

Final Report of the Squannacook River Rail Trail Feasibility Study Committee

Steve Meehan (chair), Al Futterman, Jule Melbin, William Rideout

Executive Summary

The Squannacook River Rail Trail Feasibility Study Committee was formed in the fall of 2002. This report summarizes the findings of this committee.

The committee proposes a fundamental change to the originally proposed Squannacook River Rail Trail. The original trail covered 9.4 miles from Hollingsworth and Vose in Groton to the Townsend/Mason line, of which approximately 6.8 miles is in Townsend. Based on considerations detailed in this report, we now recommend the trail to extend from the Townsend/Groton line (Harbor Village) to Depot Road in the center of town, a distance of about 2.5 miles. A follow-on stage could be contemplated later to continue the trail from Depot Road, across the two railroad trestles, to Old Turnpike Road, an additional distance of about 2.4 miles. Continuation into Groton, and possible connection to the Nashua River Rail Trail, is another potential future consideration. A section from Old Turnpike Road to the New Hampshire border is not recommended for inclusion in the rail trail.

A major focus of committee effort addressed concerns of the rail trail abutters. The rail line through Townsend has a number of close abutters. In the spring of 2004 letters were sent to all residential abutters of the originally proposed rail trail, inviting them to one of three meetings during the spring of 2004. Twenty-one abutters representing fifteen households, and two non-abutters, attended these meetings. This report records the issues they raised, along with our commentary. In the fall of 2005 letters were sent to the twenty-nine residential abutters of the smaller proposed trail, offering site visits to each. In total, eight invitations to abutter's properties were received to address individual issues. These visits are documented in a separate report submitted only to the Townsend Board of Selectmen in order to protect abutter privacy.

Our recommendations to address abutter concerns include:

- A plan to build parking areas in the Townsend Harbor area and near the center of town before the rail trail is built. Signs at all other possible parking areas would direct users to designated parking.
- That the trail design group must work individually with abutters during the design phase to address their concerns. Examples of individual interactions are contained in the Appendix.

In the most recent federal highway bill, TEU-LU, Congressman Olver has earmarked approximately four million dollars for north-central Massachusetts rail trails. This federal money would cover 80% of the design and construction cost, while 20% would need to be matched by the state. As discussed in detail in this report, maintenance costs would be a town responsibility.

In late fall of 2005, the engineering firm of Faye, Spofford, and Thorndike did a preliminary reconnaissance of the proposed rail trail. While a full engineering feasibility study would have to be completed before federal funding was available, Faye, Spofford, and Thorndike found no environmental or engineering issues that they felt would present significant obstacles.

The final part of this report covers steps that would be required if the town decides to move forward with this project.

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Squannacook River Rail Trail Feasibility Study Committee members

| Member | Town/Affiliation | | |
|--------------|------------------------------------|--------------------|----------------|
| Steve Meehan | Townsend | 7 Fox Run Road | (978) 597-2188 |
| Jule Melbin | Townsend | 171 North End Road | (978) 597-6219 |
| Bill Rideout | Townsend | 88 South Harbor | (978) 597-5413 |
| Al Futterman | Nashua River Watershed Association | | (978) 448-0299 |

Background

The Squannacook River Rail Trail Feasibility Study Committee was formed in the fall of 2002 to study the feasibility of converting 9.4 miles of abandoned railroad through Townsend and Groton into a scenic recreational trail. The early efforts of the committee focused on gauging support from townsfolk, local officials and groups.

Early in 2003, to initially assess interest for a Squannacook River rail-trail in Townsend, a petition was circulated to gain signatures of townsfolk supporting establishment of such a trail. 391 signatures were rapidly acquired. Of this number 13 are abutters to the rail bed. Subsequently, presentations were given to the Townsend Historical Society Board of Directors, Police Chief Marshall and Lt. Profit, the Townsend Lions Club, the Townsend Land Trustees, the Townsend Lunenburg Rotary, the Townsend Highway Superintendent, the North Middlesex Superintendent of Schools, and the Townsend Couples Club. All these groups expressed support for the concept.

Also on June 12, 2003 an informational meeting was held in Memorial Hall. At this meeting an overview of the proposed rail trail was given by Bob Hickcox. During the meeting, Townsend residents provided feedback.

A meeting with the Townsend Board of Selectmen was held July 15, 2003. The Selectmen raised concerns, focusing on abutter problems, cost, and environmental issues. Additional information was requested on these and other issues.

In September 2003 the rail trail committee received a letter from the Natural Heritage and Endangered Species Program of the Massachusetts Division of Fish and Wildlife about the increased use of the rail trail encroaching on Blanding Turtle habitat in the area between Hollingsworth and Vose and Crosswinds Road in Groton. In the spring of 2004, our committee and Natural Heritage jointly developed a protocol to study how far north along the rail bed in Groton Blanding Turtle habitat extended. Trained volunteers from our committee, the Friends of Willard Brook, and the Squannassit-Petapawag Areas of Critical Environmental Concern Stewardship Committee carried out the study in May and June of 2004. Blanding Turtles were neither observed basking nor nesting nor were any trapped in the study area, located north of the Bertozzi Wildlife Management Area. If Natural Heritage requests we may repeat the protocol again in Spring 2005.

