

RAIL TRAIL CONVERSION ADVISORY COMMITTEE
Town of Sudbury, Massachusetts
Minutes of Meeting on September 21, 2006

Present: Pat Brown, Betty Foley, Madeleine Gelson, Bob Hall, Bridget Hanson, Sigrid Pickering, Jennifer Pincus, Bill Place, Eric Poch, Dick Williamson, Carole Wolfe.

Absent: Dennis Mannone, Nancy Powers

Also Present: Residents Laura Abrams, Ed and Darlene Brown, Dan DePompei, Andrew Lewis, and Jim Nigrelli

Public Comments:

At 7:35 P.M. the residents listed above were asked if they had any comments or questions. Jim Nigrelli asked if the RTCAC would discuss the negotiations with CSXT, regarding the purchase or lease of the right of way (ROW) from South Sudbury to Framingham. The RTCAC is not part of those negotiations and has no plans at present to make any recommendations concerning the so-called phase III of the Bruce Freeman Rail Trail.

Darlene Brown asked where would there be parking for trail users, especially at the southern end near route 20. Sigrid Pickering noted the possibility that parking spaces might be provided where the ROW was actually much wider than the total width of the trail. Parking in shopping lots or business area lots after obtaining permission from their owners was also mentioned as a possibility. Bob Hall read the Recommendations paragraph from the Faye, Spofford and Thorndike (FS&T) draft report that concluded no new parking lots would be needed, at least initially. Mrs. Brown also asked if traffic studies had been done to determine the amount of traffic at the busiest trail crossings. Traffic counts were probably available for route 27 from the Town Center planning, but no one on the committee knew specifically what they were. The routes 20, 27 and 117 crossings were all thought to have more than 10,000 vehicles per day, which would qualify them for traffic signals if such signals make sense in the overall traffic control measures for those areas.

The meeting was called to order at 7:45 P.M.

Past Minutes: With the addition of one phrase and the substitution of one word to correct an error in the name of a town committee the minutes of the meeting on August 10 were approved.

Old Business:

Review of the draft of the Environmental and Engineering Assessment by FS&T

A considerable amount of time was devoted to collecting comments, questions and corrections from all of the committee members as the draft of the study was reviewed page by page. The comments, questions, etc. were all noted in one copy of the document that was given to Bill Place who will turn it over to FS&T for their use in writing a final version of the report.

Wildlife habitat evaluation:

Sigrid Pickering presented a Scope of Services Proposal from Call of the Wild Consulting that is the kind of proposal that the Board of Selectmen (BOS) will be asked to submit to the Community Preservation Committee for funds. Such a study has been deemed useful by the RTCAC in order to move forward a necessary study of the trail that will require

data collection in four seasons because any proposal to fund a full 25% design, if the town decides to go forward with development of the trail, will have to wait for funding approved at the 2008 town meeting. Bridget Hanson indicated that the proposal should meet the requirements of the Conservation Commission. She also offered to examine the qualifications of possible consultants and to advise the Commission and the BOS about any proposals they receive. There are two possible ways that such a study might be funded: 1) from administrative funds of the CPC and 2) a request for CPA funds at town meeting. The obvious advantage of the first is that the study could begin collecting data this winter. Sigrid will draft a letter to the BOS in the next couple of weeks asking them to request funds for this kind of study.

Application for Funding of Additional Studies to Precede a Design Effort

Dick Williamson presented a draft of an application to request CPA funds at the 2007 town meeting for three additional studies that might be appropriately undertaken prior to a 25% design.:

1. *Field Survey*. This will provide base maps obtained by aerial photogrammetric mapping or other approved methods, elevations along the ROW, the location of all visible utility structures, underground utility lines, property lines and abutters' names among other things. The approximate cost of this survey is \$80,000.
2. *Environmental Resource Delineation*. This would include the delineation of wetland resources within and proximate to the rail trail corridor and the preparation and filing of an Abbreviated Notice of Resource Delineation with the Sudbury Conservation Committee. Estimated cost of this study is \$25,000.
3. *Title Review*. This would include a full title review from the time the railroad originally acquired the land to the present. It would determine the rights of various interests in the ROW, including the legality of private crossings. The estimated cost of this review is \$15,000.

There was a motion to approve the application with all three studies and ask the BOS to request the \$120,000 needed for them at the 2007 town meeting. Bridget Hanson pointed out that the second project, the Environmental Resource Delineation, would be premature because such studies can not precede the actual construction of the trail by more than three years, in accordance with state regulations. The motion was then amended to delete the second study and request only the \$95,000 required for the other two. This passed, and an item in the Field Survey dependent on an Environmental Resource Delineation was deleted. Eric Poch suggested that the committee look into other funding sources, and he offered to contact Jody Kablack, the town planner, for help in that search. Pat Brown took the responsibility to write the BOS informing it of the request the committee will make and ask their advice about other funding sources also.

Update on Questions for Public Safety Officials

Pat Brown distributed copies of the Police Chief's responses to Rail Trail questions. There was no discussion of the document at this meeting. The committee has not yet received responses from the Fire Chief.

Craig Della Penna's Study of Rail Trail influences on real estate values and sales times

Carole Wolfe again raised her objections to the study by Craig Della Penna posted on the RTCAC website purporting to show that homes listed as being close to the Minuteman and Nashua River Rail Trails sold more quickly than homes not listed as close to the trails, and

perhaps at a slightly higher average price. Carole also noted there were no comparison sales for similar properties sold away from trails, making the study deficient. She also stated there should be some clarification as to how near or far an actual property was from a trail and type of trail. Her motion to have the study removed from the website did not pass, but a motion to add the following qualifying statement to the study did:

“There is no statistical analysis of the data; therefore the RTCAC cannot confirm the accuracy of the conclusions.”

The study was also questioned because of Della Penna’s well known advocacy of rail trails and his real estate business that emphasizes properties along them. He was asked to provide the committee with a professional resume, and copies were distributed to committee members. The resume will be discussed at the October meeting.

The next meeting is scheduled for Thursday, October 12, 2006.

The meeting was adjourned at 10:00 P.M.

Public Comments:

Jim Nigrelli inquired if the three additional studies described above and the request for \$95,000 had been considered before tonight by the committee, noting that the discussion lasting approximately 15 minutes was no longer than the time devoted to Craig Della Penna’s study. His point was that the committee took very little time in voting to spend \$95,000 of the tax-payers’ money, which he regarded as irresponsible. He was told that the studies had been briefly considered previously and the committee was working under a time constraint to approve any requests to the BOS for presentation at the 2007 town meeting tonight. The purpose in submitting the application now was to hold a place in the CPC list of funding requests while the application was considered at greater length in the weeks to come.

Laura Abrams expressed concerns about any abutters’ liability for accidents that might occur on their property. In general the answer was that the owner would be no more liable than owners with town walkways adjacent to their property , and the town would have no more liability than it already does for town recreational areas. Ms. Abrams also asked if her liability would be different if the rail trail were developed and if it were not. The committee advised her to consult with her insurance agent on that question.

Submitted by Bob Hall on October 1, 2006

Approved on November 9, 2006