

RAIL TRAIL CONVERSION ADVISORY COMMITTEE
Town of Sudbury, Massachusetts
Minutes of Meeting on May 22, 2008

Present: Pat Brown, Madeleine Gelsonon, Bob Hall, Bridget Hanson, Chris McClure, Jennifer Pincus, Dick Williamson

Absent: Debbie Dineen (ex officio), Dennis Mannone (ex officio), Bill Place (ex officio), Eric Poch, Nancy Powers, Carole Wolfe

Also Present: Residents Paul Cavicchio, Dan DePompei and Jim Nigrelli.

Community Input: There were no comments at this time.

The Meeting was convened at approximately 7:40 P.M.

Past Minutes: The minutes of the meeting on April 24, 2008 were approved following a clarification about how comments inserted into the minutes that were not actually made at the meeting were to be handled. If they are included they will be put in parentheses and distinguished by italics. One such comment by Debbie Dineen was treated this way.

Old Business:

Updates:

Presentation to Board of Selectmen (BOS) Pat Brown began by reviewing what had transpired at the Board of Selectman's meeting on May 13, noting that the Board was very pleased with the work the RTCAC has done thus far on the Notebook being prepared for them. Below are some of the matters discussed.

The BOS or Town Manager will find out if the title search for the rail bed carried out with CPA funds approved at the 2007 town meeting has been completed in its entirety.

Bridget Hanson asked the Board what it is that they most want the RTCAC to focus on in the Notebook. The selectmen said they would think about that and get back to the Committee. To facilitate that effort Pat Brown will invite the selectmen, and especially John Drobinski who is the RTCAC liaison, to attend the June 26 meeting of the Committee. She asked the Committee members to contribute to a list of questions it might have for the selectmen, a list she will send to them in advance of the meeting to help them prepare for it. Jennifer Pincus said that she would ask how we might establish better communications with other town committees whose responsibilities intersect with those of the RTCAC. The BOS indicated they would ask the Park and Recreation Commission to name a representative to the RTCAC. There is a new member of the Commission, Georgette Heerwagen, who is very supportive of the rail trail, but she feels she is too busy with other town obligations to serve on the RTCAC. For the time being it appears that the RTCAC will continue to be without a representative from the Park and Recreation Commission.

The original plan for the Notebook called for its completion by June 2008, but it is clear that will not be possible. The goal now is to have the project finished by September.

Bridget described the trails that the Committee chose to study for the Notebook and how they presented a cross section of trails with different characteristics. Selectman O'Brien noted how few of the towns along those trails had wetlands bylaws. Chris McClure said that Debbie Dineen wanted the Committee to know that most of the towns in the Commonwealth do have

wetlands bylaws, though that was not apparent in the small sample of towns along the trails the RTCAC is studying. In some cases the trails were built before wetlands bylaws were put in place.

Meeting of the MassHighway Bruce Freeman Rail Trail Coordinating Committee, May 7

Pat, Bill Place, Carole Wolfe and Dick Williamson attended this meeting and Pat summarized some of the main developments that were discussed.

Phase 2A in Acton, Westford and Carlisle: The 25% design has been approved by the town and sent to MassHighway. Comments are due back to the designer in 60 days, and a public hearing may be scheduled for this summer. Acton still has no lease for the right of way (ROW); the state Executive Office of Transportation and Public Works (EOTPW), which administers the ROW, is waiting for the project to be in the 75%-100% design phase before approving a lease. When that occurs the Division of Capital Asset Management (DCAM) will have to approve the lease.

Phase 2B, the Concord Rotary: MassHighway announced a schedule in which the 25% design would be finished in 2010, the 100% design in 2012 and construction would take place in 2012-2014. There was some skepticism in the audience that this schedule could be met.

