

Town of Concord
Estabrook Woods Access Study Committee
Preliminary Recommendations
Public Hearing Monday October 24 at 7 pm at the Town House

In the following pages you will find lists of preliminary recommendations concerning access to the Estabrook Woods. Two of these stand out to the committee as being of highest priority, and we want to highlight these here. We recommend that the Town:

- ***Work with town counsel and direct abutters on Estabrook Road to resolve legal uncertainties 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 parking lot for the Punkatasset Town Conservation Land on TTOR's Aphorp property, with a goal of building such a lot as soon as possible.***

INTRODUCTION

Estabrook Woods is an unusual and precious place. A woodland preserve primarily owned by private entities, it has for many years been enjoyed and deeply appreciated by the public.

Balancing three objectives – stewardship of the woods, the interests of the landowners, and a welcome to the public – is not simple, but our committee believes that 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 together toward a thoughtful resolution.

The Committee makes the following **preliminary** recommendations. We look forward to hearing public comment about our conclusions on October 24, 2016 at the public hearing or via email at estabrookcommittee@concordma.gov. Following the hearing, we will review all of our recommendations and may make changes prior to submitting our final report to the Select Board.

Most of our recommendations are unanimously supported by the Committee. Where the committee had a split vote, the item is shaded, and a vote margin is given.

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.

- a. Therefore, the Committee recommends posting of information signs at each primary access point, designed to help visitors understand the unique nature of the Woods and the importance of respect for landowners and stewardship of the Woods.
- b. The Committee further recommends that similar information be posted on various websites 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. Therefore, the Committee recommends:

- a. That visitors be encouraged to observe a set of common courtesies, or guidelines, specified on the following page.
- b. That all property owners in Estabrook Woods be contacted, and encouraged to post these guidelines.
- c. That the Concord Police Department and Natural Resources Division assist as possible to encourage observance/enforcement of posted rules.
- d. That all property owners take reasonable measures to identify and protect their property and contribute toward harmonious use of the Woods. These measures may include the thoughtful use of low-key fencing or informational signs.
- e. That minimal and tasteful signs be added to show where to park, how to park, and to ask all dog owners to leash their dogs in the parking areas and well into the Woods.
- f. 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.

Proposed Estabrook Woods Use Guidelines

Please honor Estabrook Woods and preserve it for education, research, and enjoyment by future generations by following these guidelines during your visit:



Dogs permitted only as follows:

- Dogs must be on leash from parking area to “leash release” signs
- No more than two dogs per person
- Dogs must be under owner’s control at all times
- Pack out all dog waste



Access:

- Dawn to dusk use only
- Parking allowed only in designated areas
- No motorized vehicles
- No commercial activities, hunting, swimming, camping, or fires



Trail Use:

- Remain on established trails and do not enter those marked “private”
- Walk bikes through muddy or sensitive areas



Leave historic Estabrook Woods cleaner than you found it

3. Resolve legal uncertainties.

Two very different legal opinions regarding the status of access at the end of Estabrook 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.

The Committee recommends:

- a. That the Select Board and Town Manager to work with town counsel and direct abutters to resolve legal uncertainties 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 **20-24** car off-street parking lot on TTOR's Apthorp Land at the entrance to Punkatasset, with a goal of building it as soon as possible. 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.*) We recommend that the Town work with the neighbors to address and assist with design changes, including grading or relocating the parking spaces and removing or relocating boulders, that could improve the situation while keeping the rural, historic feeling of the road.
- c. Assuming that a 20-24 car lot **can be built** on TTOR's Apthorp land, the Committee further recommends:
 - 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.¹ The total number of cars parked on the road would then total **11**.
 - iii. Until the parking lot can be built, a majority of the Committee favors the Town **temporarily** lifting a portion of the "no parking" restriction on Estabrook Road sufficient to provide parking for **3 to 8** additional cars. Once the parking lot has been built, the spaces would be removed, with the final number of spaces being **11** and a "No Parking" restriction on the remainder of Estabrook Road.²

¹ **VOTE:** 7 to 2 (plus the Carlisle designee agreeing with the majority) 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).

² **VOTE:** By a 4 to 3 majority (with two members absent). The Carlisle designee did not favor the recommendation.

- d. If a parking lot **cannot be built** at the Apthorp land, the committee recommends:
 - i. That the town consider providing a small gravel lot for up to **13** cars on town-owned conservation land at Punkatasset and then post “no parking” on Monument Street at the Punkatasset entrance to eliminate on–street parking.
 - ii. At Estabrook Road, adding parallel parking for **5 to 11** more cars on Estabrook Road just south of #299 on the west side of the road. Deciding on the exact number of spaces was difficult given the uncertainty over the legal rights of direct abutters to close the access and their intent to close it if additional spaces are added. Providing additional parking spaces was not a unanimous decision.³
- 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. Additional recommendations for Chamberlin Woods [Concord Land Conservation Trust (CLCT) land on Lowell Road]. We recommend:

- 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. Informational kiosk just inside the Woods.
- 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 address roadside parking shoulder 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. Additional recommendations for Estabrook Road. We recommend:

- a. In addition to the informational signage recommended for all access locations, signs at the designated parking area that state: “trail parking allowed between signs” as well as simple guidance to require dogs to stay on leash until they are well into the Woods.
- b. That the Town and direct abutters consider use of low split rail fencing and/or “private property” signage where appropriate to encourage visitors to respect property rights.

³ **VOTE:** In a scenario where the direct abutters control the access, 5 members voted to add from 3 to 11 additional cars. If it is the case that the Town controls the access, 6 members voted to allow between 5 and 11 additional cars. In each of these scenarios, a minority of 4 and 3 (respectively) plus the Carlisle designee favored no additional spaces.

- c. That town plows address roadside parking shoulder after snow storms.

7. Additional recommendations for Monument Farm. We recommend:

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

8. Other general recommendations:

- a. Recommend creation or reconstitution of an ongoing group to meet as needed in order to:
 - Field concerns from residents and visitors to the Woods
 - Gather facts and information necessary to discuss issues and build consensus around solutions to both known and anticipated problems
 - Communicate information regarding the Woods to visitors and residents
 - Work with landowners to further the purposes of conservation restrictions, and to foster understanding of the rights and responsibilities of landowners
 - 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.

9. 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. Leash requirement throughout Estabrook Woods
- d. Prohibiting dogs in the Estabrook Woods