

Madeleine Gelsinon served as liaison from the Sudbury Rail Trail Conversion Advisory Committee (RTCAC) to the Sudbury Agricultural Commission beginning in January, 2008. The ongoing communications between the Agricultural Commission and the RTCAC are described in RTCAC minutes beginning in May, 2007.

Letter submitted by Paul Cavicchio to Madeleine Gelsinon following an interview in February, 2008.

February 25th 2008

To: Sudbury Rail Trail Commission

From Paul Cavicchio

My name is Paul Cavicchio and I am the owner of Cavicchio Greenhouses, Inc.. We are located at 110 Codjer Lane in Sudbury. My grandfather, Guiseppe, bought the farm in 1910 and I am the third generation to operate this farm. My son Jake, who has been working for me for 12 years, is the fourth generation. Our farm has grown to be one of the largest suppliers of flowering plants in Massachusetts, servicing garden centers, farm stands and chain stores. We are important to the industry because we are so close to the market place and can keep our pricing competitive because we don't have the high cost of trucking.

At Cavicchio Greenhouses we believe in Sustainable Floriculture. We are starting to minimize our impact on the environment by recycling our plastic pots and trying to use biodegradable pots. We recycle yard waste to produce very high quality compost that we use in our fields and in our loam mix. Our employees are our biggest assets so we put a lot of energy into their growth and well being with good salaries, health care, profit sharing and 401K. We believe if they are successful then we will be successful.

Our concern with the Rail Trail is that the tracks cross our fields as well as the driveway at the entrance to the farm. We have about 1300 feet of fields that border the railroad, on both sides, and we are very concerned that if people are using the trail when we are spraying they may come in contact with sprays. There is also a Massachusetts pesticide application law that says no one can enter a field at a minimum of 4 hours after an application of chemicals. We would have to notify people that we are spraying and I don't know how that would be accomplished or enforced. The entrance to the farm crosses the railroad tracks and there are about 200 vehicles and farm tractors per hour that cross the tracks. This traffic poses a concern for public safety and raises the threat of liability to Cavicchios. Trespassing is also an issue as is the possibility of theft, a temptation made far more attractive if there is easy access to the property.

As we are a wholesale operation, there is no financial advantage I can see to making public access available on the property, whereas there are clear disadvantages to my business.

There are only a few farms remaining in Sudbury today, and these farms border over a mile and a half of railroad tracks. As you consider the benefits of converting these old tracks for public access, I implore the committee to also consider the impact on established businesses and agriculture. Preserving open space and farmland has been a priority of my family business. I hope that will continue for many generations. Yet something as apparently innocent, and even desirable to the public as the proposed Rail Trail can impact working farms in ways that may be irreversible.

In 1930 Henry Ford offered my grandfather thirteen times the value of his land so that he could build a parts factory in Sudbury. My grandfather refused because the land was his life. Thirty years later the town fathers thanked him for not selling his land because they understood how that would have changed the character of Sudbury. It has been my inheritance and my privilege to carry on this heritage.

We cannot now predict the impact of the Rail Trail on the town of Sudbury in thirty years. I would greatly appreciate it if your committee would consider my concerns and the concerns of other businesses and individuals who could be affected over the long term.

Respectfully ,

Paul Cavicchio, Jr.

Interview between Honora Haynes and Madeleine Gelsinon, liaison from the Sudbury Rail Trail Conversion Advisory Committee to the Sudbury Agricultural Commission.

**FARMER'S RESPONSE
TO RTCAC QUESTIONS
MARCH 26, 2008**

1. Your Name: HONORA HAYNES

2. Your Farm: BROADACRES FARM

**3. How long have you owned your farm?
ABOUT 40 YEARS**

**4. What type of farm do you own?
HORSES BOARDED, TRAINED
WE ALSO HAVE LESSONS FOR CHILDREN & ADULTS.
WE ARE NO LONGER BREEDING HORSES BUT WE MAY DO SO IN THE
FUTURE**

5. How much of your property abuts the rail bed?
I HAVE THREE PIECES OF LAND ABUTTING THE RAILWAY. ON THE EAST SIDE OF MORSE RD. IS A 4ACRE PASTURE WITH ABOUT 300 FT ABUTTING THE TRACK. AT THE EAST END OF THE 300 FT. THERE IS A POND. THE SECOND TWO PIECES ARE ON THE WEST SIDE OF MORSE RD. ON BOTH SIDES OF THE TRACK. THE PIECE ON THE SOUTH SIDE OF THE TRACK ABUTS FOR ABOUT 250 FT. THE PIECE ON THE NORTH SIDE OF THE TRACK ABUTS ABOUT 200FT.

6. What is your main concern if the rail trail were to be developed?
MY MAIN CONCERN ON ALL THREE PIECES IS TRESPASSING. THE HORSES IN THE PASTURE ON THE EAST SIDE OF MORSE RD. WOULD BE CLEARLY VISIBLE TO ANY ONE TRAVELING EITHER DIRECTION ON THE TRACK AND ANYONE WANTING TO TRESPASS CAN EASILY DUCK UNDER THE FENCE AND GET IN AMONG THE HORSES OR IN THE POND. THIS SITUATION WOULD BE JUST AN ACCIDENT OR LAW SUIT WAITING TO HAPPEN. TO REMEDY THIS SITUATION WOULD REQUIRE, AT LEAST, 300 FT OF SIX FOOT HIGH CHAIN LINK FENCE. I CAN NOT AFFORD TO BUILD THIS, AND I HAVE NO CONFIDENCE THAT THE TOWN WOULD EITHER BECAUSE I AM STILL WAITING FOR THE FENCE AT FEATHERLAND PARK WHICH I WAS PROMISED WHEN THE PARK WAS BUILT ABOUT 20 YEARS AGO. WITHOUT THIS PROMISED FENCE, TRESPASSING HAS BEEN CONSTANT FROM THE PARK. I SOON

DISCOVERED I COULD NO LONGER SAFELY PASTURE MY HORSES ON THIS 5 ACRES ABUTTING FEATHERLAND. FOR EXAMPLE, WHILE DRIVING DOWN MORSE RD. ONE DAY I LOOKED INTO MY FIELD AND TOMY HORROR SAW TWO TODDLER CHILDREN SITTING ON THE GROUND SURROUNDED BY 12 YOUNG HORSES! THE CHILDREN HAD WANDERED FROM FEATHERLAND PARK WHERE THEIR MOTHERS WERE PLAYING TENNIS.

