



From: Ed Becker [SMTP:eob@ecga.org]

To: JJD@ceenterprises.com

Cc: TJP@hutch.com

Subject: Harvard Forest

Sent: 8/16/02 12:54 PM

Importance: Normal

Dear John:

Thank you for your very interesting proposal regarding the potential purchase of the Harvard forest property in Hamilton. I think the idea warrants further consideration. I am also inclined to agree with Tom Phillips' conclusion that Harvard is not likely to be legally prevented from selling/developing the land.

I agree with most of your draft list of terms for the purchase/ownership of the land by Greenbelt. Here are my initial thoughts on a few of the proposed conditions:

1. I have no concern at all that the town of Hamilton could supercede our stewardship of the land, especially where we would own the land. As you know, the town has jurisdiction only so far as local regulation (wetlands, zoning, health) comes in to play in response to proposed activity on the property. I therefore don't see the need to post a letter of opinion to this effect, and in fact feel it may prove counter productive to its intended purpose.
2. It is not likely that Greenbelt would agree to sell the land to Devon Glen Farm if our stewardship authority were challenged. As mentioned above, we are fully confident we can defend our properties against any such attempt by town boards or others. Moreover, where Greenbelt acquires the fee in property with the intended purpose of holding it as permanent conservation land, conveying such property to a private party would be inconsistent with our policies and practices, and potentially call into question the nature of the original deal. I would also be concerned about a challenge to whatever charitable gift deduction you may claim in relation to your contribution of the purchase price to Greenbelt.
3. A perpetual conservation restriction granted in favor of and enforceable by TTOR is a good idea.
4. While rules for trail use on the property would as a matter of course be developed in consultation with our neighbors, Greenbelt would insist on retaining sole authority to regulate trails on our property. With that said, we would have no problem with a requirement that the trails remain open to the public, enforceable either through the conservation restriction or other easement.

Thanks again for bringing your very creative proposal to my attention, and for your desire to conserve this important parcel. I look forward to speaking with you further.

Best regards,

Ed Becker