

Approved 4/26/21

TOWN OF SHELBURNE
OPEN SPACE COMMITTEE

Meeting Minutes 3/22/2021

Prior to the start of the meeting guest Lara Radysh informed Larry she would be recording the meeting.

Larry **called the meeting to order** at 7:02 pm

Members present: Larry Flaccus, David Schochet, Norm Beebe, Jim Perry, Tom Johnson, Joel Dwight

Members Absent: Thor Holbek, Garth Lapointe, Joan Greenfield, Norm Davenport

Guests: Lara Radysh/Bob Higgins (Residents of Shelburne Falls); Gwenerva Nabad (Resident of Chicopee, student at Holyoke Community College); Anne Naughton (Resident of Patton Hill Rd, Shelburne/Colrain); Cynthia Boettner (Shelburne Falls, Invasive Plant Specialist); Leah Meldanato (Shelburne Falls); Helena Farrell (Land Use and Natural Resources Planner (FRCOG)); Kimberley McPhee (Land Use/Natural Resources Program Manager (FRCOG)).

Minutes for the February Meeting were reviewed and accepted.

New Business

--Regional Pollinator Plan

.Kimberley presented and spoke about the Regional Pollinator Plan as it relates specifically to Shelburne and the Pollinator Corridor Action Plan, noting how important pollinators are to our local environment and to our local economy. **Kimberly and Helena will be meeting with the Shelburne Planning Board** to see what can be done to encourage pollinator habitats. They are looking for feedback and **to make contact with people who are interested in the project.** They are focusing on permanently protected parcels in town. Their program will help the town to investigate ways in which there can be a positive impact on pollinators. The Select Board expressed interest in the project in May of 2019. The outreach has been slowed a bit by Covid. They **will have an upcoming meeting to identify locations in town** that would lend themselves to the project and the Conservation Commission and Ag Commission will be invited. Helena also said **there will be a plant list available** to identify and select native plants which would be appropriate for different types of landscapes. She will put together a concept design for some specific ideas on how to implement the program. Larry asked about Chapter 61 lands but they are not permanently protected. They are focusing on permanently protected ground such as ARP ground. Larry pointed to some apparent flaws in the Shelburne land classification map that Kimberly had presented; they will look into that. Helena will share the maps with David and Larry, who can then share them with the group. Everyone is invited to make notes on the maps and any other

relevant comments and suggestions and pass them along to Helena and Kimberly. Larry volunteered that we could help set up their next meeting and write a letter of support if that would be helpful.

Cynthia Boettner joined the meeting at 8:14 pm and told us she had been in conversation with **beekeeper Connie Clarke** on Old Greenfield Road. Connie is interested in pollinator plant species and the Regional Plan.

--Potential candidates for membership in OSC --

Peggy Warwick had expressed an interest but has a conflict with Monday night meetings. So has withdrawn her name as a potential member but would like to volunteer to help with specific projects, as she can.

Anne Naughton is interested in learning more about the OSC. David will set up a time to meet with her.

--Mohawk Trail Woodland Partnership - Larry is on the Forest Legacy Subcommittee. Their work has to be approved by the Forest Service which could take a bit of time. Willing land owners who voluntarily join the Legacy Program might then be eligible for grant programs. Larry suggests we support the Legacy Program and ask the Select Board to send a letter of support to the Forest Service. **Jim Perry made a motion** to support this action. The motion was seconded by Tom Johnson and Norm Beebe and **passed unanimously**.

Mohawk Trail Woodland Partnership Grant - Larry has been talking about the Mohawk Trail Woodland Partnership Grant with Jim Perry (who is the head of the Deerfield Watershed Association.) Jim said Great River Hydro is working on the south side of the access to Polly's Bridge at the South River Station. Both accesses are steep and the north side will need work as well. Norm will talk about the grant at the next Recreation Committee meeting. Larry wondered if an ATV type rescue vehicle for the Fire Department might be worked into any grant monies that might become available. The grant deadline is May 24, 2021.

Community Preservation Act (CPA) - Larry said there will be a CPA-focused meeting this Wednesday night before the Planning Bd meeting. Town is interested in putting together a committee to work on adopting the CPA in Shelburne. Joanie Greenfield may be our representative from the OSC. David asked what other town committees might be appropriate to work for adoption of the CPA. Tom suggested the Recreation Committee and probably the Cultural Council.

