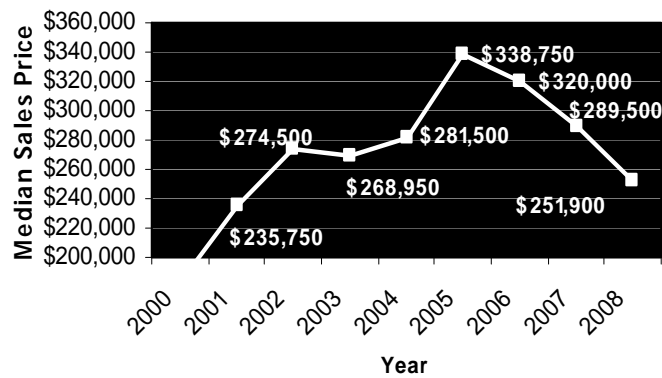
The significant reduction in housing values presents greater opportunities for low-income households to purchase a home in Ayer as well as for the Town to create affordable units with long-term restrictions. There is a need to create long-term affordable homeownership units in anticipation of housing values growing as the economy strengthens as well as to reach the state's mandate that 10% of total households be affordable to low-income households (as of Sept 2008, 8.6% of Ayer's housing stock was affordable).

Rental Affordability

According to the 2000 US Census, over 44% of occupied housing units are rental and 36% of those households are housing cost burdened. Elderly households account for over 14% of rental housing in Ayer and almost 60% of elderly renters are housing cost burdened. (Comp Plan). Providing affordable rental housing and support for cost burdened elderly, disabled, families, and other renters is key to sustain Ayer's community character and diversity.

Median Sales Price for Single-Family Houses in Ayer 2000-2008 (Jan-Sept)

Source: The Warren Group, October 2008



PROFILE OF AYER'S COMMUNITY HOUSING

POPULATION & HOUSEHOLDS

- Town population is 7,287 with 2,983 households.
- Population has grown by 17.63% between 1990 and 2000, the 3rd highest population growth in the region.
- Almost 13% of population is elderly, the 2nd highest in region.
- Just over 16% of population is school age children (lowest in the region and lower than state-wide).

(2000 US Census data reported in Comp Plan.)

HOUSEHOLD INCOME & COST OF HOUSING

- \$54,575 was Ayer's estimated median household income in 2005 (Report Card); 17% increase in median household income from 2000 to 2005 (Comp Plan & Report Card).
- \$338,750 was the median cost of single family house in 2005 (Report Card). 86% increase in median cost of single-family house from 2000 to 2005, followed by a sharp decline (Warren).
- Despite the sharp decline in housing values since 2005, the median cost of a single-family house has increased by over 38% from 2000 to 2008 (Warren).

HOUSING TENURE & CHARACTERISTICS

- Over 44% of occupied housing units are rental (1,320 units); 56% are owner-occupied.
- Elderly households constitute more than 14% of renters.
- 44% of all housing units are single-family detached homes.; over 30% of units are in multi-family homes; 14% of units are in two-families; and 7% of units are in single-family attached homes.

(2000 US Census data reported in Comp Plan.)

AFFORDABILITY

- 8.6% (271 units) of Ayer's total housing stock is counted as affordable in the State Subsidized

Housing Inventory (DHCD, Sept 2008). The State's minimum goal of affordability in each community is 10% of total households. Ayer would require 43 additional affordable units to comply with the state's 10% mandate.

- Ayer is located in the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area (BCQ FMR) which covers most of eastern Massachusetts and portions of southern New Hampshire (HUDUser.org).
- The BCQ FMR median family income (AMI) is \$85,800 (for a family of four) (HUDUser.org).
- Maximum of 30% of household income can be spent on housing to be considered affordable.
- Moderate income: A four-person household earning 90% of AMI could roughly afford a home that costs less than \$268,000 (Mortgage 101). Eighteen out of 24 (75%) 3+ bed single-family/condo units in Ayer were sold for less than \$270,000 between Nov 2007- 2008 (Zillow).
- Low income: A four-person household earning 70% of AMI could roughly afford a home that costs less than \$209,000 (Mortgage 101). Fifteen 3+ bed units were sold for less than \$210,000 Nov 2007-2008 (Zillow).
- Rental analysis: As of the 2000 Census, 36% of Ayer's renter households were housing cost burdened (paying more than 30% of their income for rent + utilities).
- Elderly: Almost 60% of all elderly renters are housing cost burdened as of the 2000 Census. This represents an increase of over 114% since 1990.

AFFORDABLE HOUSING STOCK

- 262 affordable homeownership units in Ayer were created through MGL Chapter 40B (Planning).
- Ayer Housing Authority owns/manages 96 units, including 61 units for elderly/disabled, 13 units for families, and 22 units at the Pleasant Street School building (owned by Ayer Elderly Housing Partnership).

WHAT DOES THIS MEAN?

- Although the current housing market provides opportunities for low-income homebuyers, the market also presents Ayer with opportunities to increase its stock of affordable units to help achieve the state's 10% mandate.
- Assisting cost-burdened rental households is key to maintain diversity and support elderly, disabled, and family populations.



CPA ELIGIBILITY

Chapter 44B of the Massachusetts General Laws (CPA) defines “community housing” as “low and moderate income housing for individuals and families, including low or moderate income senior housing.” Low income housing is affordable to households with annual incomes of less than 80% of the areawide median income and moderate income housing is affordable to households earning between 80% and 100% of the areawide median income. Furthermore, the CPA defines “senior housing” as housing for persons 60 years old or over, who also meet the qualifications for low or moderate income. The Act allows CPA expenditures for the acquisition, creation, preservation, and support of community housing and for the rehabilitation of community housing that is acquired or created through CPA.

GOALS FOR COMMUNITY HOUSING EXPENDITURES

Creating community housing is important to maintain economic diversity and protect Ayer’s community character. Within this category, the CPAC has five priority goals for use of CPA funds to create community housing. The goals are listed here and described in more detail below.

- SUPPORT ACHIEVEMENT OF STATE’S 10% MANDATE
- CONVERT EXISTING BUILDINGS TO AFFORDABLE HOUSING
- ASSIST ELDERLY, DISABLED, AND FAMILY HOUSEHOLDS
- CREATE NEW AFFORDABLE UNITS THROUGH DEVELOPMENT OF SMALL-SCALE INFILL HOUSING
- SUPPORT ENERGY-EFFICIENCY IMPROVEMENTS FOR EXISTING AFFORDABLE HOUSING UNITS

SUPPORT ACHIEVEMENT OF STATE’S 10% MANDATE

Use CPA funds to create units that would be counted in the Department of Housing and Community Development’s Chapter 40B Subsidized Housing Inventory (SHI).

