

## HOLLOW FIELDS

# Public access deal reached for preserve in Richmond

It goes into effect in June

By CLARENCE FANTO  
*The Berkshire Eagle*

**RICHMOND** — A three-year legal dispute between neighbors and the Berkshire Natural Resources Council is finally resolved.

In an out-of-court settlement, an agreement was made that ensures reasonable public access to BNRC's Hollow Fields Reserve on Perry's Peak Road, with some limitations in place to ensure the privacy and rights of neighboring families to the property.

On Nov. 20, at the Richmond Select Board meeting the settlement agreement and site plan was announced and approved by the board, 3-0—essentially dismissing the Land Court case that has been going on since July 2021.

The settlement represents a balancing of interests, according to board Chairman Neal Pilson.

"It's difficult when you live on a quiet street with just a few residents, and the public is constantly going up and down, turning around in your driveway and asking for whatever," he said.

The legal tussle began when the 660-acre passive-recreation area became popular during the pandemic, as COVID-weary hikers, walkers and sightseers flocked to the preserve, often in large numbers, to enjoy open-air recreation. But the Fields Trail leading to the summit, with picture-postcard vistas of Yokum Ridge and the surrounding mountains, has very limited parking.

That's how the hard feelings surfaced between three neighborhood families and the BNRC. In July 2021, the unresolved dispute ended up at Massachusetts Land Court when the BNRC filed a lawsuit against the neighborhood group's efforts to limit public access to the reserve.

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THE BERKSHIRE EAGLE

**The Berkshire Natural Resources Council's acquisition of preserved land at Hollow Fields in Richmond led to a dispute with neighbors over public access. Following three years of litigation at the Massachusetts Land Court, a negotiated settlement through mediation has been reached and approved by the Select Board.**

# Preserve

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In May 2022, annual town meeting voters approved an open space zoning amendment that guarantees the right of public access to conserved land throughout town, including Hollow Fields, unless posted by property owners.

In response, the neighbors contended that Perry's Peak Road — the only way people can reach the reserve — is a private way, not a public road, which would give them the right to restrict access. That question became mired in the Land Court case.

Under the new binding agreement, which goes in

effect June 15, 2025, the reserve will be open with seasonal variations roughly aligned with dawn and dusk. In addition to hour restrictions, the agreement also calls for specific parking restrictions and who can and cannot use the reserve.

Any vehicles remaining in the lot after hours may be towed by BNRC at the owners' expense, unless the vehicle can't be operated or the driver is incapacitated.

No buses or resort vans are permitted in the parking lot. No off-road vehicles such as ATVs, motorcycles or golf carts can enter the Hollow Fields Reserve other than BNRC or town maintenance vehicles.

According to the agree-

ment, BNRC cannot host large organized events involving more than 18 people, and the events for 18 or fewer people are limited to 12 per year, limited to one per month.

Hunting is limited to clearly marked areas at least 500 feet from residences and 150 feet from any hard-surfaced roads.

Also included in the agreement is a provision that BNRC must provide screening using trees and bushes already in place or to be added. Fencing will separate the hiking trail from the adjoining private property.

In addition, signage will be installed by BNRC, including hours that the 12-car parking lot is open, and

the town will put up two "no parking" signs on Perry's Peak Road. And a gate at the unpaved parking area will block access to motorized vehicles when closed.

Attorney Matt Mozian,

representing the Grossman, Caligari and Morse families, urged the Select Board to approve the site plan and settlement agreement that followed "many, many months" of negotiation.

"We ask the town to join the agreement and help us move forward in harmony," Mozian said.

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