

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 1/5/11 - Approved 3/2/11

Location: Town Hall, 1st Floor

Members present: Alene Reich (AR) [At Large]- Chair, Mark Fermanian (MF) [Planning Board], Gary Luca (GL) [BOS], Janet Providakes (JP) [Housing], Beth Suedmeyer (BS) [At Large], Sarah Gibbons (SG) [Parks & Rec.], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Scott Houde (SH) [FinCom], Vacancy [Historical]

APAC taped: NO

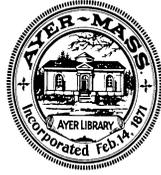
7:03 PM – Open Meeting

Meeting Minutes Approval

- JP moved to approve minutes for 12/1/10 as written; GL 2nd.
 - Motion approved unanimously.

Public Hearing: Pleasant Street School Pocket Park

- Ken Martin, Executive Director of Ayer Housing Authority, Judy Pinard, and Janet Jensen appeared before the CPC and approximately 40 Ayer residents.
- Mr. Martin described the proposal seeking \$100,000 in CPA funding for the construction of a one-acre pocket park for passive recreation adjacent to senior housing in the renovated Pleasant Street School.
 - The pocket park, designed to be low maintenance, is intended for the use of all Ayer residents; Ayer Housing will be responsible for maintenance.
 - Mr. Martin said the concept of a pocket park meets the criteria for the Town of Ayer's comprehensive plan; meets CPC goals for 2010-2014; and is an approvable use that meets the terms of the Conservation Restriction (CR) attached to the lot's deed.
 - Mr. Martin noted that it was residents from the surrounding neighborhood who first approached Ayer Housing back in 2004 when a developer showed interest in turning the historic Pleasant Street School into condo units. Working with Ayer Housing, the historic building was instead turned into senior housing and a CR put in place for the adjacent empty lot so that it would remain as open space.
- Mr. Martin would like CPC to endorse funding for all 3 phases of the project in toto and put the complete proposal before Spring Town Meeting for a final vote.
 - MF asked why doing the project piecemeal was even a consideration.
 - AR clarified that concerns had been raised previously about the issue of CPA reimbursement for money spent on planning and developing the concept drawing in order to get to this point in the proposal process.
 - Mr. Martin said that in order to present a plan to the CPC and the Town, some sort of draft plan was necessary.
 - AR noted the case of Newton, MA, which was sued for improper use of CPA funds.
 - It is illegal to use CPA funds to reimburse in hindsight projects that have already been funded by the local municipality.
 - However as planning for the pocket park thus far has not made use of any Town funding, AR said it appeared that costs already incurred could be considered as



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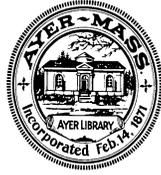
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part of the overall project and therefore suitable for CPA funding if approved by the Town in the Spring.

- Mr. Martin asked for clarification as to whether the pocket park should be listed as 'recreation' or 'open space' according to CPA classification criteria.
 - AR said CPA criteria often overlap; this project is best described under 'recreation'.
- The provisional concept drawing presented is in compliance with American Disability Act (ADA) requirements.
 - The park project will have to submit to ADA reviews as well as seek approval from the Planning Board, Conservation Commission, and other Town committees.
- Ms. Jensen spoke in support of the project and as an abutter who has been part of the neighborhood organization that first sought help from Ayer Housing in 2004.
 - Ms. Jensen said the park continues the spirit of the former school in serving the community.
- Ms. Pinard spoke in favor of the park, including the intergenerational social opportunities it presents to the surrounding neighborhood.
- One area of the park as designed will remain usable for sledding.
- Mr. Martin said a swing set was not considered because of liability issues, reiterating that the park is intended for passive recreation.
- GL, having been on the Board of Selectmen when it endorsed the conversion of the school into senior housing in 2006, spoke in favor of the CPC giving its backing to the pocket park project.
- AR opened the hearing to public comment.
- Laurie Nehring asked what funds were currently available to the CPC.
 - As of 9/1/10:

▪ Open Space	\$97,352
▪ "Conservation"(Open Space)	\$499,153
▪ Historic	\$89,517
▪ Community Housing	\$83,435
▪ Budgetary Reserve	\$105,220
 - Ms. Nehring expressed concern over the estimated cost of the pocket park and wondered if there were other properties in Town that could better be turned into pocket parks instead.
 - Jim Pinard, who is chair of the neighborhood pocket park committee, responded that \$100,000 was not a lot of money to spend on a construction project of this sort.
- Resident and former CPC member Dave Bodurtha said the CR prevented building on the property, and that a pocket park fulfilled this open space requirement.
- Resident Murray Clark encouraged CPC to approve the project and get it going.
- Michael Rush, of 24 Jackson Street, said the park sounded like a good idea but that he understood it would be a few years before it could be completed.
 - Mr. Martin indicated this understanding was correct.