Ongoing Business

- Larry reported the Select Board has **granted OSC an hour with Town Counsel** to speak about easements related to the Trail from Deerfield Avenue. He will prepare a new outline of the issues we wish to discuss with counsel.

David reported on his conversations with Marc Lessor (the Compliance Officer with the Mass Architectural Access Board (MAAB) re: the Trail and **handicapped accessibility**

issues. Mr Lessor reported that the trail project itself does not fall under MAAB's purview, but that any new construction would have to meet MAAB standards. He offered to work with us as we develop specific plans. David has sent him a letter, requesting written confirmation of the information he shared.

Abutter Contact-David is waiting for a call back from the **Spencers** about their abutter agreement. The Mayhew Building may be what pushes the Trail onto a corner of the Spencers' land but it is a bit unclear until property lines are clarified. Larry is talking with Guntlow about this.

David reported that **Patrick Kilgallon** is on board for an easement and is waiting for a document he can take to his lawyer for review.

Tom spoke with Nicole, Dr. Topolski's partner, and they are on board with the Trail as well. Tom is also trying to contact Mr. Mwea but hasn't been able to catch up with him yet.

Support/Opposition to the new Trail - David told us that Terry has forwarded a number of letters from folks opposing the Trail, and he has received emails supporting the trail. Some of the concerns include parking space, lack of budget for possible incurred expenses, sanitation, river access concerns, and some neighbors' proximity to the Trail. **[NOTE: Copies of these letters are attached to the end of this document]** David suggested an individual response to each of the people who have written in their concerns. David also suggested writing an entry to the My Turn feature of the paper so the many misstatements contained in earlier letters in The Recorder could be corrected, and other relevant points could be made. Norm voiced support to replying to the opposition.

Larry noted the letters have gone to the Select Board not the OSC but agrees we should respond to each person who wrote in. Larry, David, and Norm will work on this. Norm reported there has been no recent contact with the Hanford's but there is an opportunity to communicate with them.

Wooded Loop Trail Update - The draft of the Trail brochure has been approved by the Payne family with a minor modification. Jim spoke about options for Invasive Species brochures and encouraged everyone to look over the three options and make comments.

The group generally concurred that standard Ariel font seems to be clearer to read and is generally preferred. Jim also says the language for the different panels of signs is pretty much finalized.

There was further discussion concerning background colors for the tree in the logo and funding credits. The general consensus was a white background would be the way to go.

Jim has spoken with Vacker Signs and our presentation should work for them.

Larry said there is still grant money available for printing. We will get bids from CopyCat and Paradise Copies which will have to go through FRCOG . Cynthia suggested Collective Copies in Amherst as another possibility that does very good work. Jim will continue working on sign panels. Larry thanked Cynthia for her help.

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Committee Liaison Reports-

Tom reported for the **Planning Board** - They will meet this Wednesday evening and will be looking at home based businesses, 5G Network, affordable housing, and reuse of abandoned/town owned properties. He also said the primary responsibility for the CPA project lies with the Select Board.

Norm reported for the **Recreation Committee** - They are meeting soon and will be working on softball. Tom pointed out a lot of people had taken advantage of skating at Topolski's-- which points to a **need for a larger skating area.**

No one available to report for **the Ag Commission** - Larry said the Select Board has appointed a new Ag Commission member and that Beth Manning has moved to Ashfield and is no longer a member. David had spoken with Carolyn Wheeler who said the Ag Commission will begin meeting again in the spring.

No one available to report for the Conservation Commission.

Guest comments - Leah from Mechanic Street wondered if letters opposing the proposed Trail will be entered into the public record. Tom later asked the same question.

-Gwen thanked the Committee for letting her sit in on the meeting.

-Lara wanted it noted that members of the Hanford family had submitted letters indicating they were not interested in having a trail built on their property.

. Lara said all the letters were sent to the Select Board and the OSC. Tom wondered if any of the letters mentioned should be read at the meeting. Larry didn't see any requests for that but agreed the letters should be put in the public record—perhaps attached to the formal minutes.

