

Minutes: Selectmen's Meeting – Monday, January 03, 2011

Present: Kevin W. Welch, Chairman, Kenneth J. Leva, Clerk and Walter F. Alterisio, Procurement Officer and Member

Meeting was called to order at 7:00PM with all members present. Chairman Welch signed the grant paperwork for the SAFE training for the school. Board acknowledged copy of letter of commendation from Nashua residence relative to assistance provided by Volunteer Firefighter Frank Wright when her vehicle slid off the road in Hudson.

Chairman Welch noted reference in action items to bills (referencing delayed action on Engineering bill) and noted Selectman Leva has expressed interest in attending MMA's Annual Meeting – Selectman Welch noted that usually the information comes out in August but was much later this year. Chairman Welch referenced request made to MA DOT from Anne Davis asking to be consulting party for the McGovern wall project and also noted that we need a letter from Historical Commission for the historical impact relative to the project – hopefully should have something this week. He advised we have requested in e-mail, now must either ask them one more time or be prepared to take it on ourselves. Selectman Leva indicated willingness to take on the project of contacting Historical for the impact letter. The impact letter can state our understanding that must increase from 1' to 3' behind guardrail to meet safety requirements and changes to wall. Chairman Welch indicated, from what he recalled from meeting, everyone was on board. Selectman Alterisio referenced the scenic roads bylaw which might also be mentioned. He wondered whether the Board of Selectmen should respond back to Ms. Davis that she has already been included as a consulting party as member of the Historical Commission. Chairman Welch noted that he'd asked the secretary to dig up document put together by Freedom Way that referenced the priority for the East Main Street roadway. Chairman Welch suggested contact with Arthur Frost for any samples he might have. Selectman Alterisio inquired whether Anne Davis knew about the letter, Chairman Welch confirmed she did and Selectman Alterisio recommended responding that as part of the Historical Commission, she's an integral part of the project and reminding her that the impact letter is needed. Chairman Welch again expressed concern for their changes in position from Monday and Tuesday to days immediately thereafter – noting when they left the Board meeting and the meeting on Tuesday, everyone was happy and then the e-mails began to fly. He noted that Jeff just has to clean up drawings, at that point would like to schedule another review – he indicated concern that multiple reviews of the drawing would only complicate matters and the board agreed.

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Chairman Welch noted the charge on town counsel's bill relative to potential conflict of interest implications with an easement request for a well on a specific parcel (owned by a member of the Board of Health).

Minutes of 12/28 were reviewed with Chairman Welch referencing a few redlines he'd made; Selectman Alterisio indicated, as long as the essence is there, would go ahead and approve as amended with Chairman Welch's redlines. Vote was taken and minutes were approved as redlined & corrected.

Chairman Welch reported that Chief Downes had apparently thrown his back out last Thursday and is out for a bit – feeling a little bit better today. Chairman Welch inquired whether we'd ever heard back relative to the initial contract session scheduled for January 18th. Secretary reported we had not but later received an e-mail from Ms. Byrnes confirming the date & time.

Alan Chaney approached the board with his comments on letter sent to Conservation Commission by Chairman Welch relative to the Open Space Plan. He noted that Chairman Welch had expressed concerns relative to the survey and indicated that they'd attempted to save money by including it in with town reports – everyone got one but had very limited response although have had pretty good responses in the past. Item on Rail-trail: Alan indicated that Chairman Welch had correctly pointed out that Conservation has no control over it but would be willing to bet would anger skiers, and horse people, etc allowing use by motorized vehicles. Chairman Welch countered that he hadn't suggested motorized vehicles on the rail-trail, just would like to see it plowed for winter walkers. See attached submission by Mr. Chaney. Alan noted if we can come up with the money, uncertain where the money would come from, he felt that many would argue whether that expenditure was justified. Chairman Welch noted his comments were reflections of those conveyed to him by residents. Alan indicated that generally when refer to recreation it's in terms of passive recreation, not organized recreation – more in terms of trails, horse riding, etc. He indicated in reference to the zoning change, they had no opposition to B-1, were opposed to special permitting to allow B2 within B1 parcel – were concerns over placement of a B2 in a water protection area. Chairman Welch recalled individuals speaking but nothing to indicate that Conservation was opposed to it. With regards to the swimming at YMCA camp, Mr. Chaney reported that Conservation, Dunstable Rural Land Trust, Groton Land Trust and Lowell Y were involved in negotiations. Lowell Y was very concerned

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that might be sold to a developer like what happened with the old Udot Farm on Hall Street. Lowell Y wanted it badly and wasn't sure they could afford it – turned out they could. Cambridge sold to Lowell Y at a price the Lowell Y could afford. Now that they own it, are talking about expanding their program; great thing is Lowell Y has a real strong relationship with the Town of Dunstable and if they need something in the future, although the Y did not want to get involved with a summer swim program for Dunstable, may be able to work something out to allow for our use for some type of investment from the Town of Dunstable.