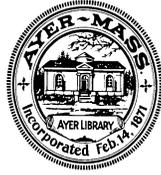


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- Mr. Rush, who also read a letter to the CPC from his wife Cindy, said his family and many others had used the open space for years for walking dogs, throwing frisbees, etc., but that now the lot has been closed off and remains inaccessible.
- The Rushes would like to see the rocks and fencing removed and access from Jackson Street re-opened so that the lot can be used as it always was, and sooner rather than years in the future.
- Sister Paula, a resident in the adjacent senior housing at 62 Pleasant Street gave her strong support for the pocket park, saying it would provide socializing for other senior residents who don't have the mobility to get out.
- John MacLellan, of 22 Jackson Street, said he approved of the pocket park but is concerned that residents on Jackson Street have not been included in the conceptual planning by the neighborhood committee.
 - Mr. MacLellan seconded the Rushes' concerns about lack of access to the lot from Jackson Street.
 - Ms. Jensen, whose husband is chair of the neighborhood pocket park committee, took Mr. MacLellan's name and said that there were openings on the committee and she would see that he was contacted.
 - Ms. Jensen also said she understood the current lack of access had to do with safety issues, including the lack of a sidewalk and lighting on Jackson Street.
 - Though she wasn't certain, she thought the closing of access may have been mandated by the building inspector.
 - Mr. MacLellan said he understood concern over safety issues, but noted that the current concept plan for the pocket park had no handicapped access, or access in general, from Jackson Street.
 - Mr. MacLellan also spoke of concern over the maintenance of the Jackson Street side of the lot, outside of the fencing, as it is currently a mess -- in contrast to the Pleasant Street side of the lot.
 - Mr. Martin said the property outside of the fencing on Jackson Street is Town property and therefore not under the jurisdiction of the Housing Authority.
 - GL will speak to DPW Superintendent Dan Nason about this.
- Another unidentified resident said that, despite the Housing Authority's wall and fencing to block access from Jackson Street, kids do make it through and she was concerned about kids getting hurt in the process.
 - Mr. Martin said that the fencing cannot be removed right now as there is currently no safe access that is ADA acceptable, and this would put the Housing Authority at risk for liability issues.
 - Mr. Martin also said that he doesn't know if a cost-effective solution to access from Jackson Street that meets ADA requirements can be found.
 - AR said that the wording of the CR limits topographical change to the area, and that there may be built-in limitations attached to the deed itself that might hinder the construction of greater access from Jackson Street.



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- Pauline Conley, an original member of the CPC, noted that the concept for the use of CPA funds was to improve the community, and that the CPA was later amended to require ADA compliance.
- Ms. Conley spoke in favor of CPC funds be used to construct a pocket park to complete the original intention for this lot to be preserved as open space.
- Patricia White, of Pleasant Street, said she thought the pocket park on this lot was a perfect use of CPA funding.
- AR closed the public comment session.
- GL moved that CPC endorse the pocket park project and put the funding request onto the warrant for Spring Town Meeting; MF 2nd.
 - Motion approved unanimously.

New Business

- Bill Hamel, of Senate Construction, Shirley, MA, and Architect Laurie Crockett, appeared before the CPC with a pre-application packet for CPC help with funding a proposed rehabilitation of the historic Fletcher Building, at 49 Main Street.
- The Fletcher Building is owned by Robert France, of Bonnet Realty LLC.
- Mr. France's plans are to restore the exterior of the building to its original state, install an ADA ramp for two-way access from Main Street, and reuse the building for mixed use: commercial use on the ground floor and 6 affordable apartment units for low-to-middle income housing on the upper 3 floors.
- Mr. France is seeking federal HUD funding, as well as \$250,000 in CPA funding under the combined categories of Historic Preservation and Community Housing.
- Mr. Hamel said that Mr. France hoped to have the project recommended by CPC in time for a vote at Spring Town Meeting.
- GL asked if they could be prepared to hold a required Public Hearing at the CPC's next meeting on 2/2/11; Mr. Hamel said they would try.
- AR requested that the proposal provide details as to what funds would be applied to historic preservation of the building, and what funds would be applied to community housing.
- GL moved to hold a Public Hearing for the proposed rehabilitation of the Fletcher Building on 2/2/11; JP 2nd.
 - Motion approved unanimously.
- AR requested that Mr. Hamel notify the CPC if it won't be ready for a Public Hearing by that date.
- BS asked Mr. Hamel if he had been in contact with the Town about the housing portion.
 - Mr. Hamel said he has already been working with Dave Maher and Sue Provensa, from Economic Development.
- Ms. Conley suggested CPC have APAC record the Public Hearing.

8:50 PM – Adjourn Meeting

- MF moved to adjourn; BS 2nd.
 - Motion approved unanimously.