

**RAIL TRAIL CONVERSION ADVISORY COMMITTEE**  
**Town of Sudbury, Massachusetts**  
**Minutes of Meeting on June 26, 2008**

**Present:** Pat Brown, Betty Foley, Madeleine Gelson, Bob Hall, Bridget Hanson, Chris McClure, Jennifer Pincus, Bill Place (ex officio), Eric Poch, Nancy Powers, Dick Williamson, Carole Wolfe

**Absent:** Debbie Dineen (ex officio), Dennis Mannone (ex officio),

**Also Present:** Residents Laura Abrams, Paul Cavicchio, Dan DePompei, Dave Duane, Honora Haynes, Jim and Karen Hodder, Marianne Maurer, Margaret Pemberton-Harty and Selectman John Drobinski

**Community Input:** There were no comments at this time.

**The Meeting was convened at 7:35 P.M.**

**Submission of Items for the Notebook; Public Information on Other Trails**

*Assabet River Rail Trail:* Bridget Hanson had circulated an email response from Michelle Ciccolo, Director of Community Development in Hudson, to several questions about construction and maintenance costs. It contained no hard figures on maintenance costs, portraying them as probably incremental in the whole DPW budget. Bridget will try to get a better idea about them from the Hudson DPW. Ms. Ciccolo did provide estimates from her memory of the Hudson contribution to the design costs, about \$150,000 to the total of \$500,000. Construction of the 5.5 miles she estimated at \$5.5-6.0 million. The difficulty in coming up with exact figures stems from the fact that funds were obtained from various sources over a period of 10 years.

*Minuteman Bikeway:* Dick Williamson reported that he had attended the last meeting of the three communities' bikeway committees. He has not been able yet to get current estimates of maintenance costs. He noted with amusement that the Lexington Bicycle Advisory Committee was made up of the same people who comprised the friends volunteer organization. He also pointed out that Arlington had tried an experiment this past winter to see how plowing the snow on the trail would affect its use. The experiment was quite successful as there were many walkers throughout the winter. They guessed that there would have been many more bikers had Lexington also plowed its section of the trail.

*Wachusett Greenways:* Carole Wolfe had circulated before the meeting her first report on the information she had gleaned from video presentations by Colleen Abrams, president of Wachusett Greenways, and from the organization's website. She has not yet spoken with Ms. Abrams. Dick Williamson said that he had another video presentation from a MassBike Moving Together presentation that he would give to Carole. Pat said she had some specific questions she would direct to Carole when she could go over the document in detail. Bob Hall asked what was meant by 'tandem' police patrols to be instituted in an attempt to increase the police presence on the trail. Carole was not sure but thought it probably referred to a joint effort by Holden and West Boylston police departments. The only other discussion about this trail centered on the question of trail surface, which is stone dust for its entire length. Initially there were troubles with the surface, but Wachusett Greenways maintains they resulted from poor construction practices that they have learned how to correct. There have thus far been no more troubles with

the improved soft surfaces, but Bridget asked how long the improved surfaces have been in place. Carole will write to Ms. Abrams to find out. Chris McClure offered an amusing side story he heard from his father, formerly a police officer in Holden. The department purchased bikes for its officers to increase patrols and provide exercise at the same time for its members who were apparently not getting enough of it.

Before leaving the Notebook discussions Dick Williamson called attention to the fact that much has happened in the development of the Bruce Freeman Rail Trail since the last version of the Regional Overview was written in November of last year. It would seem that an update is in order. The wisdom of this was confirmed later in the meeting during the discussion with Selectman Drobinski.

Pat Brown reiterated that, in order to have the final Notebook submission ready for the Selectmen in September, items will have to be approved in their final form at the August RTCAC meeting, and that it is highly desirable to have them available for discussion by the Committee in July.

