

**RAIL TRAIL CONVERSION ADVISORY COMMITTEE
Town of Sudbury, Massachusetts
Minutes of Meeting on March 8, 2007**

Present: : Pat Brown, Betty Foley, Madeleine Gelsinon, Bob Hall, Dennis Mannone, Jennifer Pincus, Eric Poch, Nancy Powers, Dick Williamson.

Absent: Bridget Hanson, Sigrid Pickering, Bill Place, Carole Wolfe

Also Present, Residents Mimi and Russell DiMauro, Dan DePompei, Jim Nigrelli, Elaine Kneeland, Chris Medore (?) and Dick Wolfe

There were no comments by the residents in attendance.

The Meeting was opened at 7:35 P.M.

Pat Brown began by reviewing the membership of the RTCAC Committee as there had been some question about its makeup in recent weeks in light of the resignation of Bridget Hanson as the liaison between the Committee and the Conservation Commission. Bridget will remain on the Committee as a member at large. The Board of Selectman made this change in her status to accommodate her request to remain on the Committee whose 13 members are listed at the top of the page.

The Minutes of the January 11, 2007 meeting were approved without further changes.

Request for two new items on tonight's agenda:

Dick Williamson asked that the Committee consider Articles 22, 23, 24 and 35 on the warrant for town meeting and secondly, negotiations with CSX Transportation about acquiring the rights of way (ROW) for phase 3 of the Bruce Freeman Rail Trail as well as for other trails in towns that are also negotiating with CSX.

Old Business:

Conservation Commission Update:

There was a brief review of the Conservation Commission (ConCom) meeting on February 5 attended by Pat Brown, Dick Williamson, Jennifer Pincus and Bridget Hanson. The invitation to RTCAC by ConCom was in response to the letter sent by RTCAC to Town Boards and Commissions. The ConCom wanted to make clear that it had been out of the loop in preparing and commenting on the FST Environmental and Engineering Assessment, which it thought was ill advised. They found the Assessment inadequate. At present there is no formal channel of communication between the ConCom and RTCAC because of Bridget Hanson's retirement as coordinator. It was pointed out, however, that the ConCom is not a consulting body. It does not set policy but is responsible for enforcing conservation bylaws and regulations. Pat Brown noted that MassHighway adheres to Federal and State Laws, but does not attempt at the outset to deal with all of the various regulations of local communities. It was not clear whether the ConCom felt that FST did not comply with Sudbury bylaws or did not review them. It was suggested that the ConCom take its position to the BOS, but the BOS should be made aware that the RTCAC has met with the Commission. After three requests by Pat Brown to clarify how the BOS should be made aware of this, the Committee decided this would be

apparent from the minutes of this meeting. Dennis Mannone pointed out once again that the FST Assessment was only a study, not a design. Pat Brown has asked the ConCom about its views on CPA Articles 22-24 in the Town Warrant, but she has not received an answer yet.

Response of BOS to the RTCAC regarding the applicability of Town Bylaws and Regulations to the Rail Trail

Selectman Keller had responded on several occasions that the Selectmen could not respond to hypothetical situations but would be happy to put forth an opinion for a specific concrete situation. There has been no instance in Sudbury where the Town Bylaws or regulations have been sidestepped to promote some development or another. Pat Brown read to the Committee the Selectmen's official response to her request for a determination on this matter taken from their December 19, 2006, minutes.

Warrant Articles for the Upcoming Town Meeting

Dick Williamson made a motion that the RTCAC approve the three CPA articles, 22-24, to fund additional studies of the rail trail and to make the Committee's position known to Town Meeting. Pat Brown was concerned about the approval because the Committee has not yet heard from the ConCom about its position on those articles. After a brief discussion, the Committee voted unanimously to approve the motion in favor of the articles that it had recommended in the first place.

Dick then made a motion that the RTCAC oppose Article 35, a citizen petition by the Sudbury Citizens for Responsible Land Stewardship, which asks the Town to postpone any further development of the rail trail until "an overall vision acceptable to the voters exists and it is demonstrated that the ultimate conceptual design of the Trail will be in compliance with all local development laws and regulations." The motion passed with 7 votes for and 2 abstentions. The question arose as to whether article 35 had been put before Town Counsel. Jim Nigrelli had talked with Counsel who indicated that there was nothing out of the ordinary in the article. Eric Poch addressed the question of what the voters want, noting that the question of rail trails has been addressed in the Master Plan where the overall concept of rail trails is strongly endorsed. The RTCAC is to flesh out the details of the trails, to determine their feasibility and design.

