



Town of Sudbury

Community Preservation Committee

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MINUTES

NOVEMBER 17, 2021

VIRTUAL MEETING

Members Present: Chair Sherrill Cline, Vice Chair John Hincks, Mara Huston, Jean Nam, Lynne Remington, Jennifer Roberts, Kirsten Roopenian, and Diana Warren

Members Absent: Dave Henkels

Others Present: Director of Planning and Community Development Adam Duchesneau

At 7:03 PM, Ms. Cline called the meeting to order.

Public Hearing for Applications Submitted for May 2022 Annual Town Meeting

Ms. Cline opened the public hearing by reading the legal notice into the record. She then explained the Community Preservation Committee did not typically take votes immediately after a public hearing, but they would be making an exception for the Libby-Dickson Monitoring Funds application because she needed to recuse herself from the discussion of this application. Ms. Cline indicated this process would allow her to participate in the discussions of all the other Community Preservation Act funding applications.

Mr. Hincks assumed duties as Acting Chair.

Libby-Dickson Monitoring Funds

Conservation Coordinator Lori Capone explained her request for funding for the perpetual monitoring of the Libby-Dickson Conservation Restriction. Ms. Capone indicated the Dickson land was purchased by the Town in 2003 (2.39 acres). In 2005, the Town purchased the Libby property (23.94 acres) with Community Preservation Act funds and therefore a Conservation Restriction needs to be held by a third party to ensure the land is being managed in accordance with the restriction with which it was purchased. However, the Town had neglected to place a Conservation Restriction on the property at the time of purchase and had recently asked Sudbury Valley Trustees to accept the responsibility to monitor the Conservation Restriction. Sudbury Valley Trustees agreed, but because of the late notice, it was not able to conduct the fund raising needed to pay for this work which is usually conducted at the time of the land purchase. As such, Ms. Capone stated she was requesting \$9,454 to cover the Sudbury Valley Trustees' costs to ensure the long-term monitoring of the restriction.

Mr. Hincks asked the Community Preservation Committee members if they had any questions. Ms. Nam inquired about the monitoring costs and felt the proposed numbers seemed low. Ms. Capone noted Sudbury Valley Trustees had reduced their usual costs by over 50%.

Ms. Warren asked what the monitoring involved, and Ms. Capone stated each Conservation Restriction specified certain allowed and prohibited activities which needed to be monitored. Ms. Capone indicated

Sudbury Valley Trustees would walk the property each year to make sure the Town or the abutters had not encroached onto the land.

Ms. Huston added there were ample funds in the Community Preservation Committee's budget for this year and voting on the application now would not prevent other funding requests from being approved and funded.

Ms. Huston made a motion to advance the application for consideration to the May 2022 Annual Town Meeting. Ms. Remington seconded the motion. Roll Call Vote: Ms. Cline – Recused, Mr. Hincks – Aye, Mr. Henkels – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Roopenian – Aye, and Ms. Warren – Aye.

At this time Ms. Cline rejoined the meeting.

Bruce Freeman Rail Trail Design and Construction North of Mass Central Rail Trail

Ms. Huston indicated she needed to recuse herself from the discussion regarding the Bruce Freeman Rail Trail Design and Construction North of Mass Central Rail Trail application

Environmental Planner Beth Suedmeyer explained her request for funding and gave a brief background of the project. Her request for \$500,000 was a placeholder until confirmation of which certain specific items would be paid for by the Massachusetts Department of Transportation (MassDOT). Ms. Suedmeyer noted Sudbury's main section of the Bruce Freeman Rail Trail was Phase 2D (4.4 miles) which is the portion from the Concord line to the intersection with the Mass Central Rail Trail.

Ms. Suedmeyer presented a summary of the current status of the design and various deadlines to be met for advertising and construction which is on target to begin in the Fall of 2022 and be completed in July, 2024. Additional information and updates are available on the Town's website. Ms. Suedmeyer noted that Community Preservation Act and Town general funds were being used to pay for the 100% design of the project and that the construction costs of \$12.5 million had been allocated by the MassDOT. She noted the amenities in question, such as bathrooms, hydration stations, kiosks, signage and a pavilion, were included in the approved MassDOT funding. However, MassDOT had indicated that they may refuse to include these items in the construction. Therefore, Ms. Suedmeyer was presenting this application to cover those items.

