



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



December 08, 2021

SUBJECT: 608164 - BFRT – phase 2D – Concord fencing request.

Matthew Kearney, P.E.
Greenman-Petersen, Inc.
181 Ballardvale Street, Suite 202
Wilmington
MA 01887



Dear Mr. Kearney:

Thank you for your letter dated September 21, 2021 in reference to the proposed fencing on the Concord portion of this most important Trail. The P.M., Mr. Eamon Kernan just recently shared this letter with me, and my staff and I want to take this opportunity to respond.

I believe that Mr. Kernan, Mr. Brian Fallon, the Project Development Engineer from District 4 and Ms. Linda Walsh met with you and Ms. Rasmussen to discuss the fencing that was being proposed. It was requested at that time to only show the fencing as required “for the safety of the trail users” on the upcoming 75% submission. Although when the 75% plans came in, it was surprising to see that all the fencing was still shown.

In review of that 75% submission the following note was added.

“Appropriate fencing proposed inside the RR ROW can only be installed when required for the safety of the Trail users. Fencing outside of this category should be removed from the plans or requested as non-participating. The designer should identify all relevant locations. Reviewers discovering locations late in the process that do not comply may delay the project.”

Your response to that comment is said letter dated September 21, 2021.

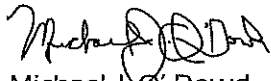
MassDOT request that you work with the P.M. and MassDOT staff to re-submit (informally) the plans showing the fencing while adhering to the understanding that the fencing in question can only be installed for the safety of the trail users. The fence cannot be installed as a participating item to “define the trail”, the pavement and the tree line will already do that. The concern of the abutters is heard but as said before the fencing is to be installed for public use and safety of the trail user and not for private individuals. An example of the correct use of fencing is as noted in your letter to protect the users from steep drop offs or danger of traveling into water bodies.

In addition, the 6’ ornamental fence and gates are not permitted. A vinyl coated chain link fence can be considered along the layout line near White Pond however no gates can be proposed and leaving a gap in the fence at the beach access trail would defeat the purpose

and declared need of the fence in the first place. I also understand that installing this fence along the layout line is not feasible due to the topography of the location and the need to remove trees for installation.

We can have further conversations about participating and non-participating options, but we are not in a position to allow fences and gates in areas that are not a safety concern and allow for desegregation of public lands for private benefit. We would like to work with the town and your design team to design the appropriate locations where the timber fence is allowed before the 100% submission is received.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. O' Dowd". The signature is fluid and cursive, with the first name "Michael" and last name "Dowd" being more prominent.

Michael J. O' Dowd
Director of Major Projects

ETK