Update of RTCAC Materials

Dick Williamson handed out a revised list of Frequently Asked Questions (FAQ) organized into fairly cohesive subcategories to facilitate searching for answers to specific questions. He also suggested that because the document is rather lengthy he would include an index of the questions with links to the answers when the FAQ is put on the RTCAC website. Again the question arose about the possibility that MassHighway might override local bylaws and regulations. It is still not known with certainty whether it might try to do that in particular circumstances. There was a motion to put the revised FAQ on the town website with only a few minor modifications so that it would be available to the citizens before Town Meeting. Copies will also be made available at Town Meeting.

Library Materials

There has been no progress since the last meeting on organizing the reference materials in the Goodnow Library.

Website Links:

Similarly, improvement of the links on the rail-trail website has been put aside because of more urgent tasks. Dennis Mannone volunteered to help Pat Brown with that task doing a little bit at a time.

Communication to the Board of Selectman

The Committee was concerned that the BOS be well informed about questions that might be raised at Town Meeting when articles 22-24 are considered. It feels that the answers provided in the revised FAQ provide the best information it can give the Board at this time.

In considering what will happen at Town Meeting, it was noted that the Community Preservation Committee will present the rail-trail articles. The RTCAC will not be asked to speak, but members of the Committee are encouraged to speak for the CPA trail articles so long as it is clear they are speaking as private citizens, not as representatives of the RTCAC. There is no speaker list at Sudbury Town Meetings, but Pat Brown could request before the meeting starts that the moderator recognize her as the voice of the Committee if there is time for her to comment.

Status of the Letters to the Town Boards and Commissions

Nancy Powers reported that Michael Fee of the Planning Board responded immediately to our letter asking if the Board had concerns or questions for the RTCAC. The Board discussed the mission and charter of the RTCAC and fully approved of its progress to date.

The Sudbury Historic Commission also responded listing a number of their concerns and recommendations regarding features of the trail that would make it as unobtrusive as possible where it intersects Scenic Roads, which it claimed was one of its responsibilities. It would offer further recommendations when the time comes for the final design. Eric pointed out, however, that the Planning Board is the permitting authority for Scenic Roads.

As noted above, the ConCom invited the RTCAC to the February 5, 2007, Conservation Commission meeting. The Park and Recreation Commission has not yet responded to the Committee; however, Dennis Mannone indicated that this commission experienced no urgent need to offer input or ask questions of the RTCAC.

Subcommittee Reports

Public Safety: All of the questions regarding public safety have been answered as well as possible at this time in the revised FAQ and in letters from Sudbury Safety officials. Madeleine Gelsinon reported that she had read of an incident in which a policeman was hit by a snowmobile that appeared headed toward the Assabet River Rail Trail in Hudson when he attempted to stop it (Metrowest Daily News, February 27, 2007). Motorized vehicles continue to be a nuisance and sometimes a danger on rail trails. Dick Williamson said he had read of one town's success in discouraging ATVs from using shared-use trails. The town adopted an ordinance that called for the confiscation of those vehicles when they were apprehended on trails. He also noted that the police have the right to pursue motorized vehicles on trails when the vehicles use public lands to access them.

New Business

CSX Negotiations: Dick Williamson described a meeting he attended on January 11 of representatives from several communities, all of which have been involved in negotiations with

the CSX Railroad for the purchase or lease of ROWs that the communities would like to convert to rail trails. Dick was attending as a private citizen, not as a town representative. The representatives from the other communities (Fitchburg, Leominster, Natick, Sherborn, Holliston) agreed to work together to convince their state representatives and senators to urge the Executive Office of Transportation (EOT) to include rail beds for rail trails in their negotiations to purchase large tracts of the CSX lines, including the line from Boston to Worcester and the line from Boston to Bedford-Fall River. Attendees from two of the communities have already written to their state representatives and senators. Dick is suggesting that the RTCAC urge our town officials to join that effort. When asked whether the Town knew of this meeting, Dick responded that the Town Manager Maureen Valente did know but did not elect to send an official representative. It was pointed out that if EOT did agree to include the rail-trail ROWs in their negotiations with CSX, it would not place any restrictions on Sudbury's negotiations with CSX. The topic will come up for more detailed discussion at the next meeting. Dick will draft a letter to the BOS asking the BOS to write to our representative and senators to support the multi-town effort to shape the EOT-CSX negotiations. The letter will be circulated for the Committee's comments and suggestions by March 28 and approval will be on the agenda for the April 4 RTCAC meeting.

The discussion then turned to when the Committee would meet next, considering two options: the next regularly scheduled meeting on April 12 or a special meeting on April 4 at about 7:00 P.M., that is, just before the start of Town Meeting. The Committee chose the April 4th date and will meet in the high school cafeteria. Some items on tonight's agenda that have no important bearing on Town Meeting will be deferred until the May meeting.