Tom Johnson moved to adjourn. Norm Beebe seconded. Meeting adjourned at 8:52 pm. Next meeting will be April 26, 2021 at 7 pm.

Respectfully submitted,
Joel Dwight - Secretary ProTem

townadmin

From: Margaret Fitzpatrick <margofitz2626@gmail.com>
Sent: Monday, March 8, 2021 6:11 PM
To: Zoning; Planning; Shelburne Open Space Committee; Conservation; townadmin; andrewbaker@massshirefwb.org
Cc: llamamedic@gmail.com; mpayne1441@gmail.com; laradysh@gmail.com
Subject: Mahican Trail extension

Hello Everyone,

Following is a letter sent by Jenner Bestor, my friend and housemate at 33 S Maple St, Shelburne Falls. Although it speaks to all points I am in agreement with and can repeat, I would like to add the perspective of a former downtown business owner.

The continued lack of a full, comprehensive plan with regard to the river, our most treasured resource here in town, continues to baffle me. Not having a complete oversight maintenance schedule, including labor and disposal costs, sets this project up to fail. Far too often the thought of tourists rather than residents comes into play during the inception of these ideas. Certainly a development of the riverfront would be advantageous to both residents and tourists alike, but without the complete fiscal considerations in place, this seems to be the proverbial "cart before the horse" once again. How many times must these notions be set into motion with expectation of full support without prior planning engaging the full scope of the project?

I cannot support the extension of a trail, which does not even have permission of all land owners and abutter yet, in this infancy stage. With further development a revisit would be in order.

Sincerely,
Margaret Fitzpatrick

I'd like to join the discussion regarding the proposed trail along the river.

While the attempt to create an extension of the Mahican Trail is laudable, the reality is the landowners along the river have not made their lands available for this project and the direct abutters do not support it. As a year round home owner (I own 33 South Maple) I am writing to add my voice to this opposition.

I urge you all to imagine the environmental impact of opening this part of the river to visitors. One need only visit Sunburn Beach on a Monday to see what gets left behind; garbage, feces (if you don't provide toilets people still go), and stomped down bushes and undergrowth, not to mention the damage to area streets due to illegal parking. I believe any river access must include the support of land owners and abutters along with a detailed and funded plan for daily maintenance and clean up. In addition I believe it only sensible that any liability issues for the town be addressed before any plan advances.

I believe very strongly in helping make land accessible to the public. I also believe it's time to look elsewhere for a project we can all support.

Thank you,
Jenner Bestor

Sweetheart Realty LLC
42 S. Maple Street
Shelburne Falls MA 01370
Joseph Rae Principle
413-441-7777

March 11, 2021

RE: Sweetheart Restaurant liquid propane storage

Town of Shelburne Falls
51 Bridge Street
Shelburne Falls Ma 01370
Board of Selectboard and Open Space Committee

To: Board of Selectboard and Open Space Committee,

I am writing regarding the proposed walking trail along the river below the Sweetheart restaurant property along South Maple Street. We have concerns over the access to the proposed walkway and the public parking. Presently we have days when the public utilizes our parking facility to access the river. We have allowed this temporary parking convenience during our construction period but continued use of the parking facilities once the Sweetheart Banquet facility and the lower-level Shelburne Falls Brewery and Pub opens for business would be unacceptable. Our operations will require as much parking as possible, therefore, we cannot support the public walkway trail at this time.

Sincerely,



Thomas D. Pleasant
Project Manager Sweetheart Realty, LLC

townadmin

From: Kate G <kate.gerrity@gmail.com>
Sent: Saturday, March 13, 2021 1:55 PM
To: beebe@gcc.mass.edu; LKF2@rcn.com; foxhilles@verizon.net;
jwheeler@wheelviewfarm.com; jimeperry@gmail.com; das2242@comcast.net;
norm.davenport@gmail.com; TCJinmass@gmail.com; greenjoanie3@gmail.com;
garthlapointe@gmail.com; cwheeler@gmail.com; Shelburne Open Space Committee;
mpayne1441@gmail.com; llamamedic@gmail.com; andrewbaker@massshirefwb.org;
townadmin
Subject: Re: proposed trail/river access

Hello again,

I'm sending this message to reaffirm my opposition to the proposed trail, outlined below, and to make a correction to the statement I made that I am not an abutter. The property owned by the town is directly across the street from my property at 3 Masonic Ave. so I believe that technically I am in fact an abutter.

