

**Town of Concord
Estabrook Woods Access Study Committee
Public Hearing
June 13, 2016**

The following is the introduction that was given (with some minor contemporaneous changes by the speakers) at the June 13 public hearing on Estabrook Woods. The PowerPoint slides that correspond to the text are also posted. The meeting was recorded by CCTV and also broadcast live that evening. A link is provided on this webpage.

The maps included are drafts only, and reflect the Committee's preliminary analysis of land ownership and protection status.

SLIDE ONE

Introduction by Co-chairs

I am Sally Schnitzer, 1155 Lowell Road, and Co Chair of the Estabrook Woods Access Study Committee. Thank you so much for taking the time to join us this evening.

Tonight's public hearing is being recorded by CCTV. It is being broadcast live this evening and may be rebroadcast in the future on the public access channel.

The Estabrook Woods Access Study Committee was created by vote of the Concord Select Board on March 14 of 2016, in response to an increase in complaints filed with the Concord Police Department and/or the Select Board regarding parking on Estabrook Road, conflicts between homeowners and visitors to the Woods, conflicts among visitors, especially those involving dogs, and other related issues.

Also in response to these conflicts, the Select Board this spring put **temporary** parking limitations into effect on Estabrook Road. These limitations will remain in effect until the fall, allowing our Committee to make recommendations about how best to address parking and visitor accommodations in this location and elsewhere.

There are nine Concord residents on our Committee, each of whom was appointed by the Selectmen in April. Our committee was constituted to include a number of specific stakeholders, including abutters to access points to the Woods, representatives of the Natural Resources Commission, the Conservation Restriction Committee, the Concord Land Trust, the Town Trails Committee, and several at large members who have demonstrated an interest in the Woods. We

also have a liaison appointed by the Selectmen of the Town of Carlisle. We held an organizational meeting on April 26th to elect co-chairs, and since then we have had just three business meetings.

SLIDE TWO

In just under two months, we feel we have made a good start on our work. We have set up a page on the town website, listed under Boards and Committees, where our agendas, minutes, and various documents will be available. We have an email address where you can reach us. These addresses are available on the handout at the back of the room and on the screen. We have reviewed our charge and read the correspondence received by the Select Board. We are beginning to outline and conduct the research that we wish to pursue.

This is the start of our process, and one of the first things we wanted to do was hear more broadly from residents of the Town. We are pleased to host this hearing tonight to listen to your suggestions. We also are happy to hear from residents at any time during the next few months via letter or email. There are forms at the back of the room with the pertinent addresses. You may also write comments on that form and hand them in to us tonight.

SLIDE THREE

Over the summer we will do our best to evaluate your comments within the constraints of our charge. Our “tour of duty” as a Committee is short: we are expected to submit draft recommendations to the Select Board by the fall. We will hold a second public hearing at that time so that residents can comment on our draft recommendations. After hearing the public response, we will make any final changes to our report and hope to submit it to the Select Board by the end of October.

The purpose of tonight’s hearing is to listen to you! But in order to provide some context for the challenges of land management and public access in the Estabrook Woods, we will begin by sharing a bit about the history of the Woods and its land stewardship and ownership¹. I would like to introduce my co chair, Polly Reeve.

SLIDE FOUR

¹ The following information is gathered largely from the following documents: Town of Concord 1987 Long Range Plan; Town of Concord Punkatasset Trail Guide; Concord Conservation Land Regulations; Mass Audubon Conservation Restriction Manual; Concord Land Trust Conservation Guide; Materials from the Campaign for Estabrook Woods in the 1990s published by CLCT and TTOR; acreage fact checked by Marcia Rasmussen. GIS maps of the Town of Concord.

I am Polly Reeve, 429 Williams Road, and Co Chair of the Estabrook Woods Access Study Committee. I am also a trustee of the Concord Land Conservation Trust.

People have used and enjoyed Estabrook Woods for centuries, dating back to the Musketaquid Native Americans. Some of Concord's earliest colonial settlers lived in the Woods, using the land for grazing and agriculture. Henry David Thoreau walked there frequently, and wrote about it in his journal. In the latter half of the twentieth century, land preservation efforts shaped the future of the Woods. Today, Estabrook Woods is one of Concord's largest intact natural areas, with a large number of property owners.

(have Sally stand at the map and show the boundaries as Polly speaks)

There are many definitions of what constitutes "The Estabrook Woods" but for our purposes, we are focused on land in the northern part of Concord, between Lowell Road on the west, Barnes Hill Road on the South, and Monument Street on the east, and extending north to the town border with Carlisle and beyond.