Phase 2C in Concord: Marcia Rasmussen, Concord Town Planner, reported that the 25% design with the following features had been approved at town meeting: The trail will be paved with asphalt for its entire length in Concord; Phase 2C will end at Powder Mill Road, and will include the reconstruction of the Powder Mill culvert. She indicated that the TIP process was being initiated, and Bob Hall noted that he had heard from Barbara Pike, a member of the Concord Rail Trail Advisory Committee, that Marcia had requested inclusion on the State Transportation Enhancements Program (STEP) application for design funds already initiated by the Phase 2A towns (Acton, Carlisle, and Westford). Concord had not done this when the original application was submitted because no one, including the bicycle/pedestrian representative from MAPC, who has since left the organization, had informed the town it should do so. Concord has also submitted PNF (Project Need Form) and PIF (Project Information Form) forms that are part of the process. Barbara Lucas, the Chief Transportation Planner at MAPC, strongly recommended at this meeting that Concord be part of the planning process for STEP funds for the design phase of the trail, noting that if the trail does not involve more than one town it must compete with all other projects in the region, including such large ones as the Crosby Corner and Concord Rotary projects. She also advised the towns to fund their own designs. Lawrence Cash, chairman of the committee, pointed out the reasons why the project was segmented in the first place and should not be delayed while waiting for the communities south of Acton to catch up. The Concord segment was described as self sufficient, even while the Rotary is not completed and Sudbury's plans are unknown.

Phase 2D in Sudbury: Bill Place reported that Sudbury should have title to the CSX ROW in south Sudbury by November, 2008. He reported also that the town should have preliminary results from the Wildlife study by the end of May, which should be completed by November of this year. The centerline survey and the wetlands delineation should be completed by the end of June. He anticipated that the 25% design on the EOT controlled section would be complete by November, 2009.

Phase 2E in Framingham: John Stasik informed the committee that the Board of Selectmen approved a motion to obtain an appraisal of the CSX property in Framingham with intent to acquire it for development of the trail. Dick Williamson said he had attended the meeting in which that decision was made, noting that the state is negotiating with CSX to

purchase several CSX properties to increase commuter rail traffic and is trying to include in the purchase many of the CSX properties no longer in use that are parts of proposed rail trails.

Dick Williamson reported a major development in another rail trail, namely that the Department of Conservation and Recreation (DCR) had reached an agreement with the MBTA to lease for 99 years the ROW from Waltham to Berlin that will become a major segment of the Mass Central Rail Trail. This segment intersects the proposed Bruce Freeman Rail Trail in south Sudbury at the terminus of the EOT controlled ROW.

There followed a discussion of uniformity issues regarding several features of the trail in the towns along the BFRT. MassHighway has strongly recommended that the Friends of the Bruce Freeman Rail Trail take the lead in this endeavor. The emphasis will be mainly on signage and the treatment of intersections at road crossings, not only for aesthetic purposes but for safety reasons as well. Pat Brown questioned at the RTCAC meeting, not the MHD meeting, whether designing the trail as a unit might require a reconsideration of the MEPA decision rendered in March, 2007, that the trail should not be required to conform to state environmental restrictions as a single project because the trail was designed, funded, and constructed in independent segments.

Finally, Larry Cash said Concord's decision to pave the entire trail with asphalt will make it easier to get the trail funded.

Project tracking for the Notebook

Eric Poch, who has been responsible for this aspect of the project was absent again, and Chris McClure wondered whether he still wishes to serve in this capacity. Pat Brown said she would speak to Eric about it.

Subcommittee Reports:

Commercial/Agricultural Subcommittee

Madeleine Gelsinon began by asking Pat if her interviews would be sent to the BOS. Pat said they would, but she would let Madeleine review them before she sent them.

Madeleine met this week with Marianne Maurer, whose farm is north of Route 117 and who is adamantly opposed to the rail trail. Her answers to Madeleine's questions were just received today; Madeleine will write them up later and distribute them to the Committee. Ms. Maurer complained about trespassers, describing one incident in which hunters had hung from a tree quite near her driveway a dead deer that was bleeding -- in full sight of 4- or 5-year old children. Police did nothing about this infringement. Another complaint she has is about parking at Davis Field that often overflows onto her driveway. She is concerned also about the spraying necessary for the trees she grows and about the costs of insurance for the Maurer business because of that spraying and for the traffic on the driveway which crosses the rail trail. She submitted a letter from her insurance agent saying that if the trail becomes a reality she will be unable to obtain liability insurance for her business. She claims that the trail is close enough to her house that one can hand food to trail users from the window, though this assertion met with some skepticism. Another concern is about the release of creosote if the railroad ties are removed. Bob Hall recalled hearing that creosote in ties that old has long since drained, though Bridget recalled that after the derailing of the train in south Sudbury tests of water in the adjacent wetland did reveal traces of creosote.