### **Old Business**

*Updates:* In response to questions at the May 22 RTCAC meeting about the actual contractual requirements for the studies of the rail corridor, Pat Brown reported that Debbie Dineen does not yet have a copy of the contract with Call of the Wild, the consultant doing the wildlife study. Debbie has been working from the RFP for the study. Pat obtained from the town (1) copies of the RFP for the survey and wetland delineation, (2) the American Engineering (AE) proposal and (3) the contract. that were circulated during the meeting. Chris McClure reported that a final decision had been made about the AE violation of cutting along the trail. A bond to cover the costs of damage to the hemlock grove has been requested, but it has not yet been issued. Deliverables on the contract are due by June 16, 2008. Bill Place will determine if the contract has been fulfilled.

Chris also noted that the spring report from Call of the Wild will be available before the end of the month.

The formal conclusion of the title search is still something of a mystery. While the title search by Anderson & Krieger resulted in a preliminary finding by Sudbury Town Counsel that the title was sufficient to justify the Town's proceeding with the other ROW studies, there has been no final summary from Anderson & Krieger or final determination from Town Counsel that the Committee is aware of. The unsummarized registries are available for review from Town Counsel's office. Dick Williamson was particularly concerned that ROWs along the railroad ROW be spelled out in detail, e.g. for driveways, crossing roads, etc.

**Past Minutes:** The minutes of the May 22<sup>nd</sup> meeting were approved after a few corrections. This agenda item was deferred until Bridget Hanson arrived because the corrections required her input.

*Other Communications:* Dick had learned that the towns north of Sudbury (Acton, Westford, Carlisle and Concord) are applying for design funds from the State Transportation Enhancement Program (STEP) that, if obtained, may count towards their contributions of 10% to the total design and construction costs. The funds would not have to come through the TIP, the Transportation Improvement Program. The question arose about whether the Mass Highway Department (MHD) would pay for a stone dust surface. Carole had a copy of an email message

from Josh Lehman at the Executive Office of Transportation (EOT) stating that towns would be able to request a stone dust surface, but for only a short stretch of a trail. The request would be only for areas with special circumstances, and it is not known if the request for stone dust would even be granted. MassHighway does not want long stretches of stone dust on the trails it builds. Lawrence Cash, MHD project manager for phase 2 of the Bruce Freeman Rail Trail, had commented earlier that any stone dust surface would have to be a stabilized aggregate that was not impervious. Cash indicated at the May 7 MHD meeting concerning the BFRT that he was pleased with the Concord decision at their April 28 town meeting to build the entire trail within Concord's boundaries using an asphalt surface. As noted in the minutes of the May 22<sup>nd</sup> meeting, Barbara Lucas of MAPC suggested at that meeting it is desirable for the towns to pay for all of the designs in their respective towns. Pat added that a regional approach to funding may increase the chances that funding will be obtained, but at the cost of losing local control. Dick recounted how Massachusetts treats federal transportation funds differently than other states. Transportation Enhancement funds are received as separate funds from those for general transportation, but Massachusetts combines them and in so doing funds for bike trails and other enhancements end up competing against large highway projects, such as the Concord rotary, putting them at a considerable disadvantage. Pat announced that the draft 2009-2012 TIP from the Boston MPO will be available for public review on the MPO website from July 7 to August 5. She noted that the introductory passages in previous versions have been helpful in understanding the TIP process.

Chris McClure's one-year appointment to the Conservation Commission (ConCom) was up in May. His reappointment is being evaluated because of a perceived conflict of interest as he is an abutter to the proposed rail trail. He may continue to serve until the BOS makes a decision on his reappointment. Chris was to talk with Selectman Drobinski about this following the meeting. He has been encouraged to address the issue with each selectman and town council.

