

Bruce Freeman Rail Trail Advisory Committee

Meeting Minutes

April 1, 2021

Meeting held via Zoom

Call to Order

- The April 1st, 2021 meeting of the Bruce Freeman Rail Trail Advisory Committee (“BFRTAC”) was called to order at 7:01 p.m. by co-chair Nat Welch

Attendees

- BFRTAC Members: Nat Welch, Richard Fahlander, Adrienne Boardman, Carol Steele, John Soden, Dorcas Miller.
- Town Representatives: Marcia Rasmussen, Director of Planning and Land Management; Terri Ackerman, Select Board Liaison.
- Members of the Public: Approximately 20 community members were present.
- Recorder: Adrienne Boardman

Approval of Meeting Minutes

- A motion was made to approve the March 4, 2021 meeting minutes and seconded
- The March 4, 2021 minutes were approved unanimously by roll call vote

Town Update Memo - Ms. Rasmussen presented the monthly project report, which is incorporated below as an addendum to the meeting minutes.

- Phase 2B regular construction update meetings will be resuming soon; discussions beginning around potentially closing Rte 2 westbound over two weekends to allow for more effective construction (more details forthcoming)
 - Targeting the weekend of April 24-25 and the weekend of May 1-2, from 8PM Friday to 5AM on Monday morning.
- Phase 2C; Junction Park concerns discussed at the March 10 Transportation Advisory Committee meeting - planning to order stencils to add pavement markings on the sidewalks on each side of Junction Park and will be coordinating with others on ordering upright signage and relocating signs to alert cyclists and others on wheels to dismount and walk through this designated pedestrian zone.
- Community Connections Grant (shelters and bike racks) - still awaiting contracts from the State; will be coordinated with Public Works

Committee Business

- Last Half Mile Site Walk
 - Review of Site Walk: 5 site visits were conducted the week of March 15th - one with MassDOT and four with neighbors/abutters and members of the BFRTAC
 - Marcia initiated the MassDOT site visit after learning that when the town prepared the 75% plans for the last ½ mile in 2015/2016, it was later decided to stop the Concord trail just before the Powder Mill tunnel so State agencies had not fully reviewed that portion of the plan

- During the site visit, MassDOT raised concerns about the extent of fencing on the plan and felt that fencing is only required/warranted in three locations - vernal pool, drainage area, and White Pond.
- Discussion with MassDOT Project Manager - Eamon Kernan: Question was raised about gates being requested for private use, and DOT then realized that plans were showing a half-mile of continuous fence and an ornamental fence in White Pond area. Mr. Kernan emphasized that topography will dictate where any fencing will go and that public money cannot be spent on private use and instead decisions need to be made based on topography, safety, and at the direction of the Town; goal is to get this resolved before 75% is submitted in mid-April
- BFRTAC Co-Chair Nat Welch asked to further clarify that no private fencing can be installed on public right of way; Mr. Kernan confirmed that was correct.
- Co-Chair Richard Fahlander asked to clarify the locations where DOT expected fencing to be required; Mr. Kernan responded that there are some steep slopes by the vernal pool and White Pond that would “unrecoverable” if someone were to tumble and fall (fence would serve as a guardrail); he also clarified that if the plans showed fencing where fencing is not required the various DOT review groups would flag and question the purpose of the fence and the back-and-forth would delay the project - better to address prior to the 75% design
- Mr. Kernan provided an overview of the DOT review process through Blue Beam and how as a Project Manager his goal is for the 75% plan to go through without any comments required
- Public Questions:
 - Beth Holmes (211 Stone Root Lane): Asked for clarification how fencing is in place on Cottage; Ms. Rasmussen explained that houses are in such close proximity to the trail itself and regulations have evolved since that portion of the trail was completed. Ms. Holmes shared that there has already been considerable back-and-forth and comments to date, and that the Town has been discussing the fencing for quite some time only to now redo the plan and feels the Town should financially support the decision to protect abutters and White Pond
 - Jim Lyon (51 Mitchell Road): Expressed frustration that this change is happening at the “11th hour”. Mr. Lyon emphasized that the driving reason should be to save White Pond from additional usage as more people travel the BFRT which will add to the degradation of the Pond; Supported the idea that the Town should help fund or determine if private funding would allow fencing to be added to the plan
 - Jim Coutre (114 Stone Root Lane): Believes that the current plan is safer than what DOT is proposing and suggested that the current tunnel invites people to enter White Pond from a steep slope where erosion is already occurring. Mr. Coutre asked MassDOT to look at the area around White Pond and try to understand why fencing is safer and the rationale for requesting gates is that the property owners have deeded access which