Ms. Suedmeyer said she is optimistic that MassDOT will pay for these items as they are consistent with amenities included in other MassDOT projects. The bathrooms at Broadacres, for example, are being scrutinized by MassDOT as they have not been covered in District 3 rail trails, but other items are consistent with any modern rail trail. She is still negotiating with MassDOT and expects to have more definite information in time for Town Meeting.

Ms. Suedmeyer presented a slide showing how the previously allocated Community Preservation Act and Town funds have been spent. She explained that the current request was for design and construction funds as follows: Design funds for graphic design consultation; hardscape and artistic design; and connection of the Rail Trail parking and Trail Head to the Featherland Park Recreation area. The construction funds would be for construction oversight by a Town consultant for the MassDOT construction and possible environmental monitoring; construction costs for accessories not covered by MassDOT; and installation of trail side art and a historical interpretive loop connecting the trail to historic Sudbury Center. She presented slides showing some of the amenities under consideration.

Ms. Nam asked when Ms. Suedmeyer expected to hear back from MassDOT. Ms. Suedmeyer didn't know for sure, but hoped to hear back by April. Ms. Nam also requested more specificity on the costs. Rough estimates were as follows: bathroom ~ \$100,000, pavilion ~ \$100,000; 3 hydration stations ~ \$50,000; and construction oversight ~ \$100,000. Ms. Suedmeyer explained that the oversight would be on behalf of the Town to make sure the construction was proceeding according to design and in compliance with the environmental requirements. Ms. Nam also asked when Ms. Suedmeyer started expending the \$650,000 allocation. That was used for the 75% and 100% design so spending started around November, 2020. Ms. Suedmeyer confirmed that if this application was not approved, the funds were in place to complete the design and construction of the trail, but without the construction oversight.

Ms. Warren asked whether the Section 106 Programmatic Agreement had been completed. Ms. Suedmeyer expected the completion of the fact finding within the next few months. Ms. Warren asked for confirmation that the pending application does not include funds for payment of any easements. Ms. Suedmeyer stated that she expects the costs of the few minor easements would be covered by existing funding. Finally, Ms. Warren asked for and received confirmation that the current application covered the Bruce Freeman Rail Trail to the north of the right of way of the MBTA thus excluding the land on which the "diamond" sits.

Mr. Hincks sought and received confirmation that without approval of this application, the Bruce Freeman Rail Trail project could proceed but that if the MassDOT did not include the amenities and the town later decided to add them, that it would be an additional cost to the town in terms of construction costs and oversight. Ms. Suedmeyer noted that even if this application is approved, there will still be discussion with Park and Recreation, the Select Board and other interested parties as to the placement and design of such items as the bathroom and pavilion at Broadacres Farm. Finally, Ms. Suedmeyer confirmed that the Town would lease the rail trail from MassDOT and therefore the Department of Public Works would be responsible for maintenance.

In response to Ms. Roopenian's questions, Ms. Suedmeyer said the current proposal was to site the mitigation required under the Wetlands Protection Act along the south side of the pasture parcel of Broadacres which is already wet. Ms. Suedmeyer advised that the proposed amenities were all standard for rail trails with the exception of the pavilion and the hydration systems. However, the hydration systems are easy to incorporate and have already been built at various locations in Sudbury as part of the water bottle filling initiative. Bathrooms have also been installed in rail trails and MassDOT projects. The other option is a porta potty, but she has spoken with Town staff and the Friends of the Bruce Freeman Rail Trail regarding the benefits of moving to a composting toilet. The maintenance would be added to the existing contract for cleaning existing porta potties in town. She stated that Broadacres had always been identified as a potential location for rail trail parking and that the Select Board was considering plans for the full build out of that parcel. Finally, she was confident that there would be no takings of property to resolve any easement issues.

Ms. Roberts inquired what the cost of each of the listed amenities is and Ms. Suedmeyer stated she would look into obtaining more information for that request.