Another major issue relates to the impact on railroad abutters. Consequently the committee invited Steve Meehan to join the group. A resident of Fox Run Road in Townsend, Steve is an abutter to the railroad who expressed ambivalence about the rail trail at the June 2003 informational meeting. Steve has since

been a key member of the committee and has consistently advocated an empathetic approach to abutter concerns. After Bob Hickcox relocated to another state, Steve was elected chairman of our committee.

A series of meetings was then scheduled for rail bed abutters in Townsend. Letters were sent to abutters as identified through a GEOGRAPHIC INFORMATION SYSTEM (GIS) of the parcel data layer supplied by the assessor's office. Meetings were held at Memorial Hall on three different days of the week, i.e., Wednesday June 2, Tuesday June 8, and Monday June 21, 2004. The section "Report on Abutter Meetings" covers these meetings in detail.

During these three meetings abutters were asked if they would like a follow-up home visit to discuss individual issues. Furthermore, in the fall of 2005 we sent letters to the twenty-nine residential abutters of the smaller proposed trail, offering individual site visits to each. In total, we have made eight visits to individual landowners. Reports on these visits are included in a separate report submitted only to the Townsend Board of Selectmen to protect the privacy of those visited.

Once in 2004 and twice during 2005 this committee approached the Townsend Board of Selectmen, asking them to request a draft copy of the MBTA lease that would not commit the town to either signing the lease or building a rail trail. The Board of Selectmen did not vote on the requests until the last request, when they decided to provide this committee with a copy of the MBTA lease obtained privately by Mr. J. Shank. According to the MBTA, the implication of this is that they have received no official notification of any interest by Townsend to possibly lease this land. This committee concludes that further decisions regarding the proposed rail trail should be made following a determination of town interest at a town meeting or by ballot vote.

Another contribution to this report are lessons learned from speaking with many involved with other rail trails, including the Nashua River Rail Trail, the Ashburnham Rail Trail, and the Wachusett Greenways Rail Trail.

This committee also obtained feedback from Townsend businesses that abut MBTA property. Informal discussions were held with Townsend Ford, Sterilite, and Shepherd's Sales and Service. All these businesses take the neutral position that the decision whether to build this trail is up to the town. Harbor Auto's opposition to the trail is well known. We also sent letters to all other Townsend businesses that abut MBTA property. The intent of these letters was to inquire whether they had concerns that need to be addressed in the trail design. We have not heard from any of these latter businesses. Should this project reach the design phase, all affected Townsend businesses should be contacted and invited to participate in the design process.

The originally proposed Squannacook River Rail Trail covered 9.4 miles from Hollingsworth and Vose in Groton to the Townsend/Mason line, of which approximately 6.8 miles is in Townsend. We now recommend that the trail extend from the Townsend/Groton line (Harbor Village) to Depot Road in the center of town, a distance of about 2.5 miles. A possible future consideration would be to continue the trail from Depot Road, across the two railroad trestles, to Old Turnpike Road, an additional distance of about 2.4 miles. The continuation into Groton, and possible connection to the Nashua River Rail Trail, is also seen as a future consideration. Figure 1 illustrates the currently proposed trail.

The committee does not propose extending the trail up to the Mason border. The Mason-Greenville trail is used extensively by ATV's. There is concern that such a connection would increase ATV usage in the Townsend State Forest, since ATV traffic (currently permitted on the Mason-Greenville trail) could continue south onto the Squannacook River Rail Trail.

