TOWN OF CONCORD
SELECT BOARD
AGENDA
APRIL 16, 2020
4:00PM
CONFERENCE CALL

1.	Call to Order
2.	Town Manager Update
3.	Letter of Support for the nomination of the Battle Road Scenic Byway to the U.S. Department of Transportation's Federal Highway Administration National Scenic Byways Program for "All-America Road" designation
4.	Cancellation of the Holocaust Memorial Observance planned for May 5, 2020
5.	Approve Concord School's letter of interest to the MSBA
6.	Committee Nominations: Remon Karian of 24 Walden Street to the Economic Vitality Committee for a term to expire April 30, 2023
7.	Miscellaneous Correspondence
8.	Executive Session to discuss ongoing litigation regarding Estabrook Road. Doing so in Open Session would have a detrimental effect on the Town's litigation strategy
9.	Adjourn

From: Kathryn A. Angell <kangell@windhamgroup.org>
Sent: Wednesday, April 8, 2020 12:21 AM
To: Michael Lawson <mlawson@concordma.gov>; Jane Hotchkiss <jhotchkiss@concordma.gov>; Linda Escobedo <lescobedo@concordma.gov>; Susan Bates <sbates@concordma.gov>; Terri Ackerman <tackerman@concordma.gov>; Stephen Crane <scrane@concordma.gov>
Cc: Joseph O'Connor <joconnor@concordma.gov>; Andrew Mara <amara@concordma.gov>
Subject: Estabrook Woods Public Access from Estabrook Road

Hello Select Board members and Town Manager Crane,

First, I hope you and your families are all healthy and well. Thank you for carrying on your work to keep the Town running for all of us Concord residents in these challenging times. We all greatly appreciate it.

I am writing to express my deep concern — and shock, actually — that the entrance to Estabrook Woods from Estabrook Road has been physically closed by the abutters, which I understand was done yesterday. I left voice messages on the Select Board and Town Manager phone lines when I learned of this today, but thought I would put my concerns in writing for the record.

writing for the record.

Particularly at this difficult time during the pandemic, when people are understandably and appropriately seeking solace and respite in nature and have generally been enjoying walking as their primary form of exercise, it is almost unbelievable that the abutters would proceed to unilaterally close off this long-time access point to Estabrook Woods, one of our treasured places in Concord to walk. And for them take this action when the issue of public access there is also still in the midst of being addressed by the Land Court is even more surprising… and upsetting. And if the abutters were willing to do this now, with both those situations in place, the Town must do everything it can to not only re-open the public access trail now, but also to achieve a legal resolution ensuring permanent public access, so that this can never happen again as the action of whoever happens to abut this historic access to Estabrook Woods.

As I said in my voicemails, I urge you to work with all deliberate speed — and any appropriate legal or other actions — to get this access open again as soon as possible.

Further, I very strongly support the Town continuing to pursue the lawsuit and any other relevant legal actions to legally affirm the right of permanent public access to Estabrook Woods through that location. This current new action by the abutters must surely definitively demonstrate and confirm to the Town the importance of continuing to pursue a legal resolution to this issue on behalf of the Town and all its residents. I continue to support the Town in its lawsuit over access so that it can "resolve legal uncertainties regarding the dirt road trail at the end of the paved public road in order to secure permanent public access at this location," which was the first and highest priority recommendation of the Estabrook Woods Access Study Committee (of which I was a member).

This action by the abutters — unilaterally and suddenly closing off access to Estabrook Woods from Estabrook Road — was exactly what the Estabrook Woods Access Study Committee was concerned about when we made it our highest priority recommendation to resolve legal uncertainties in order to establish permanent public access at this location. It is hard to believe that the abutters have actually taken this step, suddenly depriving the entire Town of access. I had always hoped that the abutters actually shutting down the access would remain only a hypothetical possibility, so I am both greatly disappointed and angry that this has now become a reality.

I was told today that the abutters have been having more problems from Estabrook visitors recently. In my opinion, as a result of that they should be more willing to work with the Town to provide public access on the main trail and then cooperatively -- not antagonistically — work with the Town to deal with the other problems that may affect them resulting from the public access. I do not believe that their difficulties justify them arrogantly and unilaterally physically closing the trail — which the Town has already asserted in its lawsuit that the abutters have no legal right to do as the Town says it is a public access — while the issue is still in court… and especially not closing it now with all that everyone is coping with in their lives.

Furthermore, the abutters were already showing little apparent interest in understanding or

in showing empathy for the fact that more people want to be walking in the Woods now and working with that reality by giving people a little slack; instead, they appear to be calling the Concord Police to come and give tickets to parkers. When my husband and I were there to walk last Sunday afternoon (before the abutters acted to physically block access to the trail), there were three cars parked on the right-hand side of the road, all parked well to the side, so that traffic could easily go by… and all three had parking tickets. Just what one would want to discover after coming back to one's car from a (hoped-for) restorative walk in the woods! This certainly cannot be helping to defuse the situation there. (I can send you a photo showing wide access on the street for other vehicles, if you wish.)

As you can tell, I am very upset that this action by the abutters to physically close the Estabrook Woods trail access has come to pass, despite their having no legal right to do so according to the Town's legal position. One of my friends put it even more strongly and succinctly upon learning of this action: "This is a sudden, unilateral, unjustified, mean and malicious action by the abutters that cannot be allowed to stand. The Town must respond with firm action."

To me, the fact that this physical closure was done *now* — when we *all* are living in unprecedented and uncertain times and should be all the more generous and supportive of each other — makes this action by the abutters all the more egregious, and frankly, unconscionable. I fully support the Town and all of its departments in their efforts and actions to re-open the Estabrook Road public access trail into Estabrook Woods immediately and to continue any and all legal avenues to ensure secure permanent public access to Estabrook Woods at this location. The Town must ensure that we do not lose this historic public access to a natural treasure that we are fortunate to have in Concord and wish to continue to value and use into perpetuity, as it had been throughout Concord's storied and rich past. We know it has been a long and difficult process to affirm the Town's rights, and I commend you for your perseverance and commitment to ensure permanent public access on behalf of all of us in Concord.

My husband and I hope that a productive short-term resolution can be reached now to re-open the trail and that the long-term legal resolution for public access is not far behind.

Thank you for all that you are doing and have done on this issue. And thank you again for your continuing work throughout this difficult time.

Best wishes,
Kathryn Angell and Herman "Dutch" Leonard
267 Main Street
Concord

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Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 1:47 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Estabrook Woods access

From: Carol Aronson <craronson@comcast.net>
Date: Thursday, April 16, 2020 at 1:42 PM
To: Michael Lawson <mlawson@concordma.gov>, Concord Public Info <publicinfo@concordma.gov>
Subject: Estabrook Woods access

Dear Select Board,

I write to strongly encourage you to take action over the limit of access to Estabrook Woods along Estabrook Road.

This conversation began 5 years ago. The abutters complained about parking so the town limited parking. Next they put up their gate in the middle of the public road and installed a camera that streamed on-line in real-time who was entering the woods. In addition they have taken numerous actions over the years to restrict access and have intimidated people.

Now the abutters have totally blocked access. Doing nothing means they have won. Doing nothing ignores the will of the people who at the special town meeting in October 2018 voted "by declared majority vote" to continue the litigation.

Please provide access to people who desperately need the ability to get outside during this pandemic. Town meeting will provide another opportunity for citizens to express their desires.

Please continue to fight for our right to access. If the town fails to take action you will have enabled the abutters to use this pandemic tragedy to block access that Concordians have had for literally centuries.

Carol Aronson

7 Wright Farm

From: Christal Bjork <christal.bjork@comcast.net>
Date: Thursday, April 16, 2020 at 10:07 AM
To: Michael Lawson <mlawson@concordma.gov>
Subject: Esterbrook woods

I am a longtime resident of Concord and I find it horrible that people would prevent others from enjoying the woods. So sad for the people blocking our entry as they must be unhappy in general to act like this. I am also disappointed for our community.

I support the town taking steps for us to enjoy the woods trails.

Thank you for all your hard work,

Christal Bjork
978.500.0855
christal.bjork@comcast.net

Subject: Fw: Estabrook
Date: Wednesday, April 15, 2020 at 11:11:36 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Browne Pierce <piercebrowne@comcast.net>
Sent: Saturday, April 11, 2020 11:57 AM
To: Jane Hotchkiss
Subject: Estabrook

Dear Members of The Concord Select Board and Town Manager Crane:

Born in 1935, Concord has been my home ever since. Raymond and Amelia Emerson, then owners of a part of the Estabrook Woods were our abutting neighbors, dear friends and admired First Citizens of our town. Their generosity was deep, far-reaching and anonymous. When I was young, Mr. Emerson taught me about horseback riding, caring for animals and the wonders of the Estabrook Woods. He welcomed his friends, neighbors and fellow townspeople into his woods and on to his posted and gated trails. But there was an implicit understanding that one should first ask for permission. This was, after all, the basic threshold of courtesy practiced throughout the countryside for entry onto private property. It was a long time ago. Fortunately for Concord, the several successors in interest to this extraordinary demesne, have been true to traditional New England notions and concepts for the sharing of their lands with others. The current owners, of which there are several, deserve hearty commendation and thanks for their generosity (and patience) over many decades for allowing entry, maintaining and paying taxes on their properties for the benefit of so many others, both known and now, mostly unknown. Their reward, so unexpected and shocking, was a lawsuit brought against them unbelievably by the Town of Concord. Now in its fourth year and closing in on a million dollars in costs to the taxpayers, the lawsuit is still far from resolution. Now, with the advent of the Coronavirus and the overwhelming flood of visitors to the area, the owners have prudently decided to temporarily close entry to their property for their own and the public's safety, echoing policies already imposed by the Town on other public areas such as parks and playgrounds. Now comes Town Counsel, with an order of brazen effrontery to the land owners, to remove the barriers immediately and await permission from the Town as to when they may close, or re-open THEIR OWN PRIVATE PROPERTY. But wait. Isn't this what the lawsuit is all about ? Isn't the Town seeking a legal access on to private property by means of this lawsuit ? Since when is a plaintiff entitled to redress prior to its adjudication ? To me, this can only smack of egregious bullying and intimidation. It is an example of how far the tentacles of coarseness have found their way in to the highest reaches of Concord's town governance. I ask you, the Select Board, to stand tall, take stock, and ask yourselves, " Is this what Concord stands for ? Is this how we wish to be remembered when we represented the historic, noble Town of Concord ? Clients hire lawyers, not the other way around. When scrutinizing the relationship between the Select Board and its Counsel, I hope you will consider Oliver Cromwell's famous words to the Rump Parliament in 1653. "You have stayed too long here to do any good. Now, for God's sake Go ". With respect, Pierce Browne

From: **Dan Burnham** dburnham721@comcast.net
Subject: Closing the track and athletic fields
Date: April 9, 2020 at 6:14 PM
To: mlawson@concordma.gov

DB

I am writing about the decision to close down the track and all fields in Concord.

I would like to have a conversation with you about that decision and I would urge you to lift the ban.

The HS students/athletes that I have seen over the past month but particularly the last 10 days on the upper CCHS soccer fields were very, very responsible.

They weren't hurting anyone.

The one time I saw something I was concerned about, I said something about social distancing and they fixed the issue.

These kids are very committed to the soccer and lacrosse and really trying to do this right.

There were never any coaches on the upper fields that I saw.

I saw individual or pairs of lacrosse players.

And I never ever saw a group of more than 6 soccer players, and I saw no physical contact and I saw proper physical distancing. And no games.

There was just passing and shooting with both.

Nobody, not once, came up from the town to say how the kids could modify any behavior or make the situation more acceptable.

You just shut it down.

Shame, shame on the town and your version of a perfect and perfectly safe world. How wonderfully righteous.

These kids will not get this time back.

I think they were really trying to do a really good job of minimizing risk and being safe.

There are people who believe that you can catch Covid-19 from walking across a field five inutes after someone else has.

Those same people are fearfully peering out their windows, or are outside constantly looking for wrongs and reporting on those that are not like them.

And not talking to them.

And they want everyone to be locked down. Only then will they be safe.

Please don't lock everything down.

I thought Concord had behaved so sensibly and reasonably up until this last order.

Concord was strict but not alarmist or foolish or fearful. It was being Concord.

Please don't make public policy based on the most extreme fears.

Dan Burnham
38 Juniper Circle
Concord
618-722-7217

From: **Dan Burnham** dburnham721@comcast.net
Subject: Why are you cracking down even more severely when death count for MA now declining and we are flattening the curve. Just keep restrictions as they were. They were working, We were doing it right. Guide, don't stomp. We all have different backgrounds and ideas. We need to work together.
Date: April 10, 2020 at 9:20 AM
To: Sectman Lawson mlawson@concordma.gov, Selectperson Hotchkiss jhotchkiss@concordma.gov

DB

Why are you cracking down even more severely when death count for MA now declining and we are flattening the curve.

Just keep restrictions as they were. They were working, We were doing it right.

Guide us, don't stomp.

We all have different backgrounds and ideas. We need to work together.

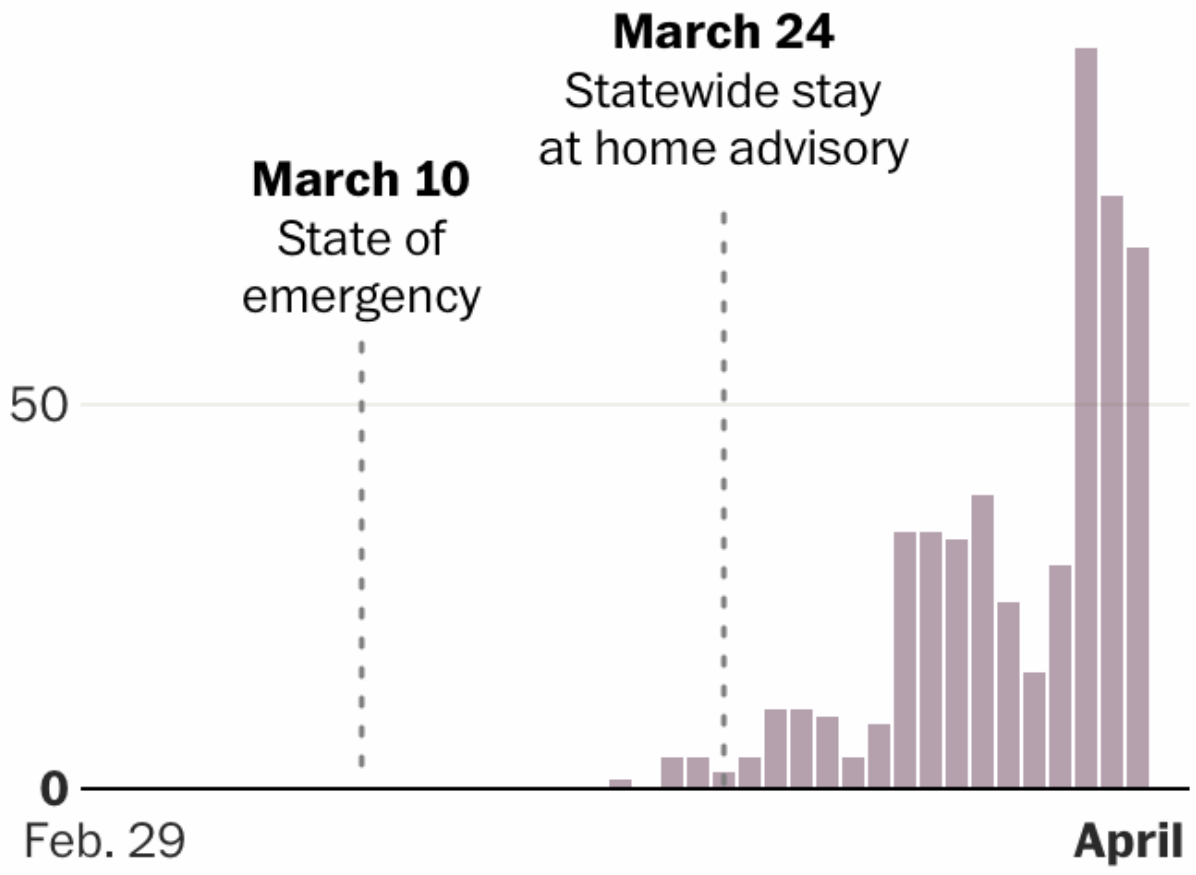
We don't have money for a soccer net or a batting cage.

