



Littleton Conservation Trust

P.O. Box 594
Littleton, MA 01460

March 8, 2010

Littleton Board of Selectmen
Keith Bergman, Town Administrator
Littleton Administration Building
37 Shattuck Street
Littleton, MA 01460

Dear Select Board and Town Administrator:

The Trustees of the Littleton Conservation Trust at a recent Trustees meeting discussed the current situation where the land owner at 2 Aspen Road is suing the town to adversely acquire adjacent town lands which in fact would block lakeshore access to the Prouty Woods Community Forest. The LCT Trustees believe any concession to the litigating abutter is inappropriate and strongly feels that the Select Board should fully protect the town's ownership of this valuable asset.

I would like to remind the Select Board that as the recipient of a \$250,000 conservation grant from the state that they agreed with the state not to block public access to the Prouty Woods Community Forest Land, or knowingly allow a third party to block public access to that land. The owner of 2 Aspen Road is a third party actively blocking town owned lakeshore access to the Prouty Woods Community Forest.

I also would like to remind the Select Board that the Prouty Family (and the direct Prouty property owners of record) made a considerable financial contribution, far exceeding the state's conservation grant, to realize the vision that their land be made public.

As the presiding officer of the LCT, I directly negotiated and strategized with Don Prouty on the protection of the Prouty land, including declining a huge outright land gift to LCT in favor of protecting the whole parcel with a Conservation Restriction with a public access provision attached. This vision was shared by all Prouty Land owners. Upon Don's sudden and unexpected demise, his survivors, the imminent conservation land buyer, New England Forestry Foundation, and the LCT worked hard to make the new realities of protecting the land in a challenging situation work for the community's benefit and succeeded.

Before Don's demise, the abutting owner's spouse (both residing at 2 Aspen Road) had attempted to acquire some of the Prouty Land in order to block public lakeshore access but **failed** to follow through. That party recognized that they could not legally block

access on the town owned land running between their house lot and Long Lake. After Don's untimely death, the Prouty Woods Community Forest was implemented with the aforementioned Conservation Restriction and town-state prohibition on not blocking access to the Prouty Woods Community Forest. It would appear that the owner of 2 Aspen Road, as a Plan B, is now trying to accomplish their personal goals by taking away the community's town-owned lakeshore access.

It is in the community's best interests not to provide any concessions to the abutting land owner but to protect the town's ownership and use of this lakeside access. If the Select Board desired to show some forbearance for the 2 Aspen Road owner, I would suggest that it consider licensing that party for maintaining their current in-ground septic system with minimal border for not more than 10 years, with the understanding that that party should vacate the land after that period and that they can not prevent public access across the land's surface at any time.

Additionally, I am requesting a copy of the full survey map showing the land associated with 2 Aspen Road and the adjacent disputed land (the adjacent paper road where the owner has illegally placed a septic system and the lakeside town land which the 2 Aspen Road land owner is attempting to acquire through adverse possession, although Mass General Law explicitly prohibits adverse possession on municipal lands). Only a small portion of this survey map currently resides in the Board of Health's files.

Please contact me if you have any questions or request clarification. Thank you for the opportunity to comment.

Sincerely yours,



Donald MacIver, President
978-952-2706

cc: New England Forestry Foundation (direct abutter and owner of Prouty Woods Community Forest)
Littleton Conservation Commission (owner of Prouty Woods Conservation Restriction)

The Littleton Conservation Trust, distinct from the Town's Conservation Commission is a private land trust formed in 1962 to promote Littleton's rural character; to preserve its water, plant, and wildlife resources and its unique views; and to provide environmental education. The LCT is caretaker of conservation property (all gifted from far-sighted residents) on which we manage a system of trails for public use. LCT is a public interest, not-for-profit, private charitable trust, 501(c)(3).