

Town of Concord
Estabrook Woods Access Study Committee
Final Recommendations
As Voted November 17, 2016

The Estabrook Woods is an unusual, historic, and precious place. A woodland preserve comprised of over 1400 acres, more than 20 properties and primarily owned by private entities, it has for years been enjoyed and deeply appreciated by the public. However, many people who visit the Woods do not realize that although the Town of Concord owns the 100-acre parcel in the Woods known as Punkatasset, the rest of the land is privately owned and protected from development as a result of a 60 year collaboration with Harvard University.

Harvard's 672 acres within the Woods were preserved in the 1960s for habitat protection, research, and education. This was followed by the preservation of hundreds of additional acres by generous Concord and Carlisle residents. In support of Harvard's teaching and research in the environmental sciences, zoology, ecology, and animal behavior, the Towns of Concord and Carlisle, the land trusts of Concord and Carlisle, private owners, the Trustees of Reservations, and thoughtful visitors have worked together for half a century to protect and steward additional land surrounding the preserve. On this private land, the granting of public access varies. Some private land owners have given general or limited and specific permission for access across their property. From the beginning, Harvard has generously permitted public access on its land for compatible recreation, so long as use remains modest and quiet and does not interfere with research and conservation efforts. The Town of Concord conservation land at Punkatasset is open to the public in accordance with rules and regulations adopted by the Town of Concord's Natural Resources Commission.

Balancing three objectives – stewardship of the woods for conservation, education, and research; respecting the interests of the landowners; and welcoming the public – is not simple, but our committee believes it is possible.

Because our committee was appointed by the Select Board to purposefully represent different perspectives, backgrounds, and points of view, it is not surprising that there are some areas where we have been unable to reach consensus. However, we are unanimous in our commitment to respectfully and seriously work toward a thoughtful resolution.

The Committee makes the following final recommendations. Most of our recommendations enjoy the consensus of the full committee. Where the committee had a split vote, the item is shaded, and a vote margin is given.

Two of our recommendations stand out as being of the highest priority. We recommend that the Town:

- **Work with town counsel and direct abutters on Estabrook Road to resolve legal uncertainties regarding the dirt road trail at the end of the paved public road in order to secure permanent public access at this location.**

- **Work with the Trustees of Reservations (TTOR) to determine the feasibility and process for constructing a dirt or gravel parking lot for the Punkatasset Town Conservation Land on TTOR’s Apthorp property, with a goal of building such a lot as soon as possible.**

Recommendations:

1. Educate the public about the unique nature of the Estabrook Woods.

The Committee concludes that some visitors believe that the Woods are part of a large public park or a regional dog park, when in fact most of the land is privately owned for the purpose of research and conservation, with portions of trails generously open to the public. With few exceptions, these properties are managed by private landowners, without public funding or public staff.

These misunderstandings are exacerbated by the internet, where information about the Woods (accurate and inaccurate) is now broadly available, attracting more users and sometimes conveying inaccuracies about the ownership, purpose, stewardship, and management of the Woods. Therefore, the Committee recommends:

- a. That the Town work with landowners to post welcome signs at each primary access point, designed to educate visitors about the unique nature, ownership, and purpose of the Woods and the importance of respect for landowners and stewardship of the Woods. Visitors should be encouraged to “Honor Estabrook Woods.” We encourage placing rustic kiosks at appropriate points in the woods near each entry point as the most attractive and clear way of communicating this information.
- b. That similar information be posted on various websites, including the Town’s Division of Natural Resources website, to encourage more reasonable visitor expectations about the Woods, parking, and use.

2. Foster observance of consistent guidelines that promote mutual respect.

The Committee recognizes that some visitors, particularly at Estabrook Road, have failed to treat landowners, other users, and the Woods with respect. While most visitors are respectful and courteous, some are discourteous to landowners and others, vandalize or trespass on private property, fail to keep their dogs in control, and don’t make an effort to remove dog waste.

Further, the Committee believes that the lack of signage at trailheads and directional signage at certain locations within the woods contributes to trailhead conflicts and directional confusion.

The Committee believes that there is considerable power behind community and landowner embrace of visitor guidelines and courtesies. Therefore, the Committee recommends:

- a. That visitors be encouraged to observe a set of common courtesies, or guidelines:

Dogs permitted only as follows:

- i. Dogs must be on leash from parking area to “leash release” signs
- ii. No more than two dogs per person
- iii. Dogs must be under owner’s control at all times

- iv. Pack out all dog waste
- v. Commercial dog walking prohibited

Access

- vi. Access from dawn to dusk only
- vii. Parking allowed only in designated areas
- viii. No commercial activities, hunting, swimming, camping, or fires
- ix. No motorized vehicles

