

RAIL TRAIL CONVERSION ADVISORY COMMITTEE
Town of Sudbury, Massachusetts
Minutes of Meeting on September 25, 2008

Present: Pat Brown (chairwoman), Bob Hall, Bridget Hanson, Jennifer Pincus, Dick Williamson, Carole Wolfe

Absent: Debbie Dineen (ex officio), Betty Foley, Madeleine Gelsinon, Dennis Mannone (ex officio), Bill Place (ex officio), Eric Poch, Nancy Powers

Also Present: Resident Jim Nigrelli

Community Input: There were no comments at this time.

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

Old Business:

Updates:

Developments related to CPC Projects

Pat Brown reviewed some of her communications with town officials regarding these projects. In response to her inquiry she received an e-mail from the Town Manager, Maureen Valente, on September 5 and was told that the town hoped to get the completed studies from Atlantic Engineering (centerline survey and wetlands delineation) in about 10 days. Pat e-mailed again on the 21st and found that Maureen was out of town and Pat should contact Bill Place, Sudbury's Director of Public Works. She learned from Bill that Atlantic Engineering had not yet completed the survey of conditions or the wetlands delineation, which the contract indicated were supposed to have been completed by June 16, 2008. Her final e-mail stated "*To summarize, as of September 22 Atlantic Engineering has not fulfilled their contract with the Town of Sudbury to accomplish the purposes of Article 24 approved at 2007 Town Meeting*", to which Bill responded "*Correct!*" Pat remains frustrated with the difficulties she has in communicating with town officials. Dick Williamson commented that there are survey markers down to the southern end of the right of way (ROW), indicating that the work is progressing. Carole Wolfe noted, on the other hand, that no trees have been marked that are the diameter or larger that the RFP specified would be identified, and she wondered if that task had been completed on paper. Carole also asked if Atlantic Engineering has been paid for the work, to which Bridget Hanson replied that no projects are complete, and presumably paid for, until they have received approval from the Conservation Commission. That has not happened for these two projects. Carole asked if these projects could be completed under winter conditions. Bridget felt they could, though less efficiently.

Jennifer Pincus then inquired if the title search had been completed, and again the answer was that town counsel said the search was complete enough to proceed with the other CPC projects (wildlife study and centerline survey/wetlands delineation) approved in 2007. No one seems to know or is willing to communicate any more of the details. Other towns have received a short summary list of parcels on which title might be disputed as a part of their title search; no one on the Committee has been able to obtain such a list, and the Committee cannot discover whether the Town considers the title search to have been completed or whether work remains outstanding. Pat expressed her frustration at not being able to obtain status on the rail trail CPC projects to Selectman Larry O'Brien, as well as an even stronger dissatisfaction that, while the

town had listed the Bruce Freeman Rail Trail as the top priority among five projects submitted as part of the TIP funding process last spring, the Committee had not been informed. She was distressed that she had to learn about this from someone outside of town government. Mr. O'Brien told her that the trail was not the number one priority, but it had been listed as such to maintain a place on TPPC's (Transportation Planning and Programming Committee's) list. Pat recommended that citizens with questions about the rail trail conversion in Sudbury communicate directly with Town staff, since the Committee is not informed on these matters; the RTCAC would more usefully address questions on the process in other towns, where the information collected for the Notebook applies. Bridget pointed out that all of the towns that have been successful in developing rail trails, or are successful in current endeavors, have had a point person who keeps abreast of all developments, stays in contact with appropriate officials at all levels of government and provides much needed information to town officials. Sudbury is lacking such a person. Pat inquired of Selectman O'Brien on September 7 and again on September 21 if Jody Kablack, the town planner, had been designated such a person, but had received no response. Carole has spoken with Jody about this and stated that the Planning Department has requested \$6,000 in CPA administrative funds to go towards hiring an Assistant Town Planner. That person will be responsible for handling all CPA projects, thus would logically fulfill the position of point person for the rail trail. Carole opined that the trail was probably a strong reason, if not the foremost reason for hiring an Assistant Planner. At this point the Committee discussed a recommendation concerning such a point person, and voted a recommendation that is spelled out below together with other recommendations it will make to the BOS in a section of the Notebook called 'Recommendations'. The Committee also voted to put them in the Notebook online now.