I just want to be able to go with my son.

We are totally social distancing our whole lives for 4 weeks now. And we have clamped down on everything.

We get in the car from our house to go to the fields. We make no other stops and come home. And clean our hands all the time.

Thank you,
Dan Burnham
38 Juniper Circle
617-721-7217



Read more about coronavirus orders in Massachusetts

The death toll from covid-19 began to rise

Subject: Fw: Why are you cracking down even more severely when death count for MA now declining and we are flattening the curve. Just keep restrictions as they were. They were working, We were doing it right. Guide, don't stomp. We all have different backg...

Date: Wednesday, April 15, 2020 at 11:11:19 AM Eastern Daylight Time

From: Jane Hotchkiss

To: Jeremy Romanul

From: Dan Burnham <dburnham721@comcast.net>
Sent: Friday, April 10, 2020 5:59 PM
To: Michael Lawson; Jane Hotchkiss
Subject: Re: Why are you cracking down even more severely when death count for MA now declining and we are flattening the curve. Just keep restrictions as they were. They were working, We were doing it right. Guide, don't stomp. We all have different backg...

I had really hoped that one or both of you might reach out by phone or email to me.

Dan Burnham

On Apr 10, 2020, at 9:20 AM, Dan Burnham <dburnham721@comcast.net> wrote:

From: **Brian Burt** briburt@mac.com
Subject: Estabrook Woods public parking closed off on Estabrook Road
Date: April 8, 2020 at 11:59 AM
To: scrane@concordma.gov, MLawson@concordma.gov, JHotchkiss@concordma.gov, sbates@concordma.gov, tackerman@concordma.gov, dkaye@concordma.gov
Cc: amara@concordma.gov

BB

Dear Mr. Crane, Ms, Kaye, and Select Board members:

My name is Brian Burt, and I live at 97 Highland St in Concord. I just wanted to write to register a complaint because I just came back from trying to access Estabrook Woods from Estabrook Road, and it appears that public parking on Estabrook Road as well as the public path for access to Estabrook Woods has been cordoned off by a private resident (and not the Town of Concord). The signs claim that it is "for safety reasons." (I'm attaching a photo that I took of some of the signage). As far as I understand, private residents do not have the legal authority to control parking on or access to public ways in Massachusetts. Estabrook Road, as far as I know, is a public way. I called the Concord Police to complain and ask that the illegal cones and signs be removed from the public parking places, and to be assured that if I park along the road, my car will not be ticketed or towed. However, I was told that this was a matter for the town manager, which is why I'm writing to you all for help in resolving this matter.

In this stressful time of social distancing, a walk in one the many forested conservation lands in the area offers a welcome respite, a bit of exercise and fresh air, and some moments of solace from our current everyday reality. I find it both cruel and selfish—and frankly, more than a bit obnoxious—that someone would take the law into their own hands to try and limit their fellow citizens' access, from a public way, to publicly available natural resources such as Estabrook Woods. I feel that it would be in the public's best interest for this matter to be resolved as quickly as possible and for the illegal cones and sign to be removed, and, if necessary for legal action to be taken against the perpetrator(s).

I realize that the Town authorities already have their hands full dealing with state of emergency caused by the pandemic, and I also realize that Estabrook Woods access is a contentious matter. Further, I'm aware that more restrictions may have to be put in place for our use of public spaces, but any restrictions on public resources are, in my view, the purview of the Commonwealth or of local municipalities. It's not the right or the responsibility of private citizens to decide what is, or is not, a violation of "public safety" and for the appropriate government authority to communicate any such restrictions.

I thank you in advance for your prompt attention to this matter.

Best regards,
Brian Burt
97 Highland St
Concord, MA 01742
978-254-5414

CLOSED
Until further notice

From: **Michael Busack** mbusack@thetrustees.org
Subject: TRUSTEES ANNOUNCEMENT - Public Announcement to follow 4/8
Date: April 7, 2020 at 5:22 PM
To: Michael Busack mbusack@thetrustees.org

MB

Hello Concord Officials and Friends,

I hope you are well and staying healthy during this challenging time. I wanted to reach out to let you know first that tomorrow the Trustees will announce the reopening of more than 70 properties across Massachusetts starting Thursday, April 9, in order to provide residents of the Commonwealth with more opportunities to spend time in nature during the COVID-19 pandemic and strongly encourage a "Stay Local" practice. **This will include the grounds of the Old Manse only, not the interior.**

The Trustees closed all its 118 properties on March 24 and has since been working with local and state officials to determine how to open some of the properties for the public's use while keeping staff and visitors safe. The list of 75 properties includes those which do not require staffing in order to open and which did not experience overcrowding prior to the closures.

The Trustees is asking all members and Massachusetts residents to abide by the following social distancing guidelines for the health and safety of all, and to help keep properties open in these challenging times:

- Limit visits to open Trustees properties in your respective town or neighborhood;
- Stay at least six feet from other visitors, including stepping aside on the trail to let others pass;
- Please keep dogs leashed and away from other visitors at all times;
- If a parking area is full, please come back at a less busy time.

As always, we appreciate all of your support during this time. If you have any questions or concern, please feel to reach out.

A complete list of property openings is below. For more information about what The Trustees is doing to limit the spread of COVID-19, visit thetrustees.org/COVID19. The Trustees is also creating online activities and content to bring the wonders of Massachusetts to homes throughout the Commonwealth and beyond.

Thank you!

Michael

Trustees Properties Now Open to the Public:

1. The Governor Oliver Ames Estate, Easton

2. Ashintully Gardens, Tyringham

3. Ashley House (grounds only), Sheffield
4. Bartholomew's Cobble, Sheffield
5. Bear Swamp, Ashfield
6. Bear's Den, New Salem
7. Boston Community Gardens, Boston (various neighborhoods)
8. Bridge Island Meadows, Millis
9. Brooks Woodland Preserve, Petersham
10. William Cullen Bryant Homestead, Cummington
11. Bullitt Reservation, Ashfield and Conway
12. Cape Poge Wildlife Refuge, Edgartown (No OSV access)
13. Cedariver, Millis
14. Chapel Brook, Ashfield
15. Charles River Peninsula, Needham
16. Chase Woodlands, Dover
17. Copicut Woods, Fall River
18. Cormier Woods, Uxbridge and Mendon
19. Cornell Farm, Dartmouth
20. Coskata-Coatue Wildlife Refuge, Nantucket (No OSV Access)
21. Crowninshield Island, Marblehead
22. Dexter Drumlin, Lancaster
23. Dinosaur Footprints, Holyoke
24. Doane's Falls, Royalston
25. Doyle Community Park, Leominster
26. Dry Hill, New Marlborough
27. East Over Reservation, Rochester

28. East Over: Hales Brook and Sippican River, Marion
29. Elliott Laurel, Phillipston
30. Farandnear, Shirley
31. Field Farm, Williamstown (grounds only)
32. Gerry Island, Marblehead
33. Glendale Falls, Middlefield
34. Goose Pond Reservation, Lee
35. Greenwood Farm, Ipswich
36. Halibut Point Reservation, Rockport

37. Hamlin Reservation, Ipswich
38. Allen C. Haskell Public Gardens, New Bedford
39. Holmes Reservation, Plymouth
40. Governor Hutchinson's Field, Milton
41. Jacobs Hill, Royalston
42. Land of Providence, Holyoke
43. Little Tom Mountain, Holyoke
44. Long Point Wildlife Refuge, Edgartown
45. Lyman Reserve, Buzzards Bay
46. Malcolm Preserve, Carlisle
47. Mashpee Reservation, Mashpee
48. McLennan Reservation, Tyringham
49. Medfield Meadow Lots, Medfield
50. Menemsha Hills, Chilmark
51. Misery Islands, Salem Sound
52. Moose Hill Farm, Sharon

53. Mountain Meadow Preserve, Williamstown
54. Mytoi, Edgartown
55. North Common Meadow, Petersham
56. Norton Point Beach, Edgartown – (No OSV Access)
57. Notchview, Windsor
58. The Old Manse, Concord (grounds only)
59. Old Town Hill, Newbury
60. Pegan Hill, Dover and Natick
61. Peters Reservation, Dover
62. Petticoat Hill, Williamsburg
63. Pierce Reservation, Milton
64. Questing, New Marlborough
65. Quinebaug Woods, Holland
66. Redemption Rock, Princeton
67. Royalston Falls, Royalston
68. Signal Hill, Canton
69. Slocum's River Reserve, Dartmouth
70. Stavros Reservation, Essex
71. Swift River Reservation, Petersham
72. Tantiusques, Sturbridge
73. Tyringham Cobble, Tyringham
74. Wasque Reservation, Edgartown
75. Westport Town Farm, Westport

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 12:58 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Comment on Estabrook Road Litigation

From: Rob Comer <robcomer@gmail.com>
Date: Thursday, April 16, 2020 at 12:57 PM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Comment on Estabrook Road Litigation

To: Concord Select Board
Regarding: Today's executive session regarding Estabrook Road litigation

We have been frequent users of the wonderful trails in Estabrook Woods since the 1990s, finding solace and regeneration there, along with the generations of well behaved dogs who have graced our lives over this time. For years we sensed nothing but good will from the various abutters of Estabrook Road. (And we repaid this, in part, by reducing the substantial infestations of invasive garlic mustard along the section of the Estabrook Road trail just before it enters the woodlands).

Now, however, we are sad to see that some of these abutters — by no means all, it's important to note — have become deeply possessive of the trail. We are aware that the situation has worsened recently, with locked gates and unofficial "parking restrictions" on the public roadway.

Therefore, we want to register with the Select Board that we deeply appreciate the efforts by our Town Government to advance the interests of its citizenry as a whole by ensuring continued access to Estabrook Woods via Estabrook Road. Please, stay the course, via continued litigation if needed or mediation if parties become willing, until a definitive ruling on the legal status of this important access route has been achieved.

Sincerely,

Robert P. Comer & Inge M. Knudson
106 Riverdale Rd.

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 12:45 PM
To: Jeremy Romanul; Kate Hodges; Stephen Crane
Subject: FW: Estabrook Woods entrance

On 4/16/20, 12:25 PM, "John Conley" <johngconley@aol.com> wrote:

Hello,

I'm writing you to express my outrage that the abutters of Estabrook Woods near the entrance at the end of Estabrook Road have, on their own accord, sealed this gateway shut and are prohibiting people from accessing this conservation land.

I have read the sign posted on gate describing the abutters' concerns about people not practicing safe behavior during this pandemic. I find this a very weak reason for them to take such drastic action. I have walked recently in Estabrook Woods, and several other wooded trails in Concord's conservation lands, and see no difference in the public's behavior, which has generally been very mindful and respectful of distance.

It is outrageous to me that people living near conservation land they do not own feel they have a right to cut off entry. I urge the town to take action against this recent offense and to continue the legal challenge against them concerning the larger right of access issues.

Yours,

John Conley

Subject: FW: Estabrook
Date: Thursday, April 16, 2020 at 8:28:00 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

On 4/16/20, 6:49 AM, "Aiyana Currie" <mikeaiyana@mac.com> wrote:

Select Board -

It saddens me greatly that in this time of heightened anxiety and neighborhood goodwill that we have to deal with the selfishness of the neighbors on Estabrook road.

I traverse trails by foot and bicycle at least once or twice daily in Concord and many surrounding towns. Like many I have noticed the increase in trail use by individuals, families and couples. People are nicer, more respectful and courteous than I have encountered in my 20+ years of trail use. People are seeking solace, normalcy in the spring awakening, exercise and education in the woods.

The town, land trust & various conservation bodies have worked hard to provide guidance to trail users about accessing other land should parking lots be full. Many people seem to congregate towards fewer parcels of land. More education can probably be done on this front.

I hope for the generations that came before & after us that you will be able to find resolution to the selfish blockage of right of way to Estabrook.

With thanks
Aiyana Currie
47 Lowell Road

Sent from my iPhone

From: **Michael Dettelbach** mdettelb@gmail.com
Subject: Estabrook Woods closed
Date: April 6, 2020 at 5:47 PM
To: Delia Kaye dkaye@concordma.gov, Higgins, Greg concordre@gmail.com, Lawson mlawson@concordma.gov

MD

Dear Ms. Kaye, Mr. Higgins, and Mr. Lawson,

Well, it has happened: the Estabrook Woods landowners have blocked all parking on Estabrook Road, erected signs saying "Woods Closed to the Public," and locked the gate at the head of the trail. They have summarily and arbitrarily shut Estabrook Woods, the town's largest conservation area. Just when the weather is turning and people need a place to walk where they can spread out.

There is no better demonstration of the need for and importance of the town's efforts to establish the public's right to access and passively recreate on land that was (and through tax subsidies continues to be) conserved with public funds. The Estabrook landowners are using the excuse of the epidemic to test the town and the law. I hope we will continue to assert our rights; I know I will.

I hope you and yours are all well; thank you for helping to keep Concord healthy and weathering this virus.

Best wishes,

Michael Dettelbach
89 Assabet Avenue

Subject: FW: Estabrook Road ??
Date: Thursday, April 16, 2020 at 9:19:17 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: "Timothy L. Dibble" <tdibble@altaequitypartners.com>
Date: Thursday, April 16, 2020 at 9:18 AM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Road ??

At the end of last week I went to go for a walk on the trails at the end of Estabrook Road and found the trail chained off and the parking spots all blocked with the signs attached below. The signs are clearly made to look as if they were from the town of Concord but don't quite seem to be legitimate. Are they posted by the town of Concord? If not, should they be there? Do the abutters to the parking spots have the right to block off those parking spots? If not, is there any rule (or fine) against trying to impersonate an order from the Town? Do they have the right the fence off and bolt the path? These are challenging times for sure for all but we will get through this together with grit and grace. If the answers to my questions above are "no" then clearly some people in town are lacking in grace. Thanks and be safe,

Tim Dibble
42 Nashoba Road

Timothy Dibble
Alta Equity Partners
30 Monument Square, Suite 302
Concord, MA 01742
Direct: (617) 956-1333
Website: www.altaequitypartners.com

Subject: FW:
Date: Thursday, April 16, 2020 at 9:19:05 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Maureen Dibble <mdibble_2000@yahoo.com>
Date: Thursday, April 16, 2020 at 9:10 AM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: <no subject>

Hello,
I tried to go enjoy the woods at Estabrook the other day, and it was totally blocked off. I find this so upsetting. During this pandemic, we should all be supporting our neighbors, and enjoying our conservation lands in this town of ours...keeps us all sane.

