

Open Space Meeting Minutes

June 15, 2021

The Committee met in the Ritter Memorial Building as posted with the following committee members present: Ana Flavia Lockwood, Paula Bertram, Brandon Kibbe, Mike Toohill, Sarah Cammer and Bob Pease.

1. **Call to Order** - Meeting called to order by the Chairman at 6:41 p.m. Due to the number of residents in attendance the meeting was moved to the downstairs meeting room
4. **Lake Shirley parcels: 725 Goodrich Street, 0 Lake Shirley Reservoir & 860 Reservoir Road, 0 Flynn Road. Update on further title information, discuss next steps to confirm town ownership & potential uses.** – *Note agenda items taken out of order* – Brandon Kibbe explained that the Open Space Plan recommended reviewing properties classified as general municipal property to identify lands that have a potential for use as open space or recreation space. Mr. Kibbe noted that surveys have indicated in the past that public access to Lake Shirley is desired and therefore the Committee identified several parcels on Lake Shirley for further investigation.

Paula Bertram outlined her findings on the properties she researched:

860 Reservoir Road, 0 Shirley Reservoir Lake & 725 Goodrich - 860 Reservoir Road near the road is very wet and crossing would be difficult. Slope from the edge of roadway into the interior of the parcel. There is upland area in the proximity of the road that could be suitable for a parking. Traffic in this area is very heavy and high speed; a crossing would have to be created to address safety concerns. The area on the lake side is beautiful and could possibly support a canoe portage, picnic tables and a small parking area. Not suitable for swimming. 860 Reservoir Road has gone through the taking process and is clearly owned by the Town. 0 Shirley Reservoir Lake may be part of Peter Montonen land. This property is commonly referred to as "Stump Cove" and may have been gifted to the Town when ownership of the Dam was given to the Town through the Town Meeting process. The abutting property refers to plan dated 6/21/1947 drawn by William Ray for Peter Montonen. Paula spent time at the registry and researched plans; apparently this plan was not recorded. She worked with Adam Costa, Director of Registry Services and the plan could not be located. The taking for 725 Goodrich Street was recorded in 1970 but the process was not completed.

0 Flynn Road - This is a beautiful area with clear water, however, the Town parcel on the water is extremely limited as it is a causeway with little land area. There is an existing parking area across from the causeway on what may be the Town property. May be suitable for a canoe portage & parking to provide access to Lake Shirley. Ownership of this lot is unclear; it may have been owned by Peter Montonen who owned a lot of land in this area and subdivided parcels. Lot lines for this parcel mapped by the Assessors records and recorded plans do not match.

Renee Raboin of 46 Fire Road 12 stated that she had spoken with Matt Marro and he informed her that Lake Shirley is a protected wetland. Ms. Raboin added that many people come to Stump Cove and the property is sometimes vandalized. Ms. Raboin questioned if this parcel is used for recreational use, who will pay for the policing and why are we not looking at Hickory Hills? Ms. Raboin opined that there is already public access to Lake Shirley at Shady Point; the people on Lake Shirley pay high taxes and dues to keep the lake usable. It is Ms. Raboin's opinion that the people of Lake Shirley will not accept

further access and provided the Committee with a petition signed by 33 people which is attached to and made part of these minutes.

John Tata of 135 Flynn Road informed the Board that the dam for Lake Shirley failed in 1987 when he was on the Finance Committee. A coffer dam was installed, and 10 years was spent obtaining funds for repairs, eventually repairs were funded by the State. Mr. Tata then read a letter from Brian and Cynthia Ritchie outlining their objections to public access. The letter is attached to and made part of these minutes. Mr. Tata informed the Committee that he is opposed to a public ramp and a parking area at Stump Cove and requested that Lake Shirley remain private. Mr. Tata then showed the Committee a photo of a large turtle and said he is concerned about the impact to wildlife if public access is granted. Mr. Tata said the land is already utilized by people with kayaks who block the mailboxes, he does not trust the State and who is going to maintain the area? Mr. Tata added that if he wants to take his family swimming somewhere it is at a cost and why should the public be allowed access to put watercraft in Lake Shirley without paying?