Letter Requesting Advisory Opinion from the Massachusetts Environmental Protection Agency

The Sudbury Citizens for Responsible Land Stewardship wrote to the Massachusetts Environmental Protection Agency (MEPA) asking if the ROW for the Bruce Freeman Rail Trail exceeded any thresholds requiring the filing of an ENF (Environmental Notification Form) and mandating the preparation of an EIR (Environmental Impact Report). Discussion of this letter was also deferred until a later time. One point that was emphasized in the letter was the damage that might be done in clearing the ROW for trail development, damage that might not be done if MEPA restrictions were placed on that activity. The Committee made note that if the CPA articles are approved at Town Meeting, permission for access to the rail bed would be necessary to allow surveyors and other investigators involved in the studies to pursue their work along the ROW.

Letter to Cathy Buckley Lewis

Pat Brown had drafted a letter to Cathy in which she pointed out an incorrect interpretation of the statistics in a study by the Rails-to-Trails Conservancy (RTC) comparing crime rates on 372 trails with rates in the general population. The RTC study is widely quoted, and Pat believed the faulty analysis should be brought to light and CTPS should be alerted to its flaws. The flaws in the study are cited in the February 9, 2006, RTCAC minutes as sufficiently serious to cause the RTCAC not to post the study on its website. Pat sought approval by the RTCAC to send the letter to Cathy. The Committee agreed with Pat's position and approved sending the letter with minor amendments.

Dick Williamson reanalyzed the data using an assumption about the average time trail users spend on trails in a month as a way of achieving more comparable sampling periods for trail use and general crime rates. The conclusion of the RTC study was still supported. Bob Hall also pointed out that the RTC study found exceedingly low frequencies of violent crimes on 36 trails that were studied intensively. From raw counts of several types of crime and estimates of the overall use of the trails, he could estimate the probability of a crime occurrence on trail outings. The probabilities were no more than 5 or 6 in a million.

The Meeting was adjourned at 9:45 P.M.

Community Input

Elaine Kneeland asked if the RTC study considered nonviolent crimes, as they were not mentioned in the preceding discussion. The study did consider such things as graffiti, trash, wandering onto abutters' property, etc., but the Committee had not looked at those data in detail in preparation for tonight's meeting.

Russell DiMauro asked if members of the Committee would want someone in their backyards 24/7/365. He clearly did not and said that he would move if the trail does come to pass. Mimi DiMauro indicated that she was neither for nor against the trail but would like to know what the Town and the RTCAC want to see happen with it. She also voiced concern that the police don't have the power to control the use of motorized vehicles and other unwanted behavior. Nancy Powers suggested that she read the summary of Chief Fadgen's views.

Dan Depompei inquired whether the amount of money requested by the CPA for the trail studies is the same as it was when it was first presented, \$140,000. The answer was yes. He also expressed disappointment that the ConCom was not more actively involved in the FST study and subsequent planning. He suggested that the Town could look at the MassHighway precepts to see if any appear to violate Town Bylaws and regulations. Dan's point was that it would be better to identify problems before the trail is built rather than discovering them afterwards and having to mitigate them.

The discussion turned again to the makeup of the RTCAC when Elaine Kneeland asked why Bridget Hanson was not present. No one knew, but it was not because she had resigned as ConCom coordinator and lost her position on the Committee. As noted above, she remains on the RTCAC as a member at large. Dick pointed out that Debbie Dineen was on the original bike trail committee in Sudbury, but since the formation of the RTCAC she felt that for personal reasons she would not be able to participate. Mimi DiMauro said that she had called Selectman O'Brien to ask if she could be considered for what she believed was a vacant position on the RTCAC, but was told there was no vacant position.

Jim Nigrelli inquired if changes would be made in the tables in the RTC study and reported in the CTPS study with which the Committee had found fault. They would not. He also inquired whether the EOT negotiations with CSX would have any influence on the Town's negotiations. Nothing has been recommended to the Town about leases with EOT or CSX. He had other questions: Was Sigrid Pickering's recommendation of the wildlife study to the RTCAC represented in the Town Manager's presentation to the Community Preservation Committee? The answer was yes. Jim asked next about the statement in the FAQ about the Sudbury Citizens for Responsible Land Stewardship SCRLS. He said that the latest version he had seen did not reflect the SCRLS position. His next question was about the number of CDs that were made and distributed of the FST Environmental and Engineering Assessment. He was concerned because

the report had appeared on the website of the Friends of the Bruce Freeman Rail Trail before it appeared on the Town website. Eric closed the discussion by noting that the question had already been addressed directly by BOS Chairman Keller.

The gathering dispersed at about 10:35 P.M.

Submitted by Bob Hall, March 14, 2007

Resubmitted on April 3, 2007

Approved April 4, 2007