Any help with this matter would be much appreciated.

Thank you,
Maureen Dibble
42 Nashoba Road

Hey Jane,

First, what a mess/nightmare… I hope you and yours are ok.

Now a question. I am sure you are aware the Estabrook Road has been blocked off. I called the town police and they were very unclear on what we do… They said it is a legal issue between the town manager and residents. They could not offer direction about whether we could park there or would be given tickets…

It's really heartbreaking that these people are allowed to act this way, particularly now.

Can you offer some guidance? I don't want to start a war BUT I do want to start a war, if you understand.

Best, Geoff

Geoff Edgers
National Arts Reporter
The Washington Post
617-763-1537
geoff.edgers@washpost.com

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Subject: Fw: Estabrook Woods Situation
Date: Wednesday, April 15, 2020 at 11:15:15 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Denise English-Haartz <dhaartz@gmail.com>
Sent: Thursday, April 9, 2020 9:17 AM
To: Stephen Crane
Cc: Terri Ackerman; Susan Bates; Michael Lawson; Linda Escobedo; Jane Hotchkiss; kaye@concordma.gov; jocconor@concordma.gov
Subject: Estabrook Woods Situation

4/9/2020

Mr. Steven Crane scrane@concordma.gov

Town Manager, Concord MA

Dear Mr. Crane,

I think it is shameful for the Town to put all of the pandemic chaos onto the backs of the owners of the Estabrook Woods property. The land is PRIVATE owned by the Defendants. Yes, there is a trail that the public has used because the landowners ALLOWED it to happen. That was before the unruly behavior, the peeing on the gate (I saw the video), the flipping off and yelling obscenities (I've seen the videos), dog bites (I saw the injury pictures), the starting of leaf fires, Facebook slander (I've seen the posts), trash, feces, personal property theft, damage of rock walls. Even the parking is owned by the landowners and not the Town. How about the Town be more specific instead of inflaming the public in an attempt to sway feelings and cause such hatred to our fellow citizens? It is obscene what is happening to the landowners all because the previous Town Manager told everyone it was Town land, later recanted, and now, some people can't get it out of their heads. Be honest, stop the deceit, make it known… THERE IS NO PUBLIC LAND BACK THERE, THIS IS NOT A PUBLIC TRAIL! Contrary to what you may believe, it was NEVER a public road. You can bet that I now have signs all over my property that abuts conservation land to"keep off." I will not allow a single person I don't know to walk on my trails. I see what this Town does to people! I cannot stand the way we allow the Defendants to be slandered. You should see some of the venomous falsehoods written and pure hatred. I hope violence does not befall any of the Defendants, because in my opinion, it is headed in that direction and the Town will have blood on their hands.

Denise Haartz

Williams Road

tackerman@concordma.gov
sbates@concordma.gov
mlawson@concordma.gov
lescobedo@concordma.gov
jhotchkiss@concordma.gov

Delia Kaye: NRC Director — kaye@concordma.gov>

Joseph O'Connor: Chief of Police — joconnor@concordma.gov

Lead, Follow, Or Get Out Of The Way: East Coast States And Cities Accelerate On Decarbonization Pathway

Energy Innovation: Policy and Technology 07:20am EDT

A noticeable pattern is emerging on the East Coast: In the first quarter of this year, states and cities are enacting laws that codify dramatic emissions reductions and accelerate the clean energy transformation.

New Jersey updated its Energy Master Plan, passed decarbonization legislation, and announced an executive order that altogether is transforming the state to a low-carbon economy. Virginia passed the Clean Economy Act, which incorporates many key strategies to economy-wide decarbonization. New York State passed groundbreaking climate legislation last year, and now New York City is upping the ante by working hard to prevent fossil fuel infrastructure build-out.

Two more states could join this trend within a few months: Massachusetts and Vermont are both on the precipice of passing legislative packages that will transition their economic foundations toward zero emissions.

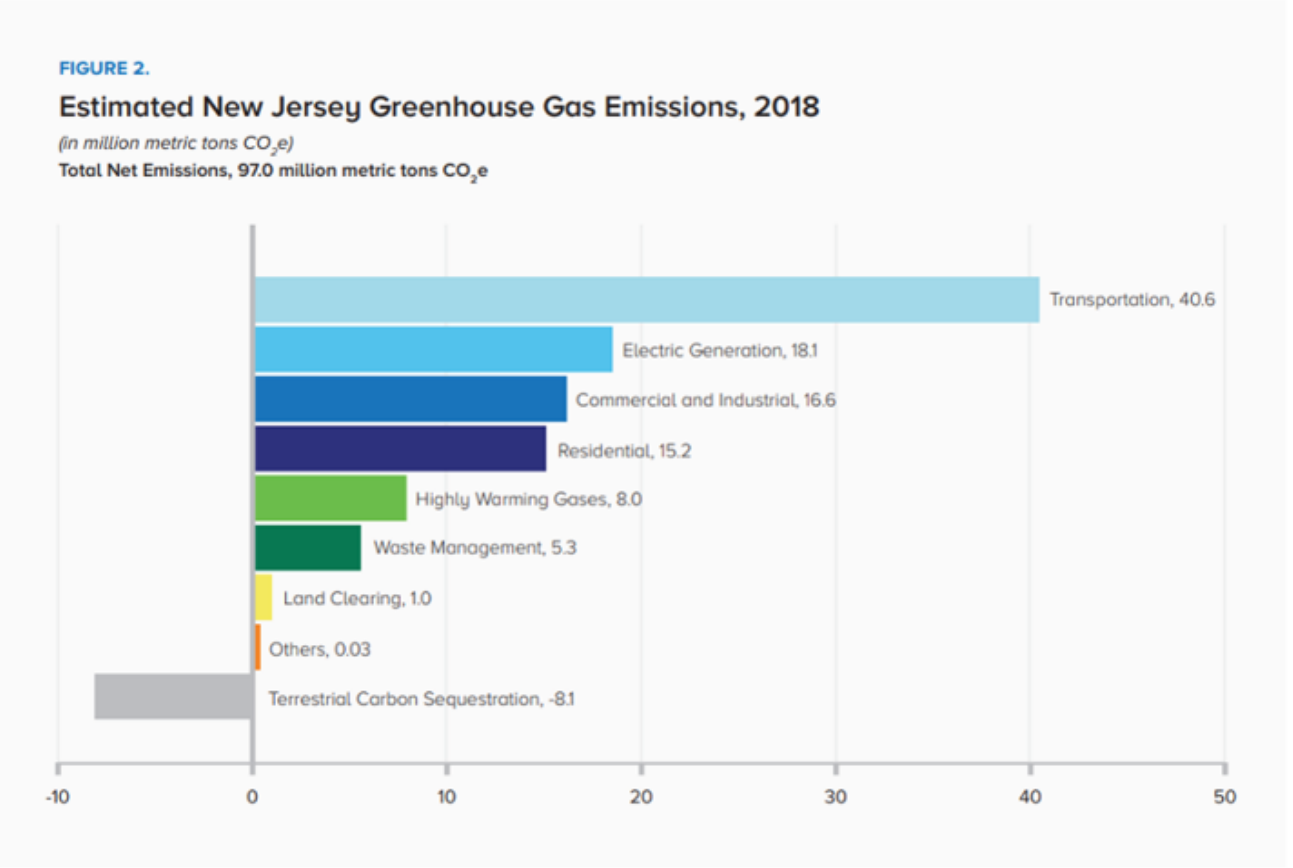
A solar carport installed by ProtekPark Solar at The Richard Stockton College of New Jersey.

BOB PEGNATO/PROTEKPARK

As East Coast states adopt leading climate policies, others aiming to follow suit should follow several key tenets. Aim to codify economy-wide greenhouse gas emissions into state law. Clean up the electricity sector first in a power sector transformation, then electrify as many buildings and vehicles as possible. Think big on transportation electrification—move beyond passenger vehicles to medium- and heavy-duty vehicles. Strengthen cap-and-trade programs to cut emissions and generate funding for projects that further reduce emissions. Design building codes and appliance standards to future-proof buildings. Use municipal policy levers to cut out fossil fuels.

Decarbonization action already in the books this year

New Jersey: The Garden State set a goal last year to reduce emissions 80% from 2006 levels by 2050. To get there, New Jersey will tackle carbon emissions across the electricity, transportation, and buildings sectors, which together composed more than 90% of its 2018 total emissions.



Estimated New Jersey Greenhouse Gas Emissions, 2018

New Jersey Board of Public Utilities

With transportation far and away New Jersey's largest contributor to emissions, Governor Phil Murphy's updated Energy Master Plan prioritizes that sector with goals to boost electric vehicle (EV) adoption, electrify transportation

systems, and use technology to reduce emissions and miles traveled.

The state recently passed legislation that addresses two EV barriers: cost and charging infrastructure. The law sets a goal of at least 1,000 public level two chargers by 2025, including targets for charging infrastructure near multi-family residences, bringing charging stations to underserved communities. The electrification push doesn't extend just to cars—New Jersey Transit will need to purchase only zero-emission buses by 2032, and those buses need to be "prioritized for low-income, urban, or environmental justice communities," similar to California's Innovative Clean Transit rule, which stops fossil-fuel bus sales by 2029.

Tesla Inc. electric vehicles sit charging at Supercharger stations inside a parking lot. ... [+]

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To help meet the state's goal of 100% clean energy by 2050, Gov. Murphy is aiming to develop 7.5 gigawatts (GW) of offshore wind by 2035. The electricity strategy increases community solar, a successor solar incentive program, solar thermal, and energy storage. But recognizing that clean energy goals can't just focus on generation, the plan also sets out a 2% utility energy efficiency standard—a goal the state could meet by creating a strategic demand reduction performance incentive mechanism, which typically incentivize utilities for reducing peak demand using demand management technologies and techniques.

In buildings, New Jersey will cut gas usage at least 80% by 2050, directing gas public utilities to assess existing pipeline capacity and plan for a gradual reduction in system use as the state moves away from gas for heating, hot water, cooking and drying, partly by encouraging a switch to heat pumps. The strategy for buildings also includes the development of "EV-ready and Demand Response-ready building codes," and calls for establishing a long-term building decarbonization roadmap.

New York City: In 2019, New York State passed its groundbreaking Climate Leadership and Community Protection Act, which requires the state to reach net-zero

emissions by 2050 and requires 100% carbon-free electricity by 2040. New York City built on this by enacting Local Law 97, which sets an annual emissions cap for buildings larger than 25,000 square feet starting in 2024 that then steps down through 2050. And in February, Executive Order 52 prohibited expansion of fossil fuel infrastructure in the city. The city's current process to measure natural gas demand is lacking, leading fossil fuel companies to build infrastructure that creates new demand, which locks in emissions when incorporated into buildings. NYC's move to stop the knee-jerk development of fossil fuel infrastructure can help break this cycle.

Block Island offshore wind farm construction

Deepwater Wind

Virginia: With passage of the Clean Economy Act, Virginia is poised to commit to 100% electricity from renewable sources by 2050, including 3.1 GW energy storage, 16.1 GW solar, and 5.2 GW offshore wind targets. The legislation empowers regulators to block construction of power plants that emit greenhouse gases, and it starts the process for the state to join the Regional Greenhouse Gas Initiative (RGGI), a market-based cap-and-trade program that covers 10 states across the Northeast U.S. Creating funding for other emissions reduction efforts is an important feature of cap-and-trade programs including efficiency measures in homes.

Imminent decarbonization action in 2020

Massachusetts: The Bay State's legislature is considering a trio of climate bills that would vault it ahead of most states after already adopting a clean peak standard for its power sector this year, which requires a certain portion of the peak electricity load to come from clean resources. And Governor Charlie Baker has led the charge to garner regional support from other governors on the Transportation and Climate Initiative (TCI), which is aiming to cut transportation fuel emissions by covering the sector in a cap-and-trade program.

The first bill strengthens the state's current GHG target of 80% by 2050 to net zero emissions by 2050, with five-year emissions interim targets. The second bill would create EV rebates and convert bus fleets to electric, whereby all bus

sales must be electric by 2030. The third bill increases energy efficiency standards for a variety of products. The state has long been a leader in energy efficiency, ranking first among all U.S. states, but the updates boost energy performance requirements for EV charging infrastructure as well as other appliances and building components.

Vermont: State lawmakers have put forward competing climate bills– a Green New Deal bill that would tax the state's wealthiest to fund climate initiatives and the Global Warming Solutions Act, which would codify the state's greenhouse gas targets—which currently include reducing emissions 80% to 95% from 1990 levels by 2050—into law. As of now, the Global Warming Solutions Act seems to have more steam.

Exhaust comes from the tailpipe of a vehicle (AP Photo/Rick Bowmer)

ASSOCIATED PRESS

Vermont has also proposed an energy efficiency bill, which would allow the state's energy efficiency utilities to use part of their budget on emissions reduction efforts for space heating/cooling and transportation. While it remains unclear what exactly will be politically achievable, enough momentum exists to suggest Vermont could enact significant climate policy this year.

East Coast climate leadership is paying dividends

East Coast states and cites are leading the way on policies that cut emissions and boost a clean-energy economy, and their collective leadership is paying dividends within the region and beyond.

As the economic and climate value of such policies becomes increasingly clear, even more states and cities across the country are poised to enact strong clean energy policies.

For climate-conscious policymakers and leaders, all that's needed for inspiration is looking to the models being created and increasingly implemented along the Eastern Seaboard.

Subject: Fw: Common Sense: Estabrook Trail Should Be Closed/It is Landowners' Right
Date: Wednesday, April 15, 2020 at 11:12:17 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Susan Frommer <susanfrommer3@gmail.com>
Sent: Thursday, April 9, 2020 6:16 PM
To: Stephen Crane; Terri Ackerman; Susan Bates; Michael Lawson; Linda Escobedo; Jane Hotchkiss
Cc: Joseph O'Connor; kaye@concordma.gov; rfucci@wickedlocal.com
Subject: Common Sense: Estabrook Trail Should Be Closed/It is Landowners' Right

To the Concord Town Manager April, 8, 2020
To the Concord Select Board
To the Concord Chief of Police
To the NRC Director
To the Concord Journal

I am appalled at the lack of common sense on the part of the town to not support the private Estabrook Woods landowners' temporary closure for health purposes, both for the landowners and those who visit the path, during the covid 19 pandemic.

It has been dangerous there. People have not been social distancing- both bikes and joggers race by too close to walkers without any warning, no one has masks on and dogs are let off leash and people are not obeying parking rules. This is a dangerous and not tenable situation. People seem to think that under the circumstances of the pandemic they can do anything that they like on this private land.

Use your common sense. The loud voices of Concord Unleashed and others do not know the facts, and they are not thinking about health in this unusual situation. They are also maligning the landowners who have been so generous with their land for years. This is not right!

The town is responsible for this by the misinformation it initially presented, wrongly claiming that the land is public and other statements.

If these people, who are complaining want to walk in Estabrook Woods, they can do so by accessing the public-town own entrances into the woods, and stop endangering the landowners' during this unprecedented time. There are multiple ways into the woods. Please have these people go there. If people want wide trails, I suggest the National Park where there are multiple parking lots.

The town needs to act responsibly.

You are hearing many loud voices, but there are quiet voices too that you do not hear. Think of the people who calmly understand that the private landowners need to close the trail during this time.

Please support the landowner's decision, and leave them alone. This is a time when people need to be safe, not attacked and maligned. It is their property.

