

June 12, 2013

Town of Acton  
Conservation Commission  
472 Main Street  
Acton, MA 01720

Ladies and Gentlemen,

I am writing in response to the letter I received from Tom Tidman dated June 5<sup>th</sup>. At issue is how we construe section 9.5 of our license agreement which describes the abandonment of what was the existing crossing that connected areas D and C. The crossing to which we were referring, and which in our minds we were abandoning, was the fenced path approximately 8' wide and gated at each end, which we referred to in our meetings as the "chute". Evidently the subcommittee that visited the site a couple of weeks ago felt that it comprises the entire area between the fences bordering areas C and D, as well as the unfenced opening into area B. This was not our understanding of the agreement, so we were not knowingly or intentionally violating any of its terms and conditions. We also do not agree that area B lies between C and D. According to the aerial map we've been using, area B lies east of area C and north of area D, and for all practical purposes comprises the open field, not any area that is wooded or wet. Our goal is to clear up any misconceptions and arrive at a mutual understanding of the uses to which this area may be put.

Again, "abandoning the crossing" meant to us that we would no longer utilize the chute for moving the herd back and forth from areas D and C and the barn twice a day. Well before the deadline at the end of last year we removed the fences that comprised the chute, the area was smoothed, and the activity was moved to the gravel road behind our house. In a site visit with Tom Tidman on May 28th, Tom indicated that he was satisfied with the condition of the abandoned crossing.

The area that contained the chute has never been a field, and we have considered it a "no man's land" that is not a part of areas B, C or D. The area to the east of the former chute fence has always been used as an occasional crossing between the fields of areas D and B, accessible by a second gate in the fence along the northern boundary of area D. It was there that your subcommittee observed a young lady hand-leading a couple of horses from area D out to area B to allow them to graze. Now that the high-intensity chute activity is gone, this area can easily accommodate the occasional passage of horses, not only between D and B, but also between areas D and C once the grass has been established. In our opinion this activity causes no real damage, and hardly rises to the level of abuse that would be considered a violation of the spirit, if not the exact terms, of our license agreement. In any event, upon receipt of Tom's letter we of course immediately stopped the activity that your subcommittee observed.

The public is permitted access to all Conservation land, as are we, both on foot and on horseback. If we cannot walk horses directly from D to B, or from D to C for that matter, it would follow that no other member of the public on horseback should be allowed to cross that area as well, effectively making area D inaccessible, necessitating a sign to be posted to that effect.

Due to the new grass that is now growing in area C, there is really only one alternative for passage between areas D and B, which would be leading the horses along Nagog Hill Road, through the Conservation Area parking lot and down the path used by the public. This solution has two very real disadvantages, one being the safety issue of having the children leading horses along a busy road, and the other being the effect on the path brought about by that activity. The path passes through wet areas, so mud is going to be the obvious result. A couple of years ago we voluntarily chose to avoid using the path in order to keep it clear and in good condition for pedestrians. As it stands now, the path is our only way to get to area B.

We therefore respectfully request a determination in writing that the activity that was observed, and as I have described, should be allowed. If and when that comes to pass, we will resume our voluntary practice of avoiding the use of the path from the parking lot.

Thank you for your consideration.

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