7. Are there other concerns that you have?

THE TRESPASSING, VANDALISM AND THEFT IS CONSTANT AND ON GOING IN THIS FIELD.

8. Do the concerns you have apply to the entire length of trail your property abuts?

THE NEXT TWO PIECES ON THE NORTH SIDE OF MORSE RD. ARE EVEN MORE OF A PROBLEM. ON THE NORTH SIDE OF THE TRACK IS MY INDOOR RIDING RING. THE BUILDING IS ABOUT 60 FEET FROM THE TRACK AND ABOUT 60 FEET FROM MORSE RD. IT IS AT THE SPOT, WHERE I WOULD ASSUME THAT BIKE RIDERS WOULD BE GETTING ON OR OFF THEIR BIKES TO CROSS MORSE RD. I HAVE A LARGE DOOR AT THE TRACK END OF MY BUILDING WHICH HAS TO BE OPENED IN WARM WEATHER FOR VENTILATION. THIS MAKES THE RIDERS AND HORSES CLEARLY VISIBLE FROM THE TRACK AND OF COURSE THERE WILL BE MANY PEOPLE WHO WILL RUN TO LOOK IN SCARING THE HORSES. THIS HAS ALREADY HAPPENED. LAST FALL THE HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM, INSTEAD OF JOGGING THEIR USUAL ROUTE UP THE SIDEWALK ON MORSE RD., CUT THROUGH FEATHERLAND PARK AND CAME UP THE TRACK. THEY SPOTTED THE OPEN DOOR AND ABOUT TEN GIRLS RAN TO THE DOOR. FORTUNATELY, THERE WAS ONLY ONE STUDENT RIDING, A LITTLE GIRL, WHO WAS A COMPLETE BEGINNER, SO THE INSTRUCTOR WAS WALKING VERY CLOSE BESIDE HER AND WAS ABLE TO SNATCH THE CHILD OFF THE PONY BEFORE THE PONY BOLTED, PREVENTING WHAT COULD HAVE BEEN A SERIOUS ACCIDENT. BUT WHAT COULD HAVE HAPPEN IF IT HAD BEEN A CLASS OF FOUR OR MORE? I HAVE BEEN TEACHING RIDING FOR MORE THAN 60 YEARS, WHEN YOUNGER, I WAS TEACHING ALL OVER THE UNITED STATES. RIDING IS A **HIGH RISK SPORT!** HORSES ARE BIG, POWERFUL ANIMALS. THEIR ONLY MEANS OF DEFENSE IN NATURE IS FLIGHT. SUDDEN NOISES OR SIGHTS SCARE THEM AND THEY CAN BE DANGEROUS AT THAT TIME.

IN OVER 60 YEARS OF TEACHING MY STUDENTS, I HAVE HAD VERY FEW AND ONLY MINOR ACCIDENTS. I HAVE ACCOMPLISHED THIS BY TEACHING ONLY ON VERY WELL TRAINED HORSES, SELECTED BY

THEIR CALM DISPOSITIONS AND TEACHING ONLY IN **QUIET, SAFE SURROUNDINGS.**

IF THE RAIL TRAIL GOES THROUGH, I SEE NO WAY I COULD FENCE THE INDOOR RING AREA SO THAT THERE WAS NO DANGER FROM TRESPASSERS. I HAVE TO BE ABLE TO CROSS THE TRACK AT THIS POINT WITH FARM MACHINERY, ALSO HORSES AND RIDERS CROSS THE TRACK TO RIDE IN THE FIELD ON THE SOUTH SIDE OF THE TRACK. IT WOULD TAKE A LOT OF FENCING AND AT LEAST THREE GATES TO KEEP TRESPASSERS OUT. TO OPEN AND CLOSE THREE GATES COMING AND GOING MANY TIMES EACH DAY WOULD BE VERY DIFFICULT, IF AT ALL POSSIBLE. I SEE NO ALTERNATIVE, IF THE RAIL TRAIL GOES THROUGH BUT CLOSE DOWN MY BUSINESS AND SELL MY LAND.

9. What do you think the Town of Sudbury should do to help you if the rail trail Were to be developed?

THE TOWN OF SUDBURY CAN'T HELP ME.

10. If the trail is developed in Sudbury, do you feel that you could work with the town to help all who use it?

NO!

11. Can you think of any ways your farm might benefit if the rail trail is developed near your property?

NO!

12. Are there any other comments that you would care to make?

MUCH OF THE PROPESED TRAIL IS ISOLATED BUT THERE ARE SECTIONS ABUTTING BACK YARDS. THE TRAIL WILL NOT BE LIGHTED AT NIGHT. HOW CAN YOU PREVENT EVIL DOERS SNEAKING INTO THE BACK OF ANY HOUSE AFTER DARK? I THINK THE RAIL TRAIL WOULD OPEN A WIDE CORRIDOR FOR ROBBERY OR WORSE.

AT THE PRESENT TIME, WE ARE IN A DOWN TURN OR RECESSION. THE TOWN IS DESPERATE FOR MONEY FOR SCHOOLS, POLICE AND FIRE PROTECTION, SO IS THE STATE. TO EVEN CONSIDER THE ENORMOUS EXPENSE OF BUILDING, MAINTAINING AND POLICING A RAIL TRAIL AT THIS TIME IS, I THINK, INSANE.

