

**Town of Egremont
Community Health Inclusion Index (CHII) Committee
For Access to Prospect Lake
Minutes of Meeting of February 8, 2022**

Meeting on Zoom, see recording here:

CHI Grant Committee February 8, 2022 Passcode: 8#700jZ?

Meeting called to order at 2:05 p.m.

Committee Members Present: Peg McDonough (Regional Planner, CHII Chair), Joyce Frater, (Friends of Prospect Lake), David Seligman, (ConComm Chair), Bruce Bernstein (Council On Aging Chair), Donna Bersch Gordon, (Council on Aging member)
Guests Present via Zoom: Sandra Martin, Resident, Ingrid E. Battaglia, Resident, Nick Arienti, Esq., Hillman, Shearn & Arienti, LLP, on behalf of Battaglia

The Committee thanked John and Ingrid Battaglia for their 2/4/22 memorandum reviewing the site history at 55 Prospect Lake Road. Attorney Arienti spoke to the high points of the memo including recognition of the 50th anniversary of the acquisition of the properties (55 and 66 Prospect Lake Road), and how the nature, use, volume and traffic, specifically in the area called “the gap,” has increased over the years.

In response to the site history regarding the bulletin board on the road by the “gap” area, J. Frater reviewed the history of how the Friends of Prospect Lake purchased the bulletin board in an attempt to consolidate multiple town signage along the road into one sign. The Highway Department installed the bulletin board in the Town road right-of-way.

J. Frater spoke to the continued role Friends of Prospect Lake has had since 2006 in the treatment and eradication of algae/weeds and other unwanted bacteria in the lake funded in large part by the generous donations of lake users. Treatment is done in conjunction with a water company which is licensed by the Commonwealth to treat these issues. Without on-going treatment, the Great Pond, (aka Prospect Lake) would become a great swamp in a relatively short amount of time.

P. McDonough reported on her conversation with DCR Chief Engineer Douglas Cameron. Engineer Cameron will gladly facilitate a site visit with the Committee and speak with the Battaglia’s regarding their concerns. While acknowledging site limitations, he expressed an interest in restoring and reopening the property. The Committee agreed that a site visit will be helpful. P. McDonough. will schedule the visit for late March. Attorney Arienti requested the Battaglia’s have the opportunity to be present.

J. Frater shared information regarding the state’s five foot right of way rule for public access around a public body of water and the licensure (see MGL’s Chapter 91 and 310 CMR 09) including “public access” signage the state required her to put in when she

installed her private dock into the lake. The five foot right of way around a Great Pond is different than the municipal road right of way.

Mrs. Battaglia and J. Frater confirmed that there have been multiple times the “canal” area has been dredged to no avail, as the silt returns. D. Seligman stated that the Conservation Committee would likely not allow continued dredging as it is habitat disturbing. He suggested that the state would have to construct access out to the lake on privately owned land.

D. Seligman requested a prior email he sent to the Committee be entered into the record:

“My personal opinion only, which I will share openly at our next meeting, but want to give you a heads up on what I am thinking. With regard to the State access area, while there may be some interest from the State in revisiting this canoe/kayak launch site, it will never provide swimming access for elderly or disabled folks. Even if there were a way to run an extended ramp/dock system out to the mouth of the lake, it would be prohibitively expensive and ultimately impractical, and likely to face opposition from neighboring property owners. Probably only serviceable as a parking area and wildlife viewing spot.

After discussing the road and road issues with Jim Noe [Egr.Highway Dept.], I am convinced that lake access via the "gap" is never going to be a practical solution to the problem, as the Town does not own any lakefront or right of way to the lake This is private property that has served as a swimming and kayaking access for many years with the forbearance of the owners. The Town itself has no rights at that location.

As we are prohibited by the Select Board from exploring other options, it is not clear to me just what we might usefully do with the \$10k grant that led to the formation of this committee. However, I believe that it is important for us to continue with our assessment irrespective of what conclusions we draw since, as I understand it, completion of the assessment allows the Town to qualify for CHII certification and thus provides eligibility for other future grant opportunities. Those are my thoughts at this early juncture. I know this is a disappointingly pessimistic view. I would be happy to hear other opinions and/or alternatives as we move forward with our discussions.”

Discussion pivoted to address safety concerns at the current lake access point (known as “the Gap”) which users have historically, and currently use. While the Committee acknowledges some of these issues are outside the scope of the Committee’s charge, traffic/parking and pedestrian safety on Prospect Lake Road are linked to lake access issues.

D. Seligman reported that Jim Noe of the Highway Department stated traffic calming techniques, namely signage, have not been effective and the Town has no authority to install speed bumps. Contrary opinions and experiences regarding seasonal options were offered. B. Bernstein suggested the Committee bring in a traffic safety/calming expert to explore various options. Sandra Martin believes with the help of the Town, the road issues can be addressed separately from the access issue.

P. McDonough provided a history from Egremont PD on calls and response along Prospect Lake Road since 2006 that shows many traffic stops with warnings given to speeders. Peg will follow up with Police dept.

P McDonough talked about a potential MA DOT grant addressing traffic calming called "Shared Streets and Spaces" due 3/1/22, that might help address the speeding, lack of signage and haphazard parking near the Lake. Suggestions were made to reduce on-street parking along Prospect Lake Road, which led to a discussion of developing an off-site parking area(s), that is outside project scope. Mrs. Battaglia was concerned that with designated parking, lake usage would increase.

On behalf of the Battaglia's, Attorney Arienti spoke to their desire to continue to be good residents and good neighbors. Due to the increased number of users, as well as the safety hazards presented, the Battaglia's are very concerned with the continuation of permissive use and the perception that the Town is permitting it. They would like to be party to any conversation going forward and be a part of the solution. Attorney Arienti informed the Committee that Town Counsel, Jeremiah Pollard was notified of the Battaglias/Atty Arienti's concerns regarding lake access on their property.

The Committee returned to the question of how best to optimize the grant. P. McDonough will meet with the Funder, MA DPH in the coming weeks to modify project scope. D. Seligman suggested an engineering study on the DCR site. The Committee was in agreement, but more information is needed from Town Counsel and funder. The Shared Streets & Spaces grant will not be pursued.

Next Meeting: To be scheduled in conjunction with DCR visit, tentatively March 22, 2022, 2p.m.

Meeting Adjourned at 3:12 p.m.

Respectfully submitted: Donna Bersch Gordon