

**RAIL TRAIL CONVERSION ADVISORY COMMITTEE**  
**Town of Sudbury, Massachusetts**  
**Minutes of Meeting on September 23, 2010**  
**Sudbury DPW Building Conference Room**  
**275 Old Lancaster Road**

**Present:** Pat Brown (chair), Betty Foley, Madeleine Gelson, Bob Hall, Bridget Hanson, Jennifer Pincus, Nancy Powers, Carole Wolfe, Dick Williamson and Selectman Bob Haarde

**Absent:** Eric Poch

**Also Present:** Dan DePompei, Jim Nigrelli and Helen Young (reporter for the Sudbury Patch)

**The committee determined that Bob Hall would draft the minutes for this session.**

**Community Input:** There was none at this time.

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

**Minutes:** The Minutes of the meeting on April 6, 2010 were approved unanimously.

**Annual Report:** The committee report from the RTCAC for the 2010 Sudbury Annual Report was approved by the RTCAC and signed by the members present.

**Discussion with Selectman Haarde**

Selectman Haarde was welcomed as the recently appointed liaison from the Board of Selectmen (BOS) to the Rail Trail Conversion Advisory Committee (RTCAC). Members of RTCAC thanked the Selectman for participating in a trail walk during the summer to view the right of way. Mr. Haarde had no communications from the BOS at this time but expressed an interest in learning about the Notebook and the Committee's concerns. Pat Brown said that the most important things he should take from the Notebook are six recommendations the Committee has made to the Board of Selectmen (BOS) in the hope that the Board consider them. These recommendations are included in the Notebook and are available online. Four of them were presented to the BOS at their October 28, 2008 meeting. From memory she presented the following: 1) If there is to be a section of the Bruce Freeman Rail Trail in Sudbury there needs to be a point person, a Town staff member, who will shepherd the rail trail project through the design and construction stages, keeping a critical eye on all phases of the work and helping to coordinate it. 2) The BOS must understand that development of the rail trail should not occur as an isolated project, but must be considered in a wider context of other developments in Town in order to optimize the benefits for all the Town's residents and to integrate it with other proposed trails. 3) The BOS should determine what it is the Town must do to lease the land from the massDOT. It was noted that the towns of Lowell, Chelmsford and Westford still have no lease for Phase 1 of the trail even though its construction is complete, or very nearly so. MassHighway has still not signed off on the construction, and until it does massDOT will not issue the lease. 4) Apparently, the Town must have clear title to the entire ROW before construction can begin. The BOS should confirm that requirement and determine how to satisfy it. Town Counsel found the title search in Sudbury to be complete enough to proceed with further study and concept development, but there are still parcels needing clearance. 5) The BOS must obtain a clearer

understanding of the funding procedures for rail trails in the Commonwealth than they appear to have presently. The funding environment is complex and ever changing with important ramifications. If, for example, the Town must rely on federal funding, then the design of the trail must adhere to the guidelines adopted by the massDOT. Pat Brown would like to have someone from mass DOT speak with the BOS, but Committee members thought it highly unlikely that would be possible. Dick questioned the need for a clear title for the Phase 2 section of the Bruce Freeman Rail Trail as the state will always be the owner of the rail bed, but Pat pointed out that demonstrating clear title was a requirement from the Executive Office of Transportation (now part of massDOT), which purchased and holds title to the right of way.