Thank you,
Kate Gerrity

On Mon, Sep 28, 2020 at 4:41 PM Kate G <kate.gerrity@gmail.com> wrote:
Hello,

I've been a homeowner in Shelburne Falls for the past 20 years and am writing to share my concern, dismay, and, frankly, frustration upon recently learning that yet another initiative is being pursued, this time by the Open Space Committee, that is attempting to provide additional access to the river in a way that would negatively impact local residents. This is the third such attempt in the time I've lived here and while the details of each plan have differed to some degree, the desired result, enabling access to the river, has been the same. As many, if not all, of you know, the previous two initiatives failed thanks to strong opposition from local residents. As I understand it, the plan as it stands is not to create a through trail (which in itself is problematic for the reasons raised in objection to the plan that was attempted a few years ago) but one that dead ends at a spot that would encourage congregating and lingering and be accompanied by all the issues that come with that. I would imagine you are all well aware of the problems presented by this through the town's experience with the Potholes, Sunburn Beach, and Wilcox Hollow, for example. While many, if not most, people who use those areas do so responsibly, all it takes is a handful of people who don't to turn a lovely pristine area enjoyed by locals into a trash-laden and trampled spot. This is not speculation, we have seen this time and time again. The fact that this latest plan envisions a sitting area with picnic table suggests that transformation will happen in short order. My property does not abut the land the access trail would pass through but I am nonetheless concerned about people adventuring off trail and ending up on my street, Masonic Ave. I am even more concerned about the prospect of an unscathed stretch of riverbank being permanently altered. And finally, it seems incredibly short sighted and unwise to pursue a permutation of a plan that has been rejected twice, once word got out and residents were able to voice their opposition.

Kate Gerrity

Sarah Davenport
Davenports Service Station
269 Mohawk Trail
Shelburne Falls, MA 01370
413-834-2176
davenportsmobil@gmail.com

To the Shelburne Selectboard and Open Space Committee,

I am the owner of 269 Mohawk Trail LLC which includes land on the Mohawk Trail, and my family's small business, Davenports' Service Station. We've owned this business since 1981.

This property that I own is partially surrounded by land that is owned by my aunt, Jane Davenport Hanford. This letter is sent to you on behalf of her and her sons.

Jane has been asked to give permission for a recreational trail to cross her property along the Deerfield River. She has specified that she does not want to grant permission for public access on her land.

My Aunt Jane is close to her ninetieth birthday, and is becoming increasingly frail. Her family requests that her decision regarding this trail is respected and that she not be approached on this issue again in the future.

Please don't hesitate to contact me if you have any questions.

Sincerely,
Sarah Davenport

townadmin

From: Mark Hanford <markhanford@verizon.net>
Sent: Sunday, March 14, 2021 8:30 PM
To: townadmin
Subject: Planned Recreational Trail

To the Shelburne Selectboard and the Open Spaces Committee,

My name is Mark Hanford, and my mother, Jane Hanford, owns 20.5 acres between Rte. 2 and the Deerfield River to the south of Shelburne Falls. We have been approached about selling my mother's property or allowing a hiking trail to cross through her property. Our answer has always been "no". Past experience with the Franklin Land Trust have left her unwilling to even discuss the matter. Now I hear there is talk of an easement.

Please understand, my mother grew up in Shelburne Falls, and owning land in her home town has deep personal meaning for her. In a few months she will be turning 90 years old. I ask that her wishes be honored and whatever time she has left not be marred by this issue.

Please feel free to contact me if you have any questions. I can be reached at markhanford@verizon.net



Stefan Topolski, MD
111 Bridge St., Shelburne Falls, MA 01370
(413) 625-6240

October 24, 2020

Dear Open Space Committee,

I write to express my family's interest in this discussion of trails along the commonly owned river through our town. These trails along the river are long-standing public trails, we are abutters to the proposed restoration work on this trail walk, we control the one developed public access point to this trail area, and we fully support the maintenance and restoration of this longstanding historic use of this area along the river by the people of our village.