Sincerely,

Susan Frommer
128 Nimrod Drive
Concord

Subject: Fw: Estabrook Trail
Date: Wednesday, April 15, 2020 at 11:10:19 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Peter Gifford <plgiff@aol.com>
Sent: Monday, April 13, 2020 12:49 PM
To: Stephen Crane; Terri Ackerman; Susan Bates; Michael Lawson; Linda Escobedo; Jane Hotchkiss; joconner@concordma.gov
Subject: Estabrook Trail

Dear town officials,

I recently have learned that the town has threatened to the rightful land owners at the Southern entrance to the Estabrook Trail that they must open their property to allow the public to enter the Estabrook woods. The landowners have recently closed 900 feet of their property to the general public.

The town has acknowledged that this property is indeed privately owned, taxes are paid and maintenance is performed. For the town to claim that they have an easement over this private property and demand that it be opened is completely irresponsible at this point in time as this issue is in the middle of litigation. It has NOT yet been determined that the town has an easement and until a final decision by the court is handed down, the town needs to adhere to the fact that the land is private and those owners have absolute property rights. For the town to be so bold, stepping beyond legal protocol, threatening and, yes, bullying the landowners is not a comfortable commentary on the integrity of leadership in this town. What gives the right to the town to pre-empt a decision that is to be made by the courts and just move forward in the way they want?

At the January 23rd meeting of the FinCom, the town manager asked for access to the reserve fund to put forward to the litigation- that request was denied. And now the town is threatening that more tax dollars be spent by engaging the law firm to serve a demand to the landowners to open their private property. The FinCom denied a request, yet the town wants to spend more?? Where is the logic? Where is the respect for taxpayer's dollars?

The landowners found it necessary to close down their property that they have so generously kept open for years due to unprecedented disrespect brought forward by the general public, especially at this challenging time. The uncontrolled dogs, stonewalls getting broken down, bike riders paying no attention to speed and close proximity to other people, people not adhering to proper "social distancing", parking in illegal areas, disgusting amounts of dog waste (and yes, human waste also).

These property owners have every reason to control their land and preserve their own safety.

It is time for the town officials to look into the mirror and ask themselves "what are we doing?"

The town needs to step away from this threat to these private landowners.

Respectfully submitted,

Peter Gifford
1171 Monument Street

From: Jessica Grogins <jgrogins@me.com>
Date: Thursday, April 16, 2020 at 12:52 PM
To: Michael Lawson <mlawson@concordma.gov>, Concord Public Info <publicinfo@concordma.gov>
Subject: Overcrowded Trails and Public Spaces, Estabrook Woods

I am sure you have been inundated with opinions on what is happening over at Estabrook Woods, but I'm not sure if you are aware of what is going on with parking on the other side of Estabrook, on Lowell Road. Attached below is the email conversation I have been having with the Concord Land Conservation Trust, I had also cc'd the town and the national park on my first email. I have spoken with the wonderful Nancy Nelson, board member of the Trust and former Superintendent of the Minute Man National Historical Park. She assures me that signs are being placed about social distancing, see attached, but, in my opinion, people are still not social distancing enough. Parking should be limited or eliminated, but I believe the trails should stay open for those who can bike, walk, or hike there. Small sacrifices today will have a big impact tomorrow for our hospitals and our citizens. My husband's and his colleagues lives literally depend on the rest of us actively social distancing.

My further opinion on this matter can be found below. If you want to read in chronological order, please begin at the bottom of the email thread.

-----Original Message-----
From: Rob Hamilton <robh@netchromatics.com>
Sent: Thursday, April 16, 2020 12:24 PM
To: Stephen Crane <scrane@concordma.gov>; Terri Ackerman <tackerman@concordma.gov>; Susan Bates <sbates@concordma.gov>; Michael Lawson <mlawson@concordma.gov>; Linda Escobedo <lescobedo@concordma.gov>; Jane Hotchkiss <jhotchkiss@concordma.gov>
Subject: Estabrook Woods, "Parking Issue" and Harvard settlement

To the Concord Select Board;

After I saw the recent article on the Concord Journal Wicked-Local site about homeowners closing their trail for safety during the COVID-19 outbreak, and then the Concord Unleashed Facebook page featuring comments calling them “selfish.” I went to your website and read the settlement you signed with Harvard University regarding their trail land in Estabrook Woods. By now, I am sure you have read it too. I think it would be helpful for you to explain to the public that the now four-year Harvard Limited Grant of Public Access, which you all signed, maintains Harvard’s right to permanently close or restrict access. In addition, Harvard doesn’t agree with the Town that the Town has any right on their trail land. I think it would be worthwhile for you to underscore these facts in the public domain, as doing so might better inform some ill-informed people of the landowners’ rights and collective position.

From: K Hennighausen <khennig001@gmail.com>
Sent: Thursday, April 16, 2020 9:47 AM
To: publicinfo@concordma.gove
Cc: Michael Lawson; Terri Ackerman
Subject:

Dear Members of the Select Board,

I am alarmed by misleading signage invoking the Natural Resource Committee and barricades placed by abutters to prevent public parking on Estabrook Road and entry to Estabrook Woods. My understanding is the Town of Concord still claims a public right of way along this road. I hope the Town will act in the best interest of all its citizens and continue to work toward restoring full public access. Please let me know how I can support the Town as litigation unfolds. Thank you for your attention to this matter and your service on the Board.

Respectfully,
Kate Hennighausen
245 The Valley Road

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 1:20 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Estabrook Meeting

From: Rosa Hallowell <rosahallowell@yahoo.com>
Reply-To: Rosa Hallowell <rosahallowell@yahoo.com>
Date: Thursday, April 16, 2020 at 1:11 PM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Meeting

April 16, 2020

To the Members of Concord's Select Board:

I hope you are healthy and sane in this wild time. Thank you for your stewardship of Concord, and your willingness to gather to address issues pressing on the community.

Concord is an ideal place to wait out a pandemic. Isn't it a blessing to enjoy long walks without sacrificing proximity to great health-care and fresh food? But . . I've been craving *in person* interaction. So, I searched for tandem walks with space for side-by-side conversation.

In Conantum we encountered a surprise spirit-lifter: fallen branches arranged as an art installation! In Concord Center another: chalk hearts on the sidewalks of local businesses.

However, on those walks, one of us had to walk in the street. While it's possible, it's not always safe. So I headed for a dirt road. Perfect: no cars and 12 feet across.

When I reached Estabrook, I found "Closed for Safety Reasons" posted on multiple 6x6 timbers blocking parking. The new fence is likewise labeled and cabled shut. The dirt road has been sprayed with grass seed and green-dyed fertilize.

We all know that a *bona fide* legal dispute continues over Estabrook Road. Concord claims it has always owned the road. Likewise, the abutters recently claimed ownership. The case awaits decision in Massachusetts Land Court.

Despite the drama, I can confirm that Estabrook is open and is IDEAL for tandem walks. The Town and Police have shared that (a) the lawsuit to protect public access is still pending, (b) the abutters' signs are *in*correct, and (c) police have removed these signs, only to find them popping back up.

As a member of the Bar, I encourage the abutters to respect legal process to resolve their property dispute, and not take the law into their own hands, *especially now*, when these actions harm their neighbors searching for safe, healthy outlets.

So, I hope we will all go for a walk. I hope we will celebrate Concordians who erect public art, greet us warmly, serenade us with live music, shop for neighbors, and share toilet paper.

Sincerely, Rosa C. Hallowell

Please see also the following letter I d**elivered by hand to the Rasmussen/Winter and the Kay Read Families on April 11, 2020:**

By Hand **April 11, 2020**

Dear Winter/Rasmussens and Kay/Read Families,

I hope this letter finds you healthy and safe and I hope this season finds you celebrating the "Passing Over" of this plague, and the new hope of Easter.

Before you get the wrong idea, I assure you that I come in peace, with a happy suggestion – no anger or vitriol!

People from all around us are trapped in their homes. Most do not have direct access to the acreage you do. Most do not have access to the quiet streets of small towns like Concord. Children can not go to playgrounds. More and more properties that usually welcome the public have been shut down because they cannot maintain the staff needed to allow public access: such as *The Trustees* (formerly the Trustees of Reservations) and the National Parks. We need safe open spaces in which to walk more now than ever. Therefor, we find ourselves in a season in which vastly more people need outdoor spaces but fewer and fewer are available.

The trail head abutting/contained within (depending on your legal opinion) your land affords a safe area in which families and the elderly can park to walk into the undisputed trails a few hundred yards beyond the trail head.

As you know, the other access to the woods on Monument St is far too dangerous for slow moving elderly or unpredictable children, and the pull over area on Lowell Road has been choked with cars during the pandemic. While the long-term solution to this should be to resolve the legal dispute at your property, and to develop adequate parking at all legally appropriate trail heads, we do not have the luxury of long term anything this season.

I am appreciative of the anxiety with which you seek to protect what you believe to be private property rights. While I disagree with your legal conclusions and factual premises, I accept fully that you are passionately committed to your perspective and have every right to be so. In fact, I have represented clients with just such passion.

During the pendency of the suit to determine the first of the legal issues, status quo access to the disputed strip of land has been appropriately maintained. But something new has happened and how we deal with it can either make a positive contribution to communal health and well-being, or an unflattering reflection on you. Last week, I encountered signs proclaiming "Closed for Safety Reasons" posted on the new fence, gate, and multiple timbers blocking parking, as well as the gate being tied shut, and a padlocked chain strung across the newly spray seeded/dyed road.

Again, I respect the passion with which you adhere to your case. I respect your desire to continue to impose your control over this strip of land in an effort to consistently maintain and/or develop the rights you believe you have.

I write today ***not*** to contradict your beliefs, nor to pick an argument or stir up any anger. I write today, to beg you to take a hiatus in this years-long dispute, in the name of communal health.

Here's what I'm thinking: **you change your signs and open the gate. You become heroes of the pandemic.**

Create new signs that express your abiding commitment to the positions you have taken in the lawsuit, *but/and* graciously invite the public onto what you believe is your portion of the old road. Invite the public to access town trails just beyond your property for a limited time (and with dogs leashed!) in connection with the pandemic.

I am certain it was not your intent, but the current signs paint you as miserly, selfishly excluding the public from the healthful benefits of your privilege, and exploiting the pandemic to further your legal claims. I just can't believe you want this to be your legacy. In addition to this image, regularly calling the police to enforce the claims on the new signs, and the cabling of the gate, paints you as people who believe that the defense of their property rights is more important than the myriad other duties of our overstretched police at Emerson Hospital and elsewhere during the pandemic.

A limited invitation to the public is entirely consistent with your legal claims (of course, you would want to double check with counsel, but an invitation is contrary to the establishment of a prescriptive easement). In fact, the generosity of spirit and public mindedness could only serve to help your claims in land court in the current, or possible future suits pertaining to public easement. This, of course, runs contrary to *my* personal interests as a member of the public who has walked these trails her whole life, but at this point in the pandemic, personal interests are an indulgent luxury we can't afford.

I hope you will take my suggestion to heart. As you consider it, I hope you will remove your signs and cables and padlocks, at least for the Passover/Easter holiday weekend, so that more cooped-up families can access the woods. The old road is a gorgeous place to take a socially distant walk from extended family you long to see but can't invite into your home for a meal. I hope you will be the hero for these families.

Very sincerely,

Rosa C. Hallowell

Your neighbor at 19 Sudbury Rd

From: Paul Jameson <paul_jameson@comcast.net>
Reply-To: Paul Jameson <paul_jameson@comcast.net>
Date: Wednesday, April 8, 2020 at 7:01 PM
To: "Ackerman, Terri" <ackermancampaign@gmail.com>, Terri Ackerman <tackerman@concordma.gov>, "Bates, Susan" <susanbates.concordma@gmail.com>, Linda Escobedo <lescobedo@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Andrew Mara <amara@concordma.gov>
Cc: "Kathryn A. Angell" <kangell@windhamgroup.org>, Tracy Winn <tracy_winn@me.com>, Patricia Buchanan <pebl35@comcast.net>, "Carrette, George" <gcarrette@ecoquietlawncare.com>, "Davis, Franklin" <franklin.davis@gmail.com>, "Dritt, Pamela" <pamela.dritt@gmail.com>, "Everett, Patrick" <pne@aol.com>, "Gargill, Lynn" <lagargill@gmail.com>, "Johnson, Amber" <AmberJohnson0142@gmail.com>, "Kleinschmidt, Klaus" <ksquare@comcast.net>, "Lawson, Deborah" <dal04@verizon.net>, "Matthiesen, Duane J." <djma14@gmail.com>, "Puchrik, Andy" <puchrik@gmail.com>, "Steudel, Betty" <esteudel2@gmail.com>, "Miller, Janet Cochrane" <janetcmiller@mac.com>, "Topolcic, Claudio" <claudio@sunsetharrier.com>, "Widener, Laney" <info@concordland.org>, Joan D Ferguson <joandferguson@hotmail.com>
Subject: Closed Signs at Entrance to Estabrook Trail

To the Select Board,

I am extremely alarmed that the Town government has not removed the 'Closed' signs put up by the abutters at the entrance to the Estabrook Trail at the end of the paved section of Estabrook Road.

I believe that while the case is still undecided in court, the abutters have taken the law into their own hands and deprived the citizens of Concord of ready access to a nature trail that the town asserts should be legally open to the public.

This appears to be the almost predictable result of allowing Neil Rasmussen to set up his personal gate at the entrance to the trail. Once the gate was there, the next step was to lock it at some time of convenience. That gate should have been removed years ago in my opinion.

It appears that the town is allowing a small number of wealthy abutters to take away access to nature from all the other people in the town. I hope that the Select Board takes action to help the vast majority of people in the town.

Thank you,
Paul Jameson
419 College Road
Concord MA 01742

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Subject: Fw: Selectboard request to please unblock access to Estabrook Woods
Date: Wednesday, April 15, 2020 at 7:33:00 PM Eastern Daylight Time
From: Jane Hotchkiss
To: Stephen Crane, Michael Lawson, Jeremy Romanul
CC: Linda Escobedo, Terri Ackerman, Susan Bates

From: Peter Jantzen <peterjantzen@live.com>
Sent: Wednesday, April 15, 2020 7:21 PM
To: Jane Hotchkiss
Subject: Selectboard request to please unblock access to Estabrook Woods

Dear Selectboard member Ms Hotchkiss,

I am writing in complete support for keeping access open to Estabrook Woods, given the actions of some private land owners recently to unilaterally block the access and post inflammatory fallacies about why "they had to close it for safety reasons". I read in the "Town of Concord alerted to parking issue at Estabrook woods" and sadly it appears that the Concord Select Board has to get involved again, given the actions of these private land owners to block trail access. I supported you seeking to minimize both rising litigation costs and the burden on no party individuals but urgently ask you to reengage given these land owners have blocked access.

Further, I know these land owners have legions of attorneys and trust bank accounts to pursue litigation, and block gates, but one example of their irrational behavior was viewed when in Estabrook today. See attached photo, but in several public locations, I saw posted signs shaming and calling out "notice of trespass" threats against a private Concord citizen - Justin King . Is this their idea of fair play and decency, in posting publicly his name and address and their trespassing claims and dates of alleged violation for all to see?

The land owners who have closed off access, clearly need to take a deep breath and calm down as it's gone far too personal for them, and we need unblocked access to Estabrook woods to do what I've been doing for 20 years - "respect and exercise in Estabrook woods while leaving no trace".