The discussion then turned to the present and future status of this Committee (RTCAC). Because the advisory role has been turned over to the Town staff charged with developing a concept of the trail in Sudbury, the RTCAC has not been very active, and there is a question of whether it might be disbanded in the near future. Bridget Hanson suggested that, perhaps, it should, but there was a general feeling that some kind of committee would be necessary if trail development proceeds. Dick Williamson pointed out that in Concord the Town's advisory committee did much of the work in seeing the Concord section of the trail through the 25% design phase, and in Sudbury the RTCAC contributed much to the initial work leading to the Environmental and Engineering Assessment. But the BOS effected a change in the role of the Committee in 2007, making its function only the collection of information about rail trails and incorporating it in the "Notebook". Mr. Haarde noted at this point that the rail trail was currently not a high priority for the BOS. Dick suggested that there may be a nudge from the towns to the north, where there is much support for the trail, including that from elected officials in towns and the state legislature. Pat reiterated a point she has made frequently that repeated requests to have the BOS or Town Staff update the RTCAC on project status have been to no avail. Bridget said there was very little information the Committee could present that would help them now. Selectman Haarde recommended that the RTCAC request a joint meeting with the BOS to discuss the project status. Mr. Haarde promised that he would ask the BOS to put this meeting with the RTCAC on its agenda, but he did not know when that might occur. He noted that the BOS may ask what the RTCAC would recommend. Bridget replied that the Committee would have to work that out. Dick added that a Committee vote on any recommendation would be split because six members present (four of whom are members of the Friends of the Bruce Freeman Rail Trail) would be very much in favor of going forward with development of the trail using the massDOT model. Jennifer Pincus is not currently a member of the Friends but is also much in favor of the trail. However Nancy Powers said all that matters very little as creation of a trail concept was specifically assigned to Town Staff and, any decision about the trail has been taken out of the Committee's hands. Nancy Powers remarked that the Selectmen had stated they would make a "go or no-go" decision by December of 2009, but this has not yet occurred. In any case, proceeding using federal funding can not happen very soon because of funding difficulties. Funding for construction of the trail in Acton and Concord is currently slated for 2021-2025, although there have been requests to accelerate this.

## **Old Business**

### *Town of Sudbury CPC projects: Status*

Pat Brown reviewed the status of these projects. Briefly, she noted that the report of the Wildlife Study (Article 23, 2007 Town Meeting) has been posted on the Town website. The centerline survey/wetlands delineation (Article 24, 2007 Town Meeting) has not yet been

accepted. It is not clear what changes would be required to enable the Town to accept the survey/delineation. Payment to Atlantic Engineering of \$52,000 have been made, but closure of the contract is apparently waiting on the resolution of outstanding issues. Pat also noted that whatever CPC funds were not used for the title search (Article 22, 2007 Town Meeting) and the remaining \$53,000 allocated but not expended for the centerline survey/wetlands delineation have reverted to the CPC, having exceeded the three-year authorization period. The purchase of the CSX right-of-way in South Sudbury is also incomplete. Although a purchase price has been agreed upon there are still outstanding issues there also. Completion of the deal is on the recently published Selectmen's Goals for 2011. The lease of the east-west MBTA rail corridor by the state Department of Conservation and Recreation (DCR) for the proposed Mass Central Rail Trail has not yet been completed. Carole Wolfe observed that DCR does not have sufficient funding to maintain existing parks and questioned its ability to fund new projects.

#### *Other Meetings and Communications*

Pat reminded the Committee of the changes in the Open Meeting Law, copies of which she had previously circulated. She also reviewed briefly the rail-trail related Resolution, originally Article 42 at 2010 Town Meeting, submitted by Dan DePompei regarding the use of \$25,000 transferred from unused funds from the CPC, which had been budgeted for the centerline survey, to the town staff charged with developing a concept of the rail trail in Sudbury. The Resolution asked that in developing that concept serious consideration is given to alternative routes where using the railbed is likely to create problems, such as damage to adjacent wetlands. The RTCAC approved this resolution at their April 6 2010 meeting. The BOS approved the resolution, as did Town Meeting. Pat also reminded the Committee that Municipal TIP Day occurred on May 6 in 2010. Town Planner Jody Kablack and Town Engineer Bill Place presented Sudbury's five transportation priorities, including the Bruce Freeman (EOT-owned corridor) as priority 3 and the CSX corridor as priority 5. Pat reported briefly on the status of Phase 2 of the Bruce Freeman Rail Trail, noting that the state had awarded \$931,500 to complete the design of Phases 2A and 2C, from Westford through Acton, Carlisle and Concord to the Sudbury Town line, except for the crossing of Route 2, which has been taken out of the Concord Rotary project and designated as Phase 2B of the BFRT. Pat also reported that she does not know the present status of the Magic Bus Rapid Transit project with rail trail in which it has been proposed that a segment of the Central Mass Rail Trail be accompanied by a single-lane bus route. Publication of the study of this proposal is expected late in 2010.

