

Harvard University Re-enters Estabrook Lawsuit

Sept 10, 2020

The Town's actions have forced Harvard University to reenter the Estabrook Trail lawsuit.

The Town and Harvard had reached a settlement agreement in April, 2019, where Harvard committed to allow public access on their northern part of the Estabrook Trail for 5 years. In return, the Town pledged three core things:

- 1) that the Town would no longer seek a judgement relating to any easement on Harvard's land;
- 2) The town agreed to enforce the posted rules on the Trail, including that dogs must be on leash;
- 3) The Town agreed that the Estabrook Road entrance was not an authorized entrance to Harvard's land.

The Town reneged on all these commitments.

Despite the agreement, the Town proceeded to continue in their legal filings to seek a judgement of an easement on Harvard's part of the Trail, including introducing evidence particularly focused on that part of the Trail. This was a clear violation of the Harvard agreement.

With regard to the second key element of the agreement, the Town has taken no action to enforce the posted rules on the Trail, where the vast majority flaunt the rules such as the requirement that dogs be on leash. The Town is well aware of the identities of a number of the scofflaws but has taken no action to meet their obligation under the agreement.

With regard to the third key element of the agreement, despite agreeing that the Estabrook Road access would not be an authorized access to the Harvard land, the Town continues to seek to force the landowners of the southern part of Estabrook Woods to accept the use of their property as an entrance to access to Harvard's land.

The court recognized that the Town was continuing to seek judgement against Harvard, despite the Town's settlement agreement. Therefore, the court found that Harvard was effectively still being sued by the Town and was an indispensable party to the lawsuit- and ruled that Harvard could not be dismissed through a settlement agreement.

The Landowners of the Estabrook Trail and Estabrook Woods continue to seek to manage the nature and volume of use of their lands, which they intend to protect as a nature preserve.

Additional information available at www.estabrookfacts.org