Christian Reniken of 70 Fire Road 12 stated that he grew up on the Lake and is concerned about the area degrading because of public access.

Cindy Lee Gee of 140 Flynn Road said that there are approximately 240 homes on the Lake which equates to 240 boats, some people have second boats and there are jet skis. Ms. Gee said that there are hundreds of boats on the lake on any given day. Recently a kayak was run over by a fishing boat. There are boats that operate at night without lights and adding additional access will compound the problem. Ms. Gee questioned the Towns liability in the event of an accident.

Larry Ouellette of 110 Fire Road 12 told the Committee that his family has owned the property since 1942. Recently he had to file with Conservation to repair his walls which are being destroyed by wake boats, he added that the shoreline is being eroded because of boat traffic and expressed concern with adding additional motorboats.

Brandon Kibbe asked if the Lake Shirley Improvement Corporation has ever looked at imposing restrictions on speed and the size of engines. Mr. Ouellette responded that because of the cloudy title on the Lake there are questions regarding the governing body of the Lake. Brandon noted that there are already safety issues today on the lake, regardless of public access. Ana Flavia Lockwood pointed out that problems exist with residents of the Lake and a member of the audience stated that some of the boat traffic is due to public access at Shady Point. Brandon Kibbe and Sarah Cammer pointed out that people pay to launch at Shady Point which is not public access.

Kaitlyn Katisch, 605 Reservoir Road noted that Shady Point does check boats for weeds and that increasing the traffic on the lake will potentially increase the weeds that are brought into the lake and will exacerbate the boat traffic problem, she added that the Police presence on the lake is limited due to the size of the Police Force.

Tammy Lovewell, 579 Reservoir Road, informed the Committee that residents pay voluntary dues to the Lake Shirley Improvement Corporation, and they manage the weed problem. Ms. Lovewell does not want to have unregulated boats that may bring in weeds added to the issue, access to the lake by people who are not invested in the water body will cause problems. Ms. Lovewell walks Reservoir Road every day and picks up trash. Ms. Lovewell asked for clarification regarding the authority of the Open Space

Committee. Brandon explained that the Open Space Committee provides recommendations to the Town through the Planning Board and Board of Selectmen. It is the responsibility of the Committee to make recommendations that are in the best interest of the Town's citizens. The Open Space Plan sought input from all citizens and the written comments indicated that public access to Lake Shirley is desired. Mr. Kibbe stressed that this process will be public and that any decision regarding public access will be made by Town Meeting. John Tata commented that he read the Open Space Plan and there are only 2 comments about Lake Shirley.

Ana Flavia Lockwood pointed out that the Town owns property, and we are investigating possible uses so that appropriate recommendations can be made. Sarah Cammer noted that the Committee is listening and not ready to decide at this point, she added that some families may not be able to afford the \$30 per day fee charged by Lake Shirley to obtain access through Shady Point.

Stanley Helstowski, Fire Road 10, expressed concern if the State gets involved. He informed the Committee that 15 years ago the State put in a boat ramp at Lake Layola in Shrewsbury and boats are now coming in from outside of the community and causing issues, he said that if access was limited to Lunenburg citizens, he would not be that concerned however he is against opening the Lake to the general public. Mr. Helstowski also questioned whether there would be bathroom facilities.

Robin Wilson of 701 Reservoir Road, owner of Shady Point, told the Board that Shady Point provided access to Lunenburg residents and that Shady Point has spent a significant amount of money to provide Police Details, unfortunately only 50% of the details have been able to be filled due to staffing.

Bob Pease noted that the Open Space plan and associated surveys are on the Town website. Mr. Pease said he had heard that when the State repaired the dam the land known as stump cove was given to the Town as a requirement of the grant. The purpose of the property was to provide public access, he pointed out that currently the area is not a safe place to park or to launch canoes or kayaks. He said that the Committee is not looking to provide a boat ramp, he is looking to improve access so that citizens can use the area. Mr. Pease added that a title search will be needed and that there will be ample opportunity for public input.