FINALLY, WHERE THE RAILROAD TRACK CROSSES MORSE RD., THE LINE OF SIGHT IN EITHER DIRECTION IS VERY POOR. CAR TRAVEL IS TOO FAST ON MORSE RD. DRIVER'S MAY NOT BE ABLE TO SEE A PERSON CROSSING THE ROAD IN TIME TO STOP AT THIS SPOT.

THE ONLY CURE FOR THIS PROBLEM, THAT I CAN SEE, IS A STOP LIGHT. I AM SURE THIS WOULD BE VERY UNPOPULAR WITH DRIVERS USING MORSE RD.

Interview between the Maurer family and Madeleine Gelsinon, liaison from the Sudbury Rail Trail Conversion Advisory Committee to the Sudbury Agricultural Commission.

**SUDBURY RTCAC
QUESTIONS TO THE
FARMERS**

Submitted by

Madeleine Gelsinon

The Sudbury RTCAC has given me permission to ask questions of the farmers in Sudbury who own property that abuts the railroad bed. What are their main concerns? What questions need to be addressed? Regarding their concerns. Written May 20, 2008.

1. Your Name Marianne, Bruce, Phyllis, Jeff, Pamela, Samantha, Candace Maurer & Matthew and Steve Ouellette, Shana Quinn
2. You're Farm: North Road Fairview Farm Corp. 206 North Road Sudbury, MA 01776
3. How long have you owned your farm? 50 plus years
4. What type of farm do you own? Tree Farm, hoping to expand into other areas of farming
5. How much of your property abuts the rail bed? All of the key parts (Our HOME- bedroom windows, 3/5 ponds, our driveway and our barn)
6. What is your main concern if the rail trail were to be developed?
Our security
Privacy
Liability with the ponds, trash, unwelcome visitors, the fact that our insurance company will cancel our insurance if the trail is put in (we have this in writing), going out of business, what will we do for a living?
Law suits, running people over when we leave our driveway, vandalism, affecting the wetlands, forcing our wildlife to no longer have a home on our property and this list goes on. Hunting- we already are surrounded by gunfire during hunting season. Just this past year 2007 I came home to find a dead deer hung in the tree directly across from my driveway to drain its blood; my children were traumatized to see "Bambi" dead bleeding from tree. What about the

traffic, crossing busy streets, adding lights, and the parking- it's a lie if you think these aren't issues you and sweep under the rug! When I spray my trees I want to do it when I want not wait for permission or people to pass by or ask people to stop! Let's destroy the wetlands! I love how this town is all over builders when the wetlands are affected but when a trail is of interest to the town, everyone looks the other way. Let's get that arsenic in our ponds and kill our fish! Let's go green by cutting down thousands of trees! Where are the priorities!!!! If someone drowns in our pond who will be sued? I kicked off our property 32 people in 2007 that were on the "trail" and decided to wander despite the numerous signs. My favorite was finding a daycare group picking the needles off our trees (we sell these trees for a living), despite the 3 signs less than 10 feet from them. I can only imagine how many people a rail trail will have trespassing.

7. Are there other concerns that you have? If we can't continue our business and we no longer have our privacy why should we be in Sudbury? We bought our farm for privacy and seclusion, what gives other residents in the town that do not abut any right to change my home/farm? We don't have money in this town to give the kids Kleenex, increase the police patrol, help the fire department but we are going to build a trail, and maintain it when there isn't any paper for the kids? Where are your priorities!!! Don't waste your breath saying this isn't going to cost the tax payers of Sudbury money. A pot hole happens to the trail 5 years from now, do you really think you can guarantee the government will give us money and immediately fix it?
8. Do the concerns you have apply to the entire length of the trail your property abuts? Yes, go use the one in Lexington, use the sidewalks the town has paid for (I never see anyone on those lately). Yes, Sudbury & Concord should not have the trail under any circumstances. Invite me over to your house and I will ride my bike back and forth through your yard all day and see if you like it! I guarantee you won't! Why does anyone have the right to make that decision? Why do I have to start locking my doors? Why do I have to stop letting my kids play outside unattended?
9. What do you think the Town of Sudbury should do to help you if the rail trail were to be developed? I would be utterly disgusted if the town allows this to happen. We are in a bad economy, we need to save our money and use it where necessary, a trail is not critical to

life. Electric fences 8 plus feet high, the entire trail route, 24 hour patrolling, 24 hour trash pickup and save the wildlife!!! And 24 hour a day security for our property.

10. If the trail is developed in Sudbury, do you feel that you could work with the town to help all who use it? NO, put it somewhere else. There is no way a trail and my farm can coexist! So you pick, push us out with the rail trail or stop us to keep us as residents and a family business. We have lived here I bet longer than the people in favor of the rail trail, or at least most.

11. Can you think of any ways your farm might benefit if the rail trail is developed near your property? Are you crazy??? I mean really this is a detriment to my farm and my property value and my safety. If my kids are harmed by all these strangers in my yard or I am raped (I have no neighbors that can hear my screams) who should I blame? Who should I sue for forcing this upon me.

12. Are there any other comments that you would care to make? If you care about farms, the environment, the wildlife and people and children stop the rail trail!

Bottom line, no matter what you do, what you guarantee, what you say we are 100% against the rail trail being installed in any capacity and we will be ashamed to be in this town if you install it!

Sincerely,

The Maurer Family

The attached document from Fairview Development Corporation was also submitted by the Maurer family in association with the interview above.