Thanks for your consideration and I welcome any and all opportunity to discuss with you or the Selectboard.

best,
Peter

Peter J. Jantzen
126 Partridge Lane
Concord, MA 01742
Mobile: 617-834-1463
Email:peterjantzen@live.com

Subject: Fw: Is this legally enforceable?
Date: Wednesday, April 15, 2020 at 11:11:29 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Susanne Jarnryd <jarnryd@hotmail.com>
Sent: Friday, April 10, 2020 4:15 PM
To: Joseph O'Connor
Cc: Stephen Crane; Michael Lawson; Linda Escobedo; Jane Hotchkiss; Susan Bates; Terri Ackerman
Subject: Is this legally enforceable?

Seeing as the legal ownership of the trail is as I understand it, still in dispute, is this "No Trespassing" order legally enforceable?

As I said in my previous email, I don't want to run afoul of the law but I'm unclear as to whether the neighbors have legal standing to bar me from accessing the woods.

Sincerely,
Susanne Jarnryd
61 Hubbard Street

From: Susanne Jarnryd
Sent: Wednesday, April 8, 2020 3:37 PM
To: joconnor@concordma.gov <joconnor@concordma.gov>
Subject: Estabrook :(

Hi Chief O'Connor,

I'm sure you've gotten a few emails about this already, but I'm trying to figure out where I stand as a private citizen in regards to the Estabrook Road parking and Estabrook Woods walking situation.

Today I parked next to the cones at the gravel 8-spot parking areas near the end of Estabrook Road. My car was probably 2-3 feet onto the gravel and 3 feet or so onto the road, with plenty of clearance for cars and trucks to pass. I then proceeded into the Woods for a walk and upon my return found myself being filmed by a neighbor. I really don't want to run afoul of the law, but at the same time I value my walks in the woods so my questions are,

Are citizens barred from parking on Estabrook Road in areas where there are no town/police "No parking" signs? The neighbors have put up signs saying that parking is closed for safety reasons but I haven't seen anything elsewhere in the town indicating that open outdoor spaces or parking areas are restricted.

I believe I have a prescriptive easement to the use of the disputed road/path leading into the Estabrook Woods, having walked there on a regular basis for close to 30 years. Am I in danger of arrest or fine by the CPD if I walk in the Estabrook Woods?

I know you're not a lawyer and can't render a legal opinion, but I need to know where I stand and I'm hoping for a CPD perspective.

Thanks for any information you can provide.

Trying to be a good citizen,
Susanne Jarnryd
61 Hubbard St.

Subject: FW: Estabrook Access
Date: Thursday, April 16, 2020 at 8:28:30 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Jill Yates <jillhamilton@gmail.com>
Date: Wednesday, April 15, 2020 at 10:00 PM
To: Concord Public Info <publicinfo@concordma.gov>, "mlawson@concord.gov" <mlawson@concord.gov>
Subject: Estabrook Access

Hello,
Thank you for taking the time to hear our concerns re: Estabrook access to Estabrook Woods via Estabrook Rd.

This summer our family will have lived in Concord eight years. We moved here for the conservation land, outdoor space and schools. We love this community and town and want to keep it place where people will want to come and stay. Over the eight years we have seen a steady, but systematic closing off of the access point on Estabrook Road to Estabrook Woods. We are saddened and also angered by the influence these few land owners have on Estabrook to close down the access point.

The process of 100% shut down has been slow and steady over the years. First, the parking significantly changed. Lots of baracades, rocks, cones, and signage to prevent people from parking. Reason? The land owner who owns the horses said she could not stand the traffic and please use other public entrances.

Second, the land owners then moved to "dogs only on leash!" Yes you could use the public through way, but dogs MUST be on leash at all times.

Third, the coyotes attacking the dogs in their "natural habitat" was a good journal story to reduce traffic. In my own observations interacting with this one land owner (both riding her horse and standing in her driveway) she appears highly anxious, angry and unsettled. The owners (or maybe just this one??) has stayed very focused and determined over the years to close access to the public.

Lastly, during COVID, our family was just looking to leave our house and do a 45 minute family bike ride through Estabrook with our boys. We were greeted with many keep out signs which I'm assuming were owner purchased to look like town signs, a fence, cones and the land owner was standing in her driveway policing the entrance. When so many people in town are working towards building up community and helping others, this barricade and verbal hostility felt particularly egregious.

All of us care about safety. The majority of us all are practicing social distancing (except w/ our families). Cutting off access to public land during COVID and any other time is not good for this town and unacceptable. The COVID signs out near public spaces are wonderful and needed. I understand there is more traffic in ALL outdoor spaces and this should be expected during this time. However, blocking access to public land is not good for this community on many levels and a few private land owners should not have more power than the town.

I know this is an unpleasant battle and all resources and time are going to COVID but this systematic closing of public lands is unjust and something needs to be addressed.

Thanks for everything you are doing!

Jill

From: Caroline Kasparian Myler <carolinekmyler@gmail.com>
Date: Thursday, April 16, 2020 at 11:21 AM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Access

Hello,

I hope this letter finds you well during these uncertain times.

Today I write regarding the access to Estabrook Woods via Estabrook Road. Estabrook Woods is a wonderful network of trails that my family and I enjoy exploring on foot and bikes. We especially love running/biking to the entrance and then following the trails until we end up at Hugh Cargill Road and are able to head down that hill to our home on Lowell Road. My kids think it is like a secret path to our house! And now that we have a new puppy, we were excited to introduce him to the area. We are very respectful of the neighborhood and always arrive on foot or on bikes.

This past Saturday, we ventured on bikes (fresh air, change of scenery, break from homeschool) to access Estabrook Woods via Estabrook Road and were faced with all of the "signs" indicating the closures. Not wanting my kids to think we do not obey signs, we turned around and went home - everyone was so disappointed and confused about why we couldn't go on our mini adventure.

I urge you to consider the happiness and joy exploring this land brings to so many Concord residents like ourselves, especially in light of Earth Day coming up next week on April 22nd.

Thank you for your time and attention.

Caroline Myler
1007 Lowell Road

Subject: FW: Estabrook
Date: Thursday, April 16, 2020 at 8:28:14 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

On 4/15/20, 10:47 PM, "Holly Kimball" <holly.ducati@yahoo.com> wrote:

To whom it may concern:

The latest news on the Estabrook issue saddens me deeply. As a woman who used to love walking and running in Estabrook, I no longer feel safe being on public land in Estabrook, given the negative controversy and attempts to block public access. I am one of many women who feel this way, what a shame this has happened in the midst of the strides MA (and Concord in particular) has made to make women feel safe to be alone communing with nature. MA has had a sad history of females being harmed in the woods, but Concord used to feel like a safe place for women to walk in the woods, until this whole negativity started around Estabrook and other Concord nature areas. Sadly, because of this, I have known and heard of many women (with and without their dogs) being accosted while simply walking in nature by aggressive landowners and other trail users. What a shame it has come to this. I recall a time when I would enjoy myself (and see other women) walking and running freely in Estabrook and other nature areas. I encourage the town to take into account the particular needs of women when they access to public land.

Thank you for listening.

Holly (resident of Concord)

Jane:

Hello. I hope you're well and staying safe. These are crazy times, eh??

So, Susanna K and her cohort have closed off the entrance to Estabrook at the end of Estabrook Road with chicken wire and signs.

Do you know anything about this? Is there anything the town attorney can do?

Obviously, they don't have the right to do this until the lawsuit is adjudicated...
This is one side unilaterally saying they win. Completely unjust!! And SO horrible during this time when we were all supposed to be coming together and being loving and neighborly…

Help,
—Justin

Sent from my iPhone
Please excuse brevity & mistakes!
203-762-5000

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To the Town Manager and the Select Board of the Town of Concord

Though I live in a neighboring town, I have been following your "Estabrook Woods Lawsuit" as it has been reported in Wicked Local news articles. I note the most unusual situation of a town suing its own citizens. I believe one would be hard-pressed to find an equivalent case in Massachusetts where a town launched a suit against taxpayers who were also longstanding citizens, some of whose families have lived in Concord for many generations.

With due respect for your positions as town officials, I also wonder at the *public discourse* surrounding this lawsuit, which, unfortunately, is not unlike the public discourse carried on in Washington, D.C., lately.

Just as Washington has moved to cultivate and incite aggression among its constituency, small towns like Concord, via their officials, can both deliberately and inadvertently do the same thing. Regarding a highly public and publicized lawsuit, the Town of Concord seems to be adapting a strategy straight from the playbook of the late attorney, Roy Cohn, who was well-known as a mentor to Donald Trump.

In his biography of Roy Cohn, Plaintiff in Chief, author James Zirin notes:

"Roy Cohn's recipe was fight, and he taught Trump the tools he used.

Rule number one is, if you're charged with anything (such as *not defending landowners' property rights*), counterattack (*sue fast and first*).

Rule number two is, if you're charged with anything, try to undermine your adversary (using terms like *selfish, NIMBY, ignorant of and in violation of the law*).

Rule number three is, work the press (*widely distribute a Town press release and place a link to your legal complaint on Wicked Local to maximize coverage*)

Rule number four is, lie. It doesn't matter how tall a tale it is, but repeat it again and again *(the land is not private land, you are protecting a long-standing public right)*."

As someone living in a neighboring town, I am curious: **if there actually is a "public right" on the private land** (which I now understand is owned by Harvard University and private citizens), **why don't you just publicize the document that shows a recorded public easement?** As Mr. Cohn would advise Mr. Trump: winning in the court of public opinion is paramount - ignore or bury the facts when need be.

Please don't adhere to Roy Cohn's playbook. Please do not continue to keep the real facts from the public. Many towns are watching as this unprecedented local case against private landowners unfolds.

Ann Kramer

From: Richard Mandel <mandel@richardmandel.com>
Date: Thursday, April 16, 2020 at 10:37 AM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Woods Abutters

It is absolutely preposterous that private landowners can do what the Estabrook abutters are doing. The town should just take some land by eminent domain and build small parking lot. They are acting like spoiled children and need to be treated as such. I mean seriously….

Locking the entrance? Blocking parking on a public road? What gives them the right? Is this South Boston after a snow storm?

I am a Concord tax payer and my dollars help maintain that road. If the town allows parking on that road, it is my right to park there. Who are they to block such parking? And the town should not ban parking there to just yield to these snively, whiney babies…

These actions are infuriating…

Thanks.

- Richard

Richard Mandel, Esq., *Of Counsel*
BAKER LAW OFFICES, P.C.
200 Broadway, Suite #306
Lynnfield, MA 01940
(617) 330-1330
(617) 330-1339 (f)
(617) 529-3549 (c)
mandel@bakerlawoffice.com
mandel@richardmandel.com

Subject: Fw: Estabrook Road Entrance to Estabrook Woods
Date: Wednesday, April 15, 2020 at 11:11:55 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: David Meyers <David.Meyers@erg.com>
Sent: Friday, April 10, 2020 2:51 PM
To: Stephen Crane; Terri Ackerman; Susan Bates; Michael Lawson; Linda Escobedo; Jane Hotchkiss; Delia Kaye : NRC Director —; Joseph O'Connor
Subject: Estabrook Road Entrance to Estabrook Woods

All,

I have written to you many times that as a Concord citizen and a frequent user of Estabrook Woods, I am very grateful to the Rasmussen's, the Robbs, Harvard University and others for beautifully maintaining and graciously allowing me to access their trails through the woods. My wife and I have used the trails several times per week for the past six years. When I learned that the town was suing these landowners, I was saddened and dismayed. It you read the Concord paper, the momentum for the lawsuit was the desire for dog owners to have their dog's unleashed in these woods. After years of pursuing the lawsuit, the town has achieved nothing and has expended nearly $1,000,000 of taxpayer money. The town's lawyers have reluctantly acknowledged that these private entities own these trails. Even if the town wins the lawsuit, it is not clear that the landowners lose their rights to restrict specific activities on the land, such as requiring dogs to be on leash. As a dog owner and frequent user of the trail, I can tell you from personal observation that it is desirable and reasonable for safety, sanitation and ecological reasons to require dogs to be leashed in these woods. Given that dog owners have more than 30 number of options in Concord for unleashed activity, it is not reasonable to legally go after our town's most generous citizens to ensure the rights of dogs to unleashed activities in this particular area.

It appears that the town is listening to these dog owners again during this epidemic by threatening to "take over" the Rasmussen's entrance to the trail. Rather than responding to the squeaky wheel, the town should take a broad view of this issue. The Rasmussen's have noticed a variety of unsafe activities on their land during the current epidemic. Like thousands of federal, state, and local entities throughout the country who have closed thousands of park spaces during this epidemic, they have concluded that the trails are not being used safely at present. Users are not respecting guidelines set forth by Dr. Fauci and others. The town should simply respect this decision. Going after the Rasmussen's at this moment makes no legal, fiscal, or public safety sense. It also gets the "Concord Unleashed" organization no closer to its goal.

Of the many counterproductive results of the town's lawsuit, many side trails (FYI: most of the trails is Estabrook woods are not the main "Estabrook Road" trail) have been permanently shut down by private landowners because of the lawsuit. One neighbor who frequently jogs through the woods, estimated to me that more than half of the trails that were freely accessed in the past have been lost to the public because of the lawsuit. The town's uninformed legal strategy has hugely backfired already and the situation will only get worse if the town goes after these landowners for attempting to ensure safety during this epidemic. Until now, the Rasmussen's have not closed off their entrance to the trail despite the lawsuit, and I assure you that they are only doing so now for serious safety reasons.

David Meyers

116 Estabrook Road

Subject: FW: Re-open Public Access to Estabrook
Date: Thursday, April 16, 2020 at 8:28:09 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Keith Miller <keithdkm@gmail.com>
Date: Wednesday, April 15, 2020 at 10:53 PM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Re-open Public Access to Estabrook

I urge that the Select Board of the Town of Concord use all legal means at their disposal to force the abutters on Estabrook Road to re-open access to Estabrook Woods

When the gates appeared on Estabrook Road, it was clear that the Rasmussens and the Reads were going to use the first opportunity available to them to close access to the woods. But even in my most pessimistic moments, I could not have imagined that they would take the "opportunity" offered by an actual national crisis, using bad faith arguments about public health, to lock those gates. It is a deeply cynical move intended to permanently deny the citizens of Concord access to rights of way that have been in use by the public for hundreds of years.

I walk in Estabrook Woods several times a week. It is a special place, a jewel. In a time when we all need some escape, the woods is a refuge. That refuge is being chipped away at by a well-funded, multi-year campaign waged by landowners who apparently refuse to accept the fact that they bought property with a public right of way through it. That campaign is now entering its closing phase.

They are assuming that their wealth, influence and shameless opportunism will win them the day. Do not give them this victory. The law is on our side. If you cede this ground, I worry what it will mean not only for public access to Estabrook Woods but also for public access to so many other of Concord's special places.

Yours faithfully,

Keith Miller
Thoreau St

On 4/16/20, 11:28 AM, "Michael Milofsky" <milofskym@me.com> wrote:

The situation at Estabrook is very troubling. I hope that you resolve this issue so that the public can access Estabrook Woods without having to deal with the signs and obstacles put in place by the individuals opposed to allowing public access.

Respectfully

Michael Milofsky
754 Main Street
Concord, MA 01742
Sent from my Ipad

From: **Jen Nielsen** jentnielsen@gmail.com
Subject: Estabrook
Date: April 15, 2020 at 10:21 PM
To: mlawson@concordma.gov, publicinfo@concordma.gov

JN

Good Evening

I heard there is a meeting soon to discuss Estabrook, so wanted to provide feedback.

