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Present was Robert J. Garrity, James M. Tomaszewski, James C. Lehan, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant.

The meeting was held in Room 124 of the Town Hall.

Rob Garrity opened the meeting at 7 p.m. He announced that the meeting was video and audio taped. Jack Hathaway read the agenda contents.

ACTION ITEMS

Jim Lehan moved to approve the request of Norfolk Grange #135 to conduct their second annual Clean and Green Campaign event for April 30, 2011 at the old town hall, and to provide a dumpster. No police detail needed. Jim Tomaszewski seconded, and it was **so voted**.

Jim Lehan moved to approve the contract to Aggregate Industries for In-Place Bituminous Concrete under SERSG DPW Services commencing 1/1/11. Jim Tomaszewski seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

The Board discussed the recent storm and roof collapses. They urged residents to shovel out hydrants. Jack said that the inspections of the roofs at H. Olive Day and Freeman Centennial Schools were fine. Jack reported that Norfolk had two garages collapse in Norfolk.

Jack told the Board that over \$310,000 total has been spent on snow and ice to date. This was before the last big storm. Bob McGhee told Jack that you can plan \$4-\$5000 per inch. They spent time clearing and widening roads. They have backed off on that now that there are no storms predicted.

Jack spoke with Rep. Dan Winslow and reported discussions about prisons with respect to prison mitigation and budgets. Dan discussed the prospect of a federal prison in town.

PADDOCKS AND CORRALS, LLC

Howard Bailey, and Walter Mahla of Paddocks & Corrals, LLC were present.

Howard Bailey explained on a plan that there is no access to the 40 acre piece beyond the wetlands. In designing their subdivision, they designed an access to the property. They asked the Board if they would like a parcel of land that runs along the 40 acre piece. It is all open meadow and heavily wooded.

Howard said they have worked with Conservation and Planning Board to accomplish what the Board asked be done. They will build the trails and maintain the trails, and now they want to use them. He understands that people have concerns about the trails and what they can do. Howard said he is concerned about who is going to police it and maintain it.

Walt Mahla told the Board that in a letter, he agreed to build and pay for the trails. Once there is approved specifications and approvals, they will still agree to construct them. His attorney sent a letter saying that there is no liability on the part of the town if horses were on the trails. He said don't release lots until the trails are built. He said the town has oversight. He is ready to give the

town the land tonight. Walt said he will be okay with posting a bond.

There is a Conservation Restriction on Lot 72 and possibly on the land they give us. Conservation said they need to talk to the Board of Selectmen.

Jim Lehan said you have a commercial enterprise. Town land should not be used to the benefit of the commercial business. This is land taken off the tax rolls. Jim said there is a huge difference between a Norfolk resident coming here with a trailer and bringing their horse. You have a commercial enterprise with 36 horses there daily.

The Board asked about keeping the trails kept up. How is it enforced? Walt said there will be a homeowners association and the funding there will take care of the trails.

Jim Lehan said the Board does have a way of restricting horses riding on the trails. He said that he is not in favor of taking this off the tax rate. Jim said that this land would be for the benefit of his business. Howard said tell us what you want. Howard said that he will put the trails in there. Jim said walking trails. Howard said that we have been trying to do this for 3 years.

Jim Lehan said that the only issue is the Conservation Restriction. Howard said there will not be a Conservation Restriction on the land they give to us. Walt said there is a Declaration of Restriction on that parcel now, and horse trails are allowed.

Rob asked what the Conservation Restriction specifies. Walt said the Conservation Restriction hasn't been written yet. Rob is troubled by the ownership. He doesn't want to own your backyard with trails on it. Not something the Town of Norfolk should own. Walt said if you own the land and there are walking trails on it, do you feel the same way. Rob said no.

Andrea Langhauser, Planning Board said her daughter used to ride there and they skied there, too. When they wrote the special permit for open space, they had ways to address this. A residential subdivision could never have been built around a commercial lot. It is very much an agricultural use and still be within that definition. Special Permit and Definitive Subdivision. 49 new homes, plus 4 that are affordable housing. We will receive 3 acres of open space. It will be in a Conservation Restriction with agricultural use. The land cannot be privately owned under the Planning Board specifications.