Ms. Roberts asked if there was a hierarchy for the accessory components for the project. Ms. Suedmeyer stated this would be a discussion to be had with the Bruce Freeman Rail Trail Advisory Task Force, Park and Recreation Commission, and the Select Board once MassDOT confirmed which items they would be funding.

Ms. Roberts asked if there would be space to have recreational fields after the construction of the pavilion and the play area. Ms. Suedmeyer stated they have looked into some of the concepts that have been developed and there is enough space to have a couple of playing fields depending upon the types of fields selected. She confirmed that the construction oversight estimate of ~ \$100,000 included basic environmental oversight.

Ms. Roberts asked about shared resources with other Towns for the long-term maintenance costs of the Bruce Freeman Rail Trail. Ms. Suedmeyer stated the Friends of the Bruce Freeman Rail Trail provided some maintenance funds to address some items such as porta-potties.

Ms. Remington asked whether she had been working with the Conservation Commission. Ms. Suedmeyer stated the wetland delineation has been approved, that she had been working closely with the Conservation Commission over many years, that a member of Conservation Commission was on the Bruce Freeman Rail Trail Advisory Task Force, and that the Conservation Agent has been a member of the design team and has reviewed drafts of the Notice of Intent at each stage. Therefore, she is optimistic that the final permitting will go smoothly.

Ms. Remington asked if the public had been involved and Ms. Suedmeyer indicated there have been numerous public meetings before the Conservation Commission and the Friends of the Bruce Freeman Rail Trail throughout the planning and design process. Soon the MEPA application will be announced and that will provide another opportunity for public input.

Ms. Cline asked if MassDOT agreed to pay for all of the requested amenities, would Ms. Suedmeyer still want this application approved for funding of the construction oversight. Ms. Suedmeyer indicated yes, there were still elements that would not be covered by MassDOT, no matter what the situation ended up being. For example, the state would not fund art installations, historical interpretations, or a conduit for the electric lines for a potential electric vehicle charging station.

Ms. Warren asked if MassDOT would cover the cost of the proposed interpretive signage. Ms. Suedmeyer stated this topic was still an ongoing discussion. Ms. Warren then requested to see a breakdown of the proposed signage costs for the historic interpretation. Ms. Suedmeyer indicated there was not a cost breakdown at this time and this portion of the funding request was still a placeholder.

Ms. Nam asked whether the applicant would consider dividing the request into funds that were necessary to complete the rail trail, i.e. the construction oversight, and the balance of the amenities. Ms. Suedmeyer stated that the request would be fine tuned before Town Meeting so the public would have additional information prior to voting.

Mr. Duchesneau confirmed there were no questions from the public.

At this time Ms. Huston rejoined the meeting.

Bruce Freeman Rail Trail Comprehensive Plan, Extension, and Park

Leonard Simon of 40 Meadowbrook Circle explained his request for \$164,000 for this rail trail extension project. He indicated this proposal would connect the Bruce Freeman Rail Trail southward from the end of Phase 2D to Boston Post Road/Route 20. He noted the connection would be approximately 1,200 feet in length. He pointed out that within the next 3 to 4 years, the MassDOT will have completed the Bruce Freeman Rail Trail running north/south through the center of Sudbury and the Department of

Conservation and Recreation (DCR) will have completed the Mass Central Rail Trail running east/west and intersecting the Bruce Freeman Rail Trail at the “diamond”.

Ms. Cline asked what Mr. Simon would like to do with the funds and how his request differed from the request by the Town and Ms. Suedmeyer. Mr. Simon noted if the rail trail southward to Boston Post Road/Route 20 was not paved, the alternate routes to get to Boston Post Road/Route 20 were not safe. He stated the funding would be used for the 25% design (estimated at \$100,000), and, if needed, a consultant to work with the design firm (estimated at \$60,000) with the goal to have the 1,200 feet paved in conjunction with the construction of the Bruce Freeman Rail Trail.

This request differed from the application submitted by the Town because that request was for a feasibility study of the 1.4 miles from the diamond to the Framingham line. The 0.22 mile section between the diamond and Boston Post Road/Route 20 did not pose any difficult environmental issues, whereas the balance of the line did which would result in a significant delay in construction of the piece under discussion. Mr. Simon noted the purchase of the gas station property at the corner of Boston Post Road/Route 20 and Nobscot Road was no longer an option. Therefore, the Community Preservation Act funds requested were now \$160,000.