#### **Notebook**

The updated TimeLine of the rail trail proposal in Sudbury submitted by Pat Brown by e-mail on August 12 was approved by the RTCAC and will be posted on the website.

The next question that the Committee considered was whether the section of the Notebook covering rail trail history and development of trails in other towns should be updated. That section presently ends in 2008. The members agreed that this limit should be noted in the current document. Dick Williamson, who had been in charge of writing that section, said it would entail a great deal of work, mostly in providing all the references to things covered in the update. Bob Hall suggested that the references weren't that important, that in all probability they would seldom if ever be checked and, therefore, it would be sufficient to describe the relevant, significant events. A motion was made to do the update; it passed with one abstention.

Another question was whether the RTCAC should remain a Committee or be designated an Inactive Committee. Pat felt that from what the selectmen have said the Committee would be dissolved. Following the 2007 Town Meeting the BOS in May assigned the RTCAC the task of creating the Notebook and relieved it of any advisory role. Pat's frustration was apparent in her remark that the members of the Committee signed on for an indefinite period, but not six years of very little progress and loss of influence. The RTCAC membership was reformulated in June 2009 to remove any requirement for participation from Town Staff and to remove all input from other Town Boards and Committees. Even prior to that, representation from Park and Recreation Commission had never materialized, representation from Conservation Commission had been generally inconsistent, and the representative from the Planning Board had not been seen by RTCAC for a year. Carole displayed her frustration noting that Selectman Drobinski in his speech at Town Meeting in 2007 promised that the Town would get answers to the tough questions regarding the rail trail, but very few, if any, of those have been forthcoming. It was agreed that no additional work should be done by the Committee before a meeting with the BOS. Carole also offered that she had heard Selectman O'Brien say that no minority report would be accepted by the Board. Mr. Haarde said he did not understand that remark. Carole also added that decisions about the rail trail should not be made in Town meeting, as they were in Concord where votes favoring rail trail development were achieved by turning out its supporters in number. She continued by asking who would pay for the trail. There is no need for a "Concept Committee" if federal funding is seen as the way to fund it, because the trail must then adhere to guidelines of the massDOT. Again the point was made that Town staff should understand the various funding procedures for rail trails.

Pat mentioned her very strong recommendation that all of the materials created by the RTCAC over the years be retained on the Town website. While Selectman O'Brien had promised that the RTCAC documents would be retained at the October 28 2009 BOS meeting, Pat observed that the web pages of other inactive or dissolved committees (a specific example, the Solid Waste Management Options Committee) are still "available" on the Sudbury town website, but that there are no links to the page and all of the meeting information—agendas and minutes—have been expunged. Pat suggested that the town create a page where inactive and/or dissolved committees have links preserved to the committee webpage. All committee output, including meeting information, should be retained.

### **Organizational Matters**

The next meeting will be held on October 28, its sole purpose being to approve these minutes of the present meeting. If a meeting with the BOS occurs before that, the minutes could be approved if a quorum of RTCAC members is in attendance.

### **Community Input**

Dan DePompei wanted to assure members that his resolution #42 at Town Meeting was made in the spirit of obtaining a consensus among Sudbury citizens about what kind of trail is best for Sudbury. He is simply asking that Town staff and others with voices in the matter consider carefully all of the options.

Jim Nigrelli asked if the reasons the RTCAC wishes to meet with the BOS is simply to present the six recommendations noted above and whether it expects them to act on them. Pat responded that, while the RTCAC clearly supports the recommendations, the BOS is not obliged to act

upon them. What should come out of a joint meeting is the opportunity for the BOS to consider the recommendations in open meeting and to share their reasons for accepting or rejecting them.

Respectfully submitted by Bob Hall, October 4, 2010

Resubmitted on October 25, 2010