

**Town of Egremont
Community Health Inclusion Index (CHII) Committee
For Access to Prospect Lake
Minutes of Meeting #3
March 22, 2022**

Meeting convened at 2:00 p.m. at now-closed MA Fish & Game car-top access site on Prospect Lake Rd.

Committee Members Present: Peg McDonough,(Chairperson) 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: Douglas Cameron, Chief Engineer, MA Dept. Fish & Game Cathy Carchedi, AdLib Center for Independent Living; Lucinda Vermeulen, Egremont Select Board; Jim Noe, Egremont Hwy Dept.

The Committee members and guests introduced themselves to one another and all walked down to water's edge at closed MA F&G access, along vestiges of a footpath. Committee members and guests reviewed site features and challenges, including the site size (too small), distance of property from open water (too far/private property), repeated siltation of the privately owned "canal", wetlands regulations and permitting challenges and the need to make the site fully ADA accessible – all of which would impede reopening of the site and make the project very costly and upkeep difficult.

Mr. Cameron said that even if an acceptable solution for access could be achieved, it would not include all the uses that the Committee (and Egremont) desire because MA F&G installations *only have to accommodate fishing and small craft boating*, NOT swimming, sunbathing, birding, etc., that people now enjoy at the Lake. The Committee will take that fact under advisement when deciding whether or not MA F&G will be asked to help create a new access solution, at another location.

Committee members and guests walked up the road to "the gap" area, pausing to point out where the public was cutting thru the shrubs to get into the Lake at several different spots, and discussed how cars park all along the lakeside, creating an unsafe condition for Lake users and drivers. (Parking is not permitted on the south side of Prospect Lake Rd.) Committee discussed speeding vehicles and upcoming Rte.23 construction likely making traffic volume worse along Prospect Lake Road, this summer.

P. McDonough mentioned briefly that she met with Egremont PD Chief Jason LaForest on 3/15, to discuss the report he provided, listing all traffic-related incidents on Prospect Lake Road since 2006. Chief LaForest agreed to work with the Committee to address speeding, heavy traffic and parking issues this summer. Details of the EPD meeting will be on the agenda for the early April Lake Access Committee meeting. See Town website for details.

Suggestion was made by Committee members to approach property owners along Prospect Lake Road to see if a small area could be acquired by the Town for off-street parking, proximate to the Lake. David Seligman can provide a list of property Owners from Assessor database. Mr. Cameron noted that ideally, a parking area should be as close to the water as possible, to allow easy transfer of a kayak or boat to the water, without impeding car traffic.

Committee members, Doug Cameron and Jim Noe discussed the Town road right of way and the Great Pond five foot right of way (relative to mean high/low water marks) that allows the public to access all Massachusetts Great Ponds. Committee members posited a question on whether the two might meet/overlap at the gap? The underlying property at the Gap is owned by the Battaglia family, although regularly and openly traversed by the public for decades.

Discussion continued to the subject of a prescriptive easement that in the opinion of Town Counsel, likely exists at the gap, since it is well documented by both the Battaglia's history (provided at the last Committee meeting) and by Committee members, that the gap site has been publicly used openly and without formal opposition from the owners, for decades. However, more legal research is needed as to what that easement will allow the Town to do (if anything) to enhance access to the Lake at the Gap.

Discussion turned to improving the gap area, as an alternative to the old MA Fish & Game site. Mr. Cameron said that Ch91 approval would be difficult, as the State would need a wide swath of property (that the State would have to acquire one way or another) to build an ADA accessible ramp, running parallel to the road (to allow turning radius for a wheelchair) for a gentler slope down to water level. He again stated that the State only has to accommodate fishing and kayaks/small boats, so conflicts with swimmers, sunbathers, etc. might present another obstacle.

Committee decided that a Survey by a licensed Civil Engineer of both the town road and Lakeshore area would help clarify ownership and R.O.W. boundaries and would be a good use of grant funds. P.McDonough to reach out to local Surveyors, to check availability.

If the Town wants to pursue the above option with the help of MA Fish & Game, 10 citizens of Egremont would have to petition the Commonwealth to start the process. However, the restriction on swimming may require that the Town proceed without state assistance.

Committee to update Select Board on progress, after retaining Surveyor, at a date t/b/d.

Next Meeting: To be scheduled in early April, after two Committee members return to Town. Meeting Adjourned at 3:00 p.m.

Respectfully submitted: Peg McDonough