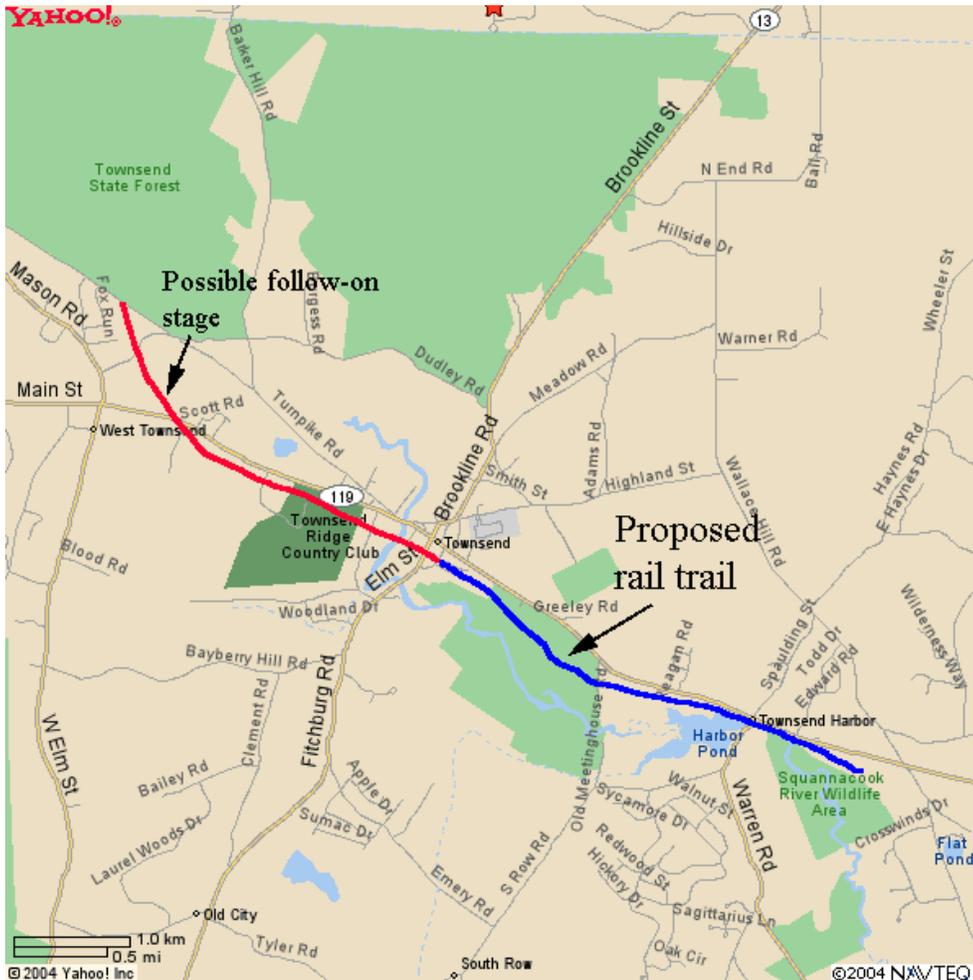


Figure 1: Map of proposed Squannacook River Rail Trail in Townsend.

The focus of this report largely concerns the proposed trail. Issues relating to possible follow-up sections, although noted, are not emphasized with respect to solutions.

Report on Abutter Meetings

This section covers the three abutter meetings mentioned earlier in this report. Twenty-one abutters representing fifteen households and two non-abutters attended these meetings. Meetings were held on three different days of the week with the hope that each interested abutter could attend at least one. Notes were taken by the committee to document opinions and questions. Attendant comments are summarized and committee commentary is provided. In a number of cases clarification is accomplished with an example of how a particular abutter concern may be addressed. Comments are grouped by category.

Costs and Funding Issues

Ten people commented on this topic.

- If the town approves of this trail what would be the source of funding?
- Use of federal funds for recreation is inappropriate. Federal funds should be limited to programs such as national defense and education.
- Federal dollars should be used in our national park system instead of for a rail trail. This could satisfy town's need for outdoor recreation.
- How will maintenance be financed? Cannot the federal Govt. also fund maintenance as well as construction of the trail? Even if federal funding constructs the trail Townsend cannot support even modest trail maintenance costs. We don't want to spend tax dollars for maintenance. It is not worth raising taxes to establish a rail trail.
- Although the trail could be fine at first it could become a disaster in 10-15 yrs. if not maintained. What is the current state of Ayer-Pepperell trails and what is maintenance like? A rail trail in Townsend would be a white elephant.
- Can federal funds earmarked for the trail be used instead to build a sidewalk along Rte. 119? This would be preferable to a rail trail.
- What about liability insurance – would this not increase? The Rail trail will result in an increase in lawsuits against the town

Committee Commentary: Since the 1980's, Congress has included a Transportation Enhancements (TE) section to its transportation funding bill. This TE section sets aside money for bicycle and pedestrian facilities including rail-trails. Once federal funds are assigned to a specific program they cannot be diverted to other use. Some consider programs such as the TE section particularly advantageous since they at least represent a return of taxes to the community.

The most recent federal highway bill, TEU-LU, contains funding for the design and construction of rail trails across the US. Federal money would cover 80% of design and construction costs, and 20% would need to be matched by the states. No local funding for construction is expected to be required. Congressman Olver has earmarked approximately four million dollars for north-central Massachusetts rail trails. This source of funding would not cover trail maintenance.

Communities with existing trails indicate positive economic benefits that include increased property values, increased recreational opportunities, generation of tourism revenue and increased business attraction. Benefits, however, cannot be accurately predicted for a given community.

Liability is a concern among towns and landowners fearing that trail users will injure themselves and hold the landowner or community liable. Many states including Massachusetts have "recreational use" statutes or a "rails-to-trails act" that covers the owner's general liability. Under these statutes liability does not hold for recreation injuries resulting from mere carelessness. To recover damages, proof is required that a landowner or Town engaged in willful and wanton misconduct. Only if a fee were charged for access would there not be protection under a recreational use statute (voluntary contributions, however, is acceptable). The statute provides that persons "shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person."

Rail trails are considered among the safest public facilities. The MBTA standard lease mandates approximately three million dollars in insurance coverage from the town, which is likely already carried by the town, in which case there is no additional financial implication. Town counsel should verify this point.

The committee believes that this rail trail should be built only if it can be constructed and maintained without undue burden to Townsend taxpayers. Typical rail trail maintenance costs are between 700 and

2000 dollars per year per mile, depending on the extent of volunteer supportⁱ. For the proposed 2.4 mile Squannacook River Rail Trail, this would translate to annual maintenance costs of 1400 to 4800 dollars. These maintenance costs include such tasks as cleaning, mowing, toilet maintenance, patrolling, and repair.

These estimates do not include resurfacing costs, which depend on the type of trail surface. For an asphalt trail, resurfacing is required approximately every 15 years at a cost of about 50,000 dollars per mile, or 120,000 dollars for this trail. The resurfacing cost for a crushed stone trail would be somewhat less.

