



Town of Concord

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Concord's Response to Ongoing Issues with the Estabrook Road and Trails

CONCORD, MA— On October 24, the Town of Concord filed a lawsuit to resolve a long standing dispute over whether the public has a right of access to Estabrook Road, as it becomes a trail into Estabrook Woods. In the north of the Town of Concord straddling its boundary with the Town of Carlisle, Estabrook Woods includes 1,200-1,400 acres of woodland, part of which is owned by the Town and the rest held by private parties.

In 2016, the Town convened the Estabrook Woods Access Study Committee to review the competing interests of Estabrook Road residents and members of the public who frequented the trail through Estabrook Woods. In December, 2016, the Committee issued a report recommending guidelines for trail use, parking, and dog management. The report further recommended that the Select Board work with Town Counsel and the abutters to the trail to resolve any legal uncertainties “in order to secure permanent public access.”

The Town has been in discussions with the Estabrook Woods trail abutters but have been unsuccessful in securing the public's access rights. Private individuals posted signs at the trail head and throughout Estabrook woods notifying trail users that the trail is private property and users must abide by certain rules indicated on the sign. Signage also stated that failure to follow the rules would be considered ‘trespassing’ and subject to appropriate action. Recently, a private gate was installed across the entrance to the trail. In an effort to resolve the ongoing dispute concerning the public's right to access, the Town is seeking judicial determination regarding the status of Estabrook Road, including the trail through Estabrook Woods.

“The Town remains amenable to a negotiated settlement of this dispute, however preserving the public's right of access is our highest priority, and we feel we have no choice but to request judicial action to assure those rights are upheld”, said Town Manager Christopher Whelan.

The Town's lawsuit alleges that Estabrook Road has been a public way since Concord's colonial times. After a petition of the Town's Road Commissioners in 1932, the County discontinued the trail portion of the Road as a public way, relieving the Town of maintenance responsibilities, but not terminating the public's right to access the entire length of Estabrook Road up to the Carlisle town line. Estabrook Woods property owners dispute the public's right to access the trail.

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