July 9, 2007

Via fax #978-371-2595

Fairview Development Corp.
Frank Maurer Co., Inc.
North Road Fairview Farm Corp.
Attention: Marianne Maurer
206 North Sudbury
Sudbury, MA 01776

RE: Insurance implications of the development of a "Rail Trail"

Dear Marianne,

As indicated in the attached email received from our underwriter, Paul Drennan, of OneBeacon Insurance Company, the increase in hazard and pure nature of your risk from an insurance perspective will increase substantially by the development of a "Rail Trail." As the current underwriter for your commercial insurance Paul has cited two major areas of concern:

- 1) It is imperative that the entity responsible for the operation and upkeep of the trail hold Frank Maurer Co., Inc., Fairview Development Corp and all other entities and individuals associated with the property harmless and must indemnify such from any and all claims arising out of the use of the trail. "All" parties must be insulated from any and all claims arising from the use of the "Rail Trail."
- 2) The fact that the "Rail Trail" crosses your driveway presents new hazards. The heavy equipment traveling in and out of your property and pedestrians and bicyclists of all ages traveling on the "Rail Trail" presents an unacceptable risk. The underwriter has stated that he would not be willing to insure your premises liability under these circumstances. The likelihood of a large loss involving a piece of equipment and a cyclist would be very high.

The attractive nuisance with the ponds and swimming pool on your property is of substantial concern for the public and will directly impact the ability to purchase proper insurance protection and will greatly impact your annual insurance costs.

The insurance industry is currently in a "soft market" making the procurement of adequate insurance coverages and limits more readily available; hence, if it is difficult now it will only become more difficult to procure coverage and that much more expensive when the industry turns and is in a "hard market."

Please feel free to contact me should you have any further questions or concerns.

Kind Regards,

Sarah L. Anderson, CIC
Senior Account Manager

Enclosure

*Interview between Max Morningstar and Madeleine Gelsinon, liaison from the Sudbury Rail Trail Conversion Advisory Committee to the Sudbury Agricultural Commission.
Interview conducted in June, 2008*

**SUDBURY RTCAC
QUESTIONS TO THE
FARMERS
Submitted by**

Madeleine Gelsinon

The Sudbury RTCAC has given me permission to ask questions of the farmers in Sudbury who own property that abuts the railroad bed. What are their main concerns? What questions need to be addressed regarding their concerns.

10. Your Name *Max Morningstar*
11. Your Farm *Siena Farms*
12. How long have you owned your farm? *I do not own it.*
13. What type of farm do you own? *Organic Vegetables*
14. How much of your property abuts the rail bed? *15 acres*
15. What is your main concern if the rail trail were to be developed? *Soil contamination/trespassing*
16. Are there other concerns that you have? *Loss of privacy and potential liability issues stemming from trespassing people who do not understand farm safety.*
17. Do the concerns you have apply to the entire length of the trail your property abuts? *Absolutely. Soil and water contamination affect the farm no matter what end of the property it happens on.*
18. What do you think the Town of Sudbury should do to help you if the rail trail were to be developed? *If the soil were contaminated there wouldn't be much to do to help, aside from reimbursement for crop loss, trespassing could be helped by signs/fences I suppose.*
10. If the trail is developed in Sudbury, do you feel that you could work with the town to help all who use it? *No. We cannot afford to let any other out-side influences affect our work day. Which I imagine is what that question means.*
11. Can you think of any ways your farm might benefit if the rail trail is developed near your property? *Only if I were to post signs with the farm name all over the fields.*
12. Are there any other comments that you would care to make? *Though I appreciate the towns effort to get people out-side, I do not see the point in "developing" a walking trail that involves major tree cutting and paving. The Idea of*

pavement on what is to me, a very nice place to take a stroll, seems extremely unnecessary. Bio-diversity is very important to Organic farmers, and paving the woods would destroy important wild-life habitat that we rely on, and potentially poison prime farm land in a area already losing it's agricultural heritage..

*Response to questions submitted by Madeleine Gelsinon, liaison from the Sudbury Rail Trail Conversion Advisory Committee to the Sudbury Agricultural Commission.
Received August 27, 2008*

YOUR NAME: Dick and Carole Wolfe

YOUR FARM: Pantry Brook Farm

HOW LONG HAVE YOU OWNED YOUR FARM?

The farmland has been in our family since at least the 1700's, perhaps even from the prior century as our ancestors were among the original Sudbury settlers in 1638.

WHAT TYPE OF FARM DO YOU OWN?

Our farm is currently used for growing vegetables and hay as well as for providing diverse types of wildlife habitat. Some of the fields abutting the ROW are in a federal program for ground nesting, grassland birds. These fields are well suited for this protective program as they provide sufficient open acreage and are located away from Concord Road in the quietest and most undisturbed part of the farm. Moreover, because they are fields that have not been cultivated since colonial times, they provide vegetation preferred by ground nesting birds, little bluestem grass, a native grass from colonial times. According to Sudbury's 1998 Open Space Plan, these fields of little bluestem are of "particular note... because this type of grass is rare. The only large tract in town is on the Waite (Pantry Brook Farm) property..."

HOW MUCH OF YOUR PROPERTY ABUTS THE RAIL BED?

The rail bed bisects approximately 50 acres on the westerly side of Concord Road.

WHAT IS YOUR MAIN CONCERN IF THE RAIL TRAIL WERE TO BE DEVELOPED?

The two most compelling reasons why our family has continued to keep the farm despite continued pressure from developers are also the basis for our two main concerns surrounding trail development. First is the farm's role in providing wildlife habitat and maintaining important areas for biodiversity. Second is the preservation of the last, most intact historical farm site that represents Sudbury's agrarian past. Pantry Brook Farm is a peaceful, unique oasis amidst this increasingly urbanized town. The connected house and barn is an architectural feature not often seen in this area, epitomizing this quintessential New England farm design for Sudbury.

Pantry Brook, over which the railroad ROW passes, and its tributary, Sawmill Brook, provide an extensive riparian zone designated by the state as Habitat of Rare Wildlife and Priority Habitat of Rare Species. The Town's winter wildlife study of the ROW reports that "the palustrine forested wetland systems and the riverine areas associated with Pantry and Hop Brook are providing important wildlife

habitat to a variety of species along the rail bed.” The survey also documented that the rail bed is a significant travel corridor for wild canines, mustelids and deer. Riparian zones are the foremost type of habitat for providing the greatest amount of biodiversity.