It is possible that some maintenance costs could be defrayed with grant funds.

Environment, State Property/Forest & ACEC (Area of Critical Environmental Concern)

Nine people commented on this topic.

- Concerns were expressed about the integrity of ACEC regions. There would be too many wetlands crossings and violations of the Squannacook River Protection Act. The enhancement of the Squannacook, and the NRWA (Nashua River Watershed Association) encouragement of this trail to facilitate scenic views and interest in outdoor endeavors, is applauded but it should not be with a rail trail. The Town cannot abide bulldozers plowing through our forests over rail beds now nicely overgrown and infiltrated with wildlife. Instead advertise Howard Park and the 65 miles of trails in the state forests.
- A great deal of wildlife would be disturbed. Turtles and Bitterns and more reside between the Harbor and Sterillite.
- Townsend has a large amount of state property. Why not use the existing state property park/forest trails, for example Willard Brook and the state forest, which would provide exercise in a natural setting? Any available funds would be better used at Willard Brook and the state forest.
- Funds are now available and plans are to cut fire roads through the state forest. These would serve well for use as trails.
- Not all trails in the state forest are hilly and stone dust is not necessary for persons to walk on a trail. Snowmobiles are already using existing trails in the state forest.
- Can the trail be moved onto State property at critical sites? The rail bed already goes through State property at Old Turnpike Rd.

Committee Commentary: Many local and state agencies are involved with rail trail design to assure that trails have minimal impact on the natural environment. Permits would be required for the Squannacook River Rail Trail.

In West Townsend the rail bed, after crossing Rte. 119, enters a pristine area located within the Squannassit Area of Critical Environmental Concern (ACEC), much of which is environmentally sensitive and designated as prime habitat by the MA Natural Heritage Program. If there is a follow-up extension to the rail trail the committee recommends ending the extension at Old Turnpike Road. If the rail trail were continued to the New Hampshire border, it would connect with the Mason-Greenville Trail. That trail allows ATV traffic, and this traffic could increase in the Squannassit ACEC.

As discussed in the Background section, the Massachusetts Natural Heritage Program has worked closely with our committee in defining segments of the rail bed that should not be used for a rail trail. Currently only the section in Groton between Hollingsworth and Vose and the Bertozzi

Wildlife Management Area has been designated Blandings turtle habitat. In May and June of 2004, our committee, along with other volunteers, did extensive fieldwork under the supervision of Natural Heritage checking for state-listed rare turtle habitats in the Crosswinds area. Although no threatened species were found then, our committee volunteered to repeat the work in 2005 if requested.

Flat rail trails, used by people that would not normally hike in the woods, are ideally suited for use by the elderly, young children, families and bicyclists. Sidewalks are found on only a small percentage of roads in Townsend, which precludes safe walking on many roads. The Townsend rail line, however, connects three major areas of Townsend – Townsend Harbor, the town center, and West Townsend. For many children the trail would provide an alternative to being driven places or to riding a bicycle on Route 119. Townsend’s state lands do not offer this benefit.

Privacy, Backyard Issues

Ten people commented on this issue.

- This abutter’s property straddles the rail bed and expects that the trail would eliminate the backyard reaching up to the garage. The property has an easement across the tracks. Would this be disturbed?
- Even a 15’ width trail on this, another, property would bring it to the backyard located only 15’ from the tracks. There is no solution to this problem because it is so close.
- This, another, abutter expressed concern for privacy since their deck is about 30’ from the center of the track and the garage even closer.
- Parent’s home on another property would conflict with the width of a rail trail.
- Although this party lives > ¼ mi from the proposed trail, concern is expressed that many abutters are very close to the proposed trail and would find such a trail to be obtrusive. A return of the RR is stated as preferable to constantly viewing people going by.
- Current owners should not have to suffer because of structures close to the rail line that were erected prior to their purchase of the property.
- Is funding available for fencing and such?
- This abutter’s house adjoins Patten’s garage located against the edge of the rail bed. The trail would be a mini highway at the front yard of the house. Can the State provide property or funding to purchase property that can be used to supplement the rail bed so that the trail does not have to be so close to homes?
- This abutter would have no problem with the rail trail even with their swimming pool located within 10 feet of the trail.
- This, another, abutter is 100% in favor of the trail.

Committee Commentary: The committee believes that the rail trail can be designed so that no incursion occurs onto private property or property used historically by abutters.

Establishment of a trail would not affect easements currently in place nor prohibit further easements. Easements to cross are common on rail trails and are usually marked by signs such as “Caution – Farm Vehicle Crossing”. These signs afford safety and alert rail trail users that people crossing the trail with vehicles are within their rights. .

Some owners’ property may extend onto railroad property. Such properties may not be saleable with this infraction in place. Implementation of a rail trail can raise awareness of this problem and prompt remedial action by pertinent landowners, the Town and its Boards. There is some indication that the MBTA may be willing to provide formal easements to these owners.

Numerous options exist to address privacy issues. These can include signage for information, direction and warning as well as plantings, fencing, shifting of the rail trail off the path of the rail bed, clearly

marked private areas, etc. The remedy can be distinct for each abutter and proposed trail construction can include these remedies as part of the cost of construction. All twenty-nine residential abutters along the proposed 2.4-mile rail trail have been sent letters in the fall of 2005 offering a visit by our committee to discuss individually desired remediation.

