

West Newbury Open Space Committee
Minutes of the meeting
Wednesday, November 20, 2014

The Open Space Committee gathered at 7:40 p.m. in the second floor hearing room of the 1910 building with Patricia Reeser, Jean Lambert, Don Bourquard, and Elisa Grammer (associate) in attendance. West Newbury residents John Dodge and Annie Madden were also present.

While awaiting a quorum, Chairman Greason informally reported on various items:

Ryan Murphy

Mr. Greason reported that Ryan Murphy needs to perform 40 hours of community service and has offered to volunteer on the trails. Mr. Greason has given him a to-do list including trail clearing and similar work. Mr. Murphy is interested in working on the Pikes Bridge stone walls that have fallen into disrepair near the concrete pipe culvert that carries the trail over a stream. So far, he has completed 8 hours of service.

Trail Markers

Mr. Bourquard brought three types of trail markers (paintable small aluminum, thin plastic, and wood squares). Mill Pond and parts of Brake Hill need replacement trail markers. In discussing the problem of tree growth distending or loosening trail markers, Ms. Reeser explained that arboretums use an extra long screw with a spring-like mechanism to address this issue.

Mr. Greason noted that the majority of trail markers are approximately 5" x 5" blocks made from either pressure treated wood or Azek plastic decking planks, and expressed his preference for this wood/Azek marker for reasons of appearance, consistency, and durability.

Mr. Greason said that the Pentucket High School shop is looking for projects and would be happy to make these block markers if OSC provided the materials. One eight-foot board makes 17 markers. Mr. Greason continued that OSC has about \$300 left to spend this year. OSC could use this to procure materials for markers, and could reach out to Groveland to see if they want to contribute to the cost for markers on their part of the Brake Hill complex and/or have other ideas. Mr. Bourquard said that he still has some leftover aluminum markers that can be used on an interim basis to replace missing ones.

Mr. Bourquard will get in touch with the high school about making more of the block markers and will work with Mr. Murphy on installing the interim aluminum replacements from Mr. Bourquard's left over stock.

Ocean Meadow

Mr. Greason reported that the condo board has taken over from the developer at the completed Ocean Meadows project and the trail easement is open. OSC will need to make sure that this is working well. Essex County Trails Association is working on north route, where there may be some neighborhood opposition. *An upcoming meeting should address Ocean Meadow.*

2014 Massachusetts Trails Conference

Mr. Greason attended 2 sessions. The discussion of trail easements was particularly valuable. Formal trail easements cannot be put on APR land. To obtain trail easements, it is best to work individually with landowners. The right of way may start with a handshake, then a license, then a deeded easement.

With the arrival of a quorum, Chairman Steve Greason called the Open Space Committee meeting to order at 8:28 p.m. There being no public comment, the Committee formally discussed the following items:

Sullivan North Property: Whetstone Street

Mr. Greason reported that a site walk has been set for Saturday, November 22 at 8 a.m. with the Planning Board at the Sullivan North Property, and OSC input on possible trails is sought. OSC views a proposal to have a narrow trail running through the property to a narrow dead-end at a bluff overlooking the Merrimack River as less than satisfactory because, among other things, of the limited, dead-end nature of the trail.

A new Ch. 61 Right of First Refusal (ROFR) process was initiated because the price of this property has dropped to \$950K and the proposal is to build six instead of 12 houses. The Planning Board and the Conservation Committee have not indicated an interest in pursuing this to the Board of Selectmen (BOS).

Those attending the Planning Board meeting reported that the developer appears quite responsible and has garnered a generally favorable Planning Board reaction. Nearby River Meadow residents have raised questions about a tidal and possibly year-round stream and voiced opposition to a connecting trail on an existing easement.

Ms. Reeser expressed concern that the Sullivan North property is not under an *unconditional* contract that is required to trigger a 120-day ROFR period. The BOS, however, has not informed the developer that the ROFR application is invalid. Ms. Reeser spoke with Town Counsel about this and understands that a request for a determination of the contract's (in)validity has not been made, although the deficiency is not unknown.

The OSC discussed the value of the property (a priority parcel) in providing river views for townspeople and completing important trail connections. The property has significant aesthetic value. One building lot near the disputed stream may or may not be buildable, likely further devaluing the property below the current \$950K level. It may be possible to negotiate with the developer and acquire less than fee interest of more than a dead-end point at the river's bluff.

The Committee voted 4-0-0 to write a letter to the BOS, cc'ing Town Counsel, the Conservation Committee and the Planning Board, stating that 1) OSC cannot properly make a determination because the contract is not sufficient to invoke the ROFR process, 2) OSC sees value in the property for the reasons set forth above, 3) OSC would hope to work with interested Town bodies and perhaps others such as Greenbelt to achieve a mutually satisfactory outcome with the developer and 4) OSC would like to discuss this further with the Selectmen in executive session at its next meeting. It was further agreed that Ms. Reeser will draft and circulate this letter among OSC, with the goal of sending it out by November 28.

Atherton Property: Pikes Bridge Road

Mr. Greason reported that he just signed off on an invoice for \$25K for the Town to purchase a conservation easement on the Atherton property, as authorized at the last Spring Town Meeting.

NEER North: 52 Ash Street

Mr. Greason reported his discussion with Mary Martin of New England Equine Rescue. She does not want to remain on the Grew property on River Road but rather is considering 52 Ash Street, comprising 12

acres for \$815K. This is a priority parcel with private horse trails that connect on large adjacent properties. Ms. Martin has raised around \$600K or more, and Greenbelt's Vanessa Johnson has emailed a variety of scenarios that might be used to allow the Town to contribute remaining funds for the acquisition. Ms. Reeser suggested that the Town might acquire a permanent conservation easement and trail easements that could be moveable in the future to connect with future trails.

It was agreed that Mr. Greason will speak with Ms. Martin, saying that OSC may be in favor of Town paying for conservation and trail easements—perhaps in coordination with ECTA.

Beaucher Property: Coffin Street

Mr. Greason reported that an appraisal for this property is expected in a week or so.

Grew Property: River Road

This property is not yet on the market, but Joe Grew has worked up three plans (28 houses, 12 houses, 6 houses) for developing it and discussed these with the Planning Board. OSC discussed and reviewed those plans. Three OSC representatives will attend a site walk at 12:30 on November 21.

OSC Contribution to Annual Town Report

Mr. Greason emailed a draft of the OSC report to the Committee and asked for any comments no later than November 24.

The Committee adjourned at 9:40 p.m.

Respectfully submitted,

Elisa Grammer