

**RAIL TRAIL CONVERSION ADVISORY COMMITTEE**  
**Town of Sudbury, Massachusetts**  
**Minutes of Meeting on March 25, 2010**

**Present:** Pat Brown (chair), Madeleine Gelsonon, Bob Hall, Bridget Hanson, Jennifer Pincus, Nancy Powers, Carole Wolfe

**Absent:** Betty Foley, Eric Poch, Dick Williamson

**Also Present:** Dan DePompei, Jim Nigrelli

**The Meeting was convened at 7:30 P.M.**

The committee determined that Pat Brown would draft minutes for this session.

**Community Input:** Jim Nigrelli wanted to hear the discussion of Article #42.

**Presentation of Article #42 for 2010 Sudbury Annual Town Meeting:** Dan DePompei submitted Article #42 [Commitment to Fund Rail Trail Re-routing Studies to Minimize Environmental Impacts of The Bruce Freeman Rail Trail] to 2010 Sudbury Annual Town Meeting by citizen petition. The text of this article is appended to these minutes. He presented this article to the RTCAC to familiarize the Committee with its provisions and to request that the Committee recommend the article to Town Meeting.

The four-season wildlife study performed by Call of the Wild (COTW) addressed Article 23 approved by Sudbury Town Meeting in 2007. The study was released by the town on November 23, 2009, and is posted on the town website here:

[http://www.town.sudbury.ma.us/committees/news\\_story.asp?id=2736](http://www.town.sudbury.ma.us/committees/news_story.asp?id=2736)

The contractor specifically cited two sections in which there is no mitigation alternative for the impacts to wildlife in those areas and recommended re-routing the trail around them. Town Staff posted the study with reservations, stating "...we feel the resulting recommendations exceed the scope of the project. COTW did not fully explore all plausible alternatives and therefore cannot make specific recommendations on trail rerouting where the alternative routes have not been duly evaluated."

Article #42 requests that the town designate that "previously allocated funds be used to investigate alternate trails/bypasses for those sections identified as having no meaningful mitigation alternatives." The previously allocated funds are \$25,000 redirected from Article #24 of 2007 Town Meeting by Article #27 of 2009 Town Meeting to be used for a concept plan for the rail corridor. DePompei's article is intended to ensure that rerouting the trail around sections with no meaningful mitigation is investigated during concept plan development. He disagreed with the interpretation that the recommendations of the wildlife study could be disregarded because they exceed the project scope.

DePompei said that he'd heard a rumor that he would Indefinitely Postpone Article #42 at 2010 Town Meeting, but that is not the case.

DePompei mentioned that he had presented this article to the Community Preservation

Committee (CPC) at their January 27, 2010, meeting. While CPC approval of the article would be required if Community Preservation Funds (CPF) were expended, CPC determined that no further expenditure was requested for Article #42 beyond that already approved; Article #42 merely added definition to how the money already allocated is to be spent. CPC ultimately took no vote on whether to approve Article #42.

DePompei said the first consideration to address when there are conflicts with the environment is whether there is an alternative available, and Article #42 formalizes that. Pat Brown stated that identifying areas where there is no mitigation is a project requirement and read from Deliverables in the RFP for the Wildlife Study (Comprehensive Four-Season Wildlife and Wildlife Habitat Evaluation Sudbury Section: Phase II Bruce Freeman Rail Trail, August 17, 2007) “#7 Recommendations for protective measures and design changes that avoid/minimize impacts; identify areas where no avoidance/mitigation is possible and resulting loss.” Determining areas where no mitigation is possible is not outside the scope of the project. Bridget Hanson said that this required the contractor to identify the resulting loss if a trail is constructed through areas in which no mitigation is possible. DePompei stated that he is not against trails, but that he believes that the potential conflicts between a straight-line 10’ wide asphalt road down the right of way (ROW) and other environmental issues are not being explored. The concept plan to be developed by town staff—the costs of which are to be supported by Article 27 approved at 2009 Town Meeting (TM)—has not been completed, or even begun. No plan exists; therefore, no conflicts exist.

Bob Hall pointed out that the wildlife study identified species using the corridor, but didn’t quantify the number of individual creatures; it was not possible from the study to determine whether the corridor was infrequently used by wildlife or was a commonly traversed corridor. Bridget Hanson stated that counts are extremely difficult to measure and would have required more extensive research. She observed that the study had “no middle”. It identified where wildlife is found and stated that no mitigation is possible, but did not connect these ideas by explaining what mitigations were considered and why they were ultimately rejected. Pat Brown noted that the RFP included a provision to hold public meetings with the contractor at which such questions could have been raised, but that the town did not hold these meetings. She reminded the Committee that the Town Manager had stated specifically that the contractor was to collect data and not drill into what it means. Brown also pointed out that both trails and wildlife are considered values in the Sudbury Master Plan, but that the town has never had the discussion about what its priorities are specifically for this project.

