

## Kim DelNigro

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**From:** jim.snyder.grant@gmail.com on behalf of Jim Snyder-Grant  
**Sent:** Monday, November 26, 2007 7:17 PM  
**To:** Planning Board  
**Cc:** Land Stewardship Committee  
**Subject:** Land Stewardship response to Nagog trail easement issues at Quail Ridge

**Attachments:** LSCCom to Planning Board re Quail Ridge November 26 2007.doc



LSCCom to Planning  
Board re Qua...

Hello planning board members and staff:

Since you are meeting so soon about Quail Ridge -- on Tuesday night -- I thought it best to send these new comments to you directly by email. I would also appreciate the chance to speak briefly to the board about the trail easement, and point out some key elements on a map.

-Jim Snyder-Grant, chair, Acton Land Stewardship Committee

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Jim Snyder-Grant  
18 Half Moon Hill  
Acton MA 01720  
978 266-9409



## Acton Land Stewardship Committee

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November 26, 2007

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c/o Dept. of Natural  
Resources  
472 Main Street  
Acton, MA 01720

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Planning Board  
Town of Acton  
472 Main Street  
Acton, MA 01720

Re: Comments on easement to provide access to the Nagog Hill Conservation Area across Quail Ridge

Dear Members of the Acton Planning Board:

In response to our September 14, 2007 letter to the board noting an error in the Application for a new Special Permit for The Residences at Quail Ridge, Quail Ridge has recently indicated (in an October 19, 2007 letter from Stamski & McNary to the Town and in discussions between Quail Ridge's Dennis Ring and the undersigned) that it is "prepared to grant an Easement" to the Town, "in a location to be agreed upon between [Quail Ridge, the Acton Conservation Commission and Acton's Land Stewardship Committee], *subject to the right to relocate said easement to accommodate site changes in the event that the Special Permit for The Residences at Quail Ridge is granted,*" the property is indeed converted and construction in fact commences.

We note that the *Original Decision*, as issued in May 2002 and as subsequently amended, for the *existing* Quail Ridge property *already requires* Quail Ridge to deed to the Town of Acton a pedestrian trail easement from Hazelnut Street to Nagog Hill Conservation Area for public pedestrian use and Town maintenance and emergency vehicle access. This is an as-yet unfulfilled promise of Quail Ridge. We also note that the casual wording of Quail Ridge's proposal could easily make interpretation, progress and enforcement of their recast promise difficult.

Given the importance of the recreational and public safety considerations that remain unaddressed as long as the long-awaited easement remains in limbo (or should it return to limbo during construction), we urge the board to reject any new potentially delaying and/or obfuscating conditions and to enforce Quail Ridge's unfulfilled promise by adopting one of the following courses of action with respect to the Easement:

A. We would prefer that, without regard to the new application, the board not accept any new conditions to Quail Ridge's long-standing obligation to grant and convey an easement across Quail Ridge's site to neighboring Nagog Hill Conservation Area, and enforce the existing easement condition in a manner that would permit the Land Stewardship Committee to construct a safe, effective trail providing recreational and emergency access to Nagog Hill Conservation Area without further delay, with appropriate costs to be borne by Quail Ridge. No new understandings would be entered into with Quail Ridge regarding moving the easement unless and until Quail Ridge provided specific, reasonable and satisfactory relocation proposals that were reviewed and approved by the appropriate Town departments.

B. Alternatively, if the board decides to accommodate Quail Ridge by accepting the proposed new condition to Quail Ridge's unfulfilled promise, we urge the board to

incorporate concrete and specific terms, including interim performance benchmarks, in its decision to ensure that:

- (a) the Town receives a safe, effective easement across Quail Ridge's property ASAP;
- (b) Quail Ridge be required to identify, document and convey to the Town all *construction period* and final *post-construction* period replacement easement/routes *before* construction can commence at the site;
- (c) no "gap periods" be permitted during which the Town's access route across Quail Ridge would either be blocked or hazardous; and
- (d) appropriate costs be borne by Quail Ridge.

We note that the Original Decision called for the Easement to go before Town Meeting for acceptance, and encourage the board to take action that would permit it to include in the Warrant articles to be prepared in late February the easement contemplated by Sections 3.1.12 and 3.2.18 of the Original Decision, so it can be presented at Town Meeting in April 2008.

Thank you for your consideration in this matter.

Very truly yours,

Jim Snyder-Grant, Chair

Joan Cirillo, Nagog Hill Land Steward