can be maintained by including the gate. Mr. Coutre also urges MassDOT to consider the “attractive nuisance”.

- BRFTAC Co-Chair Nat Welch mentioned that if the 75% plan had been submitted to the state originally that the fencing issue might have been raised in the past; Mr. Kernan explained the the 75% design for the last half mile was presented but then was determined that the last half mile was not going to be included in that part of the design so the reviewers did not make comments on the last half-mile
- Andrea Okie (12 Stone Root Lane): Asked for clarification that one cannot make improvements on public land for private use and that if MassDOT will not allow private dollars to be used for public use, there is essentially no possible way that fencing can be constructed.
 - Mr. Kernan: Cannot speak to the legality, but will need to investigate with Ms. Rasmussen if Town funds can be used.
- Beth Holmes (211 Stone Root Lane): Asked to clarify why the DOT reviewers did not look at the last half-mile previously considering it was always Concord’s intent to complete it, just not at that time
 - Mr. Kernan clarified that the Reviewers were asked to focus on the scope of the immediate phase of the project
- Mr. Kernan informed all attendees that he was taking detailed notes during the public discussion and will share concerns raised with his Superiors at DOT and see what can be done to come to a better outcome
- Greg Mueller (95 Stone Root Lane): Feels that the “rug has been pulled out” from under the abutters considering that private land is being dissected by the trail which is indeed a unique situation. Suggested that consideration needs to be given to that specific and unique situation
- Co-Chair Richard Fahlander asked for clarification where private land vs town land transitions; Ms. Rasmussen answered that an exact survey has not yet been done
- Greg Mueller (95 Stone Root Lane): Question to Mr. Kernan around when the topography is discussed as a factor for determining fencing, is only safety considered or also environmental? Mr. Kernan clarified that safety is primary and environmental is also considered.
- Co-Chair Nat Welch asked Ms. Rasmussen what are the optimal next steps to keep the conversation going and keep abutters informed; Town is planning to submit the 75% plan in the middle of April and MassDOT can only respond to what they see in plans.
- Mr. Kernan asked about the need for a lock on the gate; assuming fencing could proceed as abutters are requesting, but that the locks would raise further concerns
- Greg Mueller (95 Stone Root Lane): Explained that the suggestion for locks was an idea/consideration discussed with the Town and Committee, but believes that the land trust individuals can reassess if needed

