

## Application to Renew License for Use of Nagog Hill Conservation Land

Applicant: Hybrid Farm, Inc.  
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### 1) Site plan

Reference is made to the color aerial photograph supplied by the Commission in our meetings, with sections labeled as A, B, C and D.

### 2) Remediation Plan

- A) It is our intention to restore ground cover to Area "C" by erecting two additional fences across the field, similar to the one that separates Areas "A" and "C", forming three paddocks of roughly equal size. We would prepare the ground for planting with the use of a power rake, then plant a pasture mix of grass seed. This is the same process that was used to restore the ground cover in Area "A". The additional sections will enable us to rotate the use of the field to prevent subsequent destruction of the ground cover. We also plan to install a fence that runs roughly along our property line next to the barn, thus allowing an aisle from Area "D" to the water trough. This would keep traffic off of Area "C" since the horses would travel almost entirely on our property.
- B) The wetland crossing between Areas "C" and "D" will be improved by our introduction of trap rock to raise the elevation of the crossing while still allowing the passage of water through the soil to the vernal pond, thus eliminating the mud that develops on the path. The path will be covered with landscape fabric and fill in order to provide a dry passage for people and horses.
- C) We will work with the Commission to determine the location of any new gates in existing fences where the Commission feels that public access is currently inadequate. All new and existing gates will be equipped with signage to indicate that the land beyond is owned by the Town of Acton, and that the public is free to utilize the gates for access to that land if they wish, with wording to be supplied by the Commission.

### 3) Proposed Activities

#### A) Grazing

Areas "A", "C" (to be separated into three paddocks), and "D" will be used for horse grazing. Area "D" will continue to be the primary grazing area where a majority of the horses will spend the most time when not actively used for lessons. Areas "A" and "C" will be used on a limited and rotating basis, thus protecting the ground cover that has been or will be planted.

We would also like to use area "B" by installing fencing and gates along the northeast side of the existing path utilized by the public to walk from the parking lot to the trails through the woods. The perimeter of the field would be enclosed by utilizing inexpensive nylon poles and electric tape that will NOT be electrified, with signs that will make it clear there is no

danger of electric shock. This part of the plan would likely not be accomplished this year due to the expense involved. We received a quote of \$10,450 from a contractor to install 3-rail split rail fencing and gates along that path alone, so if it is to be done at all it would be installed by us. Until such time that fencing is installed, Hybid Farm will continue to annually mow the field with a rotary mower to ensure its protection as open space.

We are required by state regulation to provide shelter for horses where they graze in the event of inclement weather. For that purpose we have placed portable non-permanent run-in sheds at four locations on conservation land. We request that these be allowed as part of the license agreement, with the possibility that several more might be added if it is determined that the existing number is inadequate.

#### B) Riding lessons

Hybid provides riding lessons to its students both on weekdays after school, typically from 3:00 to 6:00, as well as on most Saturdays for most of the day. Occasionally lessons are provided to adults or special-needs students earlier in the day, however this is currently a small part of program. Summer workshops run Monday through Friday from 9:00 AM to 1:00 PM in July and August. We also offer an extended day on Thursdays for those who enroll. The barn is closed on Sundays to give the horses a day of rest.

A vast majority of Hybid's lesson program has been, and will continue to be, held in the existing four riding rings that are entirely on our property. On occasion we would like to continue to utilize area "A" for supervised riding by our students, typically with around five horses in the class. We would also like to continue to use area "A" during the summer workshop program in July and August. Once area "C" has been subdivided, we propose to rotate these activities among the four areas on the north side of the barn to minimize any adverse effects on the ground cover.

On occasion, our Pony Club members have a need to practice for upcoming US Pony Club events. Area "B" provides an excellent arena for this practice. The activities are supervised by a licensed riding instructor employed by Hybid Farm. Hybid receives no direct income for this specific purpose; however we do receive monthly dues from the members that cover the use of our horses and for providing an instructor to supervise the practice.

Our student volunteers are also entitled to "free rides" in exchange for their help with our various programs. They go on unsupervised rides throughout the Conservation area, including area "B", as well as trail rides through the woods. These rides generally take place on Saturdays in spring, summer and autumn, and occasionally during the week after the end of our summer workshop program.