The Massachusetts Department of Housing and Community Development (DHCD) is charged with maintaining a statewide inventory of units that are affordable in each community per the definitions of Massachusetts General Laws Chapter 40B. Chapter 40B, which is also known as the Comprehensive Permit Law, is a state statute that sets a minimum standard for communities to provide at least 10% of their total housing stock as affordable to low-income households (80% or below of AMI). As of September 2008, Ayer has 271 units that count as affordable on the SHI, which translates to 8.6% of total housing stock. Ayer would require a

total of 341 SHI units (an additional 43 units) to achieve the states 10% mandate. However, please note that this figure is a moving target as it is based on total current housing units.

The CPAC's first priority is to recommend CPA funds for projects that will bring Ayer closer to achieving the state's 10% mandate. Although CPA funds can be used to create units that are affordable for moderate-income households (80% to 100% of AMI), only units that are affordable to low-income households (up to 80% of AMI) count in the SHI. Therefore, the CPAC intends to favor projects that would create low-income units that would count towards the state's 10% mandate and to give less favor to projects that would create moderate-income units. This goal also supports the greater need for low-income housing in Ayer, since the market has been providing housing for moderate-income households.

CONVERT EXISTING BUILDINGS TO AFFORDABLE HOUSING

Focus CPA funds on conversion of existing buildings, including residential, commercial, and institutional buildings, to affordable housing through deed restrictions and adaptive reuse. The design of any exterior changes or additions should be sensitive to neighborhood context and historic character.

This goal stems from the dual need for greater housing opportunities to protect the community's diversity and to preserve community character, historic resources, and underutilized buildings.

Open space and natural resources are highly valued resources in the community particularly for protection of drinking water, wildlife habitat, and recreation opportunities. In order to find balance between creation of affordable housing and protection of open space, one key strategy is to create community housing opportunities through the use of affordable housing deed restrictions and adaptive reuse of existing buildings. In fact, the CPA statute (MGL c.44B s.5(b) (2) states ". . . the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites."

Existing residential buildings as well as commercial and institutional buildings located in downtown Ayer could potentially be converted to provide affordable housing units. The reuse of these buildings could also tie into the Town's goals for historic preservation and economic development of downtown.

The affordable units created through conversions such as these could be permanently protected through affordable housing deed restrictions. These restrictions limit sales or rental price of property to a price affordable to a low-income household and would require that the renter/homebuyer be income-eligible. The deed restriction would be permanent so that the property

would be permanently affordable. In addition, the Town could take advantage of the lower housing values by purchasing and rehabilitating (if necessary) foreclosed properties to create affordable housing.

ASSIST ELDERLY, DISABLED, AND FAMILY HOUSEHOLDS

Use CPA funds to provide housing assistance to low-income elderly, disabled, and family households.

Approximately 12.7% of Ayer's population is elderly (65+ years), which is the second highest elderly population in the region (second only to Clinton). In addition, almost 60% of elderly renters are housing cost burdened, paying more than 30% of household income on housing costs. This represents an increase of over 114% since 1990 and is the second highest cost-burdened elderly population in the region (second to Shirley). Twenty-percent of Ayer's population reported having a disability in the 2000 US Census, most of which are elderly. (Comp Plan)

In addition to supporting the needs of elderly and disabled households, one of the Housing Authority's goals is to increase the number of units for family housing. The Housing Authority currently has 61 units for elderly/disabled housing and only 13 for family housing. According to the Housing Authority's Executive Director, there is a significant need and demand for more family housing. In addition, as a policy, the MA Department of Housing and Community Development encourages housing authorities to increase supply of affordable family housing units.

Therefore, to the extent feasible, the CPAC intends to support housing projects and assistance programs that provide housing to low-income elderly, disabled, as well as family households. This could include the creation of new affordable units on surplus town or housing authority land, conversion of existing buildings (as described in the previous goal) to affordable units, and creation of a local rental assistance program.

CREATE NEW AFFORDABLE UNITS THROUGH DEVELOPMENT OF SMALL-SCALE INFILL HOUSING

Target CPA funds to support the creation of affordable housing units through small-scale development that is designed to be compatible with neighborhood character.

Based on the recent success of the Habitat for Humanity project that created a new single-family house, the CPAC intends to support similar projects, as is feasible. Projects could include constructing new homes to infill vacant lots in existing neighborhoods.

SUPPORT ENERGY-EFFICIENCY IMPROVEMENTS FOR EXISTING AFFORDABLE HOUSING UNITS

Fund capital improvements to existing affordable housing units to increase energy efficiency, which would reduce energy consumption and costs.

Existing affordable housing units, particularly the older units owned by the Housing Authority (1974 and 1982 complexes) could be enhanced through improvements to increase energy efficiency. Projects meeting this goal may also be able to dovetail with a variety of funding sources, as described further in the description of possible projects, to follow.

MINIMUM SPENDING REQUIREMENTS

As previously described in Chapter 1, the minimum statutory spending requirement for community housing is 10% of annual revenue. The revenue must either be spent or set aside for future spending. Therefore, the estimated minimum amount of spending/reserve for community housing is approximately **\$114,000** for FY10-FY14. The estimated budgeted reserve and undesignated funds, which can be spent in any of the four CPA categories, is approximately **\$950,000** for FY10-FY14.

EXAMPLES OF PROJECT POSSIBILITIES

The following describes some of the ideas that were generated through the public workshops for possible projects that could be funded in whole or in part with CPA funds.

Adaptive Reuse/Rehab Program: Convert historic residential, commercial, and institutional buildings to affordable housing – combining historic preservation goals with housing goals. Dovetail with Community Development Block Grant (CDBG) funding. For example, the Old Nutting Building (51 Main Street/a.k.a. Fletcher Building) could be rehabilitated for adaptive reuse to create housing in upper stories. For projects on private property, the Town would require appropriate deed restrictions.

Create a Purchase/Rehab Program: Seize market and foreclosure opportunities to create permanent affordable units. This effort could be a joint program between the Housing Authority, the Town, and a regional non-profit housing developer to purchase, rehabilitate, and resell units with affordable housing deed restrictions to low-income households. This program could be inter-related with a first-time homebuyer program, establish rental housing, or create a “rent to own” program in cooperation with the housing authority. CPA funds could establish initial funds for the program that are replenished upon resale and revolve into further purchases and rehabs. This type of program may be able to leverage round two of the Neighborhood Stabilization Program (NSP) funded through the American Recovery & Reinvestment Act to purchase foreclosed units (more information on round two of NSP is expected to be available in April 2009 through the MA Department of Housing and Community Development).