- Josh Galper (65 Stone Root Lane): Asked for confirmation whether environment protection would be a fair reason to install a gate; Mr. Kernan clarified that the he had heard that the Association wanted a fence and two gates and that the idea of the locks on the gates highlighted that the purpose was for inclusive use
 - Andrea Okie (12 Stone Root Lane): Asked for clarification on timing on when the 75% plan is expected to be submitted to the state and asked Ms. Rasmussen for confirmation that fencing would remain in the the plan; Ms Rasmussen said she's unable to confirm
 - Jim Coutre (114 Stone Root Lane): Asked for confirmation that there would be transparency and alignment on what version of the plan is being submitted; Marcia explained that she needs to do her due diligence with regards to the current version of the 75% plan and concerns raised; and discuss specifics with impacted residents
 - Nat Welch suggested the Committee hold a separate meeting (if allowed) to keep the conversation going;
 - Ellen Glendon (64 Stone Root): Discussed how a lot of discussion was focusing around how fencing is being requested by private group, but the main goal is to protect the beach front and Pond - there's the complication of town land and private land and as erosion occurs the pond suffers - issue is not just protecting beachfront for private owners, but is protecting the pond
 - Question to Mr. Kernan: If the fence is meant to be a deterrent, how are property owners supposed to access the pond which they have deeded access to pond; Mr. Kernan explained that MassDOT cannot include a lock on a fence they have installed, but if the fence is moved to private land then it cannot be done as part of the DOT project; also clarified that while they do not like to see additions on the 100% plan from the 75%, if not impossible to have that occur and have additions made
 - Nat Welch: Committee will work to pull a special meeting together before the 75% design is submitted.
- Powder Mill Road Tunnel Art Proposal
 - Elanna Honan (Concord resident and current CMS Art Teacher): Social Justice Community Mural Project
 - Goal is to include students from CMS, CCHS, and Boston students / School and Community partnership
 - Shared some proposed designs, but ultimately would want input from students
 - CMS Principal and CC Superintendent area aware and also will be seeking volunteer support from students and the community
 - Asking for two letters of support: 1) letter to the SelectBoard and 2) letter to NEFA (Newell Flather Public Art Grant)
 - Ms. Rasmussen clarified that permission will also be needed from MassDOT

- Eamon Kernan (MassDOT) will determine who would need to review/approve design and will share information with Ms. Rasmussen
 - Jim Coutre (114 Stone Root Lane): Pointed out that other areas of the trail have had murals and should be used as points of reference
 - Greg Mueller (95 Stone Root Lane): Suggested that there could be representation from Hanscom Middle School
 - Nat Welch: Asked for clarification if there are time constraints with Elanna's availability should the review process for permitting take longer
 - A motion was made to have the BFRTAC Chairs prepare a letter of support to be sent to the Select Board; approved unanimously by roll call vote
 - A motion was made to have the BFRTAC Chairs prepare a letter of support to be sent to NEFA; approved unanimously by roll call vote
- Trail Counts Update
 - CTPS has set up 5 days in May, across 3 locations in Concord (1 at Nashoba Brook Bridge, 1 at Route 62 where BFRT crosses Main Street and Commonwealth Ave, and 1 location at Powdermill Road)
 - Tuesday May 18, Wednesday, May 19, and Thursday, May 20 (7:00AM – 9:00AM and 4:00PM to 6:00PM each day), Saturday May 22 and Dsunday May 23 (12:00 Noon – 2:00PM)
 - Need 36 people minimum to count - signup will be posted on the state CTPS website (https://www.ctps.org/bike_ped_count_1)
 - Barbara Pike will be gathering people from Friends of the Brucve Freeman Ral Trail to support effort; newsletter just went to the printer today and includes information
 - Committee Liaison Reports
 - None discussed

Correspondence and Public Comments

- John Blute (Acton resident): Alerted the Committee that while walking on the trail, just having crossed Old Marlboro (walking towards Sudbury), a white sedan was being driven down the Trail; Ms. Rasmussen mentioned she will continue to explore how to maintain safety on the trail while allow accessing for emergency vehicles; echoed by Mr. Kernan Kernan (MassDOT) that this particular area may need to be reviewed if there's confusion between the road and a driveway

The meeting was adjourned at 9:20 p.m.