#### C) Birthday parties

For the past few years we have hosted an average of eighteen birthday parties a year, usually on Saturdays. Typically only three to six ponies are used, with the participants taking turns riding, however we cannot accurately predict the maximum number of horses that

might ever be used for parties, but it would probably never exceed ten. Most of the time the parents and kids are happy with having the activities take place entirely in our riding rings, however occasionally they express a wish to go on a trail ride in the woods. We always utilize student volunteers in addition to the licensed riding instructor in charge of the event. If a trail ride is desired, they typically last about thirty minutes, with each pony being led by hand by one of our volunteer counselors, walking on established trails in the Conservation area. From our recent discussions, it appears that this activity is already allowed.

D) Size of the herd

Much has been said about the number of horses that we maintain on the property, and much has been said about the value that students derive from our programs. Hybrid serves many students, each with unique abilities, and with a wide variety of body sizes. It is quite a chore to match those students with an appropriate mount while maintaining our superior safety record. As a result, we need to have access to a wide variety of horses both in ability and size to fit those needs, while taking care to prevent the animals from being overworked. At the moment the average herd count ranges from twenty-eight to thirty-two.

We have established a non-profit corporation, Hybrid Farm Educational Foundation, Inc., with the intention of raising additional funds that would enable us to serve more special-needs students. Since these students are typically larger than our average after-school student, we will need to have horses on hand that can handle the additional weight. We also occasionally take in "rescue" horse who had been abused, or whose owner was no longer able to properly take care of the animal. We are aware of no other barn in town that is willing to provide this much-needed service. We also give away horses that have been determined to be inappropriate for our lesson programs, and replace them with others. For these reasons, we must stress that it is critical to our operations that we continue to have access to at least as many horses as we now maintain. We certainly have no reason to keep more horses than those that can be put to productive use due to the high cost of their care and feeding.

Much has also been said about the apparent "destruction" of the land due to the number of horses that we maintain. The fact that grass grew nicely in area "A" once we limited the amount of grazing indicates that the destruction was limited to the vegetation and not to the land itself. With the management plan we propose, we are confident that area "C" will recover quite well, even if we were to not plant additional grass. Area "D" would likely revert to a pine grove if no longer used for grazing.

Repeated Internet searches have not yielded any definitive guidelines regarding the number of horses that can safely utilize a given parcel of land. We made inquiries to local horse farms to get some idea how we compare. Speaking with Bob Haigh of Bobby's Ranch, we learned that he had been inspected several years ago by the Mass Bureau of Animal Health (copy attached). At that time he had eighty-seven horses living on the twenty-three acres he owns, and the inspector indicated that the land could support an additional thirteen. From that, one could extrapolate that the land we license could theoretically support at least fifty

horses on the approximately twelve and a half acres to which we have access, or thirty-six if we excluded area "B".

For the above reasons, we request that the license would allow a maximum of thirty-six horses to graze on the licensed parcel.

#### 4) Best Management Practices

##### A. Wetlands protection

Our activities have a minimal impact on nearby wetlands. When we first installed fencing many years ago, we consulted with Tom Tidman who flagged the existing wetlands, and we installed fences in a way that would prevent damage from people, equipment and horses in those areas. We have also registered with Acton Board of Health and paid their fee that will enable them to monitor the quality of the water that flows out of our vernal pool. If they are unhappy with what they find, we are more than willing to work with them and their experts to find ways to mitigate any adverse effects resulting from our activities on the farm.

##### B. Public access and signage

As we have discussed, we are willing to add gates to existing fence lines if the Commission decides that the number we have is inadequate, bearing in mind the expense that it would entail, and the likelihood that the public might feel inclined to venture off the beaten path into horse pastures. We ask that the Commission would supply us with location of any additional gates desired. We are also willing to erect signage that will make it clear that a given gate leads to public land. We ask that Commission would provide acceptable language for the signs, and we will arrange to get them printed and installed.

##### C. Protection of open space values

As we related to the Commission at our last meeting, the original intent of the Commission that oversaw the acquisition of the Nagog Hill parcel was to ensure that the existing open space was preserved, and encouraged us to make use of the land in a way that would accomplish that goal. Recognizing that allowing the land to lie fallow would result in rapid reforestation, they were thrilled that we intended to use the barn for horses.