Other Communications

Pat reported that Chris McClure has resigned from the Conservation Commission (ConCom) and, consequently, is no longer a member of the RTCAC. She showed the Committee a copy of a letter to Chris from the Town Manager thanking him for his service to both bodies. This means that the RTCAC is once again without a representative from ConCom and is still short-handed in not having a representative from Park and Recreation. Pat pointed out that representation from both these bodies on RTCAC is required by the mission statement, so filling either slot with an at-large member is not a realistic option. The Committee needs representation from both commissions. There are currently two vacancies on ConCom, making it more difficult to appoint a member of ConCom to assume the responsibility of liaison to RTCAC. In addition, the representative from the Planning Board, Eric Poch, is frequently unable to attend RTCAC meetings. The liaison from the Board of Selectmen, John Drobinski, seldom attends either. This further isolates the Committee and compounds the difficulties in obtaining information from the Town.

Submission of Items for the Notebook

Public Information on Other Trails

Assabet River Rail Trail: Bridget told the Committee that she will not attempt to get more information about this trail unless there is something specific the Committee wants. She feels she has got everything she is likely to get. Bridget suggested that RTCAC could supply a link to the ARRT website from the notebook entry.

At this time Dick Williamson reported that he had attended a meeting of the Transportation Planning and Programming Committee (TPPC) on September 4, and he had the

sense from that meeting that the amendments to the 2009/2010 elements of the current (2007-2010) TIP are a done deal: that is, the rail trail projects in the region, including the Acton segment of the Bruce Freeman Rail Trail, will not be reinstated. The Federal Highway Administration has to approve the TIP, and it apparently has an air-quality determination that must be completed. Dick asked Barbara Lucas, Vice Chair of the MPO and member of the MAPC, if some consideration is given to rail trails in view of the fact that bike transportation should have a beneficial effect on air quality. She answered that it had nothing to do with the measure the FHA uses. The TIP may be altered when the data for the various projects presently on the TIP are in, but that is not likely to change the fate of rail trails in the region. Pat noted that approval of the draft TIP for 2009-2012 will be delayed three months, and Dick commented that no projects would be funded through the STEP program until the projects are on the Regional Transportation Plan, "Journey to 2030". Barbara Lucas has proposed to the TPPC that all high- and medium-priority shared-use-path projects in the MAPC Bicycle Plan be included in the list of candidate projects for "Journey to 2030". Phase 2 of the BFRT is a high-priority project and Phase 3 of the BFRT is a medium-priority project in the MAPC Bicycle Plan.

Pat reported that the 2007 Massachusetts Bicycle Transportation Plan is still not finished in that the final version has not been placed on the internet. She had confirmed by e-mail with Josh Lehman of EOTPW that the Plan had been approved by Transportation Secretary Bernard Cohen's office on June 10, but was apparently being held up for repagination. She also reported that the Golden Spike III meeting was held in Leominster on September 13. Tom Michelman, president of the Friends for the Bruce Freeman Rail Trail, spoke in favor of a statewide trail organization to promote the development of bike and pedestrian trails across the state; the proposal received universal support.

Pat reported that Mass Highway will hold the public hearing for the 25% design of the Bruce Freeman Rail Trail in Acton on October 29 at 7 pm in the Acton Town Hall. Additionally, project manager Lawrence Cash from Mass Highway will hold the fourth meeting of the Bruce Freeman Rail Trail Committee at the Mass Highway District 4 office at 10 am on September 26. Committee members had been notified by e-mail of these events.

There followed a discussion in which Committee members noted that the Division of Conservation and Recreation (DCR) is pursuing an agreement with the MBTA to lease the section of the MBTA line from Belmont to Berlin. The upshot of the discussion was that if DCR decides to build a trail on that ROW the future of the BFRT is very uncertain. It is not clear how the two projects, in addition to phase 3 of the BFRT, will all work out.

