

West Newbury Open Space Committee

Meeting Minutes

Wednesday, September 20, 2023

7:00 pm

Please Join In-Person Meeting

Present: Graham Bacheller, David Parrott, John Dodge, Patricia Reeser, Marlene Switzer, Don Bourquard, and Carol Decker, scribe

Absent: Jean Lambert

Guests: Michelle Greene, Conservation Agent, Angus Jennings, Town Manager, Wendy Reed, Select Board, Deb Hamilton, Mill Pond Committee

New Trails Construction Process

Michelle G. said a group composed of herself, W. Reed, A. Jennings, G. Bacheller, and Rebecca Ambra met on September 14, 2023 to discuss the known issues surrounding the placement of trails, completion of trails, trail upkeep as well as other groups proposing new trails. The group is suggesting a written proposal that would be submitted to the Conservation Agent and would then need to be approved and signed off by various committees, including Open Space. Michelle G. went through various reasons for a written proposal, that would essentially be a pre-think before a trail is constructed, so past mistakes could be avoided. There would also be design standards for trails, a checklist to address items like ADA compliance, wetland locations, funding needs, as well as to ensure trail easements have been recorded.

There were some questions from OSC members about not making the process too cumbersome to establish a trail. Angus J. said the idea is to have trails completed without a lot of loose ends along with an understanding in the beginning where a trail will lead and how it will look. Michelle G. has been left with a few trails that have been causing numerous problems. This process would apply to trails on public land and formal easements on private land.

Patricia R. had the following comments: West Newbury should consider accepting easements on private land only through a form of easement prepared and adopted by the Town so there is general uniformity among them. Enforcement mechanisms and remedies for the Town should be included in the event the owner of land subject to the easement obstructs or seeks to prevent the use of the easement in accordance with its terms.

Easements granted for trails through private property, in the context of a permitting process at the Planning Board, should only be granted to the Town or the Town jointly with a private land trust so that the Town has the ability to enforce the terms of the easement.

There should be guidelines adopted by the Planning Board and/or as conditions for the

Select Board acceptance by the Town of CRs and of easements on private property about who builds the trail, preferably the developer in the case of a subdivision, the design standards to which it is built, whether there is parking to be created adjacent to the trail and if so, by whom and at whose costs, who permits the work to be done, meaningful enforcement of failure to do so, clear agreements recorded with the easement on maintenance by the HOA or Town and, remedies for an owner or HOA who obstructs or fails to maintain a trail that it is bound to maintain.

Easements CRs accepted by the Town should be reviewed by OSC as well as Select Board and, in particular, attention should be paid to obligations for trail creation, maintenance, ability to install signage by the Town pertaining, for example and not limitation, to the use of CPA funds.

The review process on potential trails and easements for same should not be used as grounds for refusal of a trail easement if in fact the funds to build it are not currently available.

Permanent bounds of all easements should be installed at the time of grant as part of the permitting process in the case of a developer. There should be a checks and balances protocol to assure that the easement, in agreed form, is properly recorded before any lots are released or permits granted by the Planning Board.

An effort should be made going forward to survey and install permanent bounds of all current public easements on private property.

The form easement should include the right of the Town to install wayfinding markers along the trail and at the trail heads.

Property Site Walk

Patricia R. said she had talked with John McGrath on his property and he wondered if the Open Space Committee would take up the issue since his contact at Greenbelt, Maggie Brown had resigned. However, John D. said Mr. McGrath had accepted an offer with a CR and the land would be farmed.

Fall Hike, Access Trail

The group decided on October 22, from 1-3 p.m., for the Annual Fall Hike to highlight the SawMill Brook property, as funding is still needed. There was also discussion on the Mill Pond Access Trail which unfortunately has lost steam. Deb H. said the Mill Pond Committee seems to be fine with no all-accessible trail. Unfortunately, the consultant who was hired never came up with a trail concept. Wendy R. said an all-accessible trail could easily cost \$100,000.

Approve Minutes

John D. made a motion to approve the August 16, 2023 minutes. Patricia R. seconded. Motion carried.

Motion to Adjourn:

Don B. made a motion to adjourn. John D. seconded. Motion carried and the meeting adjourned at 8:50 pm.

Respectfully submitted,
Carol Decker, Scribe