One committee suggestion to increase privacy for homes between 86 and 112 Main Street is to shift the trail south in that area, off the rail bed. The Amadons (owners of the property south of the MBTA land in that area) have expressed the opinion that the trail, if built, should remain on the rail bed. Our committee views such decisions as ultimately the responsibility of the town.

Not all abutters we have visited have been satisfied with the potential remediation steps. The Martins' residence (74 Main Street) is adjacent to Harbor Pond, so the trail cannot be moved south. They view a rail trail as intrusive on the privacy of their backyard but do not want a fence blocking their view.

Safety

Thirteen people commented on this issue.

- Concern was expressed for safety of young girls on the trail.
- Dangerous crossing sections were a concern with bad safety problems existing at Patton's garage, Scales Lane, Depot St, and otherwise at Rtes. 13, 119 and Worcester Rd. These problems are considered to be getting worse. Since the Town has not been able to get overpasses at existing dangerous crossings we cannot expect to obtain such for the rail trail.
- All bikers would be in jeopardy at crossings and young bikers particularly will not exercise due care.
- Concern was expressed about the adequacy of the trestles themselves. Additionally certain fencing arrangement would be required to protect kids.
- A rail trail was considered by this abutter to add to safety in town because of fewer kids riding on 119 and motorbikes would not be expected on the rail trail.
- Without a rail trail folks would continue to have no safe place to walk in the town itself. Rte. 119 could not be used either on foot or bike. Crossing, however, at Saunders Rd. and 119 is very dangerous and would require an overpass or underpass.
- Concern was expressed for town liability associated with safety issues. Would this not increase?
- People in general do not exercise sufficient care. Pedestrians assume/know that they have the right of way.
- Everyone needs to be responsible for their own actions; even school kids look both ways when crossing the road in front of their school buses even with traffic stopped.
- This abutter, a resident in Town for 47 years, is not concerned about crime on the rail trail nor about safety problems on Main St. where his residence is located. Confidence was expressed that solutions for the crossings will be forthcoming and that traffic concerns are not a reason to forgo the trail. Benefits for improving health and encouraging the elderly to be active should be considered.

Committee Commentary: Engineering assessment and restoration of the trestles as well as safety fencing would not form part of the currently recommended trail construction costs.

We know of no comprehensive studies that match communities with and without trails but there is documentation suggesting that crime rates frequently drop dramatically when recreation opportunities are improved. The presence of persons on the trails has been considered to be cause for reduction of vandalism and crime in areas studied. Cell phones allow trail users to immediately report problems. Some communities have invested in greenways and other recreation facilities as crime prevention tools. Concerns for on-trail safety can also be addressed by a variety of methods that may include trail design and periodic patrols. Chief Marshall and Lt. Profit expressed support for the trail, and stated their belief, based on communications with other towns, that crime would not be a factor and in fact would reduce with a rail trail.

Critical safety issues exist at highway crossings at Rte. 13 and Rte. 119 even in the absence of a trail. These crossings, however, are not an issue for the recommended trail. The Massachusetts Highway Department guidelines for rail trailsⁱⁱ states that trail crossing sites are preferable either directly at an intersection, or far from any intersection where there are clear sight lines. For the South Road crossing, the safest crossing location would be directly at the Route 119 and South Road intersection. This would result in a diversion from the rail bed in that area. West of South Road the trail could return to the original rail bed via a new bridge over the spillway. This alternate route would stay entirely on MBTA land.

If it is decided to pursue a westward trail extension, solutions for the Route 13 and 119 crossings could involve overpasses or underpasses. These can be aligned with the rail bed or with the highways at trail crossings and extend sufficiently to allow appropriate inclines at the ends. If aligned with the trail the slopes would compromise to that extent the flat nature of the rail bed. Overpasses would require safety fencing and underpasses aligned with the trail may require a form of drainage system. The structures would afford safety for pedestrians crossing at these sites whether or not they are trail users. Aesthetic considerations remain a factor. Ninety-two percent of trails now in existence have bridges and twenty percent have tunnels.

Deeds and Property Rights

Five people commented on this issue.

- Historically, the wealth of our nation is inherent with railroads and they hold all power for real-estate decisions. At least 50 deeds in Townsend will conflict with the R.R. rail bed and a rail trail will generate deed problems.
- Property lines are the most important issues here. There is no room for a trail at Yee's Village, Grace Church, Scales Lane, Harbor Auto and Townsend Ford. Patton's garage is only about 10 ft. from the trail. Will it have to be moved?
- MBTA maps do not appear accurate. Do we have to worry about proving our property boundaries?
- Is there a standard that can be used to determine the width of the rail bed? Some structures may have been built on railroad property illegally before current owners acquired their land. We can expect at least some to be on MBTA land.

Committee Commentary: Comments for the section **Privacy, Backyard, etc.** above pertain here. It is important to re-emphasize that the committee believes that the rail trail can be designed so that no incursion occurs onto private property or property used historically by abutters.

