

**TOWN OF BELMONT
COMMUNITY PATH PROJECT COMMITTEE**

**MEETING MINUTES
JUNE 2, 2021**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: July 20, 2021
TIME: 9:23 AM

Present: Kate Bowen, School Committee; Bonnie Friedman; Phil Lawrence (left 9:00 AM); Russ Leino (left 9:06 AM); Holly Muson; Vince Stanton; Ellen Sugarman

Ex Officio Members: Jay Marcotte, Director of Public Works

Members of the Public: John Dieckmann (left 9:00 AM); Jarrod Goentzel (left 9:00 AM); Alison Lenk (left 9:20 AM); Aleida Leza; Lisa Pargoli; Ian Parsons (left 9:00 AM); Sara Smith (left 9:20 AM); Darin Takemoto

1. Call to Order: 8:06 AM
2. Select Board Position on Article 12 - Community Path Item: At the 5/24/2021 Select Board meeting R. Leino spoke in support of this item, and the Select Board voted to recommend favorable action on it by a vote of 2-1. The vote against was by R. Epstein and, according to R. Leino, the discussion he and R. Epstein had on the item got heated at times.
3. Amendment to Article 12 submitted by Frank French Sr Whose 40 Brighton Street Property Abuts the Path: The committee discussed the amendment whose text is as follows: "Move that the main motion under Article 12 be amended by deleting the request for \$200,000 for the Community Path Right of Way Acquisition. Deletion of this amount would be reflected back into the Undesignated CPA Fund". R. Leino stated he has heard that F. French Sr. is not pushing back against the easement he granted on the property to the Massachusetts Department of Conservation and Recreation years ago, rather to the greater clearance between the Path and the commuter rail that the MBTA requested in March 2021. He added that he hopes to speak with F. French Sr. before the article comes up at Town Meeting, and that part of the use of the requested funds is to clarify the details of how the Path and 40 Brighton Street will interface. V. Stanton suggested that CPPC ask Nitsch to push back on the MBTA regarding this wider clearance. He also mentioned that this is another example of a need for better communication with Nitsch and MassDOT. E. Sugarman reminded CPPC that new Select Board-CPPC liaison, M. Paolillo, has stated that he intends to meet with all path abutters to be sure their concerns are heard. P. Lawrence said he's heard that Channing Road residents plan to not allow access to their properties related to easements. R. Leino stated that it is their right, and that there appear to be few easements of that sort needed.
4. Response to French Amendment and its Supporters: V. Stanton drafted a response, a letter that CPPC members can send out to Town Meeting Members, and reviewed it with

the committee. A copy of the finalized letter is attached as “Article 12 - CPA funds for community path right of way plan”.

5. CPPC Outreach Document: R. Leino made more edits to this document from a previous meeting than he expected and never did send it out to the committee. He will send it out directly after this meeting.
6. MPO Meeting - Review of Public Comment and Endorsement of Final TIP for FY 2022 -2026 This meeting is scheduled for June 3. B. Friedman and C. Bowen will try to attend.
7. Next Meeting: The CPPC’s next meeting is scheduled for Wednesday, June 9, 8 AM,
8. Adjourned: 9:40 AM.

Dear Town Meeting members,

You have probably received email raising concerns about the proposed appropriation of \$200,000 of Community Preservation Act (CPA) funds to pay for right-of-way activities for the Belmont Community Path. I am a member of the Community Path Project Committee (CPPC). This message reflects a discussion the CPPC held at its meeting this morning and seeks to lay out an accurate account of how the funds requested in Article 12 will be used, and the larger project that work supports.

1. What is the purpose of the article

The community path project can be divided into three components: (i) feasibility and design; (ii) right of way planning and acquisition; (iii) construction. Belmont, as project sponsor, is responsible for components (i) and (ii), which are necessary before federal and state construction funding can be expended.

Construction of the path will require a number of temporary easements (probably several months in most cases, depending on how construction is sequenced) and is likely to require a much smaller number of permanent easements, or land takings, details of which will emerge from the ongoing 25% design process, expected to be completed later this summer. The funds sought in this appropriation will be used to appraise the properties identified in the right-of-way plan (a component of 25% design) as requiring a temporary or permanent easements, to conduct title searches and collect other information necessary to actually secure the right of way.

Every aspect of the proposed work is common to all community path projects in Massachusetts, and is highly regulated by MassDOT through its Right of Way Bureau, which publishes a detailed manual on the appropriate process (<https://www.mass.gov/doc/right-of-way-manual/download>). Chapter 11 of the manual covers MassDOT's role in municipal projects like the Belmont Community path. Once Belmont submits 25% design to MassDOT the Right of Way Bureau will assign a ROW Community Compliance Officer to Belmont who will assist the town in following the specified procedures.