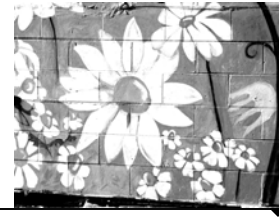
Improve Energy Efficiency in Existing Affordable Units: Provide funds to the Housing Authority to improve the energy efficiency of units. Instead of subsidizing energy costs, lower energy costs by improvements to units, thus providing the Housing Authority with cost savings. The Housing Authority may be able to leverage CPA funds with the following funding sources: (1) National Grid energy audits and financial assistance for improvements; (2) State Weatherization funds—The Department of Housing and Community Development’s (DHCD) current funding prioritizes the backlog of projects, which does not include Ayer, however there may be funding remaining or future opportunities to access funds; (3) Energy Efficiency and Conservation Block Grant program— Nine million dollars in federal funds for smaller MA communities are being funnelled through the MA Department of Energy Resources (DOER), Green Communities Division. Requirements for this program are being developed and should be announced through DOER in April 2009.

Rental Assistance Program: Local “section 8” type voucher for rental assistance to low-income elderly, disabled renters, and families. (A similar program was funded with CPA funds in Chatham. That program also sets aside funding for households to save for homeownership.)

Develop New Housing: Invest in private housing projects by developers, such as Habitat for Humanity, to infill vacant lots in existing neighborhoods. These projects can result in homeowner and/or rental units.

First-time Homebuyer Program: Create a program to provide down-payment and closing cost assistance to low-income households in return for a long-term affordable unit protected through a deed restriction. The program cost could include administration.

Expand Housing Authority’s Portfolio of Family Housing: Support Housing Authority efforts to create new units for family housing on surplus town or housing authority land.



Chapter 3 Historic Preservation

This section focuses on community needs and priorities for spending CPA funds on historic preservation projects and includes a profile of Ayer’s historic resources and descriptions of the CPAC’s historic preservation goals.

HISTORIC PRESERVATION NEEDS

Ayer has many historically-significant resources including municipal buildings; private residential, commercial, and institutional buildings; archeological sites; farms; and cemeteries. Ayer’s historic resources represent a wide-range of periods that are important in local and regional history, including Native American, Federal, 19th-century industrial, and early-mid 20th century. Many of these resources are at risk due to lack of available funding for preservation and restoration. The Ayer Historical Commission, through funding from CPA and the Massachusetts Historical Commission, is undertaking phases one and two of an historic resources inventory to survey Ayer’s historic resources and, thereby, heighten public awareness and understanding of the amount, type, and quality of historic resources in the town.

CPA ELIGIBILITY

The CPA defines historic resources as “a building, structure, vessel, real property, document, or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.” CPA funds can be used for the “. . . acquisition, preservation, rehabilitation, and restoration of historic resources.”

Furthermore, within the definition of “rehabilitation” CPA is allowed to fund improvements to make historic resources functional for their intended use, including improvements to comply with the Americans with Disabilities Act and other building or access codes. All rehabilitation work with respect to historic resources is required to comply with the Standards for Rehabilitation stated in the US Secretary of the Interior’s Standards for the Treatment of Historic Properties (codified in 36 C.F.R. Part 68).

PROFILE OF AYER'S HISTORIC RESOURCES

LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

- Ayer Main Street Historic Mercantile District: Located on Main Street between Park Street and the Main Street B&M Railroad Bridge. Most of the buildings date to the late 19th and early 20th century. (Reconnaissance Report)
- Ayer Town Hall, built in 1876, is listed on the National Register.
- Pleasant Street School, built in 1894, is individually-listed on the National Register.

MUNICIPAL & INSTITUTIONAL BUILDINGS

- Ayer Town Hall and Pleasant Street School, described above.
- Ayer Library, c. 1894, on East Main Street.
- Old Fire Station at 14 Washington Street was a Works Progress Administration (WPA) project built in 1934.

PRIVATELY-OWNED HISTORIC RESOURCES

- Over 900 houses built prior to 1939, totaling 29% of the town's housing stock.
- Victorian-era homes on upper Washington and Pleasant Streets. (*Open Space & Recreation Plan, 1997*)
- The West Main Street neighborhood consists of modest 19th century homes in addition to St. Mary's Catholic Church (Reconnaissance Report).
- Page/Moore Block at 33-47 Main Street is one of the most noteworthy historic commercial buildings on Main Street. (Reconnaissance Report)
- District School #11 (Sandy Pond School House), built in 1792, is located at the junction of Sandy Pond, Westford, and Willow roads, and is owned by the Sandy Pond School Association.
- The former Horgan Icehouse located near the dam on the Nashua River north of West Main Street.

CEMETERIES

- St Mary's Cemetery, established in 1857, on Bishop Road.
 - Woodland Cemetery, established in 1859, on Harvard Road.
- (CPAC & Reconnaissance Report)

ARCHAEOLOGICAL SITES

- Area along MacPherson Road, extending along the east side of the Nashua River, is likely to have archaeological resources associated with Native American use of the river corridor.
 - Remnants of the Sandy Pond Icehouse located on Sandy Pond Road.
 - The Moore Airfield is reported by citizens to have value as a Native American artifact site.
 - Nonacoicus Plantation is thought to be the site of battle in the King Philip's War.
 - Remnants of the Shaker Village Foundations on Snake Hill Road.
- (Reconnaissance Report)

INDUSTRIAL ARCHAEOLOGY

- Railroad artifacts, including a turntable, bridges, and abandoned rail lines, are physical remnants of Ayer's history as an important railroad junction. (Reconnaissance Report)

AGRICULTURAL AREAS

- Between 1971 and 1999 Ayer lost more than half of its agricultural land leaving only 125 acres.
- The 80-acre Eliades farm, includes a barn, sited in the midst of a rolling hay field.
- The former Smith Farm (Autumn Ridge Development/Smith Conservation Land includes an early 19th-century house and a 20th-century dairy barn complex. Open Space at the former Smith Farm is protected through deed restrictions.
- The Ayer State Game Farm on Groton-Shirley Road, an 87-acre state-owned farm. (Reconnaissance Report)

WHAT DOES THIS MEAN?

- Ayer's historic resources include both public and private properties and are diverse in type—expanding beyond historic buildings to include cemeteries, archaeological sites, and farms.
- Ayer's historic resources represent a wide range of periods important in Ayer's history, including Native American, Federal, 19th-century industrial village, and early-mid 20th century, influenced heavily by Fort Devens.