We as a Committee are cognizant that the Woods extends into Carlisle, and that the towns and land trusts of Concord and Carlisle have worked together to protect the woods and deal with management issues. Our committee is continuing that tradition and we are pleased to have Nick D'Arbeloff, as our Carlisle designee. Residents of Carlisle may be present this evening and we welcome you to the hearing. We know that the Woods functions as a system, and that issues or decisions in one part of the Woods may have an impact elsewhere, including across town borders.

The following maps show our preliminary analysis of parcels of open and protected land in both Concord and Carlisle, but our comments will focus on the Concord part of Estabrook Woods, located SOUTH of the Town Line (point).

While there is a perception among many that the Estabrook Woods is a publicly protected park, this is not accurate. Within the broad study area described on this map is a mosaic of privately owned developable land, privately owned research land, privately owned land with conservation protection, land trust land, and publicly owned conservation land. When a visitor walks through the Woods, he or she might easily pass through several different ownerships.

SLIDE FIVE

Both Concord and Carlisle have some Town-owned conservation land in these Woods. In Concord, the largest such parcel is the 100 acre Punkatasset Conservation Land, most of which was acquired by the Town in 1971 (92 acres) and 8 acres of which was acquired in 1990 along Saw Mill Brook. This 100 acres is managed by the Town's Department of Natural Resources.

The other town-owned conservation land is a 13 acre parcel around the Monument Farm subdivision near the Concord-Carlisle town line, which provides a buffer to land owned by Harvard.

The remainder of Concord's Estabrook Woods is in private ownership.

SLIDE SIX

The largest single landowner is Harvard University, which established a 672 acre field station through the Museum of Comparative Zoology (MCZ) in the 1960's of which approximately 612 acres is in Concord with about 60 acres in neighboring Carlisle. The Field Station was established through the efforts of Professor Ernst Mayr and Dr. Lyman, of Harvard, who saw the need for a biological preserve within easy access of Cambridge for research by Harvard faculty and students. The acquisition of the field station was made possible through an intensive, sustained fundraising effort that included a grant from the Ford Foundation, participation by the Nature Conservancy, generosity of landowners, and private fundraising.

Harvard's purpose, as stated in the fundraising literature was: "for instruction and research within the scope of the educational purposes of the Museum of Comparative Zoology. The activities to be carried on at the Field Station and elsewhere in connection with its use will thus include research and field studies of all kinds related to zoology, such as ecological research and studies of populations, seasonal changes, and behavior."

Harvard has explicitly permitted use for compatible recreation. So long as recreational use of the property remains modest and quiet, the University has permitted walking, jogging, skiing, etc. within its land area except where research is being conducted.

SLIDE SEVEN

Another category of conserved land in the Estabrook Woods is Land Trust property. Again, both the Concord and Carlisle land trusts have properties in the Woods. In Concord, the Concord Land Conservation Trust owns several parcels, totaling just under 100 acres, the largest of which is the 59 acre Chamberlin Woods property off of Lowell Road. The CLCT properties are open to the public and may be used for passive recreation and education.

SLIDE EIGHT

The rest of the protected land in the Concord portion of the Woods – more than 400 acres -- is privately held by more than 20 separate landowners, including Middlesex School, who have

agreed individually to put their land under what is known as a conservation restriction – or CR. A CR - is a legal document by which a landowner conveys a partial interest in land to a qualified conservation organization or public entity. The land remains privately owned, but the landowner agrees to forgo or limit future development and to protect particular conservation values of the property, such as wildlife habitat, scenic views, agricultural land, etc. A conservation organization such as a land trust or a public entity such as the Town of Concord assumes the responsibility of monitoring the property and enforcing terms of the restriction. All CRs are approved by the Commonwealth of Massachusetts and are recorded in the chain of title and bind present and future owners.

Some of the CRs in Estabrook Woods date back to the 1970s, shortly after CRs were first established under state law. Others were created in the decades since. In the mid 1990's, there was a concerted effort to preserve land around the periphery of Harvard's holdings, in order to preserve its usefulness as a research area. Working together, the Towns of Concord and Carlisle, their conservation commissions, their land trusts, and the Trustees of Reservations acquired additional land and CRs.

The interesting thing about CRs is that they are written individually for each property, and the terms can vary. With respect to public access, some of the CRs in Estabrook Woods permit public access on certain trails, some do not permit public access at all.