#### **Subcommittee Reports:**

*Commercial/Agricultural Subcommittee:* Speaking to the commercial items Erich Poch noted that he has had conversations with several of the businesses whose properties abut the ROW, but he has not formalized any of the information. Madeleine Gelson had circulated before this meeting the response by Max Morningstar to the list of questions posed to all of the abutting farmers in town. Mr. Morningstar and Chris Kurth operate the organic vegetable farm known as Siena Farms. Their principal concerns are about trespassers and contamination from the trail. The property is owned by the Rocklage family, and Madeleine understood from Debbie Dineen that it is protected in perpetuity for farm use. She wondered how this might affect trail considerations. It was confirmed that Siena Farms plants several acres of a Rocklage owned land parcel that abuts the ROW and is protected by the Mass. Agricultural Preservation Act. In addition, Siena Farms leases land abutting the Rocklages from the ConCom. This ConCom land is also protected in perpetuity. Madeleine also noted that the three farmers who had given her their reports, Paul Cavicchio, Honora Haynes and Marianne Maurer Ouellette, were in attendance this evening. Because farms abut so much of the ROW in Sudbury Madeleine asked Laura Abrams, chairperson of the Agricultural Commission, to play an active role in determining to what extent construction and spraying contamination might affect Sudbury farms. This item on the agenda ended with a brief discussion initiated by Dick Williamson about separating the personal concerns of the Maurers from their business concerns in submissions to the Notebook. The Committee concluded it was probably not advisable and noted that the procedures adopted at the January 24, 2008 meeting specifically preclude rewording of this input by the RTCAC

*Conservation Subcommittee:* Chris announced that the report from Call of the Wild for the spring quarter is due out in June. Bridget asked if the tree cutting that AE did in clearing the trail for surveying had had any effect on the wildlife. Chris replied that we won't know until the study is complete. Chris also noted that Diane Boretos will make some suggestions about how the trail might affect wildlife, but not at the level requiring engineering expertise. For example, she might say how a road through some stretch of the wetlands might affect the wildlife in that area, but not whether an 8-ft. road would be better than a 10-ft. road in that regard. Bridget noted that there have not been many studies of the affects of rail trails on wildlife, but Carole said she has found many of them and will provide the Committee with links to them.

*Update on BOS meeting on Tuesday, June 24:* Pat attended the meeting and got some preliminary answers to questions she posed to the selectmen. Some of these follow:

1. The selectmen were most interested in learning about the construction and maintenance costs of rail trails, and they would like to have the data presented in a spread sheet.
2. Abutters' issues will not be addressed until the design is begun.
3. Permitting issues will not be addressed until construction is initiated.
4. It would be helpful if someone from one of the state agencies involved in the development of the trail would clarify funding mechanisms in a presentation to the Committee sometime during the summer. Bill Place will be responsible for arranging this.

Selectman John Drobinski arrived at 8:50 P.M. following another meeting he had to attend first. He began his remarks by praising the work the Committee has done. He then enumerated a few of the principal concerns the selectmen would like to see addressed in the Notebook, including the kinds of mitigations that have been effective in addressing abutters' concerns in other towns, and good estimates of maintenance costs to determine how significant they might be. They are also interested in what has been happening in other towns along the BFRT ROW, and in particular at this time what happened at the Concord Town meeting in April. Dick Williamson said that an update of the regional overview should provide that information. The selectmen are aware that trail surface is an issue and would like to consider the matter in light of as much useful information as they can get.

Selectman Drobinski then accepted questions from Committee members. Nancy Powers asked if the title search has been completed and if there is a document on the final status. Mr. Drobinski did not know but indicated that Town Counsel should. Madeleine Gelsinon expressed her concern about the large proportion of the ROW that was adjacent to Sudbury farms and suggested that some of the issues facing farmers should be resolved before any development of the trail reaches the design phase. Mr. Drobinski asked if there were farm issues in Concord, but the Committee knew of only one farm in Concord. Laura Abrams commented that she had been unable to find another town anyplace, and in particular in eastern Massachusetts (MA), where farms bordered so much of a rail trail, and that she has gotten little useful information about the effects of trails on farming. Madeleine mentioned that only two towns along the BFRT (Westford and Sudbury) have agricultural commissions. Pat asked about the Norwottuck trail in western MA, and Bridget pointed out that the trail has deep ditches on both sides that discourage users from leaving the trail to trespass. Carole Wolfe asked if the selectmen had prompted Bill Place's assertion at the last meeting of the Bruce Freeman Rail Trail Coordinating Committee (BFRTCC) (that is, the May 7 MHD meeting cited above) that the 25% design for the Sudbury

section would be completed by November 2009. Mr. Drobinski was not aware of any such projection, and Bill Place was asked to notify the BFRTCC that the projection is unrealistic.