TOWN OF AYER COMMUNITY PRESERVATION PLAN

Chapter 3 Historic Preservation



GOALS FOR HISTORIC PRESERVATION EXPENDITURES

Preserving and protecting historic resources is a key factor to preserve and enhance Ayer's unique character and to keep history alive for future generations. The CPAC has established four goals for spending CPA funds to further historic preservation efforts:

- RESTORE HISTORIC RESOURCES AND CREATE/IMPROVE PUBLIC ACCESS
- PROTECT HISTORIC LANDSCAPES AND FARMLAND
- COMPLETE THE IDENTIFICATION OF HISTORIC RESOURCES
- PRESERVE AND REHABILITATE DOWNTOWN AYER'S HISTORIC RESOURCES

RESTORE HISTORIC RESOURCES AND CREATE/IMPROVE PUBLIC ACCESS

Use CPA funds to restore historic resources that are publicly accessible, as well as to create greater public access.

Ayer's historic resources include many public and privately-owned resources that are open to the public, such as the District School #11 (a.k.a. Sandy Pond School), Town Hall, Pleasant Street School, County Courthouse, old Fire Station, Ayer State Game Farm, and other sites as described in the profile of Ayer's historic resources on the previous pages. Some of these historic resources may be considered for adaptive reuse after they are no longer needed for their current function. Others may be in need of restoration and rehabilitation, including improvements for handicap accessibility and other upgrades to make the resource more functional.

Given this need, coupled with limited funding, the CPAC intends to prioritize the protection and improvement of publicly-owned and/or publicly-accessible historic resources. In order to protect the CPA's investment in capital improvements and to ensure public benefit, particularly on privately-owned property, the Town will require that subject properties be bound by a preservation restriction.

PROTECT HISTORIC LANDSCAPES AND FARMLAND

Target CPA funds to preserve historic landscapes and farmland at risk of development.

In the late 17th and through the 18th century, Ayer was primarily an agricultural community. After the construction of the Fitchburg Railroad line in the mid-19th century, the community was rapidly transformed into an industrial village with a great expansion of housing, establishment of large-scale industry, and growth of the commercial center. Between 1971 and 1999, Ayer lost more than half of its agricultural land, leaving only 125 acres. (Reconnaissance Report)

In order to preserve vestiges of the community's agricultural past, CPA funds can be used to assist with the protection and permanent preservation of historic landscapes and farmland through land acquisitions or deed restrictions. This goal is tied to the CPAC's open space goals, described in Chapter 4.

COMPLETE THE IDENTIFICATION OF HISTORIC RESOURCES

Create a comprehensive inventory of Ayer's historic resources, building on the completion of the first phases of the Historic Resources Inventory.

Ayer has a wealth of historic resources that represent a wide range of periods important in Ayer's history, including Native American, Colonial, 19th-century industrial, and early 20th century. Ayer CPA funds have already funded phases I and II of an historic resources inventory. Additional phases will be necessary to complete a comprehensive town-wide inventory, which is key to understanding the extent and nature of historic resources in the community.

The CPAC believes it is important to continue funding worthy preservation projects while the inventory is being completed and encourages applicants to bring project applications forward.

In order to build on the historic resources inventory, the installation of public markers identifying National Register district boundaries and plaques on buildings restored through CPA-funding, can foster public appreciation and preservation of historic buildings and places that played a role in the community's history.

PRESERVE AND REHABILITATE DOWNTOWN AYER'S HISTORIC RESOURCES

Preserve Downtown Ayer's historic commercial and institutional buildings and rehabilitate for adaptive uses.

Ayer Main Street is listed on the National Register of Historic Places and includes 22 historic resources. Ayer's downtown was largely rebuilt after a devastating fire in 1872. The four-story Italianate Page/Moore Block (33-47 Main Street) was built immediately after the fire, as was the Ayer Town Hall. (Reconnaissance Report)

Historic preservation and economic development efforts can make powerful partnerships. The preservation and rehabilitation of Ayer's historic commercial and institutional buildings would not only protect the historic character of this important town center, but could also reinforce and enhance the Town's efforts to improve the economic vitality of downtown.

When funding the preservation of privately-owned resources with CPA funds, the Town will require that the subject property be bound by a preservation restriction to ensure an appropriate public benefit.

MINIMUM SPENDING REQUIREMENTS

As described in more detail in Chapter 1, the minimum statutory requirements for historic preservation is that 10% of annual revenues must be spent or set-aside for future spending. Therefore, the estimated minimum available funds for historic preservation is roughly **\$120,000** for FY10-FY14. In addition, the estimated available funds in the budgeted reserve and undesignated funds is about **\$950,000** for FY10-FY14, which can be spent on projects in any of the four CPA categories.

EXAMPLES OF PROJECT POSSIBILITIES

The following describes some of the ideas that were generated through the public workshops for possible projects that could be funded in whole or in part with CPA funds.

Complete Inventory: Prioritize completion of all phases of the historic resources inventory.

Restore Fletcher Building (Old Nutting Building – 51 Main Street): – Work with a developer to rehabilitate the building for reuse. Use CPA funds for restoration and also, possibly, to create low-income housing on upper floors above ground-floor commercial space.

Preserve Farms – Acquire Agricultural Preservation Restrictions (APR) for historically significant farm lands and complexes - this effort would be a combination of open space conservation and historic preservation.

Restore Old Fire Station – The Old Fire Station building has potential to be restored and rehabilitated for various town-uses such as town offices or a community/teen center. A teen center has been mentioned in multiple public forums as a strong town need and possibly a good fit for reuse of the Old Fire Station building. The building could also be sold for reuse to a private entity – however, in that case, it is less likely that CPA funds would be needed.

Restore Sandy Pond School – Make this old school more accessible for public use. There may be a need for improvements to the building, such as handicap accessibility improvements. Improvements to privately-owned buildings, such as this, would require a public benefit in return for CPA funds, such as a preservation restriction to permanently protect the building.

Convert Historic Buildings to Other Community Purposes: Rehabilitate historic buildings to serve other community needs, including conversion to community housing, recreation facilities, or other town purposes.

Continue Restoration of Pleasant Street School: Support future preservation or rehabilitation needs to build on the work already funded through CPA.



Chapter 4 Open Space

This section addresses the use of CPA funding to support open space protection efforts, includes a profile of Ayer's open space and natural resources, and describes the CPAC's open space goals.

OPEN SPACE NEEDS

Over 23% of Ayer's total land area (excluding Devens Regional Enterprise Zone) is considered unprotected open space—vacant land with evident or potential development capacity, including land that is temporarily protected through MGL c.61, 61A, and 61B. Nearly 86% of Ayer's vacant developable land is zoned residential. (Comp Plan)

Water is a critical component of Ayer's natural resources—the community relies on ground water as its drinking source. In addition, the Nashua River, five small brooks, and the small and large ponds that dominate Ayer's topography provide important wildlife habitats as well as scenic value and recreational opportunities. Ayer is also steward of portions of two Areas of Critical Environmental Concern (ACEC) designated by the state as priority sites for habitat conservation. In particular, the Petapawag ACEC contains a significant amount of unprotected open space.