Many of our neighbors have written an important letter which is an impressive line by line and point by point enumeration of every possible, unlikely, and even greatly exaggerated outcome of maintaining the public's access to public land. And this is the main point of our concern. Our neighbors bought land next to public land and trails which have become less used (we still have walkers every year who will come up the trail head to our property at the end of their walks along this proposed path). Our neighbors have become accustomed to a benefit from land which is not theirs and which they knew was not theirs when they bought their homes. This river and the land next to it is owned by our town and all the citizens of our town. Trails used to run down to and along the river from the Sweetheart all the way to the Falls complete with tennis courts. Citizens would walk from their homes to their jobs downtown along the river here. Only time and neglect has changed this fact.

We all speak of open access to nature, historic preservation, the rights of the people to enjoy this God's creation, and the harm that comes from the rich walling off their preserves for their own private enjoyment (and we are rich compared to so many others). THIS IS NOT FAIR. And we are hypocrites for saying all of this and then turning around and refusing others the joys of public lands we did not make and do not own. MOST everyone will be loving and peaceful and enjoy the trail respectfully. The Gardner's Falls trail has done FINE. The world on the Buckland side has not ended.

And with houses all around and us walled in by a mountain above, there is no significant 'wildlife corridor' here which would be significantly harmed by being nice and playing well with each other. There is plenty of nature here for everyone. And the river is our gem. How can it be hoarded by the few who write that they are suspicious of their own neighbors? This is especially true when they do not even own the land which we have all used in the past to walk along the river. We are better than some abutters' refusal to work with the town and its hard working committees to restore the trail(s) which ALREADY EXIST and belong to everyone along the river.

Please weigh both sides, take appropriate precautions, and act to remake these trails and return this land to the people, all of us people, who have enjoyed it safely and responsibly for all these many years. It is time for a change.

Sincerely,

Stefan Topolski

www.cottagemed.org

Dear Open Space Committee:

Earlier this winter I read an article in the *Greenfield Recorder* about plans to develop a trail along the Deerfield River from Deerfield Ave to just below the Sweetheart, and eventually to connect with the Mohawk-Mahican trail. On January 28th I attended a meeting of the Committee and learned more about the plan and the process that is underway.

I'm writing to say I'm delighted that the Committee has undertaken this project. I bought my house in Shelburne Falls in the fall of 2019 and have really enjoyed living in this community. One thing I especially appreciate is that I seldom need to take my car out of the garage because I can walk most places that I want to go. I don't like to walk on Rt. 2, however, so my only disappointment with Shelburne Falls has been that I have to get into my car and drive on Rt. 2 to access conservation areas. I do frequently walk the 3-mile loop from my house over Crittenden Hill to a short stretch on Rt. 112, and back to the center of the Village via North Rd., but cars really zip along on Rt. 112 and there is no sidewalk, so that is a drawback to that route.

It would be great to be able to walk out of the village, leave the cars behind, and enjoy the natural beauty of the woods and the river. I look forward to the day when the trail is a reality. I'm sure I will use it often.

Many thanks for your work on this project and all that you do to add to the community's enjoyment of Shelburne Falls and the surrounding area.

Regards,

Lynne Pledger
31 Green St.
Shelburne Falls, 01370
413-218-4611

Peter Buchanan

9 Barnard Road, Shelburne Falls, MA 01370
Email pbuch65@gmail.com

Shelburne Select Board
Town of Shelburne
51 Bridge Street
Shelburne, MA 01370

March 7, 2021

I've become aware that Shelburne's Open Space Committee has a plan to create a trail from downtown Shelburne Falls along the northeast bank of the Deerfield River, for river access to the general public and more specifically as a tourist attraction. I am concerned that this plan is being rushed without due attention to the impacts it will likely have on the ravine's riverine environment and the wildlife it supports and shelters, not to mention the nearby homeowners. I know the trail as planned will be a short, dead-end loop due to the fact that landowners beyond a certain point have refused permission for the trail to cross their properties. I am not necessarily completely opposed to the plan, but I feel that the process should be slowed to give a chance for the town to consider, address, and possibly mitigate any potential long-term negative impacts that might result from such a project. Please keep in mind that some other local river areas that have been opened to the general public have already suffered significant damage. I would hate to see the same thing happen to what up until now has been a relatively pristine area.

Thank you very much.

Sincerely,



Peter Buchanan