The discussion turned to other trails through farmland and the question of whether spraying had posed problems for the farmers. Several trails were mentioned, e.g., the Norwottuck trail in

western Massachusetts and the Cape Cod Trail, which passes near cranberry bogs. Chris noted that the bogs were sprayed by helicopters, but he did not know the details of the procedures or their consequences.

Chris McClure reported on the progress of the Wildlife Study for which copies of the first quarterly report had been distributed to RTCAC members. Chris characterized the report as a good inventory of the wildlife living in or using the ROW, but it contains no recommendations relevant to the design of the trail. He suggested that some kind of use estimates should be sent to Diane Boretos, the principal investigator, to provide some basis for recommendations. For example, would the impact be significantly different for a trail 8 ft. wide vs. 10 ft. wide? How would dogs on the trail affect wildlife? How would the human traffic impact the animals that use the ROW? Apparently no decision has been made yet about releasing the report or holding a hearing. The Town Manager wants to review the contract with Call of the Wild to see if it called for recommendations of the kind discussed here. One strategy suggested by Bridget would be to inform Diane of the kinds of things the Committee is looking for. Debbie Dineen has been talking with Diane, and presentation of the report at a Conservation Commission (ComCom) meeting, rather than a public hearing, might be the best venue for this first report. Jennifer remarked that the only species in this winter survey that were actually seen were all birds. Does this mean that all of the activity of other animals is at night, and if so, of what importance would daytime human traffic be?

Chris also discussed the Request for Determination by ConCom concerning cutting done by Atlantic Engineering (AE), the firm doing the line-of-sight survey and wetlands delineation for the EOT controlled ROW in Sudbury. Chris was present but recused himself from ConCom at this discussion at the May 19 ConCom meeting because he is an abutter to the trail; Carole Wolfe from RTCAC attended the meeting as an abutter to the ROW; and Pat Brown also attended from RTCAC. In addition to the cutting issue, questions arose concerning the actual contractual requirements for wetlands delineation adjacent to the EOT-controlled ROW. While the RTCAC had seen the RFP for this project, it had not seen the contract with the firm, and the Committee will ask for a copy from Bill Place. Chris wondered whether AE has committed other violations of wetland bylaws. Initially AE requested to borrow a brush hog from the town, at which time Debbie made it clear that no cutting would take place without permission from ConCom. Bill Place was a witness to that warning. Chris said that AE had cut trees with trunk diameters as large as 2 inches, and they were cut in poor fashion, about 3 ft. above the ground in three major river-front sections. Both Chris and Bridget pointed out that to achieve the line-of-sight cutting AE could have bent the young trees without having to cut them. Debbie Dineen was concerned that the cutting might have already affected wildlife use of the ROW, potentially compromising the wildlife study. AE will be permitted to complete the survey, but any cutting will have to be approved by Debbie. Surveyors need permission to survey on private lands, and because the contract with AE calls for a survey of the land within 100 ft. of the ROW, it will extend into private land. Debbie will request a determination from Diane Boretos when Diane becomes available on whether the cutting that has already occurred could affect wildlife habitat and corridor usage along the ROW.

Diane Boretos of Call of the Wild has considered ditches on the sides of the rail bed as wetland resources, and she noticed that some of the cuttings near them were of invasive species, buckthorn for one. However, they had been cut in such a way as to promote spread rather than restrict it. Ultimately, Pat Brown pointed out, the town is responsible for any violations perpetrated by contractors. Trespassing on private property by the surveyors was reported by

some abutters and a whole grove of hemlock had been cut near Featherland. Debbie thought that was the only cutting that might have undesirable consequences. Debbie and Diane will inspect that area of about 133 ft. in extent to evaluate that possibility.

