

Minutes
Williamsburg Board of Selectmen
Special Meeting
Tuesday, June 13, 2017

The members of the Board of Selectmen met in a special joint meeting with the Conservation Commission to discuss the Horse Mountain land purchase. The joint meeting was called to order at 7:03 p.m.

Board of Selectmen: Denise Banister, William Sayre, David Mathers

Conservation Commission: Marcianna Caplis, Andrew Maclachlan, and Joseph Rogers

Also Present: Sally Loomis (Open Space Committee), Ms. Locke (abutter, driveway easement property owner), Dick Kisloski, Corinne Chandless, and Ruth Oland (Cole Road Residents), and Charlene Nardi (Town Administrator).

Summary: The Conservation Commission with the support of the Kestrel Land Trust (and Hilltown Land Trust) received a state Land grant and funding from the Open Space Institute to purchase 34.4 acres at no cost to the town for open space and recreation. The proposal is for the Williamsburg Conservation Commission to work with the Hilltown Land Trust, Kestrel Land Trust and Williamsburg Trails Committee to develop trails. This parcel is a piece of the larger project Kestrel is pursuing which is to preserve a total of 131 acres, the other 97 acres in the town of Hatfield. The land is recognized by the Natural Heritage and Endangered species program as priority habitat for rare, threatened, and endangered species. In addition, the land has an above-average ranking in the Nature Conservancy's Resiliency Analysis which assesses an area's ability to maintain valuable habitat with the pressures of climate change. This is a prime parcel to preserve in Williamsburg and helps the town achieve its open space and recreation goals. Annual Town Meeting, June 5, 2017 supported the initiative and authorized the purchase of the 34 acre parcel in Williamsburg.

In the initial proposal Kestrel Land Trust had a verbal agreement with Robert and Francis Cole (owners) to extinguish the driveway maintenance agreement prior to the sale. The driveway maintenance agreement holds the owner of the parcel to be purchased 50% responsible for approximately 160 feet of the driveway maintenance. There are three other property owners who have easements for the driveway access on their deeds. The Cole's did not extinguish the driveway maintenance agreement before selling off the other parcel listed in the driveway agreement. The new owner (Orsmond) does not want to extinguish the driveway agreement.

The land must be purchased by June 30, 2017 or the grant funding is lost and the entire project of preserving 131 acres falls through. Kestrel has offered two options for the resolution to this:

- 1) Kestrel pays Orsmond \$5,000 to extinguish the driveway maintenance agreement, IF Williamsburg joins Hatfield in prohibiting hunting on this municipal conservation land. Kestrel also grants \$5,000 to Williamsburg for any residual obligation which might be split between the 4 owners sharing responsibility for the 160 feet of portion of the driveway through common law.

- 2) Williamsburg accepts the driveway maintenance agreement as is when it buys the land. Kestrel grants Williamsburg \$10,000 for a driveway maintenance fund. Public access for hunting is at the discretion of the Conservation Commission.

It was confirmed that option 1 has been presented to Mr. Orsmond's attorney but no response has been received. Town Attorney confirmed that Common Law would require the town to participate in maintenance but case law supports that the cost is in proportion to the level of use of the shared driveway. Members of both the Board of Selectmen and the Conservation Commission stated their serious concerns about the driveway maintenance agreement and that they are very uncomfortable with the timeframe in which a decision has to be made and the many unknowns if the town moves forward with the purchase. It was agreed that the Town has all the information it is likely to get and still be able to meet the deadline of purchasing the land by June 30, 2017.

Conservation Commission members discussed the value of the land as conservation and recreation property. Sally Loomis, Open Space, highlighted the specifics of that value in Williamsburg and noted that the Trails Committee was looking forward to creating trails; however no specific plans have been made yet.

Mrs. Locke, property owner who has an easement for the driveway on her deed, expressed concerns that she was not informed / consulted about the town purchase of the land for conservation, the purpose of having trails and trail access, the use of the driveway, or any driveway agreement. She stated she was concerned about the maintenance of the driveway which she solely maintained up until the last house on the road was built. Mrs. Locke was assured by the Town Administrator that while it was unclear exactly the maintenance arrangement for that portion, generally her obligation for the driveway maintenance would not increase, that the parking for the trails was planned on The Lope, a public road, and that the Town would keep her informed about the creation of trails and maintenance if it moved forward with the purchase.

The question before the town is whether to proceed or not with the purchase of the land, and if the Town chooses to proceed, with what option offered by Kestrel to help manage the driveway maintenance.

Vote to prohibit hunting:

Citing the value of land to be preserved, and in order to make both options offered by Kestrel available to the Town for discussion, the Conservation Commission unanimously voted (JR, AM) to prohibit hunting on the parcel to be purchased; if, Mr. Osmond extinguishes the driveway agreement. It was noted that hunting is currently available on other lands surrounding this parcel so the vote doesn't greatly impact the availability to participate in the sport.

The Board of Selectmen and Conservation Commission members discussed the two options offered by Kestrel. The Town Administrator proposed a third option which proposed that Kestrel provide \$10,000 to the Town to help cover future maintenance cost and that Kestrel agree to act

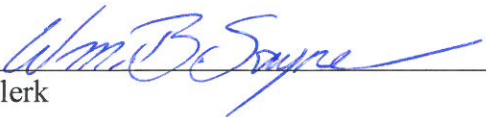
with due diligence to extinguish the Driveway Maintenance Agreement, including payment of a sum \$5,000 to Mr. Orsmond. All options were discussed.

Vote to Purchase:

The Board of Selectmen voted (DM, WS) to acquire the 34.4 acres of land with the conditions that at closing Kestrel provides the Town with \$5,000 to help support future maintenance costs and a written agreement from Mr. Orsmond to extinguish the driveway maintenance agreement. If Kestrel is unable to get the signed agreement from Mr. Orsmond, then Kestrel will provide \$10,000 to the Town of Williamsburg to support the future maintenance costs of shared driveway at the closing.

Adjourned at 8:03p.m.

Approved:


Clerk