Some background on me:
I've lived in Concord for about 15 years, I am a scientist and biotech executive working as a VP of Portfolio Mgt in Cambridge.

I hike in the woods probably 5 times per week and frequent the White Mountains in NH for mountaineering trips (not during COVID). I worked for the AMC during undergrad and have a deep commitment to conservation, ecology, and nature.

I have never been to the Estabrook trailhead, as I always access via Punkatasset. HOWEVER, in the past 7 years I have driven down Estabrook road all of 2 times. Both times were straight out of a horror movie. I was with my small son on Barnes hill and wanted to reserve direction, so turned down Estabrook and 2/2 times I was terrorized by residents (once by a brunette woman, once by an older man with glasses)...they were yelling in my window that this was a private access road and I needed to get off their road or they would sue me for trespassing. I was not using a driveway, but the road only. So I've never been near there again. I actually avoid Barnes Hill because I'm still traumatized.

If this is a private road please put a gate in front to protect innocent citizens and children from being attacked by accidentally driving into the gates of scary town.

On another note, I have noticed massive overcrowding on trails around town. BUT the true issue is out-of-towners. I've been asking people (from 10' away) where they are from and I get Waltham, Maynard, Acton, Arlington, Belmont....The guidance during COVID is stay in your own town and in waking distance, if possible. From my house, I can walk to Fairyland/Hapwood and it's overrun with out of towners. It's a sad situation.

Before closing access to trails, we should be limiting access to town residents only for safety reasons. I think Concordians would respect the trails.

Lastly, as a scientist, I'm extremely concerned by Delia Kaye's lack of credentials (she does not have an advanced degree like all the other town DNR heads) and does not grasp the basic scientific fundamentals when it comes assessing situations like Estabrook. She frequently cites propaganda articles from google (on things like organic farming/GMOs). Concord is becoming very anti-science....

Best
Jen Nielsen
25 Everett St

Subject: Fw: Concord's Decision to Forcefully Open Estabrook Road To The Public
Date: Wednesday, April 15, 2020 at 11:12:04 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Lansing Old <tenblackcormorants@yahoo.com>
Sent: Thursday, April 9, 2020 11:22 PM
To: Stephen Crane; Terri Ackerman; Susan Bates; Michael Lawson; Linda Escobedo; Jane Hotchkiss
Cc: Delia Kaye; Joseph O'Connor; rfucci@wickedlocal.com
Subject: Concord's Decision to Forcefully Open Estabrook Road To The Public

Town Manager, Board of Selectmen,

Properties owned by Rasmussen, Reed, Robb, and Harvard University where Concord claims to have "right of access" are private. The Town has already acknowledged this. In fact each deed verifies ownership without language granting Concord's "right of public access" or "right to maintain access".

Over 70 years as guest of the owners never have I witnessed Concord maintaining any part of any trail in Estabrook Woods excepting Punkatsset after a 1996 Town purchase.

Estabrook Road entrance has had many owners in my life time, Emersons, Riggs, Rasmussens, Reeds, and John Hill. Each owner always gated and maintained the trail but for John Hill who posted his land, "no trespassing".

To suggest our Town can now forcefully open private property to "public access" before its pending law suit concludes, is illegal. Who can file a "claim" but act before the "claim" is granted? What gives Concord judicial power in its own law suit? Concord does not own the land, nor has Concord maintained the trail.

Citizen complaint does not decide a "public right". Thankfully Massachusetts' laws grant each of us "private property rights".

Filing the law suit was your first mistake but forcing your hand will be your last. A Town muscling private property owners is never welcomed by a court, especially with risk to health.

Get better legal advice.

Lansing Old 607 Lowell Road

Sent from my iPhone

From: **kevin parke** kevinrparke@gmail.com
Subject: Estabrook W
Date: April 15, 2020 at 8:45 AM
To: tackerman@concordma.gov, sbates@concordma.gov, Jane Hotchkiss jhotchkiss@concordma.gov, lescobado@concordma.gov, Michael Lawson mlawson@concordma.gov

KP

Select Board,

Over this past month, more than ever before, I have appreciated the beauty, quiet and natural setting of Estabrook W. Coupled with that appreciation has been gratitude. Gratitude to the owners who have graciously preserved the woods and allowed access for the past decades.

I write this email to ask for two things. First, the town has a responsibility to give the facts to the citizens. I fear misinformation has created a sense of entitlement that not always, but sometimes, leads to ungracious behavior. When I run in the woods I know every step I take is onto private property. So I'm extra careful to be respectful. I know many feel likewise, but it only takes a small percentage to change the dynamic. If you need an example of the confusion, read the comment section of the Concord Unleashed Facebook page.

Second, the legal battle has definitely exacerbated the situation. I fear unintended consequences. I fear the costs may far outweigh the benefits. I'm no expert, but I encourage a fresh look. Not easy midstream, but I have hope that a win/win solution exists and that 2020 is the time.

Sincerely,

Kevin Parke
33 Liberty Street

Subject: FW: Estabrook Woods Access
Date: Thursday, April 16, 2020 at 8:28:43 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

On 4/15/20, 9:55 PM, "Bonnie Polakoff" <bonnieboop@comcast.net> wrote:

That parking was attempted to be blocked by private citizens on a public road is outrageous. That private citizens are attempting to block public access on Estabrook Road to Estabrook Woods is also outrageous.

Bonnie Polakoff
68 Whit's End Road
Concord

Neil and Anna Rasmussen
393 Estabrook Rd, Concord MA 01742

4/9/2020

Dear Town Manager Crane and Concord Select Board,

In response to your note, we are disappointed that the Town again declines to protect us or our property, and instead capitulates to the pressure of scofflaw dog-walkers (see the attached picture of a member of Concord Unleashed urinating on a gate leading into private land).

You continue make the mistake of referring to our land as a Town's "open space asset," which it is not. It is private property, and as the Town has repeatedly admitted. In fact, at the 2018 Special Town meeting the Select Board said: "The Town makes no claim of ownership of the Trail." Subsequently, it was further revealed that "Originally Town Manager Whelan had said he believed the trail was public land, but has since walked that claim back, having received confirmation from town counsel that the trail is on private land." (Concord Journal, 12/4/18). *There is no Town land on or along the Trail.*

Through a continued failure to recognize our property as private land, you have knowingly placed us in danger and incited uninformed citizens to trespass, threaten, slander, and libel us.

For many years we have welcomed visitors to our land and our trail (which, according to affidavits of long-time residents, the prior owners did not allow). The friends and neighbors we used to enjoy sharing our property with have been supplanted by a growing number of angry people who claim entitlement, do not follow the posted rules, and who have just recently congregated in unprecedented and growing numbers on our property, creating a dangerous condition. Being bitten by an unleashed dog last week, as Neil was on our own land, presents special dangers due to the risks of visiting an emergency room in the current crisis.

For four years, we have asked the Town to simply show us any documentation of rights to our property that we were not aware of. The Town has repeatedly proposed such evidence and later needed to retract it. At this time, we are aware of no such documentation.

The signs we posted in the parking area (which we created and maintain) were intended to indicate that the Trail was closed; so that people would not waste time and energy parking only later to discover that

the Trail was closed. We think it would be helpful if the Town were to replace those signs with Town signs advising people that the Trail is closed.

The promotion of our property as a destination to visit during the Coronavirus outbreak, first by the Town and later by media other towns, was reckless and ill advised. The resulting crush of visitors was out-of-control and a health hazard. In fact, many other Towns and Land Trusts have closed public conservation lands for such reasons, and Concord itself may do that imminently. The crowd situation at our location was in fact much worse than the situation at many other locations that are already closed or may be subject to imminent closure. For the time being, we concur with our neighbor's decision to keep our Trail closed, but will commit to ongoing communication with the Town to reassess as the situation unfolds.

During this time and in conjunction with our neighbors, we have removed the previous "Welcome" sign which granted permission at the Trail entrance, and replaced it with a sign on our land saying "Private Way: The Public is Warned Against Entering – by order of the Middlesex County Commissioners, docket 1432." We assume you are aware that this is the exact verbiage of the signage required to be posted by an order of the county:

> *"And said Commissioners further provide that in accordance with Chapter 289 of the Acts of 1924 this junction shall take effect provided that sufficient notices to warn the public against entering on said way are posted where said road enters upon or unites with the existing public way at said Emerson driveway, and also at the town line between Carlisle and Concord."*

Indeed, the Town must be aware of this because it allows gating and "no trespassing" posting on a number of other old trails that were discontinued under the same statute, as do other surrounding towns. Also, in 1990 the Town considered a similar situation and in that case the Town Counsel correctly advised that the trail in question was private property and a lawsuit was averted. In fact, the current Town Counsel in June of 2016 agreed our trail was private property that we control, prior to the reversal of its position based on its interpretation of what we now know was the wrong legal statute.

The Town needs to address the dangerous situation it has helped to create, by communicating to its citizens that A) it has no Town land on or along the Estabrook Trail and B) that it has not found any documented easement or right to use the trail. You must be aware that burden of proof is on the Town, and that the Town is petitioning the court in the hope of gaining an easement that it does not have.

Stephen, we know that you did not create this disastrous predicament. We urge that you and the Select Board ask questions about the merits of this case. For starters, the Select Board should go to www.estabrookfacts.org and learn about the Estabrook Woods, as we now have learned that some members of the prior Select Board did not even know it was a private nature preserve, or that the Select Board had sued Harvard University.

With regard to ongoing discussions, we request and expect these communications to occur through counsel.

Neil and Anna Rasmussen

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 1:47 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Destruction of signage on our property
Attachments: Signage Destroyed r6.pdf

From: Brooks Read <brooksola@yahoo.com>
Date: Thursday, April 16, 2020 at 1:40 PM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>, Susan Bates <sbates@concordma.gov>, Stephen Crane <scrane@concordma.gov>
Cc: Susannah Kay MD <susannahkay1@gmail.com>
Subject: Destruction of signage on our property

Dear Select Board members and Town Manager,

Please see the attached letter and photos regarding destruction of signage on our property.

Brooks Read
Susannah Kay, MD
366 Estabrook Road

April 16, 2020

Dear Concord Select Board and Town Manager,

Last Sunday, April 12, a man we neither know nor recognize came to our property on a bicycle with a young child:

He attempted to pull our sign post on our property out of the ground:

He was unable to pull the post out with the young child balanced on the bicycle, so he parked the bicycle and child:

He then threw our tripod sign over:

Then he returned to the sign post and got to work in earnest:

Eventually he was able to remove the sign post and throw it down:

He then departed:

A short time later he was apprehended by the police:

This is the sign on the post which he pulled up and threw to the ground:

This posting is required by the statute (*Section 32A*) under which Estabrook Trail was discontinued. See the underlined text in *Section 32A* below:

AN ACT RELATIVE TO THE DISCONTINUANCE OF CERTAIN WAYS AS PUBLIC WAYS. *Chap.*289

Be it enacted, etc., as follows:

Chapter eighty-two of the General Laws is hereby amended by inserting after section thirty-two the following new section: — G. L. 82, new section after § 32.

Section 32A. Upon petition in writing of the board or officers of a town having charge of a public way, the county commissioners may, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for travel, adjudicate that said way shall thereafter be a private way and that the town shall no longer be bound to keep the same in repair, and thereupon such adjudication shall take effect; provided, that sufficient notice to warn the public against entering thereon is posted where such way enters upon or unites with an existing public way. This section shall not apply to ways in cities.

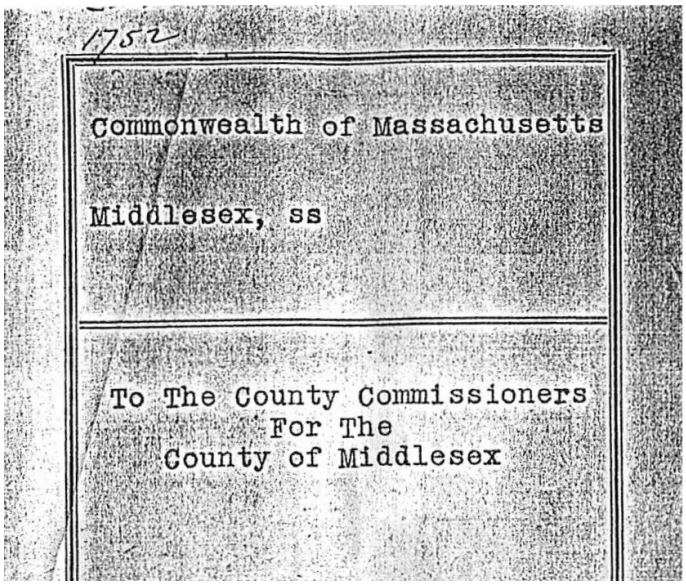
Discontinuance of certain ways as public ways.

Proviso.

Not applicable to ways in cities.

Approved April 24, 1924.

The sign includes "***Docket #1752.***" This is the docket number for the discontinuance of Estabrook Trail, as can be seen in this copy of the Estabrook Trail discontinuance documents:


1752

Commonwealth of Massachusetts

Middlesex, ss

To The County Commissioners
For The
County of Middlesex

C. C. 1752

The Road Commissioners of the Town of Concord, Petrs., that a portion of Estabrook Road, in said Concord, be discontinued as a public way, and thereafter be a private way.

FINAL RETURN

Filed July 9, 1732.

We would greatly appreciate your support in admonishing the public not to destroy signage on our property which has been installed to comply with statutory posting requirements.

Brooks Read
Susannah Kay, MD
366 Estabrook Road

From: Susan Rieder <sorieder@gmail.com>
Date: Thursday, April 16, 2020 at 10:59 AM
To: Michael Lawson <mlawson@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>
Subject: Access to Estabrook Woods

Dear Members of the Board of Select,

I hope you are all safe and well.

I am writing as we are wondering why access to Estabrook Woods from Estabrook Road has been closed? We were surprised to see it blocked off the evening, April 7th, though the trailhead on Monument Street appeared to be open. Can you please tell us why this is?

It seems like at a time like this, people need access to nature more than ever. Certainly I have never seen the trails as crowded as they have been the past few weeks, and for a reason. The woods provide us with solace. Closing access to those trailheads simply makes the other trailheads in town more crowded and unsafe, in terms of social distancing.

Frankly, it seems cruel to have shut down access from Estabrook Road at a time like this. I use that word judiciously. We are not dog owners. We simply like to take quiet walks in the woods. That trailhead is one of our favorite spots. It seems a pity that it cannot be shared with the public.

Thank you for your consideration,

Sue Rieder and Chris Cavanagh
91 Peter Bulkeley Road, Concord

From: **Penny** prodday@AOl.com
Subject: Estabrook Woods
Date: April 16, 2020 at 9:16 AM
To: mlawson@concordma.gov

P

Dear Selectboard,

We were away for Feb./March. When we returned to Concord and went to walk in the Estabrook woods we found the parking blocked off and the entrance locked. How and when did this happen?

To us it is a tragedy. We have walked in those woods for 40 years with no issues. The area provides solitude, peace and beauty. What time more than now should we be seeking such an environment?

It is extremely sad to us that the Estabrook Woods controversy has brought this kind of action. It has removed for Concord citizens a place of beauty and refuge.

We sincerely hope that a better solution can be reached and that we will once again be able to walk in the woods. They are truly beautiful and restorative.