Ayer's open space, view sheds, and natural resources, particularly water resources and wildlife habitat areas, are key characteristics of the community's quality of life and character. Protection of these resources is a community preservation priority.

CPA ELIGIBILITY

The CPA defines the term "open space" as including, but not limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, lake and pond frontage, beaches, and lands to protect scenic vistas. The statute allows the use of CPA funds for the acquisition, creation, and preservation of open space and allows for the rehabilitation or restoration only for open space that was acquired or created with CPA funds. Per MGL c. 44B s.5(f), CPA funds may not be used to acquire real property, or property interest, for a price exceeding the value of the property.

In accordance with the CPA statute (MGL c.44B s.12(a) and (b)), an acquisition of real property is required to be owned by the municipality and to be bound by a permanent deed restriction. Therefore, any open space acquisitions by the Town using CPA funds will require execution of a deed restriction that runs to the benefit of a nonprofit, charitable corporation, or foundation and that is in accordance with the requirements of MGL c.184.

PROFILE OF AYER'S OPEN SPACE & NATURAL RESOURCES

PROTECTED OPEN SPACE*

- Roughly 400 acres of permanently protected open space, under 8% of Ayer's total land area (excluding Devens Regional Enterprise Zone). (Comp Plan, updated by author)
 - Pine Meadow Conservation Land (former Erskine Property) is over 129 acres of forested land.
 - Almost 70 acres at the Autumn Ridge development (former Smith Farm) on Groton Road is protected with Conservation Restrictions (CR).
 - Pond View Estates cluster development on Westford Road will provide 35 acres protected through a CR (approval pending).
 - Orion Park commercial development on Orion Park Drive will provide seven acres protected through a CR (approval pending).
 - Sandy Pond III residential development on Sandy Pond Road will provide approximately 10 acres protected through a CR (approval pending).
- (Comp Plan, Reconnaissance Report, Con Com)

TEMPORARILY PROTECTED OPEN SPACE

- Approximately 452 acres are under Chapter 61, 61A, and 61B tax abatement programs for open lands in forestry, agriculture, and recreation.
- Largest holdings of temporarily protected open space include forestry and agricultural parcels and the Ayer Sportsmen's Club.

UNPROTECTED OPEN SPACE

- Roughly 1,072 acres of vacant land has potential development capacity - over 23% of total land area. Nearly 86% of Ayer's vacant developable land is zoned residential.

WATER RESOURCES

- Approximately 829 acres are wetlands and open water, about 13.5% of total land area.
- Most of the town lies within the Nashua River

Watershed, which encompasses 538 square miles and 31 communities.

- The Merrimack River watershed is the fourth largest in New England with more than 200 cities and an area of 5,010 square miles.
- Nashua River is the largest watercourse in Ayer and is a regionally significant river that provides drinking water, wildlife habitat, recreational opportunities, and scenic views.
- Five small brooks in Ayer feed the Nashua River and local ponds.
- Small and large ponds dominate Ayer's topography; Three of Ayer's ponds are Great Ponds (Long, Sandy, and Spectacle).
- Water quality in town's ponds is a significant concern: three of the ponds are federally required to have pollution control plans.
- Ayer relies on groundwater as its drinking water source. Portions of two aquifers are located in Ayer: Nashua River Basin and Merrimack River Basin aquifers. Groundwater from these aquifers supplies the four town wells.

HABITAT & BIODIVERSITY RESOURCES

- Portions of two Areas of Critical Environmental Concern (ACEC) are located in Ayer: the Petapawag and Squannassit ACECs. There is very little protected open space within Ayer in the Petapawag ACEC, which is a priority site for habitat conservation—particularly land on Long Pond.
- The state Natural Heritage & Endangered Species Program has documented species in Ayer that are endangered, threatened, or of special concern. NHESP has designated four Priority Habitat areas in Ayer.
- Ayer has three important wildlife corridors: (1) riparian corridor along Nashua River; (2) undeveloped forests in eastern Ayer; and (3) high-tension power line corridor.

WHAT DOES THIS MEAN?

- Water resources are critical to Ayer's quality of life — providing drinking water, scenic value, recreational opportunities, and wildlife habitat.
- Critical open space and natural resources remain unprotected, including land in the Aquifer Protection District, Areas of Critical Environmental Concern, Chapter 61 program, and surrounding the town's ponds.

* A proposed development at Stratton Hill is expected to provide 130 acres of protected land, abutting additional protected open space in Groton. This proposed project is not included in the total acreage of protected open space.



Top to bottom: 1. Long Pond, 2. Habitat Trail—orchid, 3. Farmland, 4. Habitat Trail
Photo Credits: Beth Suedmeyer, 1 & 3—November 2007, 2 & 4 June 2007

GOALS FOR OPEN SPACE EXPENDITURES

The CPAC has determined that open space preservation is the most important function of the CPA funds in Ayer at this time and has demonstrated this by building an open space reserve with approximately 30% of all CPA revenue generated to date. The CPAC identified the following four goals for open space expenditures:

- PROTECT ENVIRONMENTALLY-SENSITIVE LAND
- CREATE PROTECTED GREENWAYS
- ACQUIRE OPEN SPACE FOR PASSIVE RECREATION
- PROTECT RURAL CHARACTER AND SCENIC VISTAS

PROTECT ENVIRONMENTALLY-SENSITIVE LAND

Permanently protect sensitive open space especially aquifers, wellhead protection areas, Areas of Critical Environmental Concern, wildlife habitat, wetlands, vernal pools, and adjacent lands.

Since Ayer relies on groundwater as its drinking source, it is critical to protect the open space within the two groundwater aquifers that are located in Ayer: Nashua River Basin and Merrimack River Basin. These aquifers supply the four town wells that, in turn, supply Ayer's drinking water for residents and business. Ayer adopted an Aquifer Protection District Zoning By-law that protects the water quality of the aquifers by prohibiting storage of hazardous materials, landfills, and other high-risk land uses. However, the By-law does not prohibit land development. Maximizing protected open space within the aquifer areas can minimize pollutants entering groundwater, thereby providing further protection of water quality. (Comp Plan)

ACEC's are state-designated areas that receive special recognition and assistance due to the quality, uniqueness, and significance of their natural and cultural resources. Ayer comprises a portion of two ACECs: Petapawag and Squannassit. The ACECs are located in the north, northeast, south, and west sections of Ayer, surrounding all of the ponds, and extend north into Groton and west into Shirley and portions of the Devens Enterprise Zone. The ACECs overlap with two of three aquifer areas primarily in the west and southwest sections of Ayer, including the area of Grove and Plow Shop ponds.