Trail Use

- x. Remain on established trails and do not enter those marked “private”
 - xi. Walk bikes through muddy or sensitive areas
 - xii. Leave historic Estabrook Woods cleaner than you found it.
- b. That the Town and landowners, working together, post these guidelines at the primary entrances to the Woods, and at other locations as needed.
 - c. That the Town provide clear yet tasteful signs to denote where parking is permitted on Town roads or parking lots.
 - d. That the Town provide signs in parking areas notifying visitors of the limit of two dogs per person, and the requirement that dogs be leashed until Leash Release signs in the Woods.
 - e. That Leash Release signs be posted inside the Woods by the Town and/or landowners on access trails to indicate where dogs can be off leash (for example: “Dogs may be off leash beyond this point” and on the reverse side: “Dogs must be leashed beyond this point.”)
 - f. That the Concord Police Department, Animal Control Officer, and Natural Resources Division work with neighbors and assist as possible to encourage observance of posted guidelines, parking restrictions, and enforcement of town bylaws regarding dogs.
 - g. That the Concord Trails Committee review published maps, signs, and other trail information to harmonize the information available, to minimize confusion, and to provide trail signage where needed.

3. Resolve legal uncertainties.

Two very different legal opinions regarding the status of access at the end of Estabrook Road beyond the paved road remain unresolved. Uncertainty has made it difficult for our committee to propose solutions to some of the issues that led to the creation of our committee.

Estabrook Road was the historic road to Carlisle, dating back to the 17th century. Town records show that the Town of Concord in 1932 successfully petitioned the Middlesex County Commissioners to discontinue Estabrook Road as a public way from a point beyond #393 Estabrook Road, where the current dirt road trail continues beyond the chain at the end of the paved portion of the road. Town Counsel is of the opinion that the Town’s actions in 1932

resulted in the abandonment of the obligation to maintain this portion of Estabrook Road without giving up public rights of access.

Direct abutters disagree with the Town about the public rights of access, relying on their attorney's legal opinion that the 1932 vote resulted in the portion of the road beyond #393 becoming a private way with ownership held by the direct abutters, each extending to the middle of the way, and that this also gave them control of access rights. Pursuant to this interpretation, the abutters have expressly granted permission for public use upon certain conditions and have stated that they would like to continue to do so if conditions can be met. Property owners in the Estabrook Road area have requested that the town make the current temporary parking restrictions permanent, and abutters have stated that they would rescind permission for the public to use the access trail if additional parking is created or allowed along the paved public road. Our committee understands that the paved portion of Estabrook Road is a Concord public road.

The Committee recommends:

- a. That the Select Board and Town Manager work with town counsel and direct abutters to resolve legal uncertainties regarding the current dirt road trail in order to secure permanent public access at this location. This is a primary and urgent goal that has been previously conveyed to the Select Board.

4. Address parking issues.

The Committee looked for ways to welcome visitors to Estabrook Woods while providing safety, security, stewardship, and no undue burden on a single neighborhood. Therefore we recommend:

- a. That the Town immediately begin working with the Trustees of Reservations (TTOR) to determine the feasibility of providing a low key parking lot made of gravel, dirt, or other permeable surface on TTOR's Apthorp Land at the entrance to Punkatasset, within sight of Monument Street, with a goal of building it as soon as possible. The Committee is divided as to the number of cars to accommodate, with a majority preferring 16-20 and the minority preferring 12-16.¹ Providing additional and safer parking here welcomes visitors to the Woods where the Town has a public purpose and resources, including enforceable regulations and staff to protect the land and to welcome the public. An off street lot also allows the Town to eliminate on-street parking on Monument Street.
- b. That the Town permit and assist in providing roadside parallel parking for 11 cars on Estabrook Road. *(Note, this is the number of spaces currently permitted, with parking restrictions in effect.)*
- c. Assuming that a parking lot **can** be built on TTOR's Apthorp Land, the Committee further recommends:

¹VOTE: Five members of the committee voted for 16-20 spaces, and four voted for 12-16. The representative from Carlisle agreed with the minority.

- i. Post “no parking” on Monument Street at the Punkatasset entrance to eliminate on-street parking.
 - ii. By a majority vote, we recommend keeping the “no parking” restriction on the remainder of Estabrook Road.² The total number of cars parked on the road would then total 11.
 - iii. The Committee considered whether to temporarily provide additional parking on Estabrook Road while the parking lot is being planned and built. A majority of the Committee favored no additional temporary parking, maintaining the number of parking spaces at eleven. A minority of the committee recommended **temporarily** lifting a portion of the “no parking” restriction on Estabrook Road sufficient to provide parking for 3 to 8 additional cars.³
- d. If a parking lot **cannot be built** at the Aphthorp land, the committee recommends:
- i. That the NRC work with the Town’s public safety staff and neighbors to provide safer parking for 13 cars at Punkatasset, including the possibility of improvements to roadside parking, speed limits, and/or some spaces provided on conservation land.
 - ii. By a majority vote, the committee recommends that no additional parking be added at Estabrook Road, thereby maintaining the number of parking spaces at eleven. For some, the uncertainty over the legal rights of direct abutters to close the access and their intent to close it if additional spaces are added was a factor. A minority of the committee recommends lifting a portion of the “no parking” restriction to allow additional parking.⁴
- e. That the Natural Resources Commission undertake due diligence and consult with neighbors to accommodate roadside parking for 3-5 cars on the town’s frontage on Monument Farm Road. Add a single parking sign: “Conservation Land Parking.”