Trail widths can range widely dependent on intended use. Except for a few sites, MBTA property width in Townsend is 46.75 feet north of the centerline, and 35.75 feet south. However, the trail itself is expected to be generally 10-12 ft. in width with sides cleared to an additional width of 4-6 feet per side. Thus there is room for the trail in all places mentioned above.

Parking

Five people commented on this issue.

- There are many concerns with parking. Are there parking areas set aside for trail users? Where would the parking facilities be located? Can the parking lot at the trestle behind Memorial Hall be used for trail parking?
- Where would bikes be unloaded? If a property is ideal for this but if the owner attempted to prevent such parking there is fear of takeover by eminent domain.
- Bike riders come from Connecticut and Rhode Island to use the existing trail in Pepperell, etc. A rail trail in Townsend would just cater to out-of-towners for parking.

Committee Commentary: One of the most important lessons learned from the Nashua River Rail Trail is that parking areas and facilities must be built, and their locations must be well marked, before completion of the rail trail. Most of the problems that rail trail experienced were due to facilities that were not ready when the trail was open. Without good facilities the trail cannot be a success. Furthermore, these facilities must be built to accommodate each stage of trail as it is built.

Possible parking areas exist in the region of Townsend Harbor. Two separate areas of MBTA owned frontage exist on the south side of Route 119 between Shepherds and Harbor Village. Our committee had also discussed with management of Harbor Village the possibility of a parking lot behind the shopping center. Discussions ended when Harbor Village management received a series of calls over a short period of time from trail opponents. It is possible, however, that discussion may resume if the town showed strong support for a rail trail.

In the center of Townsend, there are two potential locations for a parking lot. The first is north of the rail bed to the east of Depot Street in the center of town. Another possibility is just to the west of Central Plaza Shopping Center. For this case we made preliminary contact with Jean Lakota, property manager of Central Plaza shopping center.

Even with these facilities in place, good signs will be needed to direct trail users away from places they might park and toward the designated parking lots. At a minimum, these signs would need to be located at South Road by the Cooperage, at the Meetinghouse Road trail crossing, and at the intersection with Depot Road. In both proposals to the shopping centers, we have requested the right to put a sign out front announcing rail trail parking.

Motorcycles, snowmobiles, hunting

Five people commented on this issue.

- There would be considerable disruption by motor bikes and snowmobiles particularly accessing the trail from Mason N.H. There is concern about the trail further encouraging use by motorcycles, dirt bikes, ORVs and snowmobiles. Current noise of motorcycles, particularly at Scales Lane, is bad enough now and a trail would likely exacerbate the situation.
- This abutter has no problem with snowmobiles but would not like to see motorcycles on the trail.
- This abutter favors snowmobiles on the trail since these assist trailblazing for cross-country skiers.
- Concern is expressed about losing hunting capability behind Sterilite.

Committee Commentary: The current conception of trail use (based on comments by townsfolk) would preclude trail use by any motorized vehicle with the possible exception of a patrol, trail grooming ATV or such. Decisions relating to trail use would depend on townsfolk desires. The committee recommends ending any trail extension at Old Turnpike Road to avoid ATV's on the Mason-Greenville trail from entering Townsend State Forest and using the Squannacook River Rail Trail.

Conversion of a rail bed to a rail trail can minimize motorized trail bike and ATV traffic if the trail is well marked to indicate that motorized vehicles are prohibited. With cell phones police can be notified rapidly of violators.

In Massachusetts, hunting is generally prohibited within 500 feet of buildings or dwellings, and within 150 feet of a road. A rail trail to the best of our knowledge is considered equivalent to a road. Along most of the proposed Squannacook River Rail Trail buildings or dwellings exist in relatively close proximity. Since the 500-foot buffer zone around these buildings is greater than the 150-foot rail trail buffer zone, in these areas the rail trail would have no impact on land available for hunting in Townsend. Only over about 1200 feet of the rail trail west of Old Meetinghouse Road hunting would be required to be shifted south about 120 feet.

Trail Design and construction

Two people commented on this issue.

- Would this trail be paved? What are the expected costs?
- It would be good to have W. Townsend bridge repaired.

Committee Commentary: Costs vary widely depending on design, for example a bare earth trail costs in the order of \$40,000-50,000/mi., an aggregate stone trail may be in the order of \$60,000-100,000/mi. and an asphalt trail in the order \$200,000-300,000/mi. Irrespective of trail design we expect the entire construction cost to be covered by grant funding. Maintenance costs also must be considered in choosing a trail surface.

The cost of repairs to the trestles would be considered in the feasibility study of a westward extension of the trail if such is deemed desirable.

General Commentary

Ten people commented on this issue.

- Trail concerns must have been overcome by other trails now in existence – do we have knowledge of their solutions? Do we have any proposals or solutions for safety, privacy, construction and maintenance costs?
- Representative Hargraves has a 1-hour video on the Nashua River Rail Trail that promotes rail trails. He and his office promote such trails.
- Other trails now in use can become very crowded especially on weekends. Do we have a study that projects use for this proposed trail?
- The trail would not be close to any of the schools. How would kids get from home to school via the rail trail and a kid being sent to the store via the trail is not envisioned either. This trail would not get much use in Townsend. Why bother with implementation if it would not be used?
- The Nashua River trail is close and Townsend folk can use that trail. Every town does not need a separate trail so why would we need a trail in Townsend? It is just an added expense. Another trail is not needed for exercise – there are plenty of existing roads available to walk for exercise.
- What % of townfolk that are non-abutters favor a rail trail?
- Townsend is a quaint and quiet town – a rail trail will disturb this setting and would be detrimental to the rural character of Townsend. What will be the effect on property values in 10 yrs. if a trail and fencing,

etc. are established? What are the actual benefits to the Town? What demographics were used in comparative studies to determine trail benefits?

