

West Newbury Open Space Committee

Meeting Minutes – Final

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Wednesday, March 17, 2021
<https://global.gotomeeting.com/join/606299917>

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United States: +1 (872) 240-3212

Access Code: 606-299-917

Present: Wendy Reed, Don Bourquard, Carol Decker, Marlene Switzer, Jean Lambert,
Patricia Reeser and Jessica Azenaro, scribe
Absent: John Dodge

The meeting was called to order at 7:05 p.m.

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1) Deer Run Development - Wendy Reed

- a) Changes in the easement language on developer map advised. No decision made at this time. Letters of support provided by ECTA and West Newbury Riding and Driving club.
- b) Trail Map - Easement Discussion
 - i) Public can get to the green marked area at the end of the new cul-de-sac but the trail does not lead anywhere. No loop exists within development. Green is the leftover equestrian-only trail from Ellen Alden.
 - ii) Developer owns the green trail portion. The issue: the general public does not have direct access from a public street
 - iii) No current parking area from the cul-de-sac.
 - iv) Only equestrians have access to the trail from a public street
 - v) Ad hoc route from 12 Archelaus Place to Poor House Lane exists, which is private property. No public access to Poor House Lane unless the link is made.
 - vi) HOA required for the Deer Run development due to landscaping and septic service access. May need to include services for the road if it remains private.
 - vii) Easement
 - (1) Many rights are held by the grantor of the easement. Right now, Deer Run Land development is the grantor. Each time there is a lot sold, the right of approval is added for each owner with many potential owners that ECTA will have to manage as successor grantors. (e.g.- issues deciding easement positioning or shutting the trail down.) If there is a HOA, Grantor should convey the underlying fee of the easement area to the HOA for the

development.

- (2) Permitted successor grantee(s) is an issue Town Counsel raised at the Planning Board meeting. Change the language so West Newbury has a say in who the grantee can be if ECTA no longer exists or decides it does not want to manage the trail any longer. Best solution is to make W. Newbury the only acceptable successor grantee.
- (3) Should a private entity be the holder of an easement when an easement is being granted to a developer in the context of the issuance of a town permit?
 - (a) Example 1 - Ocean Meadow issues - ECTA is holder of the easement and has not finalized the easement dispute with a private entity and the Town has no control at this point over part of the Ocean Meadow Trail
 - (b) Example 2 - Brown Spring Farm, the Town insisted on being granted the CR with Greenbelt. Town is a co-holder of the CR. Town could be a co-holder of the Deer Run easement with ECTA or the back up holder of the easement should ECTA not build it, enforce it or keep the trail accessible. It is no doubt a boon to the Town to have ECTA trail development without Town obligation to develop trails.
 - (c) P. Reeser will write up a draft of easement comments for the OSC to review at a meeting March 24, 2021
 - (d) The easement plan approved by the Town needs to include the layout of the trail on an engineered plan and explicitly define developer or grantee requirements for constructing the trail.
 - (i) To what extent is the developer responsible?
 - (ii) Grading concerns.
 - (iii) Materials.
 - (iv) Trail location and formal delineation.
 - (v) Potential grading work to fit the landscape parallel to the storm water basin.
 - (vi) Mowing if grass agreed to for trail materials.
 - (vii) Designated parking space.
 - (viii) Enforcement options.
 - (e) Draft to be sent to the Planning Board prior to their next meeting in April. PR to draft language on specifics for the trail and align with BB
 - (f) OSC needs to decide best practices for trail construction.
 - (g) B. Buschur and P. Reeser to align on diagrams and draft letter language.
 - (h) Mature trees SHOULD be shown on the plan despite PB

waiver of this requirement at developer's request.