In addition, Ayer has approximately 829 acres of wetlands and open water (about 13.5% of total land area); four Priority Habitat areas, designated by the Natural Heritage and Endangered Species Program, and three important wildlife corridors.

Utilizing CPA funds for acquisition of land or deed restrictions to assist with the protection of open space in these environmentally-sensitive areas is one of the CPAC's priority open space goals.

CREATE PROTECTED GREENWAYS

Create publicly-accessible open space and trail connections to existing conservation land, public recreation areas, and open space in adjacent communities from Ayer's downtown, residential neighborhoods, and school complex.

Greenways are protected corridors of open space and can serve multiple functions including wildlife habitat protection, passive public recreation, pedestrian and bicycle transportation, as well as scenic value. Greenways not only preserve connections between conservation and recreation areas, but can also serve to connect commercial, residential, and institutional/cultural areas with parks, forests, water bodies, and other open land.

ACQUIRE OPEN SPACE FOR PASSIVE RECREATION

Acquire land for passive recreation including hiking, wildlife observation, and access to water bodies, especially in neighborhoods with limited access to natural areas.

The community values the passive recreation opportunities that open space provides, including access to water bodies for fishing, boating, or other water-based passive recreation. The CPAC intends to prioritize the permanent protection of open space that enables public use and enjoyment of the land for passive recreation, especially in underserved neighborhoods.

PROTECT RURAL CHARACTER AND SCENIC VISTAS

Acquire permanent development restrictions to protect privately-owned open space including farms, forests, and recreation land.

A significant component of Ayer's community character and identity is the town's physical layout with the commercial and civic buildings of downtown, historic and contemporary residential neighbors, the chain of ponds bisecting the town, and large swaths of farms, forests, and other open space lands throughout town. Roughly 1,072 acres of vacant land has potential development capacity - over 23% of total land area - and nearly 86% of Ayer's vacant developable land is zoned residential.

Approximately 452 acres are temporarily protected under the Massachusetts General Law Chapter 61, 61A, and 61B tax abatement programs for lands in forestry, agriculture, or

recreational use. (Comp Plan) Property owners of “Chapter 61 lands” receive property tax benefits as incentives to preserve the open space and penalties for non-compliance. In addition, municipalities gain a right of first refusal if the land is to be sold (while in the Chapter 61 programs and up to one year after leaving the programs).

Significant swaths of vacant, developable land and temporarily protected farms, forests, and agricultural lands are at risk of future development. Identifying privately-owned lands with particular environmental, scenic, habitat, and/or recreational value will be a crucial first step to prioritizing open space protection efforts.

MINIMUM SPENDING REQUIREMENTS

The minimum statutory spending requirement for open space is 10% of annual revenue, which must either be spent or set aside for future spending. However, since open space protection is Ayer’s priority for CPA funds, the Town has already reserved approximately 30% of total revenue generated in FY02-FY09 for future open space projects. The CPAC intends to recommend reserving 10% of total revenue for FY10-FY14. Therefore, the total estimated revenue that would be generated for open space projects for FY10-FY14 is approximately **\$710,000**, including the currently unspent open space reserve. In addition, the estimated available budgeted reserve and undesignated funds for FY10-FY14, which can be used in any of the four CPA categories, is about **\$950,000**.

Given high land values, coupled with the CPAC’s overall principle of being fiscally conservative, the CPAC encourages land protection projects that demonstrate substantial leveraging of other public or private funding, and those that minimize project costs in the form of bargain (discounted) sales and other cost-saving mechanisms.

EXAMPLES OF PROJECT POSSIBILITIES

The following describes some of the ideas that were generated through the public workshops for possible projects that could be funded in whole or in part with CPA funds.

Plan for Open Space Protection: Hire a consultant to assist the work of the Open Space Working Group to analyze and prioritize open space properties to target for protection and to negotiate and implement land protection projects.

Support Conservation Fund as Mechanism to Protect Open Space: Create a Conservation Fund to appropriate CPA Open Space funding to (in lieu of an Open Space reserve). Funds in a Conservation Fund ([MGL c.40 section 8\(c\)](#)) do not need further Town Meeting approval – funds are controlled by the

Conservation Commission. This would provide an effective means to protect priority open space either through land acquisition or purchasing conservation/agricultural/watershed preservation restriction.

Create Greenways and Corridors: Acquire land to create corridors with walking trails both for habitat conservation and passive recreation. Connecting to land with existing conservation restrictions with trails and to other natural resources. As part of efforts to create greenways, create connections between downtown with Smith Conservation land via Pleasant Street School assisted living facility and the school grounds with walkable, handicap accessible path. Could also explore possibility of linking to the power lines.

Protect Aquifers: Purchase deed restrictions in aquifers including at Spectacle Pond sites and Grove Pond and the North Post (if future opportunities arise at Devens). Also, purchase developed land and demolish structures to create a larger buffer zone around aquifers. Protect aquifer land in industrial zoning area. Acquire property with CPA funds in Gilford/Golden Triangle. This also would protect Littleton's water supply so Ayer could explore a partnership using CPA funds from both towns.

Protect Environmentally Sensitive Land: Acquire Conservation Restrictions on land in sensitive areas – such as the wetlands (near Sandy Pond Road) leading to Sandy and Fletcher's (a.k.a. Flanagan's) ponds. Hire a consultant to certify vernal pools, especially in areas that are not yet developed. This gives the Conservation Commission greater jurisdiction to protect vernal pools.

Protect Farm Lands: Acquire agricultural restrictions on farm land. (Note: The former Smith Farm is already protected with Conservation Restrictions.) Another way to protect farmland is to convert the land into a working community farm to provide an outdoor experience for kids and families and to support efforts to grow and harvest local food.

Update Open Space & Recreation Plan: Hire a consultant to create an Open Space & Recreation Plan upon expiration of current plan in 2010/2011.



Chapter 5 Recreation

This section focuses on priorities for spending CPA funds for improving public recreation opportunities, includes a profile of Ayer's recreation resources, and describes the CPAC's priority goals for CPA recreation (also referred to by CPAC as undesignated open space) expenditures.

RECREATION NEEDS

Ayer has a variety of recreation areas, providing both passive and active recreation opportunities. Areas for passive recreation, such as picnicking, hiking, horseback-riding, and wildlife observation, include the Nashua River Rail Trail, Pine Meadow Conservation Land, Smith Conservation Land, and The Oxbow National Wildlife Refuge. However, there are limited areas in Ayer that provide public access to the Nashua River and the Town's ponds for water-based recreation.