According to the 2000 “SuAsCo Biodiversity Protection and Stewardship Plan,” a report on the Sudbury, Assabet and Concord River watershed, the Pantry Brook wildlife area is a significant biodiversity site important for providing habitat for plants and animals on the watershed scale.

It is understandably difficult for people to accept such an unpopular concept that so-called “passive recreation” has negative impact on wildlife, especially if no ill will toward habitat and wildlife is intended. However, there are numerous conservation biology and recreation ecology studies that conclude all recreation has a negative impact on wildlife. The SuAsCo report states, “The disturbances caused by off-road vehicles and jet skis are obvious: however, mountain bikes, dog walking and canoeing can be problematic as well.”

Trails, especially asphalt, cause biological fragmentation. Clearing for a trail, and in Sudbury, approximately 11 acres will be cleared for this particular MassHighway project, much of it through sensitive, remote and highly significant wetlands can increase drying sun and wind damage. Trails create edge effects and zones of influence on wildlife and habitat even 1000 feet or more from a trail. At Pantry Brook Farm, these negative effects will be of special concern due to the high-quality wildlife habitat its woods, brooks, extensive riparian zones and fields, all adjacent to the ROW, currently provide for Sudbury.

The local National Wildlife Refuges do not allow dogs, even on leashes, as dogs are recognized as predators (along with humans) by wildlife. As riparian zones such as those surrounding Pantry Brook provide significant habitat for bird activity and nesting, it is important that there is not the constant flushing by humans and pets that would result from a trail. According to scientific studies, the introduction of people and their unpredictable habits into a wildlife corridor can cause birds to cease singing, thus preventing the establishment of territory and/or mating, or cause nest abandonment. In winter, repeated flushing of birds can cause loss of valuable and limited energy, even death. Massachusetts Audubon and scientific studies have also pointed out that people and pets using a trail can introduce invasive species into new areas, a concern for our wetlands and farm fields.

Great Meadows National Wildlife Refuge has been in the process of studying the impact of jogging on wildlife and is awaiting a federal government report on this issue. Based on years of observation, Refuge personnel believe this activity is having a negative impact on Refuge wildlife. The same concern would hold true for a Sudbury trail, especially in areas of higher wildlife concentration near Pantry Brook.

Unlike federal wildlife refuges, it is doubtful that Sudbury could afford to hire sufficiently trained personnel to monitor trail use and its impact on wildlife and habitat.

Rail trail activity is not conducive to observing wildlife; to the contrary, wildlife flees from such, unpredictable, fast moving, and often noisy activity. Bikes use horns, whistles, bells or verbal warnings to announce their approach to other trail users. Trail use for group activities is a common practice, introducing more intense noise and wildlife disruption. During a trail-use count last September, there were over 1000 group participants on the Nashua River Rail trail in Groton, the trail most often compared to what Sudbury's trail would be like. The other local trails surveyed that same day had a minimum of 500 individual users.

The New Hampshire Fish and Game Department brochure titled "Wildlife Viewing," states the obvious, saying, "It may seem odd to think that animals can be "watched to death," but overuse of wild areas and harassment by humans can harm wildlife. The goal of successful wildlife watching is to see animals without interrupting their normal behavior. Be patient. Successful wildlife viewing often requires longer waits and searches than you might expect. Stay quiet. Noise frightens wildlife away. Move slowly and quietly to increase your chances of viewing wildlife, and to avoid stressing the animals you wish to watch. Sit quietly for an hour to observe what happens around you. Pets are a hindrance to wildlife viewing." The function of a rail trail is the antithesis of a true wildlife observing experience.

We are concerned that Pantry Brook Farm will lose its significant habitat and wildlife value if a trail is built. This regional, not just local, trail will be promoted by the state for tourism with the estimated use of a few hundred thousand people annually, although the state also acknowledges its estimates are usually low. Sudbury's 1998 Open Space Plan described Pantry Brook Farm thusly, "It also serves to protect a long stretch of Pantry Brook, just before it enters the state's Pantry Brook Wildlife Management Area and provides a wildlife corridor between protected lands to the west and the large preserved acreage to the east—Pantry Brook Wildlife Management Area and Great Meadows National Wildlife Refuge. This property provides not only a scenic amenity, but also highly significant wildlife values." We believe a trail of this magnitude would be a detriment to local wildlife.

Not only do we believe a trail will have an unmitigable negative impact on farm wildlife, (based on studying the conclusions of numerous scientific reports) but we believe a trail will also negatively alter the farm's historic landscape and compromise its unique ability to provide a peaceful sanctuary for spiritual nourishment and calming bucolic experience.

The 1998 Sudbury Open Space Plan states "One of the features that particularly contribute to the Town's character are the roadside fields. Driving through Town one can see remnants of the past—the old farmsteads and stone walls marking the

boundaries of their adjacent fields. However, these fields are especially vulnerable to development and now many of the farmhouses are surrounded by more modern single family homes.” In this frame of reference, it describes Pantry Brook Farm this way, “With a barn on the crest of the hill, broad open slope, stone walls and adjacent wetland, it is a particularly scenic sight for travelers driving from Concord to Sudbury, and represents the epitome of Sudbury’s “rural character.”

