



## "HOW'S YOUR ROAD?"

By *Brigitte Ruthman*

It's a question that precedes just about every conversation I have with visitors from Thanksgiving until Easter. "That" road is Dodd, which is at the top of the hit list of the town's most problematic dirt byways, an unresolved issue that is exploding into a fiscal and potentially legal nightmare.

Much like Fox, Hammertown, South and North Beech Plain, Sage, Roberts and several other miles of dirt roads in Sandisfield identified as in need of repair, Dodd continues to mud up, wash out, and be at times impassable even though quaintly dusty by June.

Scenic reminders of New England's horse- and oxen-drawn beginnings, dirt roads have been altered by climate change and heavy use, a far cry from a time when they could be abandoned to mud and a school vacation. In many cases, access has not kept pace with the demand for rural living space.

The main roads have been paved over, but Sandisfield still has 81 miles of dirt roads, 58 percent of its total. Caring for those 81 miles sucks up about 40 percent of the Town's budget.

It's therefore astonishing that no action plan was developed following a 2020 Rural Dirt Road Assessment and recommendation study conducted for the towns of Sandisfield, Sheffield, and New Marlborough. It warned of the impending costs that will only worsen and present significant expenses to these and other towns like them as climate changes further erode poorly designed road foundations.

This year's town budget is on track to increase by about five percent with a \$78,000 increase in highway expenses alone. The tax burden is on residents who already pay more than 86 percent of towns in the Commonwealth based on per capita income.

Back in 1996 when I first drove up Dodd Road one beautiful afternoon in June, there wasn't much traffic or freeze/thaw cycles that would by 2016 turn it at times into a muddy mire. It

could be so impassable to emergency vehicles and 4-wheel drive pickups that on one occasion an excavator had to be employed by a neighbor to rescue his mud-trapped wife.

It's a case in point about runaway costs that threatens to bankrupt the Town without proper planning and without a proper legal foundation.

In January of 2020 at one of many Select Board meeting I attended to plead for remedy, Selectman Brian O'Rourke admonished complainers by quoting from published reports about similar problems throughout the county. And anyway, he noted, the town can't afford expensive fixes.



"Sandisfield is not unique during mud season," he said. "We are doing as much as all the other towns. It's a money problem."

At that meeting O'Rourke, a builder, learned of 160 acres for sale along an unmaintained single-lane, uninhabited, and nearly impassable section of Dodd Road. Within days, he had bought the land for about \$1,000 an acre – a fire sale because of its inaccessibility.

The tables then turned and O'Rourke demanded road improvements and got them – about \$20,000 in November 2023 to upgrade and widen a 1,400-foot seasonal section beyond the last driveway on Dodd to accommodate his intention to build homes for himself and immediate family. The work was outsourced to a road contractor who answered a bid that didn't mention the road by name. The improvements and widening failed for the same reasons the rest of the road already had – poor drainage and an improper base, and this time added a wetlands violation component that resulted in a cease-and-desist order to

the Select Board from the Town's Conservation Commission. It was the same section that had been improved and a culvert repaired a year earlier by town employees using town equipment and materials for an unknown cost.

This time, just last December, the Town closed this section of the road, illegally blocking access to three landowners including access to my own firewood lot. Thus the Town spent tens of thousands of dollars only to turn a passable road into an impassable one.

No surveys were conducted prior to the botched work, which is a prescribed requirement in most towns which research a road survey "layout" for proper boundaries in order to gain voter approval.

It became convenient at the recent January 29 Select Board working session to heap blame on outgoing highway chief Brad Curry even though the town manager had discussed the work with O'Rourke on site.

At that same meeting, the board then assumed the responsibility to launch a third attempt and spend another \$50,000-\$60,000 to make proper repairs to the same 1,400 feet. Forward motion was halted when selectmen said they were unaware of the cease-and-desist order from the Conservation Commission caused by road work failures and erosion of nonvirgin material into a wetlands area. The Select Board acknowledged a communication breakdown. It's unclear how much restoration, survey, and engineering studies might eventually cost the Town.



I can't help but wonder how far \$100,000 spent wisely might have gone to improve the rest of the mile-long road or others like it at risk of a repeat of the Dodd Road muddy money pit disaster. It's a cautionary tale. ♡

### Out on a Limb: Op-Ed:

*Subjects should be of interest to most of us and have a strong link to Sandisfield, written by and for Town residents. Address either PO Box 584, Sandisfield, or email. Opinions in Out on a Limb articles are those of the authors and do not represent The Sandisfield Times.*

# The Dodd Road Extension Quagmire

By Bill Price

The plan to extend Dodd Road beyond Joshua's Farm has slipped into a quagmire of its own.

The usable portion of the mile-long dirt road begins at its intersection with New Hartford Road, passes Looking Glass Gardens, effectively ending at #45, the entrance to Joshua's Farm. This driveable section of road, delightful in good weather, can turn into a quagmire of mud when the top few inches thaw above the frozen road in winter, occasionally trapping even 4-wheel-drive vehicles and cars and pickups, causing a few residents to abandon their vehicles and slog home on foot. Several generations of Select Boards and DPW superintendents have tried and failed to make the maintained portion of the road secure in all seasons.

The current Select Board is making its own stab at it, but lacks the money to redo the road entirely. The board is considering drainage changes and other improvements, possibly leading to ultimately black-topping the road.

Meanwhile, last November the board slipped into its own Dodd Road quagmire. According to November 13 minutes, the board was asked to extend the road beyond the maintained portion. Brian O'Rourke, a local builder and former selectman, asked the board to find a way to permanently repair the unimproved portion

of Dodd that extends about 1,400 feet beyond #45 before running into the Sandisfield State Forest. O'Rourke needed to be able to reach forest property he bought in 2020 where he planned to log a portion and build one or more homes.

The board and the Department of Public Works began the process of accommodating the plan, without taking the steps of acquiring permits or notifying abutting neighbors which would be required of a Town resident. The DPW often proceeded with roadwork under the rubric of a blanket approval agreement, which granted it pretty much carte blanche when repairing or improving the Town's dirt roads.

As work progressed, the outsourced construction crew, with little or no oversight, failed to create a proper base under the new roadway and as well as failing to ensure drainage. During subsequent heavy rain, the new roadway became a river of mud leading into the wetland.

In December the Conservation Commission issued a Cease & Desist order to the Town. The work had already ground to a halt, after a cost

so far of about \$20,000. Because of heavy rain and the under-constructed roadway, the newly extended portion of Dodd became even more impassable than it had been before the work started.

The Town put up "Road Closed" signs just beyond #45, blocking access to three private lots beyond it.

According to neighbors along Dodd Road, this was the second attempt to improve and widen this part of the road. The first attempt, a year earlier, also failed, although a new culvert was installed through the wetlands. At a January working session, the Town Manager reported that heavy-equipment operators had estimated the cost to repair the 1,400 feet extension beyond #45 would be \$50,000-\$60,000, probably not including the road drainage.

Some of the steps taken by the Select Board to extend the road can be reviewed online at sandisfieldma.com at the board's meeting minutes for November 13, 2023, January 22, 2024, the January 29 working session, and the January 29 meeting.

At its February 12 and 20 meetings, the Select Board discussed how to respond to the Cease & Desist order and how to fulfill the requirements demanded by the Conservation Commission, one of which was to produce a Notice of Intent for the work and another to restore the area to its original condition. The Town may also be required to conduct a survey and to further prove that the extension is a public byway, although it has been found as such on existing state maps.



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