



Town of Topfield

TOPSFIELD, MASSACHUSETTS

Rail Trail Committee

Minutes of Committee Meeting February 18, 2009 - 7:30 PM

Members Present: Joe Geller (chair), Dave Read, Gregg Demers, Roy Baessler, Katherine Carlson, Dick Gandt (Selectmen advisor to the TRTC)

Public Presentation: prior to the official rail trail meeting the committee held a public presentation to update the town's citizens on the development of the trail. We invited two known rail trail experts to come speak on pertinent issues related to development of our trail.

Guests: The event was advertised on the Town's website, emails lists and through the Essex National Heritage Commission, which attracted many people from other towns so there was very good attendance from the region and specifically from each of the other seven towns developing sections of the Border to Boston Trail. Over 40 people attended in total including notable town officials: Topsfield Selectmen Nancy Luther and Dick Gandt, Boxford Selectman Steve Davis and Salisbury Selectman Jerry Klima.

Steve Winslow: is a property liability attorney with the firm Brown and Green. He also works part-time for the town of Somerville as the bicycle and pedestrian coordinator where they are developing a path to connect to the Minuteman Trail. Steve spoke about the following topics:

- Abutter liability
- Tort law and personal injury law
- Attractive nuisance doctrine
- MBTA right of way issues
- New Recreational Use statute just enacted January 14, 2009 clarifies that the railroads and utility companies are covered under MGL Ch. 21 - 17c. Towns are now only liable for \$5000 limit in the event of personal injury. Visit <http://www.mass.gov/legis/laws/seslaw08/sl080513.htm> for more details.

Craig Della Penna: is a 20 year veteran of the rail road industry and a rail road historian who has several endeavors to help make rail trails a reality and preserve rail corridors for future generations He buys up abandoned railroad corridors being sold-off by corporations and then turns them over to local land trusts so they remain in tact. He is the general manager of the Central Highlands Conservancy LLC. His website, Greenway Solutions.org provides lots of information on trail developments in the north east.. Another of his businesses is a bed and breakfast, the Sugar Maple Trailside Inn, in a historic home he and his wife purchased in North

Hampton, MA situated just 8 feet from the Central Mass Rail Trail. He and his group of self-described 'battle hardened' rail trail veterans speak nationally to advance the rails to trail movement. Craig spoke and showed slides on the following topics:

- Recently completed rail trails in New England.
- Several examples of trail developments that were contested but are now embraced by the community.
- He showed a few pictures of fence gates on trails that have been added later so a formerly opposed abutter could access the trail.
- He was asked to attend the signing ceremony by Governor Patrick for the new municipal liability law for trails mentioned above.
- In closing he offered a free night's stay at the Sugar Maple Trailside Inn for anyone opposed or skeptical of rail trails.

Following the public forum a brief rail trail committee meeting was held:

Old Business:

The minutes from January 6, 2009 meeting were read and unanimously approved.

New Business:

1. **Rail Decision from the MBTA:** We just received a letter from Dan Grabowski, the General Manager of the MBTA that states the MBTA can not use and does not want our trail's old, used rails and that the Topsfield Rail Trail Committee can dispose of them so long as there is no cost to the MBTA. This was welcomed news as there may be significant value in the scrap steel that may be used toward trail design and construction. The next step to develop Phase II is to apply to the town's Conservation Commission with a Notice of Intent to work within the wetlands boundaries to remove the trails and spread stone dust for the trail.
2. **Bid packages for phase 1A and 1B.** Approximately twenty different contractors asked for bid packages at town hall and 11 construction companies showed up in person at the bid review meeting on Feb. 18th to discuss the project and pick up a CD with the bid documents, maps and other information on each. Bids are due back on March 4th.
3. **Stimulus package update:** The final federal stimulus package has been approved by Congress and the Senate and was signed by the President. It contains \$826 million in Transportation Enhancement (TE) funds to be used for biking, walking and other non-motorized transportation improvements including rail trails. It is not clear at this point how much of these funds Massachusetts will receive or how they will be distributed.
4. **Phase 1 task list:** Roy handed out a two page list with 20 specific items that need to be done with suggested committee members, and alternates, to take responsibility for each project. The next TRTC meeting will focus on this list as there are many tasks the trail committee and the Friends of the Topsfield Trail will be doing to help keep construction costs low due to our limited funds.

Meeting adjourned: 10:45 PM, respectfully submitted: Dave Read