

**LAND USE MANAGEMENT PLAN  
MT. JEFFERSON CONSERVATION AREA  
HUBBARDSTON, MASSACHUSETTS**

**1) GRANT PROGRAM REQUIREMENT**

The majority of the Mt. Jefferson land was purchased through a cooperative effort between the Metropolitan District Commission (MDC) and the Town of Hubbardston, with the MDC purchasing a Conservation Restriction and the Town purchasing the underlying fee interest. The Town purchased a smaller parcel in the midst of the 250-acre piece separately, comprised of 6.5 acres on the east side of Mt. Jefferson Road. The original parcel is further protected under the Conservation Restriction, details of which are attached.

An additional 67 +/- acres was added to the Mt. Jeff Conservation Area in June of 2008, formally known as the Malone Road parcel. Under the terms of the Self Help Grant(s), the Town voted to permanently protect the entire 317 acres known as the Mt. Jefferson Conservation Area under Article 97 of the Articles of Amendment to the State Constitution.

**DESCRIPTION OF PARTIES INVOLVED IN THE PLAN**

- a) **Hubbardston Conservation Commission** – the land is under the care and control of the Conservation Commission.
- b) **Open Space Committee** – the Open Space Committee administers the management plan, in coordination with the Conservation Commission.
- c) **Metropolitan District Commission, Division of Watershed Management** – the MDC holds a CR on that portion of the original 250 acres, as specified.

**2) SITE DESCRIPTION**

- a) **Natural Resources.** The original parcel is approximately 250 +/- acres. 35-40 acres are presently open hayfield and the balance is mixed woodland consisting primarily of hemlock, red oak and white pine. The woodland provides excellent habitat for large species such as deer, moose and bear, while the open fields are excellent habitat for birds including the Eastern meadowlark and bobolink, which are declining in population. The Department of Fisheries and Wildlife uses this area for stocking pheasant annually. The Malone Road addition is comprised of approximately 11 acres of open field, 5 acres of wetlands, and the balance consisting of mixed woodland. Similar to the original parcel, the addition adds to the availability of habitat for all those identified. In addition, the endangered American Bittern has been sighted repeatedly in the wetland acreage.
- b) **Built Environment.** The only built areas on the original 250 +/- acres are the foundation remains of the Old Gates Farm. The Malone Road acreage houses a dilapidated house and two sheds, which are uninhabitable at present, the fate of which will be determined within a six month time period. The Town is hoping to sell the remains for salvage value, after which time the Fire Department is hoping to burn the house as a training procedure.

### 3) LAND USE

- a) **Habitat protection.** By remaining as undeveloped land, the entire 317 +/- acres of conservation area enhances a permanently greenway corridor comprising State Forest land and protected watershed land. As such, it provides excellent habitat for large species such as bear, moose and deer. Forest/field boundaries and the proximity of vernal pools make excellent habitat for many smaller species. Wildlife management techniques to enhance certain species may be considered. Such techniques could include erecting bluebird houses, cutting some fields after bird nesting season, leaving some dead trees in place and other appropriate actions.
- b) **Water Supply Protection.** The Malone Road parcel into Natty Pond, which then drains into Canesto Brook, both of which are part of the Ware Watershed. The original parcel also drains into the Canesto Brook. Protecting the water supply is a top priority. The MDC owns a Conservation Restriction on the original parcel for this reason. All future uses within that parcel must comply with this restriction. (See attached copy.)
- c) **Passive Recreation.** Passive recreation will be encouraged over the entire 317 +/- acres of conservation area, including hiking, birding, cross country skiing and hunting. The original parcel of the conservation area, in compliance with the Conservation Restriction restricts non-motorized mountain biking, snowmobiling and horseback riding on designated trails only.
- d) **Public Access.** There is a gravel parking area on the westerly side of Mt. Jefferson Road on the 250 original parcel near the old foundation and the trailhead. There is additional parking available on Malone Road.
- e) **Agricultural Use.** Preservation of the agricultural use of all of this land will be accomplished through actively haying the existing open fields. The original parcel is already managed in accordance with the Hay Management Plan that has been approved under the Conservation Restriction, for that portion which is applicable. The Open Space Committee and Conservation Commission is currently reviewing the ability to add additional acreage into that plan for the Malone Road piece, where applicable. Revenue from leasing any of the fields to local farmers will offset the cost of managing and enhancing the Town's open space and recreation land.
- f) **Timber Harvesting.** The largest portion of the original piece of the property consists of mixed forestland. The existing standing timber has considerable value, which is currently under an active approved forest management plan, ensuring the future health of the woodland, while providing the town with occasional income to further manage open space and recreation property. Prior to the expiration of the current plan, viability for inclusion of the additional 67 +/- acres known as the Malone Road parcel will be reviewed.
- g) **Education/Interpretive Use.** Local schools or other groups will be encouraged to use the site for study of a whole variety of environmental topics. Information is available at a kiosk in the center of Town for the

original piece and will be revised to reference the entire conservation area. The Town is very excited that the Department of Conservation and Recreation has indicated an interest including a tour of the logging site as part of a certification process for loggers, highlighting how the forest can be managed effectively for all involved parties.