In 2006, the Massachusetts Department of Conservation and Recreation issued a Freedom’s Way Landscape Inventory for Sudbury. The report describes heritage landscapes as “special places created by human interaction with the natural environment that help define the character of a community and reflect its past. The inventory features two specific priority landscapes containing land and historic buildings for protection, the Wayside Inn complex and the Hunt-Bent, Pantry Brook Farm. The farm description follows. “The ca. 100-acre Hunt-Bent or Pantry Brook Farm, is one of the most beloved agricultural landscapes in Sudbury. High priority for preservation is given to this farm. It is acknowledged in the Open Space Plan, the Report of the Land Use Priorities Committee and this Heritage Landscape Inventory project.” If the rail trail is constructed, a tree line that is now viewed from Concord, Pantry and Haynes Roads will be removed. Extensive clearing is necessary to build this trail as it is required to be designed to accommodate emergency and maintenance vehicles and in this particular location, for cranes coming in two directions from both Haynes and Morse Roads to install a new, prefabricated bridge over Pantry Brook. Perhaps it will even be determined the beautiful old granite bridge abutments will need to be replaced by concrete.

The only farm area where lady slippers grow will be cleared, dug up and paved over. (Using state and federal transportation highway funds for this project requires a trail to be cleared a minimum of 16 feet, more on slopes, and paved to reduce user conflict and accommodate various types of use, and for the containment of contamination.) A trail will be in prominent view of the farm fields and the inevitable trail noise will negatively impact not only the wildlife that inhabit and use the surrounding woods and fields, but will irrevocably alter the existing pastoral and historical essence of the farm, We believe the serenity that Pantry Brook Farm now provides will be irrevocably erased should a rail trail be built through the farm property.

The Sudbury Police Chief has stated a trail would be patrolled by motorcycle. Maintenance trucks and tractors will be required, as rail trails, unlike sidewalks, need maintenance on a regular basis to keep it clear of hazards to help prevent lawsuits stemming from claims of negligence by the Town. The trend also, is that once a rail trail is built, there is a demand by bike, roller bladeing and scooter enthusiasts to keep it plowed and de-iced, leading to year-round vehicle use and noise disturbance.

Keeping modernization at bay has been a key goal of ours as we believe the farm, in its present form, would provide a unique experience for future generations of

citizens to savor and cherish. Preservation of the farm in its current tranquil state would provide a peaceful, renewing experience away from hubbub and noise, offering an opportunity to appreciate a glimpse of the rural, agrarian Sudbury of centuries ago. We firmly believe a rail trail would prohibit the realization of this goal as a trail would traverse the most rural section of the farm, resulting in the urbanizing effect we have tried so hard to prevent.

ARE THERE OTHER CONCERNS YOU HAVE?

Yes.

Illegal vehicle use is a difficult to control activity that often plagues rail trails. This, along with trespassing, graffiti and litter, is described by the Rails-to-Trails Conservancy as one of the most common rail trail problems which present the most challenges. Due to the primarily unpopulated surroundings of the ROW, access to a trail by motorized vehicles could take place in numerous locations. Prior to the growth of vegetation along the track, snowmobiles, often in the middle of the night, ATVs and even motorbikes not only used the track along Pantry Brook, but cut the cow fences to ride through the farm fields. It has been claimed that high bicycle and pedestrian use of a trail would prevent this activity, however, the presence of bicycles and intense pedestrian use would not apply as a deterrent at night. Case in point, a year ago on the Assabet River Rail Trail, police were called at 1:30 A.M. to corral snowmobiles “racing around” private property seeking access to that trail. One officer was injured falling when one of the snowmobiles accelerated towards him. Sudbury does not have the resources to patrol a trail and the suggestion that bollards at trail and road intersections would prevent illegal vehicles is unrealistic as there is so much open and conservation land abutting the ROW offering easy access. The fields and wetlands of Pantry Brook Farm are especially vulnerable to such damaging activity.

Contamination of fields and streams is another of our concerns. The Director of Environmental Programs at the Massachusetts Business Development Corp. has stated that each rail trail qualifies as a “Brownfield site.” Heavy metals such as mercury, petroleum products and polynuclear aromatic hydrocarbons from diesel exhaust as well as creosote from ties are often present. Ties must be disposed of out of state in hazardous waste dumps, which confirms the presence of contaminants in the decaying ties. Although the contamination aspect of rail trail construction is usually down- played and often ignored, Bill DeSantis and Tricia Donegan, Concord’s rail trail consultants from VHB, responded to a question concerning ROW contamination with the following quotes: “... that is something that has to be considered as the design progresses, because, historically, there’s arsenic and other contaminants along the rail corridor. Breathing of dust, or particularly along the water lines, little kids pick up stones, throw them in the water and now they have contaminated soil on their hands. It happens on basically every single railroad and rail trail crossing I’ve worked on from Maine to Florida. And the most cost effective and safe and efficient way to handle it is just not to generate a lot of excess excavation. Bury that soil deep below the earth and trail surface and landscape so you won’t get the dust coming up.”

Due to the several million dollar construction cost overrun on the Assabet River Rail Trail to remove contaminated soil, MassHighway adopted a new plan for dealing with all soil on rail trails. With the objective of cost cutting in mind, instead of removing soil for disposal, the new policy calls for moving it around within the trail site for infill where needed. Some wetland areas approaching Pantry Brook aren't currently wide enough to provide the required trail footprint. We are concerned that soil removed from rail bed areas such as in Sudbury Center where coal was stored and trains idled while being stoked or from other sections of the rail bed may be moved to the Pantry Brook area without proper testing.

Recognition of contamination along rail beds led to a bill being filed by the Massachusetts legislature to provide matching grants up to 50% of the premium cost to towns and cities for the purchase of environmental insurance for rail trail construction. We are concerned the Town will not take the contamination question seriously as, so far, the Town has refused to acknowledge that rail beds are places of contamination.

We also have liability concerns. Some of the farm's tallest woodland is on a high slope above the proposed trail. Over the years, large trees have fallen across the track. What if a trail user were struck? Would we be held liable? We are also concerned about the "attractive nuisance" our land and brooks provide. Even if an injured person's lawsuit didn't succeed, defense can be extremely costly. Having a trail go through one's property can cause insurance procurement problems as well as potentially substantial premium increases, not to mention the added headaches over the constant concern of liability issues.