The Ayer Parks Department has approximately 20 acres of land and the School Department has roughly 60 acres. The Town provides a variety of active recreation facilities on the Park and School lands including playgrounds, basketball courts, soccer fields, and baseball/softball diamonds. According to the analysis of the National Recreational and Park Association standards as cited in the Ayer Comprehensive Plan, there is a particular need for more neighborhood parks, a major community park, and a tot lot. (Comp Plan)

CPA ELIGIBILITY

The CPA defines recreational use as "active or passive recreational use including, but not limited to, to the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field." The definition goes on to prohibit ". . . horse or dog racing or the use of land for a stadium, gymnasium or similar structure."

CPA allows use of CPA funds for the acquisition, creation, and preservation of land for recreational use and allows rehabilitation or restoration only for recreation land acquired or created with CPA funds. Maintenance costs are not eligible for CPA funds.

Understanding CPA eligibility for recreation projects on existing recreation lands that were not originally acquired with CPA funds can be confusing. As a rule of thumb, CPA can be used for projects that will protect the resource from harm (preservation), but not for projects intended to extend the resource's useful life (rehabilitation). In some cases, the CPAC may require an opinion from Town Counsel to determine project eligibility.



Top to bottom: 1. Long Pond dock, 2. Nashua River Rail Trail, 3. Sandy Pond playground
Photo Credits: Beth Suedmeyer, November 2007

PROFILE OF AYER’S RECREATION RESOURCES

PASSIVE RECREATION

- The Nashua River Rail Trail is an 11-mile regional trail that runs through Dunstable, Pepperell, and Groton, terminating in Ayer Center. The trail is managed by the state Department of Conservation and Recreation.
- Limited locations provide public access to the Nashua River and the Town’s ponds for water-based recreation.
- The Ayer Game Farm, owned by the state, located off Groton Shirley Road, is 87 acres of land and includes various buildings (Reconnaissance Report).
- The Pine Meadow Conservation Land (the former Erskine Property) is over 129 acres of forested land used for hiking, picnicking and horseback riding (Reconnaissance Report).
- The Oxbow National Wildlife Refuge, controlled by the US Fish & Wildlife, is located along the Nashua River and approximately 1,667 acres are in Ayer, Shirley, Harvard, and Lancaster (Reconnaissance Report & stateparks.com).
- The Ayer Sportsmen’s Club, a private club on almost 100 acres of land, provides opportunities for fishing, hunting, hiking, picnicking, archery, and target shooting.

ACTIVE RECREATION

- Approximately 20 acres of land are under the control of the Ayer Parks Department.
- Pirone Park, in downtown Ayer, includes a playground, basketball courts, soccer fields, and baseball/softball diamonds.
- Sandy Pond Beach, Ayer’s only waterfront recreation site, includes a playground, basketball court, and beach.

- Koshers’ Park is undeveloped, providing opportunities for passive recreation. (Comp Plan, p.130)
- Nonaicoicus’s Park is a seven-acre site on W. Main Street.
- Approximately 60 acres of school lands include recreation facilities at the Ayer Middle and Senior High School and the Page-Hilltop Elementary School.
- Ayer Middle and Senior High School include an indoor basketball court, a football field, soccer field, baseball/softball diamond, three tennis courts, and a track.
- The Page-Hilltop Elementary School includes a playground.

RECREATION STANDARDS

- The National Recreation and Park Association (NPRA) issues guidelines for amount and type of recreational amenities based on town size. The following table summarizes NPRA standards for a town of Ayer’s size:

| Type of Facility | Size | Recommended Amount |
|----------------------|-------------|--------------------|
| Small Tot Lot | < 1 acre | 1 |
| Neighborhood Parks | 5-8 acres | 5-10 |
| Major Community Park | 35-50 acres | 1 |

(Unless otherwise noted, the primary source for this resource profile is the Comp Plan.)

Note: Park uses are often divided into two categories: active and passive recreation. Passive recreation emphasizes the open-space aspect of a park and involves a low level of development, including picnic areas and trails. Active recreation typically requires intensive development and often involves cooperative or team activity, including playgrounds and ball fields.

WHAT DOES THIS MEAN?

- Ayer has diverse resources for passive recreation, providing public access to a variety of ecologies, including forests, fields, ponds, and the Nashua River.
- The regional Nashua River Rail Trail is a unique resource that provides opportunities for a variety of recreational activities.
- Active recreation facilities appear to be deficient considering the NPRA standards, with particular need for neighborhood parks, a major community park, and a tot lot.

GOALS FOR RECREATION EXPENDITURES

Creating and preserving public recreation facilities is important to preserving and improving quality of life for Ayer's citizens. The CPAC has established four goals for spending CPA funds on recreation, as further described below.

- CREATE WATERFRONT ACCESS
- CREATE NEW TRAILS AND TRAIL CONNECTIONS
- CONSTRUCT NEIGHBORHOOD POCKET PARKS AND COMMUNITY GARDENS
- CREATE TOWN-WIDE RECREATION FACILITIES

CREATE WATERFRONT ACCESS

Acquire land or public access easements to create additional areas for public access to Ayer's water bodies including the three Great Ponds (Long, Sandy, and Spectacle ponds) and other ponds and brooks.

Sandy Pond Beach, which was substantially improved through CPA funds, is the only developed recreation area in Ayer that provides public access to the water. In addition to Sandy Pond Beach, there are only a few places in Ayer that provide public access to the town's ponds for water-based recreation such as boating or fishing (Comp Plan). CPA funds could be used to develop existing town-owned waterfront properties to provide public access and/or for the acquisition of land or public access easements to provide access on land that is currently privately-owned. Note that any efforts to provide public access to natural resources should avoid negative impacts to the land and habitat.

CREATE NEW TRAILS AND TRAIL CONNECTIONS

Create new trails for biking, hiking, walking, horseback riding, and/or skiing and create trail connections to existing trails, including the Nashua River Rail Trail.

One characteristic that draws residents to Ayer is connection to nature and scenic beauty. Citizens value the current trails that exist, including those in Pine Meadow Conservation Land, Smith Conservation Land, Oxbow National Wildlife Refuge, and the Nashua River Rail Trail.

The creation of new trails and new connections to existing trails would enhance outdoor recreational opportunities, improve access to the rail trail and other trails, and provide links to other recreation opportunities, such as water-based passive recreation at Ayer's ponds.

Trail projects, particularly where land is in private-ownership, can be complex to execute. CPA funds could be utilized to first study the feasibility and determine possible locations for new trails and trail connections prior to moving ahead with land assembly and the design/ construction phases. In addition, a feasibility study could provide documentation necessary to secure additional public or private funding to further leverage CPA funds.