We recognize that area "C" is unsightly, and it has been mostly due to the expense involved that we have delayed separating it into paddocks that would prevent over-grazing, as we did in area "A". We have also been sensitive to the fact that additional fencing might engender a perception by the public that the area beyond was somehow off-limits. Our experience is that a vast majority of visitors to the Nagog Hill parcel stay on the paths from the parking lot to the woods, if only to avoid the widespread presence of poison ivy and ticks in the fields. We feel that most, if not all, of those visitors would be happy to see new growth of grass in area "C", and enjoy that view as they pass by on their way to the woods, rather than feeling the urge to pass through gates and traverse wet, grassy fields to gain access to the trail system in the woods. That being said, we are willing to make sure that adequate gates and

signs exist that would allow public passage if they so desire. We only ask that that the Commission would give due consideration to the expense involved to create access where none might realistically be needed.

Area "D" is landlocked, with no trail system leading to the woods, so it is difficult to imagine that anyone would care to venture back there, however we certainly welcome public access. With the improvements we propose to the aisle from "C" to "D", coupled with appropriate signage, we feel that this would eliminate the perception that access might not be allowed.

Since the time of our initial purchase of our property, area "D" has never been grassland. The former owners used the property as a dairy farm, and cows are every bit a detriment to grass growth as horses. In spite of our use of that land for grazing, comparing the aerial photographs of 30 years ago to today shows that the trees are winning the reforestation battle. Any reduction in our use of that field will be contrary to the goal we all have of maintaining open space.

Area "B" is only kept open as a result of our regular mowing of the field. Each year it takes at least three sets of expensive blades to make that happen due to the numerous outcroppings of rocks throughout the field. It is our hope that we can come to a satisfactory use of that field for grazing as described above. We are committed to making sure that none of the fields we utilize will ever again look like area "C" by our maintaining a regular schedule of field rotation to prevent over-grazing.

#### D. Manure management

Hybid Farm utilizes the services of a hauling company to remove manure that we store in a portable container next to the barn, and to compost it for use as mulch and loam. We do not spread any manure on the fields beyond that which is deposited by the horses. This natural process of fertilization effectively improves the soil, as evidenced by the rapid growth of grass in area "A" that followed our fencing it and managing the grazing that takes place.

#### 5. Closure plan

In the event that Hybid Farm ever decides to cease use of the fields, it is our expectation that the remediation and management plans that we propose herein, coupled with ongoing communication and oversight by the town's Natural Resources personnel, would result in our leaving the land in at least as good condition as we found it thirty-two years ago with no further action required. We would dismantle and remove all portable run-in sheds and fencing that we had erected on Town property.

#### 6. Enhancement of the public use and enjoyment

Our goal is to maintain and continue to improve the beautiful vista of our farm that the public enjoys passing by on Nagog Hill Road. Part of this has already been accomplished by our restoration of area "A" which borders the road. We're sure that area "C" will become just as beautiful. We feel that most would agree that the sight of grazing horses adds to the ambience and rural charm that has all but disappeared in town. We are

committed to perpetuating that beauty, and to do our best to make our property, along with the land we license from the Commission, as visually attractive as possible.

Many of the children who ride here are also members of organizations that promote civic responsibility. To whatever extent is possible, we will encourage our students and those organizations to consider public service projects that would enhance the public's experience of the Nagog Hill parcel. We are more than willing to work with the Commission, and with Tom Tidman in particular, to discuss and implement whatever ideas that might emerge from that collaboration.

7. License agreement

If it is your intention to use the form of the last agreement that was signed in 1989, we propose the following amendments:

Parties to the agreement:

Change to Hybrid Farm, Inc.

Part II. Land Use Plan:

Make reference to this proposal as being part of the agreement.

Strike paragraph E.

Amend paragraph F from eight to thirty-six horses

Part IV. Structures:

Allow the installation and use of portable run-in sheds in a quantity that will ensure protection from the elements for horses grazing on the property.

Part VIII. Insurance:

Increase coverage limits from \$100,000 to \$1,000,000.

Part XII. Renewal:

Change to make renewal automatic each year with no notice required.

We propose that we stay in touch with the Commission throughout the year by holding regularly-scheduled meetings with Tom Tidman, perhaps every three months. These meetings can serve to review the status of our operations, discuss our progress toward the implementation of the proposed remediation, and to discuss any concerns that either party, or members of the general public, might have with our operation. With this ongoing interaction we hope to avoid a lengthy renewal process, and thus request that the license be automatically renewed each year.

Conclusion

We would like to thank you all for the time and effort you have expended to finalize a suitable new agreement. We feel that it has been time well spent, and are confident we can bring it to fruition in a way that will realize the goals we all share.

Respectfully submitted,

Rita-Marie McConnon