Strongly wishing a better solution,
Penny Rodday
Sent from my iPhone

Subject: FW: Please keep Estabrook Woods open to dog walkers
Date: Thursday, April 16, 2020 at 9:40:43 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Tessa Rowland <tessarowland@yahoo.com>
Date: Thursday, April 16, 2020 at 9:35 AM
To: Concord Public Info <publicinfo@concordma.gov>
Subject: Please keep Estabrook Woods open to dog walkers

Good morning,

Is it true that these paths are no longer open. By what right?

Thank you for letting Concord dog owners know.

Sincerely,

Tessa Rowland
31 Hosmer Rd, Concord

Sent from Yahoo Mail for iPhone

From: **Lynn Salinger** blsalinger@gmail.com
Subject: School campus closures
Date: April 9, 2020 at 8:37 AM
To: scrane@concordma.gov, Michael Lawson mlawson@concordma.gov

LS

As a next-door neighbor to the Thoreau School, we have a unique vantage on the foot traffic in and around the School. In recent weeks we have been pleased to observe the socially distant gathering of dog walkers, families, and in particular our disabled neighbors, all taking advantage of the "loop" on a nice day.

As of this morning, we awoke to a sign saying "please stay off school grounds" and a police car parked in front of the school. I note from the town's Twitter feed that playgrounds and sporting facilities are closed due to the COVID risks, which I understand.

But as a tightly knit neighborhood, whose dog walkers, families with young children, kids on bikes and scooters, and disabled neighbors for whom a walk around the school is the best therapy, the decision to block access to the entire school campus seems rather draconian. As the weather warms, people are surely going to need to get outside... better to do a loop around the school than expect kids to play in the street!

I could not easily find Dr. Hunter's email on the CPS website, so please feel free to share with her.

I strongly urge that a better system be found to manage open spaces during this stressful time.

Best,

Lynn Salinger

75 Pleasant St, 371-0444

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 12:21 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Special Select Board Meeting Tomorrow RE: Estabrook

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From: Amy Simon <amysimon@aol.com>
Date: Thursday, April 16, 2020 at 11:32 AM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Fwd: Special Select Board Meeting Tomorrow RE: Estabrook

Hello All,
I hope this email finds you all healthy and staying safe.

Following up on the email I received below, I just want to say that I think the actions being taken by the residents of Estabrook Road are abhorrent.
I thought their actions were selfish and self serving prior to the Pandemic. Now, they have escalated to atrocious.
If they do not own this land, then they should not be allowed to barricade it. The town should continue to fight for property that by all accounts that I have read, seems to belong to the town (and the taxpayers).

Please continue to fight for the people's right to access the incredible resource, Estabrook Woods.
Thank you for all you do!
Best,
Amy Simon
1373-1 Monument Street

Begin forwarded message:

From: Jeff Young <jyoungideas@gmail.com>
Subject: Special Select Board Meeting Tomorrow RE: Estabrook
Date: April 15, 2020 at 9:42:41 PM EDT
To: undisclosed-recipients:;

Hi Everyone,

I hope you are all doing well and staying healthy. I feel a bit invasive emailing you during this pandemic, but apparently the Select Board is having a special meeting tomorrow at 4pm to discuss the Estabrook Woods controversy. The abutters have essentially locked and barricaded the entrance and even went so far as to block off all parking along the public road. The police have removed the "fake signs" and cones blocking the parking, but the gate remains locked with two heavy duty steel cables.

I'm assuming the Select Board is meeting via Zoom, so don't worry about attending. However, if you would like to let them know how you feel about this, you can send them an email here:

publicinfo@concordma.gov

mlawson@concordma.gov

Lastly, there will be a vote at town meeting this summer on whether to continue funding the law suit contesting public access. Thank you and good night... as if we needed more stress right now. :(

Stay well,
Jeff

From: Anna Stevens <anna.stevens4@gmail.com>
Date: Thursday, April 16, 2020 at 9:56 AM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Road closure

Dear Select Board of the Town of Concord,

I implore the Town of Concord to fight for public access to the Estabrook Woods via Estabrook Road, a public road that has been used continuously for almost three centuries.

The Rasmussens and Reads have been systematically reducing access to the Woods for years. Completely blocking this entrance during the coronavirus pandemic is a shameful culmination of this effort.

The Estabrook Woods are a much-needed respite from the heartache of our current crisis. Our immune systems are strengthened by exercise, sunshine, fresh air, and nature. To hinder our walking in the Woods at this time is a crime.

The Rasmussens' and Reads' argument that they have closed this entrance for "safety" is completely unfounded. In my regular walks in the Estabrook Woods, I have observed that people absolutely practice social distancing there. The Woods are spacious, and people give each other wide berths when passing.

For safety, we should instead enter the Woods from *as many separate entrances as possible*. Limiting entrances increases the risk of crowding at the few remaining entrances.

Because of coronavirus, we are no longer able to carpool, which means we need to park more cars to accommodate the same number of walkers. During this pandemic, parking should therefore be increased on Estabrook Road and, as long as the cars are parking safely, they should not be ticketed.

It is my understanding that the courts have not ruled to block the Estabrook Road entrance to the public. If this is correct, then the Concord Police should be given full power to open this entrance back up right away. This access should not be blocked until and if the courts rule to do so.

The Rasmussens and Reads are using money to buy power and land—to *take* this power and land from the public. Please stop them. The Town of Concord and the Concord Police Department should serve all people, not just the few.

Sincerely,

Anna Stevens
71 Hubbard Street
Concord

Subject: FW: Estabrook Woods
Date: Thursday, April 16, 2020 at 9:25:30 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Amy Stoll <am@ystoll.com>
Reply-To: Amy Stoll <am@ystoll.com>
Date: Thursday, April 16, 2020 at 9:25 AM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Woods

Good morning.

I understand there is a meeting today at 4 to discuss the Estabrook Woods situation, but I was unable to find the agenda or Zoom info on the town website. I live at 91 Hayward Mill Rd and learned last week that the access to Estabrook was closed.

I know there is ongoing litigation concerning Estabrook access, but my understanding is that all conservation areas are still open. Curious as to why Concord has rightly decided to keep conservation areas open, but close Estabrook which is a fantastic sanctuary that is especially needed a this time.

Best regards,
Amy Stoll
978-505-0895

From: Bianca Taylor <bluehoneybee@icloud.com>
Sent: Monday, April 6, 2020 5:22:10 PM
To: Jane Hotchkiss <janechotchkiss@gmail.com>
Subject: Entrance to Estabrook blocked again

Dear Jane,

After I called the police this morning and they came and removed the cones, open the gate and remove the signs, I thought I would try to go for a walk again this afternoon.

Unfortunately I arrived with my daughter in a stroller to find the gate was once again closed and blocked by the same ugly sign.

I called the police again, but the officer who answered the phone said the sergeant was not going to come out again to open the gate.

She said she could not tell me whether to open the gate myself or not, but advised me to avoid contact with the lady on the right.

Photos attached.

Sigh,
Bianca

Subject: Fw: Estabrook Trespassing Notice
Date: Wednesday, April 15, 2020 at 11:10:51 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Bianca Taylor <bianca.taylor@outlook.com>
Sent: Saturday, April 11, 2020 10:06 PM
To: Michael Lawson; Linda Escobedo; Jane Hotchkiss; Terri Ackerman; Susan Bates
Subject: Estabrook Trespassing Notice

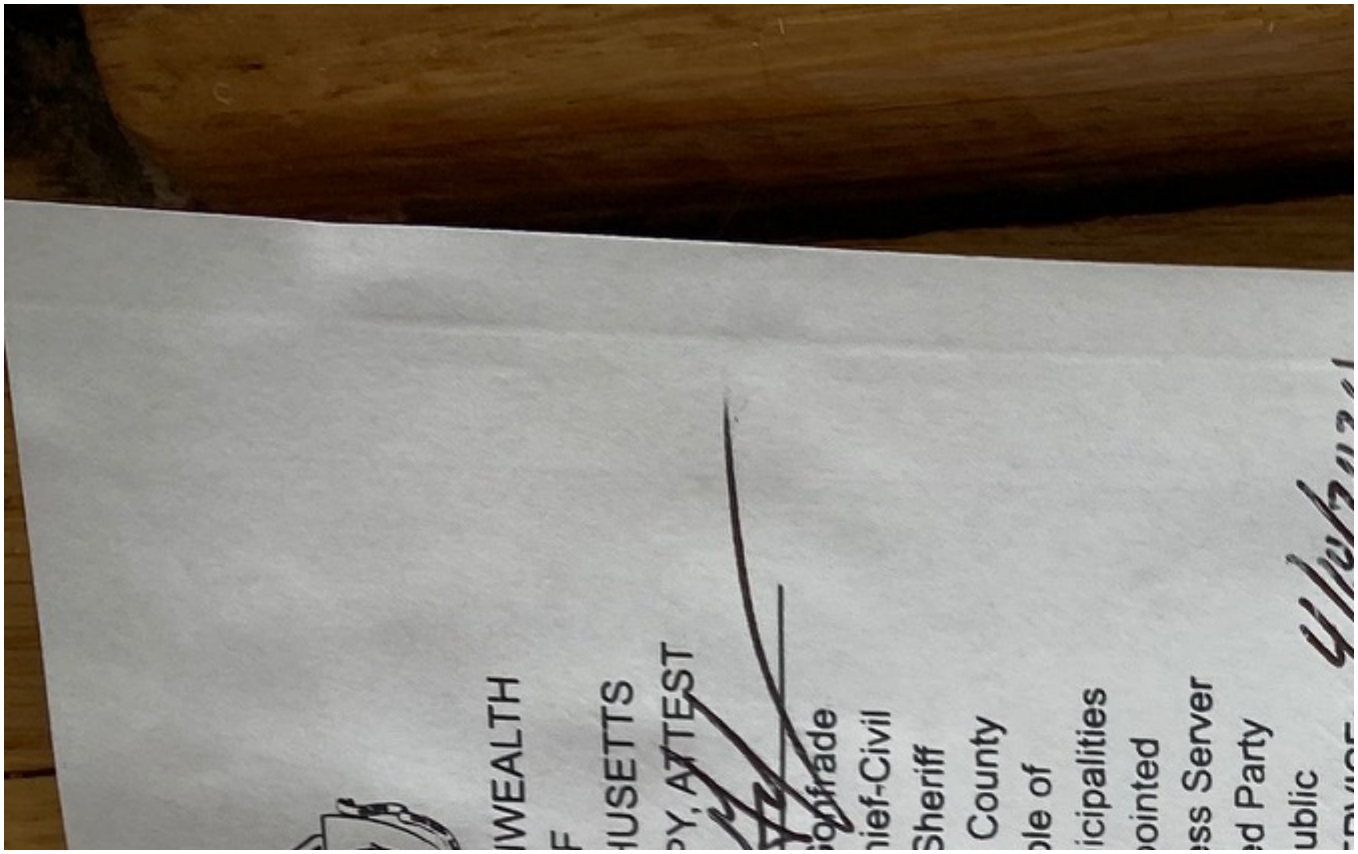
Dear Select Board Members:

On April 6th I called the Concord Police to notify them of the bogus closure of parking and the pedestrian entrance to Estabrook Woods. They told me they would go see what was going on. I drove over later to meet them there, and they opened the gate for me.

Yesterday, I was served the attached trespassing notice.

I find their audacity to misappropriate public land, and then bar public access with harassment and intimidation — to boot during such a difficult period for humanity — to be beyond words.

Sincerely,
Bianca



NO-TRESPASS NOTICE PURSUANT TO G. L. c. 266, § 120

April 9, 2020

From: Susannah Kay
Brooks S. Read
366 Estabrook Road
Concord, MA 01742

To: Bianca Taylor
670 Lowell Road
Concord, MA 01742

Dear Ms. Taylor:

COMMON
O
MASSACH
A TRUE COP
R. Scott G
Former Ch
Deputy S
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Notary P

Subject: Fw: Grass seeds on Estabrook trail head
Date: Wednesday, April 15, 2020 at 11:10:35 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: Bianca Taylor <bianca.taylor@outlook.com>
Sent: Sunday, April 12, 2020 10:12 AM
To: Michael Lawson; Linda Escobedo; Jane Hotchkiss; Terri Ackerman; Susan Bates
Subject: Grass seeds on Estabrook trail head

Dear Select Board members:

I wanted to notify you that the portion of the Estabrook trail that the Rasmussens claim has been completely covered with grass seeds.

I thought this would be important to notify in case they later claim that the lack of pedestrian traffic is what lead to "regrowth."

Sincerely,
Bianca

Subject: Fw: Estabrook Road Closure
Date: Wednesday, April 15, 2020 at 11:16:55 AM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

From: von Weise, Ford (Boston) <ford@vonweise.net>
Sent: Wednesday, April 8, 2020 7:25 PM
To: Stephen Crane; Michael Lawson; Jane Hotchkiss; Linda Escobedo; Susan Bates; Terri Ackerman
Cc: Kate Hodges; Andrew Mara
Subject: Estabrook Road Closure

Dear Select Board & Town Manager,

I am writing to express my – along with others – extreme displeasure to find Estabrook Road closed by the abutters in the last day or two. There are signs at the end of the paved road and the opposite end in the woods saying "No Trespassing, Closed, Do Not Enter", etc. there are also chains and fences blocking entry – placed on public land.

I know the situation at the top of the road has been a topic of much debate recently, that legal status of the road is in dispute and the matter is now subject to ongoing litigation. However, until such time as the Land Court is able to render a decision, the road is on record as being owned by the county and – therefore - is public.

We request that the Board and the Town have their legal representatives send a sternly worded letter to the abutters who have closed the road demanding that the signs, chains and other access blocking devices be removed at once. Furthermore, the Town should consider amending the court filings in the legal matter to include statements regarding this egregious behavior.

Clearly, the abutters have taken advantage of the current crisis to advance their extreme wealth private property agenda and to close a much needed public resource, thereby denying their fellow town residents and taxpayers their legal right to access public lands. Such behavior is selfish, reprehensible and illegal. I hope that I am one of many residents who have – or will – express their extreme displeasure. Thank you for your time, consideration and action.

Respectfully yours,

Ford von Weise
ford@vonweise.net

+1 978 371 9071 Home
+1 212 559 1444 Work
+1 617 834 2147 Mobile

839 Lowell Road
Concord, MA 02741

From: Richard Waters <dick@merl.com>
Date: Thursday, April 16, 2020 at 10:21 AM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Woods controversy

Dear Concord Select Board,

I would like to add my voice to those that are encouraging the town to fight for its rights and its citizen's rights with regard to the Estabrook Woods controversy. It is completely unreasonable for the abutters to lock the public out of public space. The town should persevere with whatever time is needed and whatever cost is necessary to prevent this unconscionable attempt to take public property for private use.

Richard C. Waters
65 Captain Miles LN

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 12:21 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Estabrook Woods

From: Sara Wiener <sarawiener100@gmail.com>
Date: Thursday, April 16, 2020 at 12:00 PM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: Estabrook Woods

Hello,
I would like to express my concern about the actions taken by the abutters to Estabrook Woods to limit public access to conservation land. I fully support the Select Board in the litigation against the abutters and in preserving the public's long established right to use and access Estabrook Trail.
I would appreciate if the Select Board could do a better job in communicating to the public its strong position in favor of public access and why the actions taken by the abutters are not appropriate.

Thank you for your attention to this matter especially during these difficult times.