Pat Brown raised the problem of coordination between town committees and commissions involved in projects that will impact any development of the rail trail. One reason for the concern stemmed from deliberations by the Park and Recreation Commission and ConCom about expansion of playing fields and parking at Davis Field about which the RTCAC was not informed, even though such changes might have an impact on the trail. Mr. Drobinski will check with Jody Kablack about that and about ensuring there is adequate communication among the town's agencies. Eric Poch remarked that none of the projects has reached a design phase and that Planning Board members are present on all of the committees. Pat also formally stated the Committee's desire to have Chris McClure reappointed to the ConCom and as liaison to the RTCAC, mentioning his contributions to the Committee.

Pat then pointed out that the RTCAC has observed a divergence between its immediate responsibilities and its mission statement, as it has been directed by the BOS to work as an information gathering entity rather than an advisory committee. She specifically requested that the mission statement be aligned with the actual responsibilities of the RTCAC. Mr. Drobinski did not agree, saying that the fact finding task was part of an advisory role and the Committee was doing what the BOS wanted it to do. Bridget added that ever since the Committee was given the Notebook task it has not proffered advice of any kind. The selectman said the BOS would welcome advice, but he was aware that there is a lot of tension in the Committee because of very different feelings about the trail. He remarked that the difficulty the Committee faces in resolving the issues such as those posed by Paul Cavicchio's greenhouses is a fact that would clearly influence the selectmen's decisions. Jennifer Pincus asked him if the BOS would seek the Committee's advice. He replied that if the farmers' situation appears to be unique to Sudbury then perhaps the parties should get together soon to discuss possible solutions rather than waiting for the design phase of the project. Mr. Drobinski suggested one solution for the Cavicchio farm might be to route a trail onto Union Avenue instead of going through the farmland. Carole pointed out that at the June 24 BOS meeting Maureen Valente, Town Manager, said that mitigation issues would not be considered until the design phase. Dick Williamson pointed out that in other towns mitigation issues have been identified during the 25% design. Carole responded that the problems are getting pushed off in Concord until the 75% design. She apparently heard that the state will not fund fencing for privacy. She also stated that Honora Haynes (who was present) had been promised a fence by the Town between her land and Featherland Park years ago. The use of her adjacent field is now restricted because the promised fence was never provided. Selectman Drobinski said he would take Pat's concerns about the mission of the Committee back to the BOS. Pat replied that the RTCAC has been working hard but has not submitted much because motivation appears low, observed both as low output and as low attendance among members, and it is not clear about what the Committee is supposed to be doing. There has been much emphasis on getting MassHighway money, which comes with a lot of baggage such as the emphasis on asphalt surfaces. Mr. Drobinski said that he had no preconceived notions about what the trail should be. Bridget confirmed Pat's position adding that in Concord the Bruce Freeman Rail Trail Advisory Committee was asked to develop a vision, but Eric Poch said that the same kind of thing happens in planning all public projects. Unless there are concrete facts or proposals there are no decisions to be made. Visions develop slowly, step by step, and the final vision is supplied by the community, not by the RTCAC or BOS. The public has to know what the options are; neither options within a project nor different projects

are independent. Eric also described the traditional town approach to planning as tackling a complex set of objectives with many unknowns, and proceeding through small steps on a variety of fronts as the opportunities present. This does not lend itself to a deterministic process. Paul Cavicchio asked when the town was going to decide whether he can farm, stating that he would not be able to if the rail trail is built, as he understands it might be, coming through his property. Dick Williamson pointed out that in Concord there was a series of seven meetings that were held, each one dealing with a different aspect of the trail. The results of those meetings were incorporated into the 25% design. Carole did not agree.