Andrea says it is not off the tax rolls.

Jim Lehan asked if they do everything we talked about, but don't have horses, what is the issue. If they are willing to have us still use the drive and the parking, but they have to maintain the trails as part of the decision. Agricultural use – helping us, helping them – that's how they saw it.

Rob said he noticed some of the trails are very close to the property owners. Have you addressed all their concerns. Walt said probably not, because they are here tonight. They have tried to address their concerns.

Patricia St.Aubin, Shady Way. Patricia stated she is an abutter. She said they have not sat down together to address their concerns. They have voiced their concerns, but have felt no one was listening. Ralph Greggs, also Shady Way said when we began the process years ago, the Planning Board allowed a situation where in Christina Estates, you could pass a cup of coffee to a homeowner

from the trails. They do not want that to happen here. Andrea said the Planning Board tried not to do that this time.

Joyce Terrio, Chairman of the Conservation Commission said they have had Mr. Bailey and Mr. Mahla in a number of times regarding this property. At one point last year, Mr. Bailey ceased to look for input from Conservation and pulled a Notice of Intent from us. There has been new and additional discussions recently about the land they want to give us. Their interest tonight is to see how the Selectmen feel about this and input from the Board on the open space and what will be happening with it and will there be a Conservation Restriction on it, and Lot 72 and the equine industry and the Conservation Restriction on that. They have not taken a formal vote until they hear from the Selectmen.

Howard said they were required to be on file and they will provide us with that letter.

Rob said he had no issue with the Lot 72 piece. Open space should be restricted to walking trails. Rob wants to be sure the abutters are satisfied. He would like to hold this for a few weeks.

Andrea said she and Dan Crafton (Conservation) and Jim Lehan, who Andrea said couldn't make it, walked the trail. Jim Lehan, for the record, stated he was never was invited and wasn't aware they were walking the trail. Andrea said that is the only new trail. Andrea said it's about 30'. Howard said 50'.

Rob said they would like to do a site visit.

Natural Heritage has authority of the one house under the condition they are the approving authority of where it goes. It has been out of 61A since 2001.

The Board said no horse trails. They would like a site visit to see the location of the walking trails. They did mention concern of the snow and could they see them.

Walt said if there was a bond account for the construction of the walking trails, would the Board agree to accept the land now. Jim Lehan said his concerns are addressed and he is comfortable. If Conservation agrees to be the land holder, are you okay with this.

Rob told him to work with Planning Board to establish a bond. Nothing will happen until the snow melts. Then they will view it. Rob said his concern is that the abutters are happy.

Andrea said maintenance of trails is done by the Open Space Committee. But since the equestrian facility is still there, they will have a management plan to take care of this.

ECONOMIC DEVELOPMENT COMMITTEE

Bob Nicodemus, Greg Mirliss, Mark Nelson and Walter Byron, present.

Jim Lehan said he has conceptually been in favor of this, but he looked at the financials of this to see if it's viable, and the downside; what the exposure is. He reviewed the map that identifies the parcels. \$32-34,000 of additional revenue. (commercial).

Jim L. doesn't know how this can be viable, recognizing the risk and the financials.

Jim L. said that if a developer came forward and wanted to go through the 40B process, you can't stop them.

The Board reviewed the list of next steps.

John Weddleton said he would like to see a change to get rid of our dead-end town center. We need a national chain who doesn't care about the square footage, and make it work.

TOWN ADMINISTRATOR REPORT (Continued)

Jack said CPC is coming forward with testing for the Gump's property.

Rob said he would like a working meeting for public safety. Jack will work a schedule.

Rob announced the upcoming special town meeting and urged residents to attend.

Jim T. questioned limited staff for the Fire Department. How is that working? Jack said this needs to be talked at the work session.

The Board would like to host a meeting with the other Selectmen to have a KP budget discussion.

At 9:07 p.m. Rob Garrity moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 7, 2011.

James C. Lehan, Clerk