2. Who will be affected by the easements?

The properties at 7 Channing Road (Chase Bank in Belmont Center) and 40-42 Brighton Street (French & Mahoney property) will very likely be most affected because they lie closest to the railroad tracks.

Properties immediately flanking the short segment of Alexander Avenue that leads up to the planned underpass will also likely experience a larger impact than other houses on Channing Road due to construction of the tunnel beneath the tracks and the intersection of the east-west and north-south segments of the path at that location. Examples of potential impacts include the likely need to permanently regrade property to accommodate the construction of retaining walls.

However, statements suggesting that construction of the path will "require eminent domain of the 48+ abutters' private property" are simply wrong. In fact, with the exception of the areas mentioned

above, CPPC anticipates few Channing Road properties will be impacted, even temporarily, by construction.

3. How much will the path cost, and how much of that will Belmont taxpayers be asked to pay?

As noted above, the project can be divided into three components.

(i) Design: Town Meeting has appropriated \$1.4 million for design, which will cover 100% design (design proceeds through three phases - 25%, 75% and 100%) for the path segment from Brighton Street to the Clark Street Bridge (referred to as phase 1B) and the intersecting path segment from Channing Road to Concord Avenue, across the new High School-Middle School campus via a tunnel under the Fitchburg Line (phase 1A). CPPC does not anticipate that any further funds will be required for design of phase 1. (At some point in the future the CPPC anticipates requesting design funds for phase 2, from the Clark Street Bridge to the Waltham border, a project comparable in scope to phase 1.)

(ii) Right of Way: In addition to the current appropriation before Town Meeting for right of way studies and appraisals, the CPPC expects to return for another appropriation to compensate abutters for temporary or permanent easements. It is possible that not all \$200,000 in Article 12 will be necessary for the ROW plan, in which case any remaining money could be used for this purpose (with the specific approval of Town Meeting).

(iii) Construction: In 2018 the Belmont Community Path (phases 1A and 1B) were deemed eligible for Transportation Improvement Project (TIP) funding, based on a MassDOT review of the project. TIP funds come from the Federal Highway Administration and the Federal Transit Authority and are allocated by the Boston Region Metropolitan Planning Organization (MPO). In 2020 and 2021 Belmont submitted an application for TIP funding in the amount of \$16.7 million, covering all construction costs for phases 1A and 1B. The Belmont path is in competition with other projects to secure TIP funding, and has not yet been programmed for funding in a specific fiscal year by the MPO (note: NO new projects were programmed for funding in 2021, due to delays and overruns on already programmed projects), however the CPPC is very optimistic that the project will eventually be funded based on feedback from MassDOT and MBTA officials.

4. Is a path on the south side of the Fitchburg Line between Alexander Avenue and Brighton Street a viable option?

The “southern option” was studied by two town committees and multiple boards of Selectmen between 2012 - 2018, and for a significant fraction of that time was deemed the preferred route.

However, the Belmont Community Path Feasibility Study conducted by Pare Corporation specified that the “southern option” required taking down a portion of the north wall of the Crate Escape building. In 2018 the Select Board explored that option in discussions with the owners, who informed the town that they would not agree to any such plan. The Select Board then voted unanimously to proceed with designing the northern route and soon thereafter appointed the CPPC.

It should be noted that a path on the south side of the tracks would also require the School Committee (SC) to give up some land for the path. To do that the SC would have to deem the land "surplus" to what is needed to carry out its educational mission on the high school/middle school campus (a requirement specified in Massachusetts law). There is no assurance that the SC would agree to such a land transfer; they have never voted on a request for such a transfer, and space is at a premium on the high school/middle school campus.

Also, the MBTA's head of Commuter Rail Operations, John D. Ray, wrote to the town in November 2018 expressing "dire concerns" about path users crossing the railroad tracks at Brighton Street (to connect to the Fitchburg Cutoff path on the north side) and getting in the way of a train (particularly young, inexperienced riders).

5. Will the Community Path put Belmont businesses out of business?

In a word, no. The Select Board has made clear (see discussion at May 24, 2021 SB meeting) that they would not support a plan that cripples a Belmont business, and the CPPC has consistently directed the town's design engineering consultant to pursue a design that minimizes any adverse impacts to businesses.

There will be negotiations over the coming months as to what permanent easements may be necessary. The two competing goals in those negotiations are to construct an attractive, user friendly path, while also preserving the viability of the businesses flanking the path, and there are real trade-offs between these goals that the town (and Town Meeting) will need to weigh carefully as the project progresses. This appropriation will allow the town to gather vital information necessary to make informed decisions on these important questions.

Feel free to contact me if you have questions.

Insert your name and details, for example:

Vincent Stanton

Town Meeting member, Precinct 3
Member of Community Path Project Committee