Ms. Warren noted that the issue of the ownership of the land on which the diamond sits is before the Surface Transportation Board and therefore the future of the Mass Central Rail Trail was uncertain. Mr. Simon noted the portion of land at issue in his request was the CSX corridor which was owned by the Town and started south of the right of way in dispute.

Ms. Huston asked whether the construction for this project would be added into the current \$12.5 million contract. Mr. Simon said that this additional project would have to go through the MassDOT process, but felt the design could move forward quickly and be done within two years, and both construction projects could be done at one time.

Mr. Hincks inquired who the consultant would report to. Mr. Simon stated the consultant would report to Mr. Duchesneau, the Director of Planning and Community Development.

Mr. Hincks asked if any thought had been given to proposing this as a simple project and a new access point to the Bruce Freeman Rail Trail. Mr. Simon stated that he thought that would result in increased cost and that the access road may not be ADA compliant or accessible by emergency vehicles.

Ms. Roberts asked how Mr. Simon had arrived at the estimated project costs. Mr. Simon stated the estimate was for the design was based on an estimate he received from a design firm and the estimate for the consultant was based on the hourly rate of a consultant previously hired by the Town to work on the Bruce Freeman Rail Trail and his estimate of the time involved.

Ms. Roberts asked if any of the proposed work would include crossing Boston Post Road/Route 20 such as crosswalks. Mr. Simon stated the proposed project would simply stop at Boston Post Road/Route 20. However, he also indicated he would like to see a gate and signs for safety.

There was more discussion of the ownership of the “diamond” and confirmation that it was being adjudicated at the Surface Transportation Board, but north of the Mass Central Rail Trail was owned by the State, and south of the Mass Central Rail Trail right of way was owned by the Town. Mr. Simon had been told by a representative of the DCR that if the Mass Central Rail Trail is built, that DCR will pave the “diamond” thus connecting the north and south portions of the Bruce Freeman Rail Trail.

Mr. Simon stated he saw his proposal and Ms. Suedmeyer's plan for south of the Phase 2D as two subparts of a greater plan and complimentary projects. Mr. Simon indicated he would like to submit a written proposal as to how the two projects could be combined.

Ms. Remington asked what the plan was to keep cyclists safe when crossing Boston Post Road/Route 20. Mr. Simon stated that would be the obligation of the design contractor who completed the northern part of the Town-owned corridor and/or the state's engineer.

Mr. Simon's proposal would include a gate and signs to prevent cyclists from going onto Boston Post Road/Route 20.

Ms. Cline sought confirmation that this application was only for the 25% design and there would need to be the 75% and 100% designs completed before MassDOT would pay for anything. Mr. Simon confirmed that each design phase was funded separately and there would be additional funds sought. He also stated his belief that the 100% design could be completed in a year, that the MassDOT would accept the project and then add this 0.22 mile section to the construction project.

Ms. Cline asked Ms. Suedmeyer if these projects could be combined. Ms. Suedmeyer stated she had submitted the feasibility study and conceptual design to the Mass Trails Grant program that was due February 1, 2021, but the funding was not received. She noted the same scope of work was then submitted to the Community Preservation Committee. Ms. Suedmeyer stated her next step would be to focus on the quarter mile section of the trail to Boston Post Road/Route 20, fine tune that design, and advance that project. However, she believes a feasibility study would be beneficial to help the Town decide whether to pursue MassDOT construction or have the Department of Public Works build the 0.22 miles. Ms. Suedmeyer indicated she had considered the merger of these projects.

Mr. Duchesneau confirmed there were no questions from the public for Mr. Simon.

Bruce Freeman Rail Trail Design and Construction South of Mass Central Rail Trail

Ms. Suedmeyer explained the project involved the 1.4 mile former CSX corridor that intersected with the Mass Central Rail Trail at its northern-most point and then went southward to the City of Framingham municipal boundary. She noted the current proposal included a rotary at the diamond for safety.

