

Open Space Committee Meeting Minutes

Date: January 24, 2022

Time: 7:04 p.m.

Place: Internet/Zoom call hosted by Molly Shea

Attendees:

Members: Wayne Castonguay Co-Chair, Andrew Brengle Co-Chair, Katie Hone, Ralph Williams, Erin Coates-Connor

Associates: Monty Monroe, Ed Monnelly

Staff: Molly Shea, Open Space Manager, Beth O'Connor, Open Space Steward

1. Citizen queries

None

2. Acceptance of Meeting Minutes (December 2021)

Andy moved to amend this meeting's acceptance of the minutes and postpone it until the next meeting when more members are represented, seconded by Katie, accepted unanimously.

3. Open Space and Recreation Plan 2020 Report Final Approval

We received the final approval letter from MA DCR. This plan report is now official and we can receive our grant for the Kamon property as well as apply for other grants over the next seven years. Molly will update our page on the town site to reflect this.

4. Continued Discussion on the OSC Recommendation to Planning Board re: 55 Waldingfield Road

Andy recently spoke with Jennifer Hughes, Conservation Commission Chairperson. The Conservation Commission approved a bridge over the wetlands. Ed added that Jennifer was not happy about the proposal of building in the no-build zone.

The plan still does not agree with OSC's recommendations regarding the minimum acreage of the conserved land and conflating trail space with open space.

Andy is concerned about the precedent this case could have if accepted.

Katie and Wayne suggested there may not be many properties that are of similar size and could fit under this amended Great Estates bylaw.

Andy questioned whether there are other properties that could be changed to retroactively fit under the Bylaw.

There are still some properties in town that could fall under this amended bylaw, such as the Sisters of Notre Dame and Trustees of Reservations properties, which are much larger.

Ralph is worried that the Friends of Waldingfield are going to sue the town if the Planning Board accepts the plan with the previously-protected 8.8 acres included in the 40%. There's no question that the previously-protected land does not qualify under the Bylaw. Accepting a plan that goes against the bylaw could open the town up for a lawsuit. Ralph thinks the OSC should consider taking a stronger stance on this issue considering this concern. Wayne agreed. The Friends of Waldingfield have made this same argument that Ralph made.

Ralph questioned: are wetlands included in the percentage of land conserved under the Bylaw by other properties like Biolabs and Turner Hill? The Ora attorney has argued that those companies were able to count wetlands in their open space calculations as a reason why Ora should be able to count them as well. Ralph thinks we should confirm. Beth said it is likely too large or of a task to dig into and confirm, but she and Molly will look into it.

Should we re-visit this Bylaw? There was some discussion among OSC members about whether there is any space for interpretation in the language of the bylaw for the Planning Board to accept this plan as is. If they accept it, will it hold up against a lawsuit?

Ralph would like members of this committee to speak with members of the Planning Board about this.

Monty questioned: If the Planning Board believes that a lawsuit is imminent, could they use the Bylaw to reject the plan? Ralph thinks yes, the Planning Board can reject it because they are not allowed to rule against the Bylaw.

Andy suggested that we speak with some members of the Friends of Waldingfield to see if they are planning a lawsuit, although they likely wouldn't share if so.

There is a Planning Board meeting this coming Thursday, January 27th and Ora is on the agenda. Molly will send out the agenda to the OSC.

5. 161 Topsfield Road Update

Molly updated OSC on this project. Open Space staff met last Thursday to discuss where the project is and what needs to be done to move forward. The ball is in Ethan's court to figure out if it needs to go to Town Meeting on the proposed use.

6. Open Space Committee Survey

Molly wants to get to know the OSC members a little better outside of the meetings, so she's sending all members a short survey to complete. She also proposed we could meet up in person for a walk to and talk.

7. Executive Session

The committee entered Executive Session at 7:56 p.m. on a motion from Ralph to enter Executive Session and then adjourn the meeting from Executive Session, seconded by Wayne, and passed unanimously by roll call vote.

Respectfully submitted,

Erin Coates-Connor