



*Embracing Concord's Values  
for the Bruce Freeman Rail Trail*

*A Work Plan and Implementation Plan to  
Protect Treasured Natural Resource  
Areas and Public Safety*

## **Warrant Article #39**

# **Bruce Freeman Rail Trail Protective Measures for Environmental Resources and Public Safety**

### **MOTION:**

For environmental resources and public safety impacts of construction, use, and maintenance of the BFRT, for which protective measures shall be designed and implemented, the Town shall take affirmative action under Article 39 as printed in the Warrant to direct the Board of Selectmen to allocate the sum of \$20,000 [or other sum] from the BFRT account [or other funding source], to be expended under the direction of the Board of Selectmen for development of a Work Plan, Implementation Plan, and associated budgets, schedules, and responsibilities for completion of tasks 1-4 in paragraph 1 of the article.

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### **Biological and Natural Resource Treasures along the Bruce Freeman Rail Trail --**

White Pond – Glacier formed Kettle Pond that is a natural and recreational treasure for Concord

Jennie Dugan Swamp – a “Small Wilderness” that provides food, water, breeding areas, and cover for an abundance of aquatic and terrestrial animal and plant life

Warner’s Pond – aquatic habitat and recreational resource

Assabet River – A federally designated Wild and Scenic River with aquatic and riparian habitats supporting numerous animal and plant species

Associated recharge areas to public and private wells

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### **Public Safety Concerns along the Bruce Freeman Rail Trail --**

Safety during all hours of use

Safety at rest stops

Sanborn Middle School Student Safety

Safety around West Concord Train Station

Safety associated with allowed speeds and parking

Safe access from the BFRT to expected tourist destinations

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### Bruce Freeman Rail Trail Protective Measures for Environmental Resources and Public Safety

Warrant Article directs the Board of Selectmen to utilize the expertise of town boards and staff to:

- Evaluate studies completed to date and identify missing/incomplete information
- Perform additional assessments needed to define impacts of project construction, use, and maintenance on environmental resources and public safety
- Design protective measures for the resources and public safety
- Implement these measures during all phases of the project

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A concise Work Plan for accomplishing these tasks should specify who will:

- Evaluate the studies for completeness
- Perform any additional assessments
- For identified impacts, design the protective measures for each project phase (pre-construction staging, construction, use, and maintenance)

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### Examples of Protective Measures:

Carefully chosen locations for pre-construction staging

Selection of small-sized equipment for trail clearing  
and surface construction

Construction timed around breeding/nesting season

Specifications for preserving the tree canopy and  
minimizing tree cutting and root damage

Measures for minimizing soil disturbance and the spread  
of invasives

Slower speed limits along the Natural Resource areas

No rest stop at Sanborn Middle School

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An Implementation Plan will contain the protective measures for the resources and public safety:

- Describe *non-permit actions* for protecting wildlife habitat, minimizing wildlife disturbance, maintaining wildlife passage, protecting biological diversity, and minimizing disturbance/conditions for invasive plants
- Describe *non-permit actions* for assuring public safety of users and abutters, for user management generally, and for trail maintenance
- Reference *permits and approvals*
- Specify *who, what, when, where and the annual budget* for implementing the protective measures



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*We need both permitting and non-permitting measures for protecting environmental resources and public safety.*

- Required permits cited by the BFRT Advisory Committee impose merely minimum requirements.
- Many cover activity only during construction, not long-term.
- Many expire within a few years unless extended for more construction.
- They cover only wetlands and waterways, and -- except for the MA Endangered Species Act -- not uplands where work will be done.
- They are not a vision, plan or protocol.
- They do not cover contingencies.
- They do not assign responsibilities.
- There are no budgets in permits.
- There are no names and phone numbers of responsible departments, staff.

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*We haven't addressed the permitting and non-permitting issues in an integrated fashion in an Implementation Plan :*

- Presently, we are leaving them to engineers to deal with in the 100% design – which is too late.  
**Don't give us a design that doesn't implement a plan for protecting the natural treasures of Concord during all phases of the project, and which does not assure the safety of users and abutters.**
- *We are also relying solely on the permitting processes:* with the limitations noted on the previous slide.  
**The required permits do not add up to a Plan.**
- *The MA Endangered Species Act covers only rare species.*  
**It does not cover wildlife generally or the ecosystem that supports the wildlife.**

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The primary “deliverables” of the Warrant Article are:

1. A concise *Work Plan* for completing the directives of the Warrant Article
2. An *Implementation Plan* to implement protective measures during construction and over the long-term
  - Both with associated budgets, schedules, and responsibilities
  - **Required completion is prior to seeking federal funds and prior to construction start in 2015**

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### Bruce Freeman Rail Trail Protective Measures for Environmental Resources and Public Safety

*Primary in the Warrant Article is filling in the gaps of the studies (e.g., a baseline assessment of current wildlife condition) and producing a concise Vision and Plan for the trail that focuses on natural resource, biodiversity and ecosystem protection, protection of public safety, and user management during all the phases of the project (pre-construction, construction, post-construction, long-term use). **The Vision and Plan would become the centerpiece of the rail trail project, guiding its development and use in a way that fits with Concord's way of doing things right.***

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“Our choices at all levels – individual, community, corporate and government – affect nature. And they affect us.”

*Dr. David T. Suzuki*

Internationally Renowned Ecologist

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