- This trail would be good for the community. Property values are believed to increase about 5% if a trail is present. If Townsend leases the MBTA land for a rails-to-trail conversion, could it then use that land for a sewer line?
- Will there be a town vote before rail trail is implemented?

Committee Commentary: The Rail to Trails Conservancy and others provide extensive documentation covering all aspects of trail design, costs and other issues some of which are mentioned above.

Based on the initial petition to assess interest, we believe that a very large percentage of Townsend residents favor establishment of a rail trail and that it would receive considerable use by townsfolk. Since many stores are located south of Rte. 119 it is likely that the trail would be used to facilitate errands. Ideal long-term plans anticipate the creation of links to connect the Squannacook River rail trail with the Nashua River Rail Trail.

A trail that prohibits motorized vehicles is not expected to alter the quiet and rural character of the Town. The existence of parks, greenways and natural areas are known to be positive factors that enter into the decisions of potential homebuyers. Residential areas that include these amenities are considered priority sites. Properties adjacent to preserved natural areas and trails are reported to have elevated value. Realtor and rail trail advocate Craig Della Penna has published a reportⁱⁱⁱ showing that homes in the proximity of the Nashua River Rail Trail and Minuteman Trail sell more quickly and at a higher percentage of their listing price as compared to compatible homes not near the trail in the same town.

The MBTA does lease or license its land for utility occupations such as sewer lines. However, according to the MBTA, this would be negotiated separately from the rails-to-trail lease.

The decision as to whether this rail trail will be built is a town decision, and as such will be decided at town meeting.

MBTA Lease and Encroachment Issues

The Massachusetts Bay Transit Authority (MBTA) is the owner of the rail corridor along the entire proposed Squannacook River Rail Trail. In 2001, the state legislature had the MBTA change their policy regarding leasing land to towns for rail trail conversions. Prior to that date, the MBTA had sought full market value for any such lease. After 2001, the lease has been available for one dollar for a ninety-nine year term. The MBTA does retain the right to reclaim the corridor, however, if they plan to resume rail service.

The present MBTA draft lease contains language that requires the town to accept liability for any environmental contamination along the leased land. In addition, while the MBTA allows towns to visually inspect the railbed and examine historical records for indications of environmental contamination, it does not allow soil testing before the lease is signed. Some towns have accepted these conditions, others have not. However, a recent amendment to the state's economic stimulus bill has been introduced in the Senate version of the bill by Senator Pam Resor.

This amendment provides up to \$500,000 for grants to cities and towns to purchase environmental insurance on rail trails under the Brownfields Access to Capital program. State grants would be matched by contributions from cities and towns. The insurance would protect both the municipality and

the MBTA. Municipalities that purchase the insurance would be relieved from the obligation to sign "hold harmless" agreements for environmental liability during the design, acquisition, construction, use or maintenance of a rail trail. The House version of this bill does not contain this provision, so a conference committee will determine whether it remains part of this bill. As of this writing (February 2006), the health care debate in the state legislature is delaying action on the economic stimulus plan and the Resor amendment in it.

The most significant encroachment we found to date occurs at Harbor Auto Body where, according to our reading of its deed and the Townsend Board of Assessors maps, the MBTA property ends approximately 24 feet north of rail bed. Harbor Auto has paved land and erected a chain link fence extending south over the rail bed itself. On Aug. 30, 2005 Joseph Shank (Harbor Auto) was provided with a copy of our committee's analysis of the discrepancy between his deed and his paved boundary. Mr. Shank disagreed with that analysis. Consequently the 1961 deed was obtained from the Registry of Deeds that contains the plot plan referred to in Mr. Shank's present deed. In this plot plan shown below (north toward the bottom) a clear distance of approximately 24 feet is shown between the rail bed at the top and the southern boundary of the property being sold.

