

Analysis by Frank Simone of the January 11, 2018 Amendment to Conservation Restriction:

1. #3(a) after execution of the Amendment Millstone may (but shall not be obligated to) engage a **mutually agreed** upon professional trail builder to design and build at Millstone's sole cost and expense a **mutually agreed upon** alternate trail system which when completed will be used as the public access trail. The parties shall from the Effective Date (January 11, 2018) through and until the **earlier** of an Agreement to Modify the Trails or the date which falls 5 months after the Effective Date (**June 11, 2018**) work together **in good faith** to reach an Agreement to Modify the Trails (AMT). **In the event the parties have not reached an AMT on or before June 11, 2018, then Millstone shall be obligated at its cost and expense to clear and mark the existing trail as shown on the Updated Schedule B Map (attached to the 1/11/18 Amendment) on or before March 11, 2019, subject to force majeure.** The existing trail shall not include and Millstone shall not be obligated to design, build or install trails, bridges, fences or other improvements of any kind, obtain or install wood chips and/or do anything other than basic clearing and marking of the existing trail.
2. #3(b) - #3(e) details, details, details.
3. #3(f) **until new trails are established (Existing Trail Improvement Project or Updated Trail Improvement Project) the existing (original) trails, to the extent they exist, shall be available for public use as set forth in and subject to the terms of the pre amendment Conservation Restriction.**
4. #3(g) **Millstone has no obligation to perform maintenance, repairs and/or upkeep on existing and/or future trail system.**
5. #3(h) no dogs without written agreement of Millstone.
6. #5 Schedule B to April 20, 2001 CR replaced by Updated Schedule B to amended CR. **Trails are the same?**
7. #9 **Original CR continues in force except as changed/modified by the Amendment.**
8. #17 **Town zoning and other laws, rules, regulations, restrictions apply notwithstanding anything to the contrary in the Amendment.**

Per #3a, time has expired for creation of a **mutually agreeable** trail system. Having walked (on January 16, 2019) the trail system created by Millstone, we (Mike Conklin and Frank Simone) find it **unacceptable** for **reasons stated below** and recommend that the terms of the Amendment to Conservation Restriction be enforced, namely: **In the event that the parties have not reached an Agreement to Modify the Trails on or before June 11, 2018 then Millstone shall be obligated at its cost and expense to clear and mark the existing trail as shown on the Updated Schedule B Map (attached to the January 11, 2018 Amendment) on or before March 11, 2019, subject to force majeure.**

Some of the unacceptable reasons:

1. The clear emphasis of trails location is to keep the public as far away from the owner's property and in the process destroy the vistas and experience that are an integral part of a walk and for which we believe was/is a significant reason for Town expenditure of \$2.2 million.
2. Every water crossing, except for one over engineered bridge, is done on the cheap and narrow and susceptible to early degradation for which the Town and Land Trust will be responsible to correct.
3. Some of the trail is too steep for use by the young, the old and those not in good physical condition, notwithstanding the use of switch backs to arguably lessen the slopes.
4. The placement of stepping stones seems to be done on the cheap and without regard to the physical abilities of an average hiker/walker. Trails in general are too narrow and not even susceptible to two persons walking side by side.
5. The several eyesores/accumulation of trash and other collections of materials that one would not want or expect to encounter in a tranquil walk drastically reduce the experience for walkers.

6. To reiterate and reemphasize, the vistas and open farm land experience are totally lost by movement of the trails to the perimeter of the property, sometimes walking just feet from and parallel to paved Millstone Road.

We invite the BOS to walk the trails proposed and created by Millstone, done without the input or consent of the Town and its Director of Environmental Affairs and Conservation Commission.

Respectfully submitted,

Michael Conklin
Frank Simone
January 18, 2019