Ms. Suedmeyer stated another application would be filed with the Mass Trails Grant program for additional funding and these awards were handed out in June each year, i.e. after Town Meeting. She hoped that the funds from the Grant would complement those received from this application. In view of the urgency in completing the first 0.22 miles, she wanted to pursue both funding avenues.

The initial funding request was for \$125,000 and would include a topographic survey, wetlands delineation, alternatives analysis, and conceptual design and coordination with MassDOT.

Ms. Suedmeyer noted some of the analysis would determine whether the project should be funded by the Town or MassDOT and the Boston MPO and consider options for crossing Boston Post Road/Route 20. Ms. Suedmeyer noted that there was usually a 5 year delay between when a project is accepted at the MPO and construction. She noted that although it was conceivable that the time would be shortened for this project, there was tremendous competition for funding and no new projects had been approved in the last 2 years. This would factor into whether the Town should construct the trail itself.

Ms. Suedmeyer explained the additions to the scope of the project were:

- Advancing the design of the ¼ mile section of the Bruce Freeman Rail Trail to connect from Phase 2D to Boston Post Road/Route 20 (\$160,000). The consultant said the cost of a 25% design to MassDOT standards or the complete design for completion by the Department of Public Works would be the same and the design standards would also be the same.
- Parking area survey and concept development (\$12,000).

Thus, the total request was now \$300,000. Ms. Suedmeyer stated that MassDOT would remain involved both because of the intersection with Boston Post Road/Route 20 and because of the state's interest in the construction of this major rail trail.

The actual construction costs would be in addition to the design.

Ms. Cline asked Mr. Simon if this would satisfy his request and if he would therefore be willing to withdraw his Community Preservation Act funding application. Mr. Simon indicated he would like to review Ms. Suedmeyer's presentation and speak with Ms. Suedmeyer further on this matter before making a decision.

Ms. Nam asked why the 25% design had not been included before in the funding request. Ms. Suedmeyer stated the initial application was mimicking the process previously followed by the Town, i.e. start with a feasibility study and then proceed incrementally.

Mr. Hincks sought and received confirmation that after the feasibility study, the Town could decide to proceed with a MassDOT process or construction by the Department of Public Works. Ms. Suedmeyer elaborated that once the crossing with Boston Post Road/Route 20 is on MassDOT's radar, it may decide to use other funding outside the TIP process to construct the crossing. In addition, other funding sources may be available once the Town has information from the consultants.

Ms. Roopenian asked what was the biggest obstacle to completing the project and was there a timeline. Ms. Suedmeyer stated she couldn't answer this question until after the feasibility study.

Ms. Roberts asked how quickly the project would be funded if it were a MassDOT project. Ms. Suedmeyer stated she did not want to speculate whether Sudbury could get funded short of the usual 5 years.

Ms. Cline asked when the feasibility study and 25% design would be completed. Ms. Suedmeyer stated the feasibility study could be completed within a year but could not say when the design would be completed.

Ms. Cline asked Ms. Suedmeyer to submit a new application incorporating the new scope of work proposed and the new amount requested.

Mr. Duchesneau confirmed there were no public questions.

Community Preservation Committee Annual Reports

Ms. Cline noted three additional Annual Reports had been received.

Ms. Warren indicated that despite statements in the Annual Report submitted by the Historical Commission, the Historical Commission was not ready to revert funds at this time for an older Community Preservation Act project. Ms. Cline asked that an amended Annual Report be submitted.

Approval of Meeting Minutes: October 20, 2021

Ms. Roopenian made a motion to approve the minutes of October 20, 2021 as amended. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Roopenian – Aye, and Ms. Warren – Aye.

Approval of Meeting Minutes: November 3, 2021

Ms. Roopenian made a motion to approve the minutes of November 3, 2021. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Roopenian – Aye, and Ms. Warren – Abstain.

Administrative Report

Mr. Duchesneau indicated the Town would be receiving an approximately 40% match of its collected Community Preservation Act funds from the state. Ms. Cline stated Sudbury should receive approximately \$947,246.

Ms. Roopenian made a motion to adjourn the meeting. Ms. Warren seconded the motion. Roll Call Vote: Ms. Cline – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Roopenian – Aye, and Ms. Warren – Aye.

The meeting was adjourned at 10:35 PM.