Trails – gave some information – knows that some board members have heard complaints about price – rarely paid much more than appraised value – 35% of our land is flat out gifts (all included in his document – which will be attached once amended document is received from Mr. Chaney). He reflected on purchase of the Mill Pond from Mary Shaw, the Sargent lot for the town's well field. The group reflected on the affect of CPA on purchases of land, and other advantages for the townspeople. Chairman Welch suggested mentioning CPA in Alan's reply and Alan indicated he'd edit and re-submit. Alan referenced trail map prepared by an eagle scout which shows Unkety Brook, Town Forest, thru Goss property tying into Unkety Woods. He referenced parking & signage provided for Conservation properties, etc. Alan reported on use of conservation and open space properties, noting they're doing a lot but always have some people who can make things difficult but for the most part more people who are providing support. He also referenced issues with power vehicles – referencing damages from motorized vehicles. Chairman Welch noted the jest of his comments was that north of Concord NH, more towns are thriving from the funding provided by permits for motorized vehicles – Alan advised problem with that is many of the parcels have been purchased thru funding which included state money and can not restrict to only townspeople once you've used state funds to purchase. He further reported that many of the parcels were given to the town with conditions which prohibited use by motorized vehicles. Alan noted that in NH, ATV's must be registered whereas they aren't in MA. Alan indicated there are a number of stone walls that have been knocked down by ATVs, much damage is done. Alan noted that individuals have a right to walk on anyone's property unless it's been posted no trespassing – according to MGL.

Alan advised that back about 30-35 years ago, we had a skimobile club in Town and Conservation had worked out an arrangement with them that worked. He noted he'd bumped into a couple of people in

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the town forest from Pepperell, who thought they were on Goss's property and indicated a need to work things out with the groups – bottom line there's no one to talk to – need to understand, most of the people out there using this land, don't want the ATVs as the majority of ATV users have no concern for the impact and damages their vehicles do. Snowmobiles are not as big a problem, they're quieter, generally not a threat to wildlife but can be a threat to young trees – once they decide it's a nice trail; they just mow down the young trees. Alan indicated he told the guys from Pepperell, he wished there was a club that could agree to the conditions for use – but people don't ask for the areas they're allowed to ride – they just ride wherever they see the opening. Alan agreed with the recommended sticker/club concept but indicated he didn't know where to start. Chairman Welch indicated he believes with organization, residents would respect property and gain a number of volunteers for trail maintenance which was the essence of the original memo to Conservation. Alan retrieved his document indicating he'll provide an updated document which will be attached to the minutes.

Conservation land that's been bought with self-help money, can allow community gardens but cannot allow someone to come in, plant, and sell produce nor for a money making operation, any funds generated could be used for trail maintenance, etc.

Selectman Leva advised he'd like to get together with Conservation relative to the Main Street bridge repairs which have been approved by the state.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 8:10PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary

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INTEROFFICE MEMO

Date: December 15, 2010

To: Kevin W. Welch, Chmn. Board of Selectmen

From: Alan E. Chaney, member, Conservation Commission

Re: Review of 2010 Open Space & Recreation Plan

Dear Kevin:

Thank you for your memo. Here are a few thoughts for your consideration.

THE SURVEY. It is obviously disappointing & of limited use. We sought to save money (about \$1200) by sending the survey to every home with the Town Report, rather than doing a mailing. We followed up with notices on the web site and in "Neighbor to Neighbor", to little avail. I suppose next time we'll have to spend the money. Previous surveys and town meeting votes may provide us with a fairly consistent pattern of Townspeople's views.

THE RAIL TRAIL. You are of course correct that this property is DEM (state) land over which we have no control. I doubt the state would plow the trail in winter because:

--It would be very expensive.

--There would likely be more displeased cross country skiers & snowshoers than happy winter walkers.

Certainly plowing the Larter Field track could be looked into with the Recreation Committee.

THE ZONING CHANGE. I am mystified that anyone would have any doubt as to the Conservation Commission's view regarding the Raymond property being changed to a B2 (as opposed to residential or B1) classification. One need only read the Commission's minutes, or have attended Planning Board hearings on the matter, or have listened to Commission members' comments at Town Meeting and observed their votes.

One should understand that no Wetlands Act/Bylaw issues came before the Commission on this matter. I believe the Commission simply feels that it is unwise as a matter of policy and principle to place a B2 facility next to a wetland, let alone one that feeds the aquifer which supports the Town Well Field.

THE SWIMMING HOLE. Both the Conservation Commission and the DRLT worked with their Groton counterparts and the Lowell YMCA toward the Lowell Y's acquisition of Camp Massapoag from the Cambridge YMCA. There was a reasonable fear that once the Lowell Y's lease ran out in 2013, the Cambridge Y might well sell to a developer. As it turned out, the Lowell Y was able to purchase the camp on its own, and the Cambridge Y wanted to sell to them. The Lowell Y uses the camp full time in summer for its extensive programs; indeed they hope to upgrade facilities to expand usage into the cooler months. They do not have time/space for the Town to use their beach. (Yes, we asked.) What we DID gain

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was a strong relationship with a fine organization that takes kids from 16+/- different cities/towns — including Dunstable — in its program, and has staying power.