- h) *Funding of Open Space Enhancements.* The Town has enacted a fund for which proceeds derived from haying and timbering be deposited to further manage and enhance the open space of the town. See Act below.

***Chapter 93 of the Acts of 2004 ~ AN ACT ESTABLISHING A PRESERVATION FUND IN THE TOWN OF HUBBARDSTON.***

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

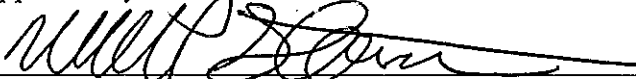
*Notwithstanding any other general or special law to the contrary, the town of Hubbardston may establish and maintain a special account known as the Fund for Hubbardston Preservation. The town shall keep the fund separate and apart from all other monies of the town and shall deposit in the account all monies received from fees collected from private functions for use of town owned land designated as open space, recreation land or conservation land or from fees collected from activities or sales, such as sale of timber, related to such land, or from donations made to the fund. Expenditures from the fund may be made to acquire additional open space, with the approval of the selectboard and town meeting, to maintain or improve existing recreation and open space lands and to preserve town owned historical sites and buildings. Expenditures from the fund shall be authorized by the selectboard based on recommendations of the parks and recreation committee or, if no such committee exists, by a Hubbardston preservation committee that shall be appointed by the select board of the town for 1 year term running from July 1 to June 30. The Hubbardston preservation committee shall include 1 member each from the recreation commission, recreation field committee, common committee, cemetery commission and open space committee and 2 at large members. Ex officio members shall include 1 member of the planning board, 1 member of the historical commission, 1 member of the conservation commission and the highway superintendent. Approved May 6, 2004.*

**5) MANAGEMENT PLAN**

- a) Haying will be in accordance with the attached hay management plan.
- b) Forestry will be in accordance with the forestry plan developed with and approved by DEM and MDC, in regard to the parcel on which there exists a Conservation Restriction. A feasibility study will be conducted to review the newly added acreage.
- c) Passive Recreation will be enhanced in the following ways:
  - Additional parking has been made available near the entrance to Malone Road, and will be exploring the addition of a gate to block motorized vehicles.


- The foundation area of the original parcel will continue to be improved through brush removal. Placement of additional picnic areas will be added on the Malone Road parcel.
- Additional signage will be added for the Malone Road parcel acknowledging the receipt of grant funds and donations and designating parking (including handicapped accessibility). The signage on the original parcel will remain and mapping of the trails in the Conservation Area and abutting State Forest will be updated to reflect the additional acreage and trail. Rules and regulations for use of the property will be posted adjacent to both parking areas.
- Volunteers maintain the original trail system, enhanced with a new looped trail on the original 250 +/- acreage. There is still the intent to explore its use as a self-guided nature trail. The addition of further trails on the 67-acre Malone Road parcel will be explored.
- Other passive uses will be encouraged on the entire Conservation Area such as an Autumnfest, organized astronomy gatherings, nature walks and bird watching guided talks, etc.
- The boundaries of the original parcel have been clearly marked. The boundaries to the newly added Malone Road parcel will need to be determined and clearly marked.

Approved by Hubbardston Conservation Commission:

  
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 Michael Stevens, Chair

  
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 Steven Mossey

  
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 David Klinck

  
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 Eric Gembarys

  
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 Anthony Coppola

Date: July 9, 2008

Approved by the Department of Conservation and Recreation:

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 Jonathan Yeo, Director - Division of Water Supply Protection

Date: \_\_\_\_\_

STATEMENT OF POLICY REGARDING M.G.L. CHAPTER 132A, §11  
THE SELF-HELP PROGRAM

The Self-Help program was established by M.G.L. Chapter 132A, §11, in 1960 to assist municipalities having duly established Conservation Commissions under M.G.L. Chapter 40, §8C in the acquisition of land for conservation<sup>1</sup> and passive outdoor recreation purposes. The policy regarding this program as it affects the distribution of state funds is as follows:

1. The intent of the Self- Help program is to preserve<sup>2</sup> areas insofar as practicable in their natural state for natural resource(s) value(s) and for the quiet enjoyment thereof by the citizens of the Commonwealth. First and foremost, the program should protect areas that contain unique natural, historical or cultural features or extensive water resources, regardless of the location of the area.
2. Because of the pressing need for preservation of natural resources and of open space in densely populated areas, projects which preserve natural areas or resources in the Commonwealth's densely populated cities and towns will receive priority consideration for funding. It is a continuing policy of the Executive Office of Environmental Affairs in cooperation with other concerned public and private organizations to use all practical means to foster and promote the general welfare of all citizens. Therefore, the Executive Office of Environmental Affairs is committed to developing measures and procedures in consultation with other agencies that will ensure that environmental amenities and values are considered in the appropriate social and economic contexts. Insofar as it is equitable and practicable, Self-Help funds shall be distributed so that such investment attains the widest range of beneficial uses of the environment, ensures the integrated use of natural and social resources and promotes all facets of equal opportunity for the citizens of the Commonwealth.
3. Self-Help funds may be used to assist in the acquisition of land to be used only for conservation and passive outdoor recreation. Passive recreation is defined as any activity that can be casually performed outdoors with minimum disturbance of an area's natural condition. For example, hiking, picnicking, canoeing, ice-skating, cross country skiing, casual swimming in a natural water body or informal sports activities on an open field are considered passive activities. Whereas, tennis, swimming competitively or in man-made facilities, baseball, basketball or golf on developed facilities are considered active recreation activities. Therefore, development of facilities on Self-Help land is limited to such items as trails, comfort stations, small parking areas, small shelters or maintenance support structures, boardwalks over wet areas, duck blinds, etc.

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<sup>1</sup> "Conservation" and "preservation" are used interchangeably. Whereas *conservation* implies "wise uses of land" such as science based forestry or agriculture, *preservation* precludes any commercial or efficient use of land except for passive outdoor recreational uses. For a good discussion regarding the definitions the reader might wish to read Karen A. Jordan, *Perpetual Conservation: Accomplishing the Goals Through Preemptive Federal Easement Programs*, 43 Case West. L. Rev. 401, 410 n. 45 (1993).

<sup>2</sup> *Ibid.*

Bk: 42928 Pg: 386


Hubbardston, Malaga Road; Self-Help # 3

- 6. The PARTICIPANT further agrees that despite any such authorization and approval, in the event the property or facilities comprising the PROJECT are used for purposes other than those described herein, the PARTICIPANT shall provide other property and facilities of equal value and utility to be available to the general public for conservation and recreational purposes provided that the equal value and utility and the proposed use of said other property and facilities is specifically agreed to by the Secretary of Environmental Affairs.
- 7. Failure by the PARTICIPANT to comply with the terms and conditions of this Agreement or the policies or regulation of the Self-Help Program may, at the sole option of the COMMONWEALTH, suspend or terminate all obligations of the COMMONWEALTH hereunder.
- 8. PARTICIPANT and COMMONWEALTH acknowledge that the benefit desired by the COMMONWEALTH from the full compliance by the PARTICIPANT is the existence, protection, and the net increase of conservation land, and furthermore that such benefit exceeds to an immeasurable and unascertainable extent the dollar value of the funding provided by this Agreement, and, therefore, in recognition of said disparity, the PARTICIPANT agrees that payment of money damages by the PARTICIPANT to the COMMONWEALTH would be an inadequate remedy for a breach of this Agreement by the PARTICIPANT, and, therefore, the COMMONWEALTH may enforce the terms and conditions of this Agreement by requiring specific performance of the PARTICIPANT'S obligations.
- 9. The PARTICIPANT agrees to record a copy of this agreement at the appropriate Registry of Deeds at the same time the deed for the land comprising the PROJECT is recorded, and to provide proof of such recording to COMMONWEALTH.


COMMONWEALTH OF MASSACHUSETTS

PARTICIPANT

BY

  
 Ian A. Bowles, Secretary  
 Or Designee  
 Executive Office of Energy and Environmental Affairs

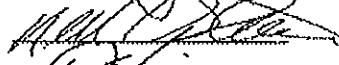
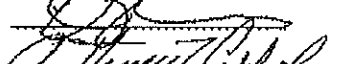
BY

  
 Matthew Castriotta, Chairman  
 Type or Print Name and Title  
 Chief Executive Officer

DATE: 1-30-08

CONSERVATION COMMISSION

BY

  
  
 Anthony Coppola  
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DATE: December 12, 2007

Attached hereto evidence of authority to execute this contract on behalf of the PARTICIPANT. In the case of a municipality, a certified copy of the vote or votes of the governing body authorizing the PROJECT, appropriating municipal funds therefore, and authorizing execution of this Agreement by the Officer, Board, or Commission whose signature(s) appears above.

SH Form Rev Nov 2007

ATTEST: WROC. Anthony J. Vignoli, Register