Paula Bertram said that it was her understanding that the property known as stump cove along with the dam were given to the Town because the Commonwealth of Massachusetts would not pay for a private dam. A requirement of the funding was public access. Ana Flavia Lockwood noted that residents of the Town were given the right to public access in 1987 and is the responsibility of the Open Space Committee to explore options. She invited everyone to participate in the process so that an ideal scenario can be developed.

Brandon pointed out that the Department of Fishing and Boating Access participate in creating/improving public access for rooftop access, they are willing to build launch areas and racks for kayaks and canoes. The Department would fund access, but the Town would have to enter into a municipal agreement they will manage it. The Committee assured those in attendance that this project is in the exploratory phase and that all comments made tonight will be considered.

Kaitlyn Katisch stated that \$45,000 per year is contributed by residents to the weed program, this is a voluntary contribution. Of the 240 homes on the lake, only 120 have contributed varying amounts, she noted that this is the best year yet for contributions. She expressed concern that boats may enter the

lake that have not been cleaned or inspected and bring in invasive weeds. Kaitlyn is not concerned about canoes and kayaks but she does not trust the Town to police it. According to Ms. Katish the Board of Selectmen told them to "let it turn back into a swamp". Ana Flavia Lockwood pointed out that the problem of uninspected boats being launched is already occurring, knowing this issue will help shape the conservations moving forward. According to Ms. Katish stump cove is currently accessible and utilized.

Tammy Lovewell questioned why public access is not improved on public property and why Hickory Hills is not targeted for public access.

John Tata, a former member of the Finance Committee, opined that the entire project of public access on Lake Shirley is an exercise in futility and that in his opinion the Committee is wasting Town money. Ana Flavia Lockwood said that equal access should be given to all on Town land and that the Committee is not wasting time or money. Mr. Tata responded that if you can park a car and launch a kayak that is public access. As a representative of the Parks Commission, Ana responded that a program cannot be run on land that is not owned by the Town, she pointed out that the Teen Center was able to utilize Shady Point for two weeks this summer, however that is not an option for a Town department; that is why she believes in equal access for Town parcels.

Ms. Lovewell said that Hickory Hills dam was paid for by the State. Paula Bertram responded that the dam project was privately funded and that the cost was \$500,000. Paula Bertram explained that Hickory Hills Lake is private and that all improvements of the dam and surrounding property are funded by residents without assistance from the State or Town. Ms. Lovewell questioned if the fact that Paula lived on Hickory Hills was a conflict, Paula responded that she has no financial interest in public access on Lake Shirley and a conflict does not exist.

Brandon said he would accept one more public comment this evening but then move on to another subject. He assured those in attendance that public participation will be encouraged throughout the process. Several members of the Committee indicated that they were amenable to closing public comment this evening, however they would like to discuss further and identify next steps.

Paula stated that it is important to find the vote giving the dam to the Town she added that she is not in favor of pursuing Flynn Road and Bob Pease agreed. Mike Toohill stated that we should investigate of all parcels listed as Town property to determine ownership as it could provide foot access to the lake. Brandon responded that if a parcel cannot serve a public purpose why not put it back on the tax rolls. Paula stated we need to understand the cost associated with determining ownership. Ana noted that there are several small spots along the Nashua that provide the best places to launch kayaks and was in favor of investigating small parcels. Sarah will reach out to Town Counsel to discuss process and associated costs for various parcels on the lake identified as general municipal land. Paula will meet with the Police Department to discuss parking options and lake patrols for the current situation. Bob Pease said his primary interest is stump cove. He is concerned about people crossing the road and feels that there is adequate parking for 5 or 6 cars on the lake frontage. In Bob's opinion an elevated dock for a canoe portage would be ideal.

2. **Review and approve minutes from 05/18/2021 meeting** - Bob Pease made a motion to approve the minutes of 5/18/2021, motion was seconded by Mike Toohill. Motion passed unanimously.