Bridget Hanson mentioned that the town customarily has preliminary meetings for huge projects in which all the boards and committees involved meet informally with the applicant to identify and hash out issues. This allows everyone to see all the issues, highlights conflicting demands, and permits informed compromise.

DePompei described Article #42 as asking the town to direct town staff when developing the concept plan specifically to include investigation of a realignment of the proposed trail off the ROW in areas where there is potential conflict with wildlife and habitat. He

envisioned such an extended concept to be a basis for negotiations with the state to see if Sudbury could construct a “non-Mass Highway” trail: a trail which is not designed to conform to the Mass Highway Design Guidelines. He did not see it as contradicting or diluting Article #27 of 2009 but rather as providing definition to the scope of the concept plan developed by town staff.

The Committee had several concerns with the wording of Article #42.

- 1) It appears to require that the entire \$25,000 under consideration be devoted to rerouting. DePompei said this was not his intent; he wanted expenditures limited to what was necessary.
- 2) It appears to require that only rerouting be studied. DePompei said he intended to consider all alternatives, including both advantages and disadvantages, but wanted to be sure rerouting was among them.

Nancy Powers noted that she found the existing wording confusing because it does not clarify how this article is different from 2009’s Article #27, which the town has already approved.

DePompei indicated that the wording of the article would be changed prior to Town Meeting to address these concerns. Accordingly, the RTCAC did not take a vote on whether to support Article #42, but rather scheduled a pre-Town Meeting committee meeting at which the RTCAC could consider and vote on the final wording of the article when it becomes available. This meeting will be held at 7:00 pm on April 6 in the Lincoln-Sudbury cafeteria.

**Minutes:** The October 22, 2009, minutes of the RTCAC were approved as submitted.

**Developments related to CPC projects:**

- 1) The discussion of the Wildlife Study was subsumed into the previous discussion of Article #42.
- 2) The centerline survey/wetlands delineation status is in some doubt. Town Planner Jody Kablack, as recently as the March 2, 2010 Board of Selectmen’s (BOS) meeting, declared that the study was not done and consequently there had been no work on the concept plan. Town Engineer Bill Place stated at the February 8 BOS meeting during the TIP presentation that Jody Kablack, Conservation Coordinator Debbie Dineen and he had come up with a conceptual plan for the trail and an NRAD would be scheduled by the contractor.
- 3) Article #36 in the 2010 Town Warrant is to permit the \$420,000 appropriated for purchase of the CSX corridor to be spent from cash reserves rather than bonded. To meet a December 15, 2009, deadline for a Purchase & Sale from CSX \$25,100 in CPC administrative funds were used for a survey and a soil management plan for the property.
- 4) Article #38 in the 2010 Town Warrant recommends reversion of the remainder of the Bruce Freeman Rail Trail Title Search funds appropriated in Article #22 of 2007. This implies that the title search is complete, but RTCAC has not been informed that the town has sufficient right to the ROW to proceed with a trail and

was somewhat surprised to see this included. Additionally, the remaining \$27,000 from Article #24 of 2007 is not included here, although RTCAC has not been informed of any further expenditure necessary for the centerline survey/wetland delineation.

**Other communications:**

- **Mass Highway Bruce Freeman meeting (September 30, 2009)**

Notes of this meeting taken by Marcia Rasmussen, Town Planner of Concord, were forwarded to the RTCAC on October 2, 2009. Notes by Pat Brown were forwarded October 9, 2009. The opening of phase I of the Bruce Freeman in Chelmsford was a great success, and the trail is very popular. Insufficient parking for trail users remains a problem. Lawrence Cash, previously chair of the Mass Highway Bruce Freeman Phase II project, is moving to another position; the new chair is David Shedd. No one had heard of any further meetings scheduled for this group.

- **Design funding approved for Bruce Freeman 2A**

In October 2009, EOT awarded \$500,000 of State Transportation Enhancements funding for final design of the Bruce Freeman Rail Trail in Acton (section 2A).