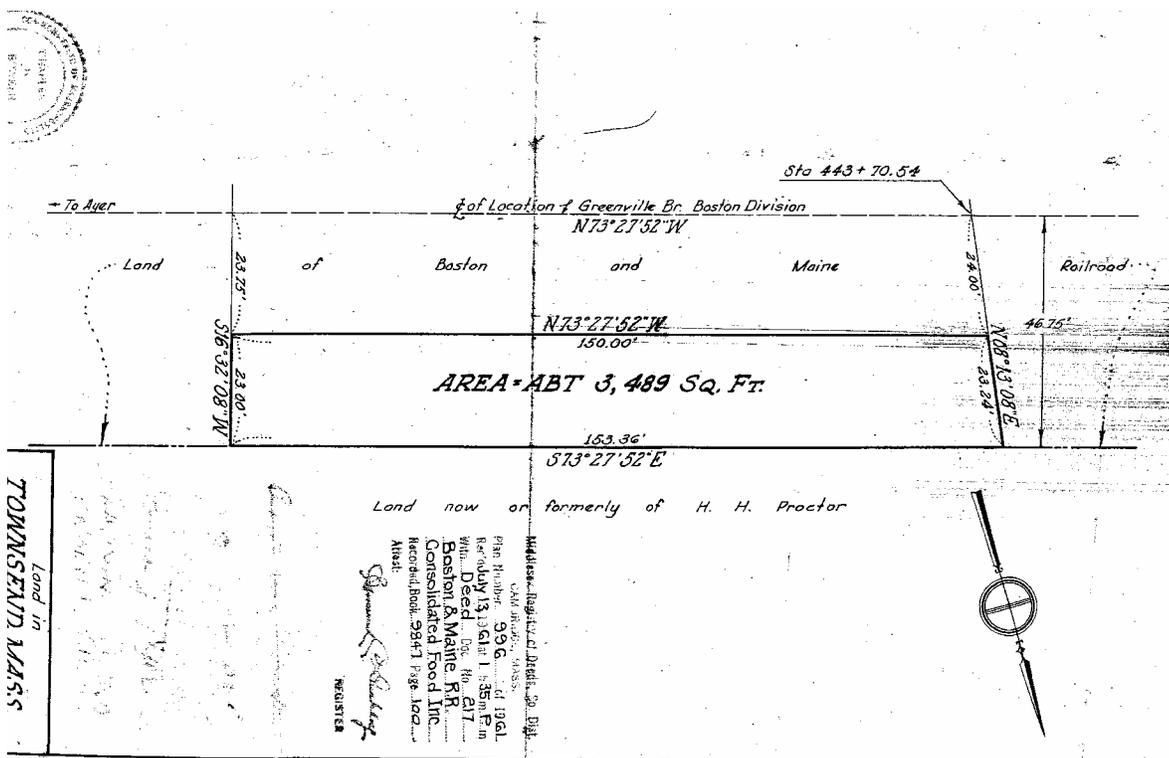


Figure 2: Plot plan for 98 Main Street, from South Middlesex Registry of Deeds, book 9847, page 100.

This documentation was forwarded to Mr. Shank in November 2005.

Another, more recent example of a business encroachment onto MBTA land occurs at the new self-storage facility off Depot Road in the center of town. Here MBTA owns land extending over 20 feet south of the tracks. Ground, however, has been dug to within 11 feet of the tracks. If this pattern of encroachment continues, it may not be possible to build a rail trail without involving litigation.

Procedure for Building the Proposed Rail Trail

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted August 10, 2005, and contains earmarked funds for rail trails in our congressional district. Massachusetts rail trails funded in this way work with two agencies - the Regional Planning Commission and Mass Highway. The Montachusett Regional Planning Commission hold responsibility for Townsend. Our committee has discussed the rail trail with Brad Harris, Transportation Project Director with the Montachusett Regional Planning Commission. The regional planning commissions prioritize transportation projects, but since this project has earmarked funds, it is automatically established as a high priority project. This project would need to be added to Mr. Harris' Transportation Improvement Program (TIP) before it could proceed.

Earmarked funds for the four rail trails is for four million dollars over 5 years, or \$800,000 per year. Only \$800,000 can be spent each year. It was not known if the four million figure included only federal funds or federal and state funds combined. Earmarked funds are for design and construction only. Changing the earmark to include land acquisition would require Congressman Olver to endeavor to alter the wording. Eminent domain takings are specifically excluded.

If the town pursues this project, it would need to submit a "town concept plan". An example of such is the "Bruce Freeman Rail Trail Environmental and Engineering Assessment Report", which is available on-line^{iv}. This report was prepared by the civil engineering firm of Faye, Spofford, and Thorndike at a cost of \$25,000. In late fall of 2005, Faye, Spofford, and Thorndike did a preliminary reconnaissance of the proposed rail trail in Townsend. While a full engineering feasibility study would have to be completed before federal funding was available, they found no obvious environmental or engineering issues that would present significant obstacles.

The town would need to commit to building the rail trail before Mass Highway would approve the project. Thus before the project officially begins, it would need to be approved at town meeting and all necessary town and state permits be acquired. Also, the MBTA lease would need to be signed before Mass Highway approval. After approval by Mass Highway, the official design would begin. The town would have the option of hiring its own design team, or having a team hired by Mass Highway. At the 25% design point, there would need to be public input and a Mass Highway review. At the 75% and 100% design points, Mass Highway reviews are also required. The design must meet all federal guidelines.

The use of the trail and the trail surface are local issues that would be specified at the time of submission of the "town concept plan".

ⁱ Rail-Trail Maintenance & Operation, <http://www.trailsandgreenways.org/resources/development/manage/default.asp>

ⁱⁱ Massachusetts Highway Department Project Development & Design Guide, http://www.vhb.com/mhdGuide/mhd_GuideBook.asp (see especially Chapter 11).

ⁱⁱⁱ Interesting data on the sale of houses near to rail trails in other areas of Massachusetts, <http://www.craigdp.com/pages/10/index.htm>

^{iv} Bruce Freeman Rail Trail Environmental and Engineering Assessment Report, http://www.concordnet.org/dplm/BFRT_Assessment%20Complete.pdf