We are concerned that the Town continues to ignore valid and crucial issues that affect not only abutters but all the Town's citizens. In regard to abutters, the 2005 Town Meeting was assured that abutters' issues would be addressed from the get-go but now, the Town Manager states they will not be considered until the design. This will most likely be during the 75% design as is predicted in Concord.

At a 2006 Selectmen's meeting, the Selectmen brought up the possibility that the Town's local Wetlands Administrative Bylaw may not be applied to this project. This could be a precedent setting action impacting the future protection of all Sudbury wetlands. This bylaw avoidance idea was brought up no doubt, because the bylaw, if strictly upheld, could make it very difficult for a trail to be permitted for construction. For the Selectmen to even consider the possibility of avoidance is quite troubling, especially after the Selectmen's promise to the 2005 Town Meeting that environmental concerns would be looked at very carefully.

Distressing as well is the exclusion of the Conservation Commission from having any meaningful participation in the project to date, despite trotting the Conservation Coordinator out in front of two Town Meetings to say conservation issues are of utmost importance and would be addressed by the Conservation Commission

during the Feasibility Study and the four seasons Wildlife Study. The Commission was virtually ignored during the Feasibility Study process and now it is uncertain whether ConCom's recommendations for the four season wildlife study will carry any weight in the end. Furthermore, now, the Selectmen say Conservation will only be involved in the Notice of Intent hearing for the wetlands delineation and later during the 75% permitting stage because it wouldn't be appropriate for it to have input during the planning stages.

At the 2007 Town Meeting, the Selectmen stated the reasons to vote for a wildlife study, centerline survey and title search was to help make a decision whether to proceed with the project or not. It was not mentioned that the centerline survey and title search, just like the Feasibility Study, are MassHighway requirements for rail trail construction. Instead, Town Meeting was told these undertakings were just for gathering information necessary to decide whether to proceed with trail construction.

It was stated to Town Meeting that "Should the end result of the investigation process show that there are reasonable trail options that can address environmental, economic, and other concerns, the Selectmen will present recommendations in favor of proceeding with trail development to the voters at a subsequent Town Meeting." Town Meeting was also promised that a determination would be reached as to the function and value of the wetlands and the wildlife corridor into which the rail bed has been transformed. This determination is especially crucial through highly concentrated areas of biodiversity such as the Pantry Brook area. Yet despite the fact that most of the issues the Selectmen outlined to Town Meeting for exploration and resolution during the investigation process have not been resolved or in many cases even discussed and the function and value of the wetlands and wildlife corridor have not been determined, Sudbury decided to move the project ahead nevertheless.

On May 1, 2008 Sudbury sent a staff member to the state to make the case that this trail is one of the five highest priority transportation projects for Sudbury. A request was made for the project's inclusion in the 2009-2012 Transportation Improvement Program for funding to augment Sudbury's monetary contribution to build a MassHighway trail. This request was made before the very important spring season of the four season wildlife study had barely gotten underway and prior to the start of the centerline survey and wetlands delineation. This appeal to the state was also made despite the Selectmen's assertions that voting for the three 2007 Town meeting articles would keep the Town, not the State in control of the project and was "not a vote for a rail trail" emphasizing that positive findings would only allow the voters to decide if they wished to proceed to the next step. Obviously, the Town took that very next step to construct a trail meeting state MassHighway guidelines without the promised Town Meeting vote. In addition, the Town made the commitment to the state that the 25% trail design will be presented to MassHighway by November 2009.

As the state will not allow a rail trail on EOT controlled property and funded by transportation funds to be made of wood chips or stone dust, these options for trail surface presented to Town Meeting by the Selectmen, do not exist. Options for a more rural, narrow, unpaved trail in harmony with the ecological and historic community goals as described by the Conservation Commission at Town Meeting are not allowed by MassHighway guidelines. After all, the cost to build a rail trail according to MassHighway standards confirms the amount of engineering and superstructure that is required, as the per mile cost is currently approaching \$2 million in Concord and Acton. This does not include any costs that will be incurred to cross Route 2. The ability of Town officials to ignore their commitments to Town Meeting is very disturbing to us and makes us question their priorities and source of information upon which they have based their decision to proceed.

The engineering firm hired to do the centerline survey and wetlands delineation failed to apply for the required permit they had been told was necessary prior to commencing work. Then they proceeded to violate our local wetlands bylaw and the State's wetlands act by cutting down hundreds of young trees, some right at the water's edge and many unnecessarily. What was the Town's response? It did nothing but tell the firm that its actions were a violation and allowed the work to continue. This response by the Town only reinforces our concerns for Pantry Brook Farm.

When Town Meeting's trust is broken, when laws protecting wetlands and habitat are not upheld, when indifference to environmental issues is repeatedly demonstrated, how can anyone believe the Town holds true concerns about a trail's real impact on wildlife and historic landscapes? Our faith in the Town's desire to fulfill the commitments it makes to its citizens has been deeply eroded. Sadly, we believe the Town makes statements for the sake of appeasement without the intention of observing them. Hopefully, it is not too late for the Town to re-evaluate this project and its impacts, for right now it appears Sudbury is prepared to go forward with this project without fully investigating a trail's long-term impacts, subscribing to the philosophy expressed by an influential trail proponent that, "We won't know what the problems are until it is built." To us, and hopefully to other citizens, this is an unacceptable and irresponsible stance for the town to adopt.

DO THE CONCERNS YOU HAVE APPLY TO THE ENTIRE LENGTH OF THE TRAIL YOUR PROPERTY ABUTS?

Yes, as well as a trail's impacts which will extend far beyond a trail's footprint.

WHAT DO YOU THINK THE TOWN OF SUDBURY SHOULD DO TO HELP YOU IF THE RAIL TRAIL WERE TO BE DEVELOPED?