Next Regularly Scheduled Meeting – Thursday, May 6, 2021 via Zoom



Management

TOWN OF CONCORD

Department of Planning and Land

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**BRUCE FREEMAN
RAIL TRAIL**

MEMORANDUM

To: Bruce Freeman Rail Trail Advisory Committee
From: Marcia Rasmussen, Director DPLM
Re: **Update of Phases 2A, 2B, 2C, the last ½ mile of 2C, and 2D**
Date: March 31, 2021

- 1. Phase 2A Update:** This phase of the trail has been completed and is open for all to enjoy!
- 2. Phase 2B Update:** After final edits of the historic interpretive panel administrative staff in the Planning Division is converting the panel into InDesign, a software program that is used by the fabricator, and work is now expected to be completed by April 8th. I've also learned that regular construction update meetings will be resuming in April and Concord staff has been invited to attend.
- 3. Phase 2C Updates:** Concerns raised regarding use of Junction Park in West Concord were discussed at the March 10th Transportation Advisory Committee meeting. Concord Public Works staff are planning to order stencils to add pavement markings on the sidewalks on each side of Junction Park and will be coordinating with others on ordering upright signage and relocating signs to alert cyclists and others on wheels to dismount and walk their 'wheels' through this designated pedestrian zone.

Co-chair Nat Welch has followed up with MassDOT staff at the Central Transportation Planning Staff to discuss trail counts scheduled in May 2021.

A proposed planting plan was prepared and sent to the owner of 38 Williams Road along with a response to a recent email regarding fencing (both to be removed and to be installed) and signs.

4. The last ½ mile of Phase 2C: Five site visits were conducted the week of March 15th - one with MassDOT and four with neighbors/abutters to the last ½ mile of the trail in Concord.

The site visit with MassDOT on March 16th was initiated because I had learned that the 75% design plans dated 2016 for the last ½ mile in Concord had not been fully reviewed in 2015/2016 by the State agencies responsible due to this portion of the trail being removed from the project at that time because of concerns raised about constructing a turn-around in the woods. MassDOT staff raised concerns about the extent of fencing requested that did not appear to address specific safety concerns for those using the trail. During the site visit with MassDOT we reviewed the existing topography at various locations along the trail, observed the locations of existing houses setback from the trail, the width of the right-of-way (100 feet) and discussed various encroachments of structures and fences within the right-of-way that will need to be addressed. I was also informed that in most locations MassDOT staff did not feel the requested wood fencing is warranted because there are no safety hazards for the majority of the trail in this location and they raised questions about the safety of the proposed metal fencing near overlooking White Pond, indicating that the requested length and type of fencing was unlikely to be approved. I have requested that these observations/determination be in writing, but have not yet received such documentation. The Project Manager for MassDOT intends to attend the BFRT Advisory Committee meeting on Thursday, April 1st via Zoom.

The neighborhood site visits were well attended with ten people at the first meeting; five at the second; five at the third and three at the fourth (as I recall). I shared a memo with attendees providing an update on the MassDOT comments raised on March 16th and we walked portions of the trail to understand the width of the right-of-way and to observe the locations that fencing was recommended: near the vernal pool, the large

swale, and at White Pond. Members of the Old Pickard Farm Trust II (OPFTII) were very concerned about their potential liability with regard to the White Pond location and I shared the observations made by MassDOT regarding posting the land with no trespassing signs. One person provided the deed information that allowed me to research the Middlesex South Registry of Deeds for the original sale of land in 1882 that reserved access across the right-of-way, which I provided to the State and to the Design consultant.

The revised 75% design plans are still expected to be submitted to Sudbury/MassDOT in mid-April 2021, but may be delayed due to a final decision on fencing and filing the NOI, which the Design Consultant is working on for submittal to the Concord Natural Resources Commission.

5. **Phase 2D Sudbury** : From Sudbury Planner Beth Suedmeyer - inquiry/request made for updated information.
6. **Community Connections Grant follow up** : I am still waiting to receive the final contract documents from MassDOT for this grant and I've provided the required documentation to MAPC for the collective purchasing program so we will be able to order the equipment as soon as the contract for the CC grant is finalized. I will be coordinating with Concord Public Works as to whether Town staff can install the equipment or if an outside contractor is needed.