

APPROVED MINUTES

Town of Concord Estabrook Woods Access Study Committee

August 4, 2016

Members Present: Sally Schnitzer
Polly Reeve
Jeff Adams
Justin King
Bonnie Pohlig
Neil Rasmussen

Also Present: Nick D'Arbeloff (Carlisle liaison, non-voting)

Public Present: Michael Lawson, Select Board chair
David Santomenna, Trustees of Reservations
Chris Whelan, Town Manager
Katie Pohlig
Katie's friend – name?

Sally Schnitzer called the meeting to order at 7:00 AM.

- 1. Review and approval of minutes for July 21, 2016 meeting:** The committee reviewed the draft minutes for the previous meeting. Lisa Pohl and Kathy Angell, who were both unable to attend the August 4th meeting, had sent in comments in advance suggesting changes to the draft minutes. Polly Reeve read three sections of the minutes with changes incorporated to reflect their suggestions. It was moved, seconded, and unanimously voted to approve the minutes as amended.
- 2. A new parcel added to Estabrook Woods:** Neil Rasmussen shared with the committee the news that he had recently purchased a parcel on Hugh Cargill Road that was slated for development.
- 3. Update from Town Manager:** Sally asked Chris Whelan, Town Manager, to join the committee at the table. Chris wanted to provide an update on the status of communication between representatives of landowners on Estabrook Road and the Town, on the subject of public rights to the Estabrook Road entrance to the

Woods. He reviewed recent history: in the spring, the Town received a letter from Gregor McGregor asserting that the neighbors to the entrance to the Woods owned and controlled access on the portion of Estabrook Road that the town abandoned in 1932. In April, the Town received a letter from Town Counsel stating that this would be true if the Town did indeed abandon the road at that time, which appeared to be the case. Since then Town Counsel has been reviewing the matter, and on Monday night, Chris received an update that he wanted to share with the Committee. Town Counsel has determined that the Town's abandonment was under Section 32A which means that they had abandoned maintenance operations only, and therefore did not abandon public rights of access to the Road. Because this news is so recent, the letter has not been made public. Chris will consult with Town Counsel to determine if it can be released.

Chris also told the Committee that he met with Neil Rasmussen after he received this letter, to inform him and other neighbors about this development.

Neil told the committee that he and his lawyers have researched Section 32A and believes that the law was different in 1932, and at that point the town did give up rights of access. He said that there has never been a legal case brought under the law then in place in 1932 when the public has obtained access when the owner does not permit it. He restated that the neighbors are not willing to accept the misbehavior that has taken place in the past, and that with current parking restrictions the daily visitation from Estabrook Road includes 50 cars, and about 120 people during peak seasons, which is the limit of what the neighborhood can accept. Given the questions about the status of public access, the outcome of testing it in a legal context would be very much up in the air, and could lead to either unlimited access or no access at all. Neil expressed his wish to continue to welcome the public, but with restrictions on volume of use and behaviors.

Sally noted that it was not up to our committee to determine the legal status of public access at Estabrook Road, but that we need to keep moving towards recommendations despite the unresolved nature of this matter.

Justin King commented that the committee was formed to avoid a legal conflict, and that hopefully we can reach a point where there is consensus with the neighbors. We should try to avoid the legal path if at all possible.

Sally thanked Chris Whelan for joining our meeting, and for sharing this news. Chris left at this point.

- 4. Moving towards proposed solutions:** Sally reminded the committee that at our previous meeting we needed to cut short the conversation about the ideal number of parking spaces providing access to the Woods. She has developed a template to start organizing our thoughts about each access point, which she distributed (attached).

Chamberlin Woods

Using the template and maps, the Committee discussed the Chamberlin Woods access on Lowell Road.

- Features: Good way to get to Bateman's Pond. Good access for those able to walk along sidewalk.
- Trail challenges: the trail is currently essentially an out-and-back, which may not be as appealing as other points of entry. Maps are inconsistent and inaccurate. A few simple trail adjustments could make this access more appealing. Neil may be willing to provide a trail to improve access, and CLCT is considering adding a trail through Fox Castle Swamp. The committee proposed recommending that CLCT work with landowners and Middlesex School to improve the trail system to offer protection to landowners and make the trail experience more rewarding.
- Winter access can be challenging, as snowbanks develop if there is significant accumulation. The committee should recommend that plows leave access to the entrance through the stone wall.
- There may be a need to define the parking area with signs.
- There was general agreement that the "Trail Head" sign posted by the town should be removed or replaced as it is too large, inconsistent with signage at other entry points, and gives the impression that this is a major thoroughfare.
- The "Rules" subcommittee has discussed the need for a small kiosk at each access point, set back so as not to be visible from the road, to hold details about the history and features of, and acceptable behavior in, the Woods. At Chamberlin Woods this could be near where tick information is currently posted.

Punkatasset

- Very popular point of entry to the Woods, with direct access to public Town-owned conservation land. It was noted that because the Punkatasset Land is explicitly conservation land open to the public, there is a greater affirmative obligation to provide access at this point than there is to privately-owned land at other entries. Punkatasset could be the “main access” to the Woods.
- Parking: currently on-street only, quantity unclear at the moment. Likely 8-12 spaces, to be confirmed through town survey. Signage is unclear and confusing; should be improved. Safety concerns have been expressed by the public and committee members.
- Potential for off-street parking at the Apthorp Land (owned by the Trustees of Reservations): Members of the committee noted that the Apthorp Land is surrounded by Town land and provides a very attractive potential for off-street parking, close to and visible from the road, that would enable the Town to retire the problematic on-street parking spaces by replacing them and perhaps adding a few more.

Sally invited David Santomenna of TTOR to join the discussion. He explained that the Apthorp Land was a gift to the Trustees, and is currently being used as a rental property. The land was given with no restrictions, and they are considering its future purpose. He indicated that TTOR would be interested in working with the town, if there were an outcome that could help both the Town and the Trustees.

- It was proposed that the committee recommend improving the parking at Punkatasset by replacing on-street parking with off-street parking, either on the Apthorp Land (which would have numerous advantages) or on Town Land.
- Recommended number of spaces: There was a discussion about the ideal number of spaces at Punkatasset, with a variety of opinions expressed. It was generally felt that the number should at least replace existing on-street spaces, so that they could be eliminated, and possibly add a small number of additional spaces, including a handicapped space if needed immediately or in the future. Justin King emphasized that the “right” number at Punkatasset is dependent on what happens at Estabrook Road, and that he feels we must aim to increase the quantity of parking overall. Nick d’Arbeloff pointed out

that parking areas of any size by definition cap usage, and that our goal should not be to meet demand at all times. Bonnie Pohlig felt that it was important to consider compromises at Estabrook Road as well, and that the current number (post-temporary restrictions) was too few.

- Sticker Parking: Nick reminded the committee of his earlier proposal for some kind of sticker parking system. The committee agreed to discuss this further at the next meeting.

5. Other matters:

- New acquisition in Carlisle – Sally noted that information about a new conservation restriction on a parcel in Carlisle was circulated to the committee before the meeting.
- Communicating with members who were not in attendance – Sally noted that she would contact the three members who were unable to attend this meeting to tell them of town counsel's opinion.

6. Adjournment: The meeting adjourned at 8:30.