**The meeting was adjourned at 9:40 P.M. Selectman Drobinski remained to engage in further discussion.**

### **Community Input**

Paul Cavicchio continued where he left off before adjournment saying first that the RTCAC has been finding a lot of information about rail trails, but when asked about what will be done about his problems he receives no answers. He wants to know where he should go to find out what will happen to him. He is afraid that the farmers who are clearly a very small minority in town will be outvoted by a vast majority of voters who want a multiuse path. Mr. Drobinski answered that the farmers will certainly be involved in the design process. Bridget added that we don't know at this time what the solutions are, but throwing out the trail is not the solution. Madeleine said that the Agricultural Commission should take part in the design process. Laura Abrams said that Mr. Cavicchio's and the Maurers' situations are very special. Eric pointed out that there has been a railroad ROW on those properties for a long time and the town has never tried to do anything with it. It will be there for a long time to come. Pat noted that the northwest extension of the MBTA Red Line under consideration during the 1970's did not happen because the towns affected supported the Minuteman Commuter Bikeway as an alternative superior to active MBTA operations on the ROW. Without an alternative that effectively excluded the MBTA, the Red Line extension could have been deferred but would not ultimately have been denied. Selectman Drobinski added that is why Sudbury purchased the CSX ROW. The town did not want to lose control of the property. Dan DePompei noted that we haven't even looked at any alternatives that might solve some of Mr. Cavicchio's problems. Has anyone looked at the possibility of skirting his property by taking the trail out to Union Avenue? Dan also noted that encroachments on wetlands for some desirable project are not permitted until all alternatives have been ruled out. Eric Poch pointing to the project involving the redirection of Nobscot Road remarked that the project has been under consideration for quite some time, but it is necessary to "keep the ball rolling" until the issues are clear enough to allow the town to make a decision. Carole noted that "keeping the ball rolling" continually requires Town Meeting to vote additional funds. Eventually the Town will have put so much money into the project that people will believe it is too late to stop the project or that the Town's monetary contribution to the state for a trail may already have been reached. Laura Abrams asked Mr. Drobinski when do you say to the public that the rail trail could destroy all of the farming in town? Mr. Drobinski responded that the BOS does not present things in that way at town meeting. Eric said that the interests of the farmers, the Agricultural Commission and all of the interested parties are really congruous and that minority parties have to continue coming to RTCAC and other meetings to make their voices heard. Jennifer offered that perhaps we need a design committee composed of members with diverse talents, in agricultural matters, in engineering, etc. Carole intoned that she hoped it

would not contain five Friends of the Bruce Freeman Rail Trail. Paul Cavicchio asked whether it was the selectmen or the town that makes the decision to go ahead with the trail development. Mr. Drobinski answered that the BOS would not make such a decision on its own. Rather this would be decided by Town Meeting. Carole inquired whether the question could be a ballot question because Town Meeting doesn't truly reflect the majority of residents wishes as it comes down to who can get the most people to Town meeting to vote on an issue. The question went unanswered. Karen Hodder offered that the farmers own almost 50% of the land abutting the ROW, but they constitute a very small proportion of the vote, putting them at an unfair disadvantage. Dave Duane of Methods Machine Tools said that businesses have to make decisions and need to know when things that will affect them are going to happen. When would he know about the fate of the BFRT? Mr. Drobinski replied that we just have to go through the process; there are no short cuts. Bob Hall said that it was the understanding of the Committee that the Notebook it is preparing would be finished in the fall of 2008 and based on the selectmen's perception of that material they would make a go – no go decision to proceed with the trail. Mr. Drobinski replied that was correct, but there might be circumstances that would alter that time table, such as large unresolved issues that might, for example, result from the agricultural situation in town. He had not realized that Sudbury's agricultural situation with regard to the ROW was so unusual. Carole asked whether the go – no go decision means the BOS would go to town meeting asking for additional funds for design work, the process being determined by the date of town meeting. Mr. Drobinski answered no; there is no fixed date. Nancy Powers made a plea to residents who oppose the trail not to take an inflexible no-trail position, but to work with the Committee to see if suitable solutions to their problems can be found. Dan DePompei noted that he had attended some of the Concord meetings referred to above and found them very informative. Might Sudbury have similar meetings? Marianne Maurer asked if she and other farmers could call the BOS, and Mr. Drobinski replied that they could, adding that he would like to hear from the RTCAC about issues that could be the topics of meetings for the town. Carole said that the precarious funding process from federal and state funds is not receiving adequate consideration and as a result the townspeople have a poor understanding of it.

**The discussion broke up at 10:35 P.M.**

Submitted by Bob Hall on July 1, 2008

Resubmitted on July 17, 2008

Approved on July 24, 2008