



# Town of Topsfield

TOPSFIELD, MASSACHUSETTS

## Rail Trail Committee

### Minutes of Committee Meeting December 8, 2008 8:00 PM

*Members Present:* Joe Geller, Dave Read, Gregg Demers, Roy Baessler, Kathy Tremblay, Katherine Carlson

**Public Forum:** prior to the official rail trail meeting the committee held a public forum to update the town's citizens on phase 1A and 1B of the Topsfield Linear Common project. It was attended by approximately 25 people to update several abutters and interested others on the following topics:

1. **Town Committee Review of Trail:** Town committees that have reviewed the trail include the Topsfield School Committee, Public Safety Committee, and the Highway Department. They have all approved the trail and say they don't anticipate any adverse effects from development of the trail and that it will be a nice recreational asset for the town.
2. **Layout of the TLC:** The planned layout of the trail for phases was on display on large plans and on PowerPoint slides. The proposed spur around the tot-lot was staked out with ribbons around trees and marks on the pavement to show where the trail will go. The Rail Trail Committee will work closely with the newly constituted ad-hoc Playground Committee who will be spearheading the renovation of both playgrounds behind Proctor School on both sides of the Rail Trail.
3. **Grant Update:** Grants received to date (\$92,000) and expenses (approximately \$10,000 including the surveying and design of Phase IB) were reviewed. It was again reiterated that no town funds have been or will be used to build or maintain the trail. All expenditures have to be approved by the selectmen.
4. **Privacy Concerns:** The Rail Trail Committee requested that abutters put in writing any privacy screening they prefer (fencing, shrubbery, etc.) with corresponding cost estimates. It was emphasized that this is only a request and the Rail Trail Committee cannot make any commitments as the Selectmen must approve all expenditures. The Selectmen will develop a policy concerning encroachment and privacy matters. Decisions will likely be made when all of the expenses are known.
5. **State Liability Law:** Massachusetts state law (Chapter 17, Section 17C) protects abutters from being sued if there is no negligence on the part of the property owner and they do

not charge users to for use of their property. One of the abutters (Jim Callahan) commented that since the MBTA asked for them to be named as an additional insured party on the Town policy would abutters also need to do the same? He then requested a meeting with Town counsel for legal advice. Mr. Gandt said that abutters would be provided some information on this topic but that town counsel represents and counsels the Town and not private citizens. Private citizens are free to engage Town counsel at their own cost. It was pointed out that the trail will be built on Town owned and MBTA land and not on any abutter's land (with the exception of Topsfield Station property).

### **Rail Trail Committee Meeting followed the Public Forum:**

#### **Old Business:**

The minutes from November 17, 2008 meeting were read and unanimously approved.

#### **New Business:**

1. **Phase IB design:** Earlier this night at the Selectmen's regular meeting they approved Beals Associates starting design of Phase 1B (Main to Summer St.) of the trail.
2. **Rail Disposal:** The MBCR (Massachusetts Bay Commuter Railroad) Manager of Rails will make a determination if they have any interest in the rails for use on active lines, sell them for scrap, donate to the Seashore Trolley Museum in Kennebunkport, or allow Topsfield to sell them for scrap metal and use the proceeds to help fund our trail construction.
3. **Ipswich River Bridge redecking:** Kathy Tremblay will approach the Essex County Horse Association (ECHO) about getting a grant to redeck the Ipswich River Bridge.

Meeting adjourned: 10:30 PM

Respectfully submitted: Dave Read