3. **Whalom Woods – 225 Pleasant Street & 671 West Street. Update from Selectmen's meeting, discuss next steps** – Brandon informed the Committee that he had presented the PowerPoint presentation prepared by Dave Prokowiec and Eric Hinds and was given the green light to engage other departments in the process of utilizing this land for public access. There was feedback from one member of the Selectboard that they would not want the land to become Conservation land. Committee discussed the process for moving forward.

- A. Research parcel history –671 West Street was acquired for a school and then turned over to the Town. 225 Pleasant Street acquisition needs to be investigated further. A portion of the property was donated to the Town from Tri City Baptist Church. Bob Pease will investigate further.
- B. Survey other Boards and Commissions
- C. Conduct a site walk with other Boards/Commissions and the public.
- D. Schedule a meeting with other Boards/Commissions.
- E. Advertise a public hearing

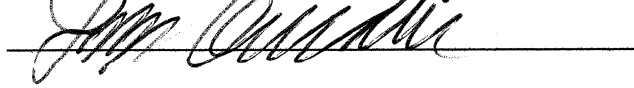
Ana stated that the Parks Commission is interested in a portion of the Pleasant Street Parcel. This is an area that is under served and they would welcome the opportunity to pursue. Paula Bertram noted that the Agricultural Commission and Planning Board should be involved.

Bob Pease made a motion that the Committee authorize Brandon and Ana to collaborate on the communication to other Boards and Committees. Motion seconded by Paula Bertram. Passed unanimously.

4. **Committee Administration Update** – Brandon Kibbe informed the Committee that Lynne Man had submitted her resignation. Eric Hinds has submitted a talent bank form and is very interested in joining the Committee. The Committee accepted Lynne's resignation and Eric's talent bank will be forwarded to the Planning Board.
5. **Public Comment** –Ana requested that use of a portion of the Pleasant Street Parcel by the Parks Department be placed on the next agenda. Ana also suggested that the next meeting of the Committee via Zoom. Sarah stated that she would like some meetings recorded so that the public can be aware of the Committees work. Paula will reach out to PAC to see if they are available to record meetings on the 3rd Tuesday of the month. Bob Pease will reach out to Elaine about availability of meeting space. Bob noted that Zoom meetings allow for public presentation.
6. **Adjourn** – Meeting was adjourned at 9:32 p.m.

Respectfully submitted,
Paula Bertram

Petition regarding proposed increased public access to Lake Shirley at Lake
Shirley Parcels: 725 Goodrich Street, 0 Lake Shirley Reservoir &
860 Reservoir Road, 0 Flynn Road

A handwritten signature in dark ink, appearing to be "Jim Quinn", is written over a horizontal line.

We, the residents of the area of Lake Shirley currently proposed for increased public access, desire to address said issue and firmly oppose it. Shady Point already offers public access and boat launch. Our lake is already well populated with many boats, jet skis and water crafts. Further, the traffic on Reservoir Road has increased exponentially over the years, with many serious accidents ensuing. Increased public access will create more destabilization in this area, and result in compromised safety for all.

We continue to pick up ever more trash along Reservoir Road, including numerous empty alcohol containers and styrofoam, in an effort to keep our neighborhood the sanctuary it is for us and the wildlife around us. Increasing public access will result in more pollution - water, noise, and debris. Worse, it will notably increase potential car and pedestrian (as well as watercraft) accidents in our neighborhood.

There is a bald eagle nest directly on Lake Shirley, and they join numerous herons, ducks, swans, geese, beaver, otter, frogs, fish, as well as trees and flora (including lady slippers, located in proposed wetlands) in depending on these wetlands for food and shelter, which new public access will destroy.

We care deeply about the safety of our neighborhood and all traveling through, as well as the nature around us. Further development, especially creating additional public access, will invite a much larger human footprint, and be detrimental to both human and wildlife safety overall. Lake Shirley is a protectable wetland under state law and public access in the area proposed flies in the face of this.

As landowners and taxpayers of this area of Lunenburg, we demand our voices to be heard, and this reckless idea to be discarded. There is simply too much at stake for the proposed public access in said area to move forward. Let's keep this area safe for its many residents and those passing through- human and otherwise.