- (i) Designate large trees in the development plans to ensure potential replacement tree planting if necessary.
- (ii) Tree Committee is working on a list of acceptable trees and planting lists as well as guidance for a construction bylaw.
- (i) Deer Run cul de sac - Until the road is accepted as a public road, the easement needs to begin at 113 in order to give public access to the trails shown on the sketch. ECTA not maintaining surface areas. (JA: I don't know what this means...PR)

2) Discuss and Vote on PEG Cable Proposal and Funds - Carol Decker

- a) Cable advisory committee requested funding use suggestions.
 - i) 3% of cable services is paid to the Town or \$23K per year.
 - ii) Current total is \$165K.
 - iii) The cable advisory committee moved to upgrade the Town cable equipment.
 - iv) C. Decker made a proposal to apply for \$7K to further OSC Plan goals about education, invasives, and why natives were more important.
 - (1) \$7K could be used to book professional speakers. The OSC could use the Town platform or, for a separate Zoom account for \$200 /year, 500 attendees per webinar is ideal.
 - (2) Videos for the OSC web page
 - (3) Work with West Newbury Wild and Native to approve the proposal.
- b) Motion to support the PEG cable proposal as requested and described by Carol Decker made by P. Reeser, 2nd by J. Lambert. Motion passed unanimously.

3) Support for Sanctuary Gardens and NOAA grant, Gulf of Maine Institute - Patricia Reeser

- a) Approval sought for language written by P. Reeser (to be attached) to become part of a letter provided to GOMI for inclusion in its application for NOAA grant.
- b) Motion to agree to Paragraph 3 language for support of Sanctuary Gardens and NOAA Grant, Gulf of Maine Institute proposed by B. Buschur, 2nd by M. Switzer. Motion passed unanimously.
- c) P. Reeser to contact OSC chair for correct address recipient list for the letter of support.

4) Pursue Access to Job Swamp via Conservation Easement or Otherwise - Patricia Reeser

- a) More coordination with D. Bourquard regarding maps for alternative access to the inner swamp.
- b) PR suggested OSC request BOS provide assistance of Koppleman and Page to sort

out enforcement of the conservation access to Job Swamp. Minimal time to discuss the situation.

- c) One suggestion was to go back to the developer for assignment of retained rights and access easement for the town. More information is required.
- d) The easement is up the driveway and through the lots. The problem is a recorded conservation access easement could not be found . Seems recording of the grant of rights may never have been formally made by the owner/developer.
- e) Con Comm might be able to pursue this as they are currently working on survey and monitoring of the area.

5) Update on Cortland Lane/Coffin Street Greenbelt Acquisition - Group

- a) Parking
 - i) Undeveloped stub at the end of Cortland Lane is part of the layout of Cortland Lane and could be suitable for parking for access to future conservation land on Coffin Street. Cortland Lane was adopted by the Town in 2006 but apparently no deed was recorded.
 - ii) A deed to the road was recently found in the Town Counsel records.
 - iii) There will be a warrant article for Town Meeting to reaccept the road from the developer.
 - iv) If a deed for the layout including the stub is recorded and accepted at Town Meeting, the road will be owned by the Town and any part of it could be used for parking.
 - v) Conversation regarding developed parking or parking “as is” on the cul-de- sac.

6) CPA Request for All Access Trail - Brad Buschur

- a) Presented proposal for Mass Trails Grant to CPC.
- b) Amounts - \$60K, with \$30k from Mass Trails, \$30 CPC request.
- c) CPC asked about OSC action if the Mass Trails grant is not awarded. Action would be to continue with a smaller project of survey and wetland delineation with a public process to get the project moving.
- d) Quote supported \$20K for the survey and resource area delineation - \$10K for the other services described.
- e) B. Buschur to confirm the survey flagging and a biologist are included in the original quote.
- f) A long delineation is difficult. Reducing the scope is possible to make the adjusted numbers work either along the waterfront of Mill Pond or the road trail to the hayfield.
- g) Lack of the Mass Trails fund will not hold back progress.
- h) Motion to amend the February 14, 2021 minutes to reflect the following:
In the event the Mass Trails grant is not received, \$30K requested from the CPC will be used for site survey, delineation, and public participation. Motion made by P. Reeser, 2nd by M. Switzer. Motion approved unanimously.

7) Approve February Minutes

- a) Motion to approve amended February 17, 2021 minutes made by J. Azenaro, 2nd by J. Lambert. Motion approved unanimously.

The next meeting of the OSC will be Wednesday, March 24, 2021 at 7:00 p.m.

The meeting was adjourned at 8:33 p.m.

Respectfully submitted,
Jessica Azenaro

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Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Open Space Committee will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at www.wnewbury.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

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No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.