- **2030 Regional Transportation Plan**

The November 19, 2009 final version of the Journey to 2030 Transportation Plan lists the Bruce Freeman Rail Trail in Acton (section 2A) and in Concord (section 2C) as approved projects. The Concord Rotary project (encompassing Bruce Freeman 2B) is listed as an Illustrative Project but is not approved. No other sections of the trail, including those in Sudbury, are approved.

- **MAGIC Bus Rapid Transit with Rail Trail study (Mass Central corridor)**

The MAGIC subregion (Minuteman Advisory Group on Interlocal Coordination) in MAPC (the Boston Metropolitan Area Planning Committee) has awarded \$20,000 to study the Bus Rapid Transit with Rail Trail (BRTwRT) concept along the east-west MBTA-owned corridor which traverses Sudbury. This will complement the 1996 study of revived commuter rail, and the 1997 rail trail feasibility study along that corridor. Preliminary results of the 2010 BRTwRT study are expected this spring. Town Planner Jody Kablack indicated that she would be tracking this project for the town; while she stated that the Planning Board has long listed rail trail projects as of high priority, they have not been following this.

- **West Concord Trail Design**

Carole Wolfe attended the February 9, 2010, meeting in Concord to discuss alternatives for routing the train across the live MBTA crossing in West Concord. She forwarded her notes to the RTCAC on February 11. The three alternatives under discussion—walking bicycles along the existing sidewalk, widening the sidewalk to accommodate bicycles by removing parking spaces along Commonwealth Avenue, or using a private driveway between two businesses—all require a design exception under current trail guidelines. The bridge and tunnel options were both considered

too expensive to make the short list. The next step is for the Concord Bruce Freeman Rail Trail Committee to recommend an alternative to the Concord Town Manager.

- **Acton Town Meeting (April 5, 2010)**

The Acton 2010 Town Warrant lists two rail trail related articles.

Article 24(I) is a request for \$115,000 in design funds to complete the 100% design of section 2A of the Bruce Freeman Rail Trail. In conjunction with the \$500,000 State Transportation Enhancement grant mentioned above and the \$452,000 in previous appropriations from CPF this funding would also provide for additional acquisition costs including title search.

Article 27 is a request for an unspecified amount of funds to acquire the Bruce Freeman right of way in Acton using town (not CPA) funds. Pat Brown surmised that the amount is left unstated so as not to telegraph a position while negotiations are still underway.

**Organizational matters:**

The next RTCAC meeting, scheduled for April 6, 2010 prior to Town Meeting, will have an abbreviated agenda—1) discuss the reworded Article #42 and determine if the RTCAC supports it and 2) approve the minutes of the March 25 RTCAC meeting. The RTCAC is tentatively scheduled to meet next on September 23, 2010.

**The Meeting Adjourned at 9:15 P.M.**

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

Submitted by Pat Brown on March 29, 2010

Resubmitted by Pat Brown on April 3, 2010

Approved on April 6, 2010

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**ARTICLE 42. COMMITMENT OF FUNDING FOR FUTURE RAIL TRAIL STUDIES**

To see if the Town will designate the \$25,000 previously allocated for rail corridor concept plans (Article 27 of the April 2009 Town Meeting), to investigate alternate trails/bypasses for those portions of the BFRT identified as having no meaningful mitigation alternatives (Town funded Call of the Wild Evaluation dated March 2009 with addendums).

Submitted by Petition.

PETITIONERS' REPORT: The 2007 Town Meeting funded concept studies, including Wetlands Delineation and a four season Wildlife Evaluation, for a rail trail conversion proposal designated as the Bruce Freeman Rail Trail. The Wetlands Delineation has not been publicly released; however, the flagging that has been completed indicates there is significant potential conflict of the proposed trail corridor with the Sudbury Wetlands Administration Bylaw and the state's Wetlands Protection Act. The Wildlife Evaluation has been publicly released and delineates specific, significant negative impacts of the proposed trail corridor on wildlife and habitats. The Evaluation concludes that for two specific sections of the proposed trail corridor, "there are no meaningful mitigation alternatives and the trail should be re-routed". There is no specific direction from the Town or from Town Management for Town Staff to study practical alternatives to reroute portions of the proposed corridor outside the areas of significant environmental impact. Approval of this article will insure Town Studies and/or Concept Plans for the BRFT are expanded to include opportunities, risks and benefits for alternate/bypass routes where current trail alignment it is in conflict with wildlife regulations and wetlands bylaws. It will insure minimum negative impact to the environment for any concept plan or design of the BFRT. Funding is already approved and appropriated in Article 27 TM 2009.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.