Chris added that he had still been unable to get any more information about the town Bike Path Committee formed in the 1980's, but the RTCAC members agreed that the information was not very important at this stage of its work, particularly in view of the fact that the Bike Path Committee appears to have accomplished very little, if anything.

Submission of Items for the Notebook

Public Information on Other Trails:

Assabet River Rail Trail: Bridget had no new information on this trail, but she will continue to search for information of the kind the BOS is primarily interested in, namely, cost, maintenance and policing. Dick Williamson noted that the last meeting of the Friends of the Bruce Freeman Rail Trail had as its speaker Duane Cromwell, who is the lead person in the Friends of the Nashua River Rail Trail and much involved with maintaining and adding amenities along the trail (e.g., benches, signs. Kiosks and murals). Graffiti has been a particularly difficult problem, and he described some of the measures to combat it.

Wachusett Greenway: Chris reported that Carole Wolfe has completed a write-up of the information she has obtained thus far on this trail, but she did not want to submit it until she can present it at a RTCAC meeting. Pat inquired if she could submit it in advance of the June 26th meeting so the Committee could discuss it then. Chris said that her report does not deal with the cost of maintenance, but that it is clear it has been very low, due largely to much volunteer help. Early pictures of the stone dust trail revealed many irregularities of the surface, but the trail managers maintain that they have solved those problems.

Concluding Remarks

Madeleine asked if Laura Abrams, chairperson of the Agricultural Commission could be invited to attend the RTCAC meeting with the BOS. The answer, of course, was she would be welcome.

Chris reported that a state grant was obtained to extend the walkway on Hudson road all the way to the Assabet Wildlife Refuge. Representative Conroy was largely responsible for acquiring that grant. Ground breaking for the new visitor center at the refuge took place on May 3. There will be two ways to access the center by foot or bicycle, White Pond road and Hudson road.

The meeting was adjourned at 9:40 P.M.

Community Input:

Jim Nigrelli noted that he has had good luck in getting town contracts from Town Counsel's office, relevant to a question early in the meeting about where to obtain a copy of the contract with Call of the Wild. He questioned the timeline estimated by Bill Place for the completion of the current CPC studies, and in particular he pointed out that additional funds must be approved at the 2009 town meeting to pay for the 25% design Bill expected to be completed in 2009. The Committee agreed that this was an aggressive schedule, and Pat Brown surmised that Bill's representations to Mass Highway represents the earliest possible time at which a 25% design could be complete rather than a commitment for that date.

Paul Cavicchio expressed his frustration at not hearing from this Committee about what might be done to address the problems that the trail will create for him and other farmers in town whose properties abut the trail. He told of a neighbor living 300 ft. from his property who complained about the dangers she imagined from his spraying. Mr. Cavicchio said it was more than just a problem of barriers; it was as much a problem of people's perceptions of the potential dangers they might have been exposed to by the spraying on his property. Dick Williamson replied that it was not this Committee's charge at this time to develop solutions to the problems; those would be part of the 25% and later design efforts. Mr. Cavicchio noted that he prefers to spray at night, but he does have to spray during the day sometimes. He wondered if a detour around his property could be found when he has to do that. Chris McClure agreed with Mr. Cavicchio that this Committee has done very little to address the abutters' concerns, but it was pointed out again that development of the trail is not yet at that stage.

Dan DePompei commented that this project suffers from poor management. It is bad practice to put together a contract and not follow through on the information about what is actually getting done and whether the work satisfies the contract's terms and purposes. Dick Williamson replied that the Committee early on had contributed significantly to the all aspects of the Environmental and Engineering Assessment, but it has had little say in subsequent contractual projects other than to request the CPC studies currently in progress. This reflects a change in the role of the RTCAC from an advisory to an information gathering one at the direction of the BOS. Jennifer Pincus observed that the RTCAC is the most knowledgeable group on rail trail related issues, and the BOS should consider our advice in making an informed decision on the trail project.

Submitted by Bob Hall on May 30, 2008

Resubmitted on June 18, 2008

Approved June 26, 2008