CONSTRUCT NEIGHBORHOOD POCKET PARKS AND COMMUNITY GARDENS

Construct small parks on infill sites in Ayer's neighborhoods that could include playground equipment, picnic benches, areas for community gardening, and other amenities.

In addition to school recreation facilities, Ayer only has two developed park areas: Pirone Park and Sandy Pond Beach. Vacant properties within existing neighborhoods could serve as infill sites to develop neighborhood pocket parks and/or community gardens. Small pocket parks would be neighborhood-centered and could provide residents with areas for play, picnicking, gardening, informal pick-up games, or the like. Community gardens, where local residents could work together to grow and harvest local food, could be created on infill sites or existing town-owned land. CPA funds could be utilized to fund acquisition of land, soil testing, and/or construction of new pocket parks and community gardens.

CREATE TOWN-WIDE RECREATION FACILITIES

Construct new athletic fields, tennis courts, a tot lot, and other active recreation amenities to support town and school use.

Active recreation facilities appear to be deficient considering the National Recreation and Park Association standards and the need for athletic fields and tennis courts have grown in recent years due to demand, as reported by the School Committee and the Parks Commission. In particular, projects that convert non-recreation land to recreation use would be CPA eligible. Construction of athletic fields, tennis courts, and a tot lot on lands not currently considered recreation lands could meet CPA's legislative intent with regard to creation of lands for recreational use. An opinion from Town Counsel may be warranted due to ambiguity in the law.

MINIMUM SPENDING REQUIREMENTS

As described in Chapter 1, the CPA statute sets no minimum spending requirements for recreation. Recreation projects can be funded through the Budgeted Reserve and with undesignated funds, which are available for projects in any of the four CPA categories. Estimated funds available in the budgeted reserve and undesignated funds for FY10-FY14 are about **\$950,000**.



EXAMPLES OF PROJECT POSSIBILITIES

The following describes some of the ideas that were generated through the public workshops for possible projects that could be funded in whole or in part with CPA funds.

Create waterfront access: Create public access to the Great Ponds, particularly at Sandy Pond, Flanagan's/Fletcher's Pond, and Long Pond including new foot trails, boat access, and making other physical improvements to create public access and amenities for passive enjoyment of the waterfront.

Create new trails and trail access: Acquire land to create new trails to access existing conservation land and other town-owned land; Create horseback riding trails, and trails to connect neighborhoods, the Senior Center, and downtown with parks, conservation areas, and ponds.

Create trail extensions of the Nashua River Rail Trail: Through land acquisition and use of existing town-owned land, create new walking and bicycling trail(s) to extend from terminus of Nashua River Rail Trail on Main Street to other public resources in Ayer, such as parks, conservation areas, and the Great Ponds. One of the new trails could be an exercise trail with exercise stations along its length.

Create a linear park along Nashua River Rail Trail: Working in concert with the MA Department of Conservation and Recreation, acquire properties along Ayer's portion of the rail trail and create a new linear park with sitting areas and other passive recreation amenities.

Create pocket parks and community gardens: Acquire vacant lots within residential neighborhoods (infill sites) and convert town-owned land to create new pocket parks for passive recreation with benches, landscaping, and other passive-recreation amenities and to create community gardens for Ayer residents to grow and harvest local food.

Develop public recreation uses at Ayer State Game Farm/Pheasant Farm: Work with Department of Fish and Game to create public recreational uses at the State Game Farm, such as hiking trails, community gardens, and/or athletic fields.

Create new active recreational facilities: Convert land to active recreational use for dual use by town-wide recreation programs and school use through land acquisition or reuse of town-owned land, and construction of new soccer, softball, or other athletic fields, tennis courts, and/or a tot lot.



Chapter 6 Implementation

The intention of this Plan is to guide future funding decisions regarding the use of Ayer CPA funds. The CPAC intends to use this Plan to aid in its deliberations regarding proposed projects to recommend for funding to Town Meeting. In addition, the Plan will be helpful to potential applicants seeking CPA funding to provide information regarding CPA eligibility and to shape the nature and scope of proposed CPA projects. The CPAC also encourages Town Meeting participants, Town officials, and other citizens to use this Plan to provide information about the Ayer CPA funds and to understand the basis of CPAC recommendations to Town Meeting.

This Plan is intended to be an active document. The CPAC intends to review the Plan annually to reconfirm or amend its principles and goals. The CPAC will consider periodically updating the Plan based on new experiences, changing circumstances including real estate trends and updated priorities, as well as citizen feedback.

Specific implementation tasks for the CPAC are listed in more detail below.

CPAC IMPLEMENTATION TASKS

1. Publicly announce completion of this Plan and make it available on the Town of Ayer website (www.ayer.ma.us), Town Hall, Library, and other locations to ensure easy access for the general public as well as Town Meeting participants, Town board, commission, and committee members, and other Town officials.
2. Assess CPAC's existing selection criteria and application packet to ensure consistency with the principles and goals established in this Plan. Incorporate the requirement that applicants demonstrate how their project meets the CPAC's guiding principles and one or more goals laid out in this Plan.
3. Use the information, principles, and goals established in the Plan to inform and guide deliberations and selection of projects to recommend to Town Meeting. This Plan will be the CPAC's reference guide to assist during CPAC meetings and discussions.
4. Continue to hold a public hearing on an annual basis to solicit community input on CPA funding decisions as well as feedback regarding the principles and goals of this Plan.
5. Meet annually with Town boards, commissions, and committees to provide updates on the status of CPA activities and to solicit feedback on the CPA program, CPAC goals, and possible projects. For this purpose, CPAC should designate members to attend meetings of the Board of Selectmen, Comprehensive Plan Implementation Committee, Conservation Commission, Finance Committee, Historical Commission, Housing Authority representatives, Parks Commission, and Planning Board in its annual meeting circuit.

6. Periodically update and revise the principles and goals established in this Plan based on community input, feedback from Town board, commission, and committee members, new experiences, and changing circumstances.
7. Review the Plan no later than during FY14 and adopt a new five-year Community Preservation Plan for FY15-FY19 based on an open planning process that includes solicitation of input from citizen, Town boards, commissions, and committees, as well as Town officials.

List of Sources

| | |
|-----------------------|---|
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| HUDUser.org | www.huduser.org/datasets/il.html . |
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| Report Card | The Greater Boston Housing Report Card 2005-2006, Bonnie Heudorfer and Barry Bluestone, The Center for Urban and Regional Policy, Northeastern University, Sept 2006. http://www.curp.neu.edu/publications/reports.htm . |
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Photo: Habitat Trail

Photo Credits: Beth Suedmeyer, June 2007