5. **Specific recommendations for Chamberlin Woods** [Concord Land Conservation Trust (CLCT) land on Lowell Road].

In addition to the posting of informational signage noted in Section 1 and 2 above, the Committee recommends:

² Vote: Seven members voted to keep the current parking restrictions in place for the rest of Estabrook Road. Two members voted to lift the parking restrictions sufficient to provide 11 additional spaces. The representative from Carlisle agreed with the majority.

³ VOTE: Five members voted to maintain the parking restrictions while the Aphthorp lot is being built. Four members voted to provide temporary parking on Estabrook Road until the Aphthorp lot is complete, at which time the additional parking would be removed. The representative from Carlisle agreed with the majority.

⁴ VOTE: Six committee members voted to maintain the parking restrictions. Three members voted to remove the parking restrictions in order to allow 5 to 11 additional cars. The representative from Carlisle agreed with the majority.

- a. Preserve the “country road” appearance. It was felt that the shoulder did not need to be enhanced.
- b. That the “Trail Head” sign temporarily posted by the Town be removed. CLCT should be asked to mark the trail entrance in keeping with signs used at other entry points to the Woods as well as other Town and CLCT properties.
- c. If parking usage significantly increases, consider whether there may eventually be a need to define the parking area at either end with “park between” signs.
- d. That CLCT be strongly urged to deal with the poison ivy in the field, which discourages use of the trail.
- e. That town plows provide roadside shoulder parking after snow storms, including plowing to leave access to the entrance through the stone wall.
- f. That CLCT work with Middlesex School and other private abutters to see if some simple trail adjustments could make this access more appealing and to avoid conflicts with private owners. Ideas include slight rerouting to avoid privately held land, possible loop trails, seeking permission for a trail to Mink Pond, and additional directional signage.

6. Specific recommendations for Estabrook Road.

In addition to the posting of informational signage noted in Section 1 and 2 above, the Committee recommends:

- a. That the Town work with the neighbors to address design changes, including grading or relocating the existing parking spaces and removing or relocating boulders, that could improve the situation while keeping the rural, historic feeling of the road, with such changes and work to be done consistent with the Town’s responsibility.
- b. The Town and direct abutters consider use of low key split rail fencing to keep people and their dogs on paths, and additional informational signs (for example: “Private path, do not enter” or “Please stay on path”) to encourage visitors to respect property rights.
- c. That town plows provide roadside shoulder parking after snow storms.

7. Specific recommendations for Punkatasset on Monument Street

In addition to the posting of informational signage noted in Section 1 and 2 above, and the creation of an off-street parking area on the Apthorp land, the Committee recommends:

- a. In the short term, the Town’s public safety staff should address the Punkatasset parking situation along Monument Street, to provide clearer signage that defines the existing on-street parking spaces, to improve the shoulder where the new curb cuts have been installed, and to make any other improvements for visitor and road safety as may be advisable.

8. Specific recommendations for Monument Farm Road.

In addition to the posting of informational signage noted in Section 1 and 2 above, the Committee recommends:

- a. That the Natural Resources Commission (NRC) add a sign to identify the conservation land, as well as trail markers as needed.
- b. That the NRC work to relocate the conservation land trail so it is fully on town land.

9. Other general recommendations:

- a. The Committee recommends that the Town convene an initial meeting of conservation organizations, landowners, members of the public, and other stakeholders with the purpose of creating or reconstituting an ongoing formal or informal group to meet as needed in order to:
 - i. Field concerns from residents and visitors to the Woods
 - ii. Gather facts and information necessary to discuss issues and build consensus around solutions to both known and anticipated problems.
 - iii. Communicate information regarding the Woods to visitors and residents
 - iv. Work with landowners to further the purposes of conservation restrictions, and to foster understanding of the rights and responsibilities of landowners
 - v. Engage citizens as informed “ambassadors” for the Woods, such that they can help educate other visitors/residents, and amplify the flow of information to and from visitors/residents
- b. Recommend that the Town of Concord and its departments work generally and collaboratively toward the goal of protecting appropriate access to the Woods.

10. Increased measures (not recommended at this time):

The Committee also discussed the following suggestions, but decided they were not warranted at this time. If issues persist, these might be reconsidered in the future.

- a. Parking by permit only
- b. Resident-only parking
- c. Require leashes throughout the Estabrook Woods on weekends and holidays⁵
- d. Require leashes throughout the Estabrook Woods at all times
- e. Allow dogs to enter the woods only at certain access points
- f. Prohibit dogs in the Estabrook Woods entirely

⁵ See Lexington MA Willard Woods as an example