Finally, there is substantial acreage within this study area that is developed or developable, including numerous homes, private and public ways, and privately held parcels without any permanently permitted public access. Some private landowners may give general or limited and specific permission for access across their property.

SLIDE NINE

What does this all mean? In Concord's Estabrook Woods there are more than 1400 acres of land with some sort of protective conservation status, but **MOST** of this protected land (**more than 90%**) - is privately owned and voluntarily protected from development through conservation and/or deed restrictions. Rights to public access are not uniform. This fact has important implications for the question of public access and recreational use.

For many years, Harvard, the Towns of Concord and Carlisle, the land trusts of Concord and Carlisle, private owners, and thoughtful visitors have worked together to protect and enjoy this beautiful and important natural area. Stewardship of such a special place requires cooperation and respect among all of us – land owners, town government, and visitors. Thanks to the wisdom and foresight of many individuals and organizations, the Woods are still here for us to explore and enjoy, and it is important to keep in mind the complexity of landownership illustrated by this colorful map as we consider issues related to access of this precious and fragile local resource.

Currently there are only three highly used access points to the Woods in Concord. These are: at the entrance to Punkatasset Conservation Land on Monument Street; at the end of Estabrook Road, and at the entrance to the Concord Land Conservation Trust Land at Chamberlin Woods on Lowell Road. Virtually all visitors to the Woods use these entrances, and as a result they are the pressure points where challenges are most keenly felt. They are also likely the places where solutions will have the most meaningful impact.

Our Committee will be looking at parking, signage, visitor management, and access at these and possibly other locations. We will consider whether there are steps that might be taken immediately or over the longer term to more thoughtfully welcome visitors to the Woods without negatively impacting the legitimate rights of landowners, and while supporting stewardship of the Woods.

SLIDE TEN

Sally:

The recent conflicts at the Estabrook Road entrance to the Woods have led to some very positive suggestions. Suggestions fall into four general buckets:

The first bucket deals with suggestions around parking. Here we are thinking about how much parking is appropriate for the Woods as a whole and for each public access point individually. Before we can answer this question, we also need to think about how much recreational use is healthy for the Woods as a whole. How often is the currently available parking capacity exceeded and what happens when it is? How can we provide safe access and egress for visitors and landowners? Would changes in signage be helpful? How do changes at one parking location domino to affect other access points? Some have suggested improvements to parking areas, resident parking stickers, and better parking signage.

The second bucket deals with communications. Do visitors sufficiently understand the ownership mosaic that is Estabrook Woods? Would additional informational signage help, and if so what kind? What impact is the internet having on the Woods, and are the messages accurate? Is there a need for directional or trail junction signage, or signage to denote private property lines?

The third bucket deals with visitors and visitor uses, rules, regulations, and courtesies. In this bucket we have topics such as dogs off leash, picking up after dogs, conflicts between riders and dogs or bikes, conflicts between abutters or the landowners who have granted permission for public access, trash, property damage, trespass, and other related issues. On the Land Trust and

Town properties, rules have been established for visitor use, but on the remainder of the land, the habit of common courtesies have been relied upon. Is there a need for something new?

The final bucket deals with legal issues, such as enforcement, regulations, and/or uncertainties over access rights. Some of these issues are outside our charge but are being reviewed by the Town.

As a Committee, we recognize that the conflicts we have faced in the last few months at the Estabrook Road trailhead are not unique. These kinds of issues have arisen at many beaches, parks, and wild areas around the country and around the world. We will be looking at what others have done to learn from them. Perhaps some of you can share solutions that you have learned about in other locations.

Let me close with some thoughts on tonight's format.

- Tonight's public hearing is being recorded by CCTV. It is being broadcast live this evening and may be rebroadcast in the future on the public access channel.
- Please use the microphone and before you speak, please state your name and address for our records.
- In order to hear as many people as possible, we ask that you keep your remarks under three minutes.
- We know that some of you have experienced unpleasant interactions in or near the Woods. As a committee, we are not in a position to adjudicate these situations, so we ask that you not recount these episodes, but rather, make observations, suggestions, and recommendations that will lead us to positive resolutions.

We are especially interested in your solutions that continue to welcome visitors to the Woods without negatively impacting the legitimate rights of landowners, and while supporting stewardship of the Woods. Practical, realistic suggestions and thoughtful questions will be most helpful and greatly appreciated.

At this time, I'd like to ask the members of the Committee to introduce themselves, giving their name and address.

Now, we welcome your comments.