

School under fire for taking bite out of woods

Neighbors, alumnae, students protest clearing of 6-acre tract where Thoreau once walked

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By Sally Heaney, Globe Correspondent | July 14, 2005

After years of protest and litigation by Concord and Carlisle residents, alumnae and students, and others opposed to Middlesex School's building on its land in what is commonly called Estabrook Woods, where Thoreau once walked and observed, the school recently cleared a 6-acre site for six tennis courts in the woods.

Wood from the toppled trees filled eight logging trucks, according to James Saltonstall, the private secondary school's business manager. But the project's opponents have not given up.

They say that trees can grow back, and they hope the school can still be dissuaded or stopped from building the tennis courts this year. The clearing for the courts begins about 320 feet down an old cart path behind the administration building.

Opponents also want to prevent the construction of a bridge that would follow the cart path route, as well as two more tennis courts, and two playing fields planned for the next two years. These would require clearing an adjoining 14 acres. They also want to protect a second 40-acre parcel, under a temporary conservation restriction, from future development.

"Clear-cutting is visually devastating but not irrevocable," said Molly Tsongas, daughter of the late Massachusetts senator Paul Tsongas and a 2000 graduate of Middlesex. "If there is any way we can limit the scope of the work, it will limit the damage."

On June 29, the school applied to the Town of Concord for a building permit to construct the first six tennis courts. A building permit was not needed for cutting down trees, but it will be if construction is to begin.

John Minty, Concord's building commissioner and zoning enforcement officer, said he has 30 days from the application date to issue or deny the permit. On Monday he said he planned to discuss the application with town counsel and expected to make the decision toward the end of the 30-day period.

Summer plans

"We hope by the end of this summer to have at least six functioning tennis courts," said Kathleen Giles, Middlesex head of school. The school has divided the construction project into phases so that work can begin on the first six courts despite an outstanding appeal by project opponents to the Department of Environmental Protection. The first six courts are not near wetlands, and so are outside any ruling the department might make on wetlands issues related to the bridge, the other two tennis courts, or the playing fields. "We will build whatever we can outside of anything that would be covered by the appeal," Giles said.

She said that athletics are an important part of the curriculum and that the courts and fields are needed for the school's 350 students in grades 9 through 12. The school has four indoor tennis courts and no outdoor courts for six tennis teams, which typically have 60 to 65 members.

Giles said school expansion possibilities are limited by constraints such as wetlands and busy Lowell Road, making the woods site the only practical one for the new athletic facilities. She noted that private developers are nibbling at the edges of the woods with new homes. She added that the part of the woods the school wants to develop was field, not forest, in Thoreau's day.

"The real Estabrook Woods is the Harvard property and the conserved property. We abut it. We don't own Estabrook Woods," Giles said. "If you want to define all of Middlesex County as Thoreau country you can. It's like trying to define Red Sox Country."

Historical boundaries

While not everyone agrees on the boundaries of Estabrook Woods, Stephen Ells of Lincoln has compiled an anthology, called "The Seasons in Estabrook Country," of writings about the area by 50 people, including Thoreau, farmers, naturalists, professors, and others, from 1653 to 1999. To Ells, an opponent of the Middlesex School development, the land is definitely within what Thoreau called Easterbrooks Country and later became known as the Estabrook Woods.

"It was empty country, a mix of swamps, woods, and pastures, but the houses were gone. Only the ghosts were there," Ells said. "It was the absence of people, the wildness, that defined Estabrook Country in Thoreau's time." The opposition thinks that the school is being shortsighted to allow athletics to trump a priceless environmental and educational resource, valuable not only for its association with Thoreau but also because it is, by suburban standards, a very large chunk of undisturbed forest.

In Concord, the forest extends from Lowell Road on the west to Monument Street on the east. A hiker can walk north through the woods for a couple of miles from the dead end of Estabrook Road in Concord to the dead end of Estabrook Road in Carlisle.

"Isn't it wonderful to have a place so big that you can get lost in it?" is what Marion Thornton, former chairwoman of the Concord Land Conservation Trust, says she tells people who complain of getting lost there.

Permanent restrictions Thornton was instrumental in having permanent conservation restrictions placed on about 1,200 acres, which she estimates is 85 to 90 percent of the woods. She said that the Middlesex project "really bites into what we have tried to save."

She said the core of the preserved land is 672 acres that Harvard University owns for field-based research. A patchwork of hundreds of acres preserved as a buffer around the Harvard land by numerous other landowners in Concord and Carlisle makes up the rest of the protected woods.

"It's an incredible place, and I think Middlesex School is being maybe shortsighted," Thornton said. "I think they are missing an opportunity, and it makes me sad."

Middlesex School owns about 300 acres to the east of Lowell Road, Saltonstall said. The school campus now occupies about 80 to 100 of these acres, and Bateman's Pond, which is mentioned in Thoreau's writings, takes up another 20 acres, leaving about 180 acres of undeveloped woods.

The school has placed a conservation restriction on 50 acres of its land and has told the Town of Concord it will conserve another 50 acres once it has "free and clear access to the land in Parcel A via the bridge," Saltonstall said.

Two parcels

Parcel A is about 40 acres and includes the 20 acres where the tennis courts and soccer fields would go, he said. The other 20 acres are wetlands and buffer to the wetlands, according to Saltonstall.

The school also has a 40-acre Parcel B, which has a 20-year conservation restriction that expires in 2017. The school is leaving its options open for what to do with that land after the conservation restriction expires.

"It is a huge focus of ours to make sure the B land is never touched," Tsongas said.

On the school's construction schedule for next year is a bridge that would cross a stream that flows into Bateman's Pond and would provide access to the courts and fields. Because a permanent bridge has not been constructed, the logging trucks and other vehicles reached the site during the recent tree clearing by driving on special mats laid on the ground and metal plates placed over a culvert.

Donald MacIver, Concord's natural resources administrator, said that the school received state approval for a bridge design and then submitted an amended design, which was also approved. The order that approved the amended design is now being appealed.

Bridge controversial

"They have put in a temporary bridge and skirted the issue of the original design or the amended design," he said. "It's disappointing. You'd expect a more straightforward approach."

But Joseph Ferson, a Department of Environmental Protection spokesman, said, "It's not a temporary bridge. It's swamp mats and metal plates on top of an existing cart path." He said the purpose of the mats and plates is to prevent erosion of the cart path during construction access and that the department approved their use.

Andrew Biewener, Charles P. Lyman professor of biology and director of Harvard University's Concord Field Station, said Harvard tried to encourage Middlesex School not to build in the woods and the development of the land will have a wildlife impact larger than the area that is actually cleared. "It will have an impact; what impact, we don't know," he said.

"It's unique to have that much undeveloped space that close to Boston," he said. "We value it, and we'd like to see it maintained and conserved through time, and we've worked to try to preserve it."

Donor's gift declined

Biewener said that a donor offered to give \$4.5 million to Harvard and Middlesex for a joint environmental research/teaching program provided that Middlesex not develop in the woods. Harvard was interested, but Middlesex declined to participate.

Giles said Middlesex's share would have been worth \$1.8 million. "In terms of the value of the land, \$1.8 million does not come close," she said. "Sometimes you do look a gift horse in the mouth."

She said the interest from that endowment would have paid for just one faculty member, including housing, which "is not in and of itself an environmental studies program, although that's a direction we would like to go."

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