

10/2/2019 MEETING REGARDING NEW CANADA ROAD TURNAROUND

Dan Hudnut and Town Attorney Barton Mayer were present to discuss the easement document that had been drawn up granting the Town of Danbury and the Town of Wilmot permission to use land on New Canada Road as a turnaround to reverse direction. Attorney Mayer's interpretation is that the easement document requires the town to clean up the trash over the embankment in perpetuity. At the onset of these discussions in August 2018, the town had agreed to a one time clean up of the property, installing barriers that would inhibit the dumping of trash and installing signage stating no dumping or something of that nature.

Mr. Hudnut stated that from the landowners perspective and from the state perspective as the holders of the conservation easement on the land, they are happy to grant the right to use the easement area, but if it becomes an attractive nuisance area they have to still have the right to manage the area to stop the nuisance from occurring. The spirit of the document is to work together to make things work. It's a broad guideline for working together. The landowner concerns are getting the area cleaned up. They don't want to create an attractive opportunity for people to cause a nuisance that becomes solely the land owners responsibility to clean up. From a fairness perspective they shouldn't have to take that on.

Attorney Mayer sees this as a perpetual obligation for the towns to clean up the site. Mr. Hudnut sees it as a perpetual opportunity to work together to keep it clean and keep access open.

There is no survey of the property that shows the width of the road. There is a possibility that the trucks could turn around in the existing road right of way, assumed to be 50'.

Attorney Mayer stated that the town is clear and unequivocal and comfortable that the area has been used as a turnaround, regardless of how wide it was.

Jim asked Mr. Hudnut if the owners would be agreeable to a document could be drafted that has the language of the one time clean up, putting up stone walls and signage.

Per Mr. Hudnut, the landowner concerns are getting the area cleaned up.

Attorney Mayer asked if his clients are committed to the perpetual obligation. Mr. Hudnut's response was that because the turnaround exists, the issue continues to exist. The long term concern of the landowner is that they don't have a partner to work with through time.

Tim Martin has a concern that it will obligate the towns to monitor the whole road. Wilmot Selectmen agreed in principle to the original easement document, but are not comfortable with the revised document. Mr. Hudnut said that the document could be amended to specify the exact space of the monitoring. His intention is that since Jeremy and Tim are driving the truck around, if they see an issue to let him know. "When you're a timber owner you are not out there every week or every month. If you see something, let us know." Martin asked if they had tried to hire someone to clean it up. They were not able to find anyone who would tackle it. Hudnut is open to suggestion.

Jim suggested that the town is not willing to make an investment and lose it and that maybe we could move forward without an easement. Try it for a year. Have a discussion in a year.

Lyn would like to see modifications to the agreement before doing any clean up work.

Barton Mayer said that the dilemma is that we're moving into an impasse since one party demands perpetual and the other party wants just wants one time. That is a policy issue, not an issue that can be dealt with by making changes to the easement document.

Mr. Hudnut said that he would advise the landowners that it would not be a good deal for them to offer a perpetual easement for the one time clean up. He would consider a 10 year option.

He advised Road Agent Martin that he is available to attend a Wilmot Selectboard meeting.