Nashua River Rail Trail: Jennifer had nothing to report on this trail, but she has information she has not organized and typed, and she expects to get more in the near future.

Minuteman Bikeway: Dick Williamson had nothing new to report on this trail.

Wachusett Greenway: Carole Wolfe distributed her revised report on the internet before the meeting. Bridget had several suggestions regarding the section on Maintenance Costs. Carole agreed to the suggestions, and the Committee voted to accept the report. However, Bob Hall objected to the inclusion of three comments she identified as editorial notes. This practice has not been adopted in any of the other submissions. The Committee then decided to vote on the inclusion of these notes individually. It voted to strike the first editorial note by a vote of 5 to 1, to delete the second editorial note by a vote of 5 to 1 and to retain the third note by a unanimous vote. Pat offered to make the changes and to post them in the Notebook, which she will update in preparation for a presentation to the BOS as soon as the selectmen can hear her.

Recommendations:

The Committee approved three new recommendations and a revision of the first one as noted above.

Recommendation 1: The RTCAC and BOS should listen to the concerns, together with possible mitigations, of all abutters - residents, farmers and business people - before and during the 25% design phase of the BFRT and convey that information to the responsible parties.

Pat proposed a second amendment aimed at informing the Town about the complex funding process for rail trails in Massachusetts. One impetus for this recommendation lay in the funding approach the Town is currently following, namely, through the MassHighway system, without appreciation for the kinds of constraints that approach entails. The following recommendation was approved unanimously.

Recommendation 2: The Town should invite an expert, or experts, to come before the BOS to describe the complex and volatile funding process, or various aspects of it, and the design implications of the process in a public meeting or hearing.

Dick Williamson pointed out that it was unlikely this could be achieved by a single person in a single meeting, but the Committee felt this would at least be a start.

Pat also pointed out that, over the past six months, the Town approved the purchase of the CSX-owned right of way (ROW) extending south from the “phase 2” ROW which the RTCAC is investigating. Also, DCR has entered into negotiations with the MBTA with a view to constructing an east-west rail trail through Sudbury funded entirely by the Commonwealth. Although neither of these things directly affects the RTCAC’s assigned mission, they substantially change the environment surrounding the project. Pat’s second recommendation, which also was approved by a unanimous vote is as follows:

Recommendation 3: Advise the BOS to view the BFRT (phases 2 and 3) in the context of other trail and transportation projects in Sudbury and surrounding towns, such as the Mass Central Trail and Town Center Improvement project.

The following recommendation noted above in the discussion of Sudbury’s lack of a point person for rail trail issues was approved unanimously:

Recommendation 4: The Town appoint a Town employee as a point person who will educate his/herself about rail trail issues in Sudbury, not limited to phase 2 of the BFRT, who would serve as a resource to Town government and the community and facilitate communication about rail-trail issues.

A short discussion ensued about the questions of ownership of the BRFT ROW in Sudbury, reflecting again the apparent uncertainties in the results of the title search. Dick Williamson made note of the very thorough job that has been done in Concord tracking down title rights based on information found in valuation maps, pursuing the question of whether there was

evidence of fee interest purchases or simply easements in the transfer of property rights, going back as far as 1872.

Organizational Issues

The only item was to note the change of venue for the December 11 meeting, which will be held in the Silva Meeting Room at the Flynn Center instead of the DPW building.

Community Input

Jim Nigrelli asked if the RTCAC was going to address all of the issues listed in Selectman's Drobinski's presentations at Town Meeting in 2006 and 2007. He would like to know which ones the RTCAC would address and which ones would be left for the town or consultants to address. Mr. Drobinski, for example, made comments to suggest that the trail surface might be any type, and Debbie Dineen had made similar comments. Could a committee be formed to discuss issues of this kind? Carole Wolfe said that the BOS had talked of visioning sessions in November and December, and asked who would do it. Could the Committee ask the BOS if this could happen. Bridget suggested that Jim talk to the Town Manager.

Submitted by Bob Hall on September 29, 2008

Corrected on September 30, 2008

Resubmitted on October 16, 2008

Approved on October 23, 2008