Sara Wiener
20 Bow Street

Subject: FW: Estabrook Road
Date: Thursday, April 16, 2020 at 9:47:03 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

On 4/16/20, 9:45 AM, "Tracy Winn" <tracy_winn@me.com> wrote:

Dear Mr. Lawson,

I feel deeply for the select board in this situation. The abutters have unlimited funds, and unlimited ill-will. They fight dirty. Using intimidation, in a long and calculated campaign, they've shaped even the vocabulary we use to refer to the road. (Whoever heard of Estabrook "Path?") I ask you to do the right thing. Imagine the precedent set if you let seven well-heeled neighbors subvert our sense of community.

For goodness' sake, we can't let them win. The prospect of losing legal access to those woods is a sorrow we never imagined we'd have to feel. It has thrown the community into mourning. I used to celebrate daily the conservation of such a resource in our town, imagining that as long as I could take walks, I would be there to pat the flanks of those old trees. For more than twenty years, the place has fueled my imagination and refilled the reservoirs of spirit that only a walk in our big woods can fill. With so much bad news, Estabrook Road is the place that many of us Concordians go for a little good news of the natural world. I encourage you and the board to press on in this law-suit.

If there were a way to start a Town fund to finance the fight, I would give generously.

Yours, sincerely,

Tracy Winn
404 Monument St.

Subject: Fwd: Owning our challenge
Date: Wednesday, April 15, 2020 at 11:50:26 PM Eastern Daylight Time
From: Jane Hotchkiss
To: Jeremy Romanul

Sent from my iPhone

Begin forwarded message:

> **From:** Anna West Winter <anna@saveourheritage.com>
> **Date:** April 15, 2020 at 11:42:26 PM EDT
> **To:** Stephen Crane <scrane@concordma.gov>, Michael Lawson <mlawson@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, Linda Escobedo <lescobedo@concordma.gov>, Susan Bates <sbates@concordma.gov>, Terri Ackerman <tackerman@concordma.gov>
> **Subject: Owning our challenge**
>
> I walked too close to a gander today, his posture stiffened as he struck a combative pose. Hissing at me loudly — he signaled his courage and readiness to challenge an approaching creature that dwarfed him in size.
>
> At first I was startled, and a tad hurt, to be perceived as a menacing adversary; but then I knew — I felt. I was him.
>
> I smiled and acknowledged his instinct, his devotion. His world untouched by fear of a pandemic, he stood steadfast and vigilant clearly protecting what was dear and essential in his life — his mate, their nest, their goslings.
>
> It was his — it is our — natural instinct. We protect.
>
> When facing an unforgiving, unrelenting viral combatant who brutally preys upon the elderly or children with autoimmune disorders, we protect. We call upon our wisdom and resolve.
>
> A mayhem of off-leash dogs, vigorous exhalation without masks, groups in too-close proximity, fires ignited, and men — deliberately urinating on property others might touch — we call upon our wisdom and resolve.
>
> Our time is now — and we, like that gander, facing a foe far greater in dimension than ourselves, must stand ready to protect — be it family, friend, or stranger.
>
> It is our natural instinct.
>
> *May we unite to prevail over this challenge, and may you and your family stay safe.*

From: Terry Yanulavich <terryyan@comcast.net>
Date: Thursday, April 16, 2020 at 10:30 AM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Public Access To Estabrook Woods

Dear Mr. Lawson and Select Board Members,

We have lived in this town for fifteen years and our family chose to move here was because of the richness of Concord's beauty, it's magnificent history and civic minded spirit.

Through the years, we have enjoyed the splendor of Estabrook Woods and have appreciated public access to this wonderful refuge. Unfortunately, we have witnessed a gradual erosion of our public access to this lovely place. The abutters to this property have installed boulders, restricted parking, erected unofficial signs and gates. Now they've blocked access altogether. This behavior of a select few restricting the public way because they happen to live next to it and do not want to be inconvenienced by people passing by is shameful and disgraceful. They have used this Covid-19 crisis as reason to restrict people from entering these woods at a time when we need walks in the woods the most.

We implore the Select Board of the Town of Concord to use all the legal means necessary to fight for Concord's citizens and stop the abutters from denying the public access to Estabrook woods.

Concord's own Henry David Thoreau wrote, "When we walk, we naturally go to the fields and woods: what would become of us, if we walked only in a garden or a mall?"

We ask you, what will become of Concord, Massachusetts if we succumb to the will of a wealthy few? We urge you to please do everything in your power to re-open public access to Estabrook Woods its citizens have enjoyed for centuries. You owe it to the residents of Concord and to this town's history to preserve and protect the rights of its citizens.

Thank you for your time and service to our special town.

Sincerely,
Teresa Yanulavich & Peter Dixon
44 Ripley Hill Road

Subject: FW: The entrance closing to estabrook woods
Date: Thursday, April 16, 2020 at 8:28:52 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Rob Yates <robertyates@gmail.com>
Date: Wednesday, April 15, 2020 at 9:00 PM
To: Concord Public Info <publicinfo@concordma.gov>
Cc: Michael Lawson <mlawson@concordma.gov>
Subject: Fwd: The entrance closing to estabrook woods

Please find attached the note that I sent to the town manager re: the access restrictions to estabrooks woods. I want to encourage the town to continue to maintain the access to these woods,

Thanks in advance,

Rob

Begin forwarded message:

From: Rob Yates <robertyates@gmail.com>
Subject: The entrance closing to estabrook woods
Date: April 14, 2020 at 8:24:38 AM EDT
To: scrane@concordma.gov
Cc: khodges@concordma.gov

Stephen,

I know you are aware of the situation at the end of estabrook road where private land owners are using the coronavirus pandemic to prevent access to the estabrook woods. I called the police twice last week who have referred me to your office for next steps.

Can you please let me know your current position with regards to their right to close the entrance, I understand the public's entrance rights are being challenged by the landowners, but I have lost track of the town's position.

The current concerns I have are that

a.) The signs look very formal and people who I have spoken to incorrectly think that this is the town's action vs. the action of 1 private property owner.
b.) Whether the owners have any rights to close the parking which I think is undisputed town property.
c.) The pretense that this is helping with public safety. While conservation lands remain open (which I think they need to maintain mental health during these times) then closing one entrance causes more concentrated access via the other entrances (which essentially reduces public safety due to the additional crowding).

We were enjoying a safe family biking outing during my lunch hours which cut through estabrook and which kept my wife and I and our two boys off of major roads. Closing the entrance now means we have much more unsafe road biking vs. enjoying concords great conservation areas.

Please let me know your next steps and what I can do to help. I am happy to start online petitions and we could even start a gofundme site if that was useful. I know I am not alone in my frustration in seeing access to these lands slowly erode and the abhorent use of a pandemic to exert additional control.

Thanks in advance,

Rob and Jill Yates

Subject: FW: Estabrook Woods access
Date: Thursday, April 16, 2020 at 8:28:05 AM Eastern Daylight Time
From: Concord Public Info
To: Stephen Crane, Kate Hodges, Jeremy Romanul

From: Jeff Young <jyoungideas@gmail.com>
Date: Wednesday, April 15, 2020 at 11:04 PM
To: Michael Lawson <mlawson@concordma.gov>, Concord Public Info <publicinfo@concordma.gov>
Subject: Estabrook Woods access

Dear Michael and Select Board Members,

I hope you are all well. Obviously you aware of what is happening on Estabrook Road and how the abutters have chosen to lock the gate and barricade access. Not to mention block off parking on the public roadway and post phony, but official looking signs.

And from what I understand, at least two people have been sent letters from their attorney Robert Nislick threatening to sue them for trespassing. It is as egregious an act as any I've ever witnessed, particularly at a time when we so need the solitude these places provide to maintain our now precious mental health.

If anything, the abutters are extreme opportunists who will seize any chance they get to close off public access. Whether it's coyotes, ticks, dogs, planes, viruses, etc... they will use any and every excuse to try and stop from having to endure a few respectful local residents passing by their home each day. And at a distance of over 100 yards, well over the social distancing recommendations from the CDC. Those of us who have been here for ten or more years, have seen a calculated campaign of coercion, intimidation, lobbying, harassment, exaggerations, fabrications and now legal challenges. Personally, I have been yelled at, cursed, videoed, photographed, lied to and subpoenaed.

Threats of closure were levied during the Estabrook Woods Access Study which saw a nearly 50% reduction in parking. This led to much less use, yet still they went and built this very controversial and imposing gate. Even though the town made these generous concessions, we are now deep into a very expensive law suit brought on by their selfish actions. If this current chapter doesn't show who they are, and what we can expect, then how can we blame anybody but ourselves, for not standing up now and making this stop? Please use whatever legal means you have to keep Estabrook Road open to the public.

Thank you and stay well,
Jeff

Jeff Young
264 Bedford St.

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 3:46 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Estabrook Woods access

From: Elizabeth Morrison <lizmorrison63@gmail.com>
Date: Thursday, April 16, 2020 at 3:46 PM
To: Michael Lawson <mlawson@concordma.gov>, Concord Public Info <publicinfo@concordma.gov>
Subject: Re: Estabrook Woods access

Dear Michael and Select Board Members,
I am writing with regard to maintaining public access to Estabrook Woods. At a time when people should be coming together to deal with the pandemic that is occurring across the world, it feels terrible to have some landowners who abut Estabrook Woods attempting to seal off the entrance and prohibit the public from walking there.
The right of way for public walking through the Estabrook Woods has been established for decades. This is a precedent set a century or more ago and it is not right for private landowners to try and take away this right of public access, especially through underhanded methods such as fake official signs and chicken wired gates.
Furthermore, mental health issues, anxiety and depression are skyrocketing in this frightening and uncertain time, and communing with nature and exercise outdoors is one of the few solaces available to people.
I hope you will do all possible to keep the Estabrook entrance accessible to the public.
Respectfully,
Liz Morrison
63 Monument Street

On Wed, Apr 15, 2020 at 11:04 PM Jeff Young <jyoungideas@gmail.com> wrote:

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>
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Thank you and stay well,
Jeff

Jeff Young
264 Bedford St.

	All Parcels					Punkatasset/Estabrook					
	Hrs Walked	Dog Waste	Conflicts	Total Dogs		Hrs Walked	Dog Waste	Conflicts	Total Dogs		
Jan 19	75:45:00	9	0	170		16:39:00	0	0	34		
Feb 19	35:26:00	0	0	101		12:42:00	0	0	23		
Mar 19	50:04:00	0	1	116		13:30:00	0	0	22		
Apr 19	104:56:00	0	1	345		27:00:00	0	0	56		
May 19	61:22:00	0	1	212		17:18:00	0	0	40		
Jun 19	22:10:00	1	0	60		3:10:00	0	0	3		
Jul 19	8:00:00	1	0	32		1:00:00	0	0	1		
Aug 19	4:00:00	0	0	7		1:00:00	0	0	1		
Sep 19	7:30:00	0	1	18		1:50:00	0	0	2		
Oct 19	25:40:00	6	1	62		9:50:00	1	1	11		
Nov 19	32:21:00	10	0	98		7:03:00	1	0	24		
Dec 19	29:34:00	26	1	83		11:15:00	9	1	19		
TOTALS	**456:48:00**	**53**	**6**	**1304**		**122:17:00**	**11**	**2**	**236**		

	# walks	**hrs walked**	**# cars**	**# walkers**	**# dogs walked**		**# people encountered**	**# dogs encountered**		**# stray waste**	**Conflicts**
Annursnac Hill	7	8:15:00	8	9	10		9	4		0	0
Baptist Brook	11	11:20:00	13	11	11		14	8		3	0
Barrett's Field	105	53:29:00	108	105	107		5	9		5	0
Estabrook	64	70:47:00	159	76	72		194	78		4	2
Mattison Field	13	9:39:00	28	15	18		21	18		0	0
Nashawtuc/River	43	41:50:00	163	53	54		206	228		19	2
October Farm	106	124:17:00	286	133	138		231	191		10	0
Old Rifle Range	6	4:10:00	6	6	12		8	6		0	1
Punkatasset	53	51:30:00	115	63	55		91	31		7	0
Reformatory Brai	25	24:10:00	21	29	37		45	12		5	0
Spencer Brook	20	21:15:00	46	35	32		55	26		0	1
Town Forest	10	12:05:00	27	12	11		25	17		0	0
White Pond	1	1:05:00	3	2	1		2	4		0	0
Wright Woods	22	22:56:00	106	36	35		108	79		0	0
TOTAL	**486**	**456:48:00**	**1089**	**585**	**593**		**1014**	**711**		**53**	**6**

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 2:42 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: 4/16 Select Board mtg - Estabrook
Attachments: Concord Trail Use Intake Form (Responses) - 2019 Summary.pdf; Concord Trail Use Intake Form (Responses) - 2020 Summary (2).pdf

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From: Michael Dettelbach <mdettelb@gmail.com>
Date: Thursday, April 16, 2020 at 2:40 PM
To: Concord Public Info <publicinfo@concordma.gov>, Michael Lawson <mlawson@concordma.gov>
Subject: 4/16 Select Board mtg - Estabrook

Dear Concord Select Board:

I understand that you will be meeting this afternoon in executive session to discuss the current litigation about public access to Estabrook Woods. In the hopes that it might inform your discussions, here is the summary of 2019 and 2020 ytd data collected from the Concord Trail Report Form users. This might offer a more sober counterweight to the claims the landowners have posted at the gate, and reflect the fact that the overriding experience of Estabrook Woods, for those who walk there, is one of relative emptiness, civility, courtesy, and care, even as we definitely see an increase in human (not canine) users, as people seek places to be safely out of doors.

You'll understand why, to those of us who regularly walk in Estabrook, the landowners' seem to be using the pandemic as a pretext for doing what they have been intent on doing since 2015: shutting down the main southern access to one of the most cherished landscapes and the most extensive trail network in town by blocking the old road. Thank you for anything you can do to keep Estabrook open.

Sincerley and with best wishes,

Michael Dettelbach
89 Assabet Avenue

Jeremy Romanul

From: Concord Public Info
Sent: Thursday, April 16, 2020 2:45 PM
To: Stephen Crane; Kate Hodges; Jeremy Romanul
Subject: FW: Estabrook Woods entrance

On 4/16/20, 2:44 PM, "Elizabeth Awalt" <awaltart20@gmail.com> wrote:

Hello,

I am writing in relation to the closing of access to Estabrook Woods on Estabrook Rd. I am extremely distressed that the abutters have taken it upon themselves to eliminate access to one of the largest conservation properties in Concord and Carlisle. These landowners have been trying for years to keep the public and their dogs from having access to this land and to use the current corona crisis to their advantage is outrageous. At this time of isolation our community is taking to the outdoors to provide much needed connection to nature and exercise. I am walking daily in many conservation areas in Concord and despite what the abutters' claim, most people I encounter are taking necessary precautions like masks and distance when walking trails. By removing access to Estabrook Woods, these landowners are also making it necessary for more people to use other areas, thus creating more crowded trails in other locations.

To put a personal spin on this I want to let you know that my family of five now owns a home abutting the Reformatory Trail off Monument Street. I am happy to see all the people who are biking, running, and walking dogs on the trail. If my neighbors and I get uncomfortable with this can we put up a sign and block off access to this trail? How about other trails in Concord? Is this a precedent we want in our community?

Thank you for supporting the right to walk ALL trails in Concord, including at Estabrook. We need access to these beautiful areas more than ever.

Sincerely,
Elizabeth Awalt
396 Great Meadows Rd.
Concord