Resident	Address	Phone	Signature
Renee Raboin	46 Fire Rd 12 ^{Lunenburg 01462}	781-321-9343	<i>Renee Raboin</i>
Stanley Helstowski	29 Fire Road 10	978-407-6791	<i>Stanley Helstowski</i>
Constance Helstowski	29 Fire Rd 10	413-888-7578	<i>Constance Helstowski</i>
Alice Wu	44 Fire Rd 12	978-582-1232	<i>Alice Wu</i>
Scott Benjamin	46 Fire Rd 12	774-242-3173	<i>Scott Benjamin</i>
David Dsoff	46 Fire Road 12	508-341-5120	<i>David Dsoff</i>
Gary Williams	99 Ruth St	978-265-6540	<i>Gary Williams</i>
Eric Knapp	39 Round Rd.	978-877-3740	<i>Eric Knapp</i>
Ronald Roussier	715 Reservoir Rd	978-227-6745	<i>Ronald Roussier</i>
Bonnie Trioro	57 Round Rd. Lunenburg		<i>Bonnie Trioro</i>
Douglas Levesque	57 Round Rd Lunenburg		<i>Douglas Levesque</i>
Bill Levesque	31 Round Rd Lunenburg		<i>Bill Levesque</i>
Wanda Heger	31 Parmenter Rd Lunenburg		<i>Wanda Heger</i>
Claire Carroll	64 Fire Rd 12 Lunenburg		<i>Claire Carroll</i>

NO INCREASED PUBLIC ACCESS TO LAKE SHIRLEY

Resident	Address	Phone	Signature
Yes	80 Fire Rd 12	978-868-21658	Gami Ber
yes	80 Fire Rd 12	978-868-7498	Chris Viduto
Yes	80 Fire Road 12	978-855-2873	Jane O'Far
YES	80 FIRE RD 12	978-828-4658	John Paul Bi
Yes	80 Fire Rd # 12	978-855-3210	Camie Proulx
	Kaylee Marnier		
Yes	19 Rand Road apt 2	508-858-9815	Kaylene
yes	Gloucester RD	978-503-2599	Shirley
	Richard 5 Akkew Ter	978-798-6664	Shirley
	47 Little Turnpike Rd.	978-485-9107	Shirley
yes	73 Round Rd.	978-592-1262	Chris
Yes	33 Johnson Street	978-273-8965	Will Sal
Yes	110 Fire 12 & 12	978-375-2503	Jim
Y/A	605 Reservoir Rd	978-870-4772	Carla

Petition against proposed public access on Reservoir Road

Renée
781-321-9313

[illegible]

Petition against proposed public access on Reservoir Road

From: bcritchie@sbcglobal.net,
To: jbtata@aol.com, britchie@shepardsteel.com,
Subject: Public Ramp and Parking-Opposition Statement
Date: Mon, Jun 14, 2021 8:45 pm

June 14th, 2021

To Whom It May Concern,

We, Brian and Cynthia Ritchie, strongly oppose the thought of adding a public ramp and parking lot (at Stump Cove) on Lake Shirley. We are residents on the lake, who take good care of our property and care deeply about the health and well being of the lake, as well as of its residents. Lake Shirley does not need any extra added boat traffic nor pollution. It already is very busy during the summer months as it is home to many year-round residents with watercrafts and to multiple guests who visit Shady Point. Lake Shirley is not large enough to have additional guests. The boat traffic would become dangerous for everyone on the water. Additionally, there is no place for guest boaters to dock and swim. The lake is not conducive to adding public guests. Adding such public access would change the dynamics of Lake Shirley in many detrimental ways. As taxpayers, residents and people vested in the well being of the lake we ask you to leave it private. That is what we and other residents signed up for and we continue to pay yearly dues to keep the lake in pristine shape. We are vested in its care.

Sincerely,

Brian and Cynthia Ritchie

137 Flynn Road

Lunenburg, MA

Sent from Mail for Windows 10