As a trail would negate the primary reasons to preserve Pantry Brook Farm, there is no mitigation the town could make. Conservation biology concludes that getting into a mitigation situation is the least desirable option. The Town doesn't

understand that not everything can be mitigated. The Feasibility Study the Town commissioned stated, “Development of this corridor into a rail trail will require measures to avoid and minimize impacts to adjacent environmental resources. Rail trail construction, existence and use have the potential to result in both short-and long-term adverse effects to environmental resources, including the alteration of resources and resource buffers. Project implementation also has the potential to generate such human-induced impacts as the disruption of wildlife movements/behavior and wildlife harassment.”

The Study suggested “shifting the trail alignment away from resource areas where feasible, reducing the width of the trail, placing the trail on an elevated boardwalk, installation of wood rail fencing to help control and confine human activity to the rail trail itself...” It continues: “Of particular importance, however, will be the need to control and confine human activity to the rail trail, itself. While fencing and interpretive signage will assist in this regard, educational awareness will be critical in instilling a respect for and understanding of the natural environment in rail trail users. Perhaps most challenging is the control of human activity, and the preclusion of human-induced impacts and disturbances to vegetation and wildlife resources. Depending on the results of future investigations, this may be especially critical relative to the breeding season of rare species, when closure of the rail trail or segments thereof may be warranted. One of the primary objectives of the rail trail implementation will be the avoidance/minimization of wetland resource impacts. In certain instances existing site conditions present a noteworthy challenge to this objective.” These are only a few examples of the admonishments included in the Feasibility Study.

Due to the Town’s submission of the trail project to the state before the promised resolution of critical issues and returning to Town Meeting to get the “okay,” and because Town officials have demonstrated a willingness to either ignore or dilute the Town’s Wetlands Bylaw in a precedent setting action as well as other steps they have taken involving this project, we have little faith in Town management to sincerely consider or understand a trail’s short- or long-term impact on Pantry Brook Farm. One can only hope for a change of heart.

IF THE TRAIL IS DEVELOPED IN SUDBURY, DO YOU FEEL THAT YOU COULD WORK WITH THE TOWN TO HELP ALL WHO USE IT?

Signs and education are the usual recommendations for mitigation, even through Estimated and Priority Habitat. As the folks at Great Meadows and other reservations will tell you, these methods are ineffectual. Three years ago, signs were posted at the Refuge that dogs were not allowed, yet people continue to walk right by the signs with their dogs. People habitually ignore no trespassing signs, even pulling them down. The state will publicize this trail as a tourist attraction; education will reach and influence few casual users.

In 2003, the Sudbury Police Chief said he didn't have the personnel to patrol a trail, yet police duties have increased without a complimentary increase in personnel. How will misuse of the trail or trespassing be monitored? Which town department will be responsible for trail use, Park and Recreation? Conservation? DPW? Do they have sufficient personnel to effectually monitor four and a half miles of a new amenity used by hundreds of thousands of people? Will any environmental monitoring be done and by whom?

A trail will never be eco- friendly and will only lead to the further reduction in our already vanishing and limited wildlife habitat. This multi-use trail represents further urbanization of Sudbury and Pantry Brook Farm. We firmly hold that maintaining the ROW in its current status as a wildlife corridor and provider of habitat provides a resource that will offer future benefits for the greater good far more than a rail trail ever will. As Sudbury's remaining land is gobbled up by increasingly denser development, the value of a wildlife corridor will become even more crucial to the quality of life for those who live in Sudbury.

CAN YOU THINK OF ANY WAYS YOUR FARM MIGHT BENEFIT IF THE RAIL TRAIL IS DEVELOPED NEAR YOUR PROPERTY?

No. The question has been asked if a trail would be preferable to train use without the realization that this ROW is rail banked. Rail banking means a trail could be replaced by active train use with only 90 days notice. At least trains would provide real transportation opportunities.

ARE THERE ANY OTHER COMMENTS THAT YOU WOULD CARE TO MAKE?

Yes.

Sudbury has nearly 50 miles of underutilized sidewalks going throughout the town that Sudbury residents can and do ride bicycles on now. Unless driven to, (which the Feasibility Study draft stated most users would do) access to a trail would either be by riding along sidewalks or roadways, the very options trail proponents dismiss as unsatisfactory. As for those who say they would prefer a trail away from the road upon which to ride to South Sudbury, the Selectmen have already stated a bike trail may end at Old Lancaster Road and then be diverted along Union Avenue to avoid the difficulties a trail built along the ROW would present to businesses.

In addition, by 2010, nearly seven miles of existing paved roads within the Assabet National Wildlife Refuge on Hudson Road, are slated to be opened to bicycles. These roadways will also connect to the Assabet River Rail Trail, providing many miles for bicycling. Now for those who will assume biking must then be compatible with wildlife if it is allowed in a Refuge, please consider this. When the Assabet River Wildlife Refuge was first opened in Sudbury, bicycling was disallowed as not

being compatible with the Refuge's mission. However, a political decision was made to allow bicycling in conjunction with the construction of the \$3 million dollar visitor's center at the Refuge. There is a marked difference between allowing bicycling in a small section of a 2000 acre venue as opposed to through a 65 foot wildlife corridor, a difference between using existing paved roads as opposed to paving a corridor that has reverted to vegetation and provides habitat in and of itself, a difference between going through designated Rare and Priority habitat as opposed to already disturbed habitat, a difference between having environmental monitoring capabilities in place as opposed to perhaps, an occasional police patrol. Using the Assabet trails and our sidewalks will provide bicycle riding opportunities for residents without compromising the wildlife and landscape of Pantry Brook Farm. Pantry Brook farm is already divided by a roadway. We do not favor the inevitable alterations further division by a MassHighway project will bring.

As we contemplate the future identity of Pantry Brook Farm, it is critical to know if the Town's desire for a regional recreational amenity surmounts the protection of valuable Sudbury wildlife habitat and historic landscapes.