THE TRAILS & THEIR PRICE.

--PRICE. Here are some relevant facts. Of the lands controlled by the Conservation

Commission or Town Forest Committee:

- 366.42 acres (35%) were gifted.
- 221.91 acres (21%) were part of cluster developments
- thus 56% of the acreage was free.
- 278.05 acres (27%) were purchased with Town funds AND -significant outside funding (State Self-Help grants, CPA State matching money, DRLT grants, timber money, individual donors.
- the remaining 17% was purchased by Town Meeting vote & Town funds alone.

I would note that this includes the 133 acre Pierce Town Forest (13% of total) which was bought for \$500 in the 1930s.

- thus about 4% of town "conservation land" was purchased in modern times at more or less full fair market value with town funds alone These were generally small, strategic parcels such as:

The Woodward Mill Pond Site (5 acres, \$3500.)

The Sargent Lot (3 acres, \$3500.)

Keyes Meadow, Gardner parcel, etc.

- Note: The Sargent purchase prevented a house from being built there; had there been a house, the current Town Well Field could not have been sited where it is.

--TRAIL MAINTENANCE. Again I am a bit mystified. Certainly we need more & better maps, and we are working on that with scouts, the Trails Committee, and others.

However, we have:

- Relocated the Arched Bridge roadway (more scenic now, better police access)
- Cleared the top of Blanchard Hill
- Built a new access road up Blanchard Hill
- Smoothed (bulldozed) the top of Blanchard Hill
- Cleared & marked numerous connecting trails at Flatrock Hill

Conservation

Area (over 300 acres). A GPS-based map is almost complete. There is one finished parking area with signs & trailheads (Mill Street), 2 in the making (Sky Top Lane & High Street/Arched Bridge.) Use of the trails is steady and growing.

- worked with an Eagle Scout who built & placed 2 sturdy picnic tables & a mountain peak ID sign on top of Blanchard Hill.

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- Working with a scout, marked & mapped ALREADY EXISTING well maintained trails in the Town Forest & Unkety Woods (193 acres).
- Breached the wall and cleared an area for parking at the new Howard's Brook Conservation Area (Hardy Street); sign on order.
- Relocated the trail into Spaulding-Proctor so that it lies entirely on Town property.

There is also good access (parking, signs) at the Woodward Mill Pond site, the Amos Kendall site, and Unkety Woods.

And of course some small sites (e.g. Keyes Meadow, Sargent C.A., Gardner C.A., Urquart C.A. are mostly wetland, and have only fishermen's paths. In all cases conservation land exists not only for trails, but also for clean water, clean air, noise reduction, aesthetics, and wildlife.

MOTOR VEHICLES. Motor vehicle use on conservation land presents unique challenges. It is the **ONLY** use that may be incompatible with all the other potential uses. We receive more negative comments about MVs than anything else. This is because of:

- loud noise
- excessive speed
- destruction (erosion) of trails (see pictures.)
- disturbance/destruction of wildlife (especially reptiles & amphibians) and young trees.
- damage to stone walls, including bound walls, from unauthorized breaching (see pictures)

Regarding ORV clubs, it is true that long ago (1960s/70s) there was a snowmobile club that we worked with. I am unaware of any clubs now (in Dunstable) that we could talk to. Perhaps you could enlighten us. With regard to New Hampshire, perhaps you are unaware that New Hampshire has different – and more restrictive—laws regarding ORV use. In any case towns "North of Concord" tend to have a lot more open space, public and private, than does Dunstable. I suspect that any attempt to formally incorporate ORV use in the Flatrock area would meet with strong opposition from hikers, dog walkers, birdwatchers, photographers, horse folks, bikers, skiers, fishermen, joggers, etc. ORV use in Spaulding-Proctor & Farnsworth would conflict with donor wishes.

It is worth noting, I think, that ORV use is the **ONLY** use that requires the specific permission of the landowner under STATE law (motor vehicle trespass law.) Some of the reasons are listed above. I am sure you know that the Division of Fish & Game does not allow ORV's on most of their wildlife management areas. Most hunters understand why. I think the Conservation Commission is open to talking with an organized group, if there is one, but not to recognize the unique issues surrounding ORV use is counterproductive.

Note photos with notations on attached pages:



Spaulding-Proctor Reservation: 3 ½ to 4' deep gully caused by ATV's climbing steep embankment.



Spaulding-Proctor Reservation bottom of slope with ATV-caused gully; Note where silt-laden runoff has gone down to pond.



Town Forest: Note young pine seedlings to right, but none due to unauthorized use of skid road (a road intended to be allowed to grow in).



Town Forest: Deep rutting caused by excessive speed on one of the permanent roads.



Top of Blanchard Hill: Note litter, tipped tables, missing sign – and ATV tracks to right. (Trail is posted against motor vehicles due to steepness and danger of erosion.)