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Present: Joseph E. Flanagan, Wayne R. Walker, and Heather M. Billings  
Town Counsel John J. Goldrosen

CALL TO ORDER

Mr. Flanagan called the meeting to order at 6:00 p.m. in the Selectmen’s Office at Town Hall. He announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV. He also noted that Kerry O’Brien from the Gardner News was recording the meeting.

APPROVAL OF WARRANTS/MINUTES

Mr. Walker moved that the Board approve the regular session minutes of July 23, and August 15, 2012, as printed. Ms. Billings seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrant:

August 20, 2012      Accounts Payable #11      \$ 26,728.62

APPOINTMENTS TO CAPITAL PLANNING COMMITTEE

Mr. Walker moved that the Board appoint Jim DeLisle as the Advisory Board liaison to the Capital Planning Committee. Ms. Billings seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board appoint Keith Harding to the Capital Planning Committee. Ms. Billings seconded the motion. The motion passed unanimously.

CONTRACT – SENIOR CENTER DESIGN

Mr. Walker moved that the Board approve and sign the Senior Center Design Contract with Reinhardt Associates, Inc., incorporating the changes by Reinhardt Associates and approved by Town Counsel. Ms. Billings seconded the motion. The motion passed unanimously.

GRANT APPLICATION AUTHORIZATIONS

Mr. Walker moved that the Board approve the Town Planner’s request to apply for two DHD grants; Design Charrette for Town Center Streetscape Improvements and Peer to Peer Grant. Ms. Billings seconded the motion. The motion passed unanimously.

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MART/MBTA – REVIEW PLANS FOR LAYOVER STATION DESIGN

Mohammed Khan, MART Administrator, George Kahale, Transit Project Director, MRPC, and Paul Hadley, MBTA Project Manager and Bruno Fisher, MART Deputy Administrator, were on hand to discuss the Layover Station Design.

The following questions were asked by the Board of Selectmen regarding noise impacts (MART/MBTA responses are shown in italics):

Will the MBTA prepare an operations plan for the layover facility, with “best management practices’ to minimize noise? Does it have such a plan in place at other layover facilities that it could provide to the Town for review? Will the plan for this facility include a rule that no whistles or horns will be used when entering or leaving the facility?

*Yes, there is an operations plan, which will dictate locomotive start times. Typically ½ hour before they leave the station, could be an hour depending on the weather. Not sure if there is an operations plan published. There is no reason to blow whistles – unless in the case of an emergency.*

If the trains are operated by a third party (such MBCR), is the operator contractually obligated to follow the operations plan, and what are the penalties for failing to do so?

*MBCR is a contractor and is required to follow MBTA operations manual. Don’t know of penalties.*

Will MBTA or its operator have a contact person to receive and resolve any noise complaints?

*During the construction phase complaints should go through MART and be addressed to MBTA and by extension to MBCR. Once MARTs agreement ends, there will be a hot line available through MBTA.*

Who is the contact regarding operations of the layover station?

*During construction and design – MART  
Once constructed – MBTA*

Under the current schedule, what is the earliest time in the morning that trains would begin idling? Does the MBTA anticipate adding any earlier trains as the result of upgrades to the Fitchburg line?

*The earliest train time departure would be 5 a.m., so could start idling at 4 a.m. Cannot comment on any future schedules but do not anticipate earlier or later schedules than will be in place at the start. MART doesn’t think there is a need for*

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*more early a.m. departures – their request has been for early a.m. trains from Boston.*

What is the process if the schedule changes?

*Operations will have to comment.*

Although MART has stated that the maximum idling time is one hour, MART has also stated (in its August 2, 2011 letter to the Town) that trains might have to idle all night long if the temperature is below 10 degrees. Is this necessary even with the electrical plug-ins for the engines? Has MART or MBTA determined how often all-night idling would occur, based on a review of weather statistics?

*If the temperature is below 10 degrees, the train has to idle all night long. Neither MART nor MBTA has done a review of weather statistics.*

Do the current 100% design plans show a vegetation buffer between the facility and the closest residential areas?

*There is some buffer in the 100% plans. Groups of evergreen and deciduous trees are all around the drainage basin. There is always an opportunity to request additional vegetation, if the budget allows, through a change order. MART: We would be more than happy to talk with the MBTA about this.*

The newly-completed noise study shows an increase of greater than 10dB (A) over ambient levels in certain neighborhoods. What can MART and the MBTA do to mitigate for this impact?

*MBTA Environmental Department has to review the noise study and comment on this. The MBTA's position is that the FONSI was issued, but we're more than happy to look at it and address issues that the Town has.*

If, on the basis of this study, DEP and/or EOEEA recommends mitigation to reduce noise impacts, will MART and MBTA agree to implement such mitigation?

*MBTA Environmental Department has to comment on this. If we're required to do something, we will do it.*

Will Mart and the MBTA agree to conduct noise studies after the layover facility is in operation, to determine actual noise levels associated with the facility? If a level of 60dB (A) (which MART has stated is "reasonable") is exceeded, will MART and the MBTA provide mitigation or take steps to reduce noise levels?

*MBTA Environmental Department has to comment on this. MART: We are not going to do a study to prove we are violating the permit.*

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The following questions were addressed by the Board of Selectmen regarding Lighting:

In a prior letter to the Town (October 19, 2011), MART stated that the lighting at the facility would shine downward. Can you confirm that the design plans show this, and do the plans specify the type of lighting that will be used for this purpose?

*The lights are standard street lights which shine downward. There are also flood lights which shine in between the trains.*

Will the facility lighting be turned off at night, after the last train has returned to the facility?

*These lights are on for security purposes and will not be turned off at night.*

The following questions were addressed by the Board of Selectmen regarding Public Safety & Fire Protection:

Do the 100% design plans show access for emergency vehicles to reach areas along the Pan Am tracks, to the same extent as presently exist?

*No; Plan C8 shows only area to access using tie crossing.*

If new means of access have to be provided as a result of the construction of the layover facility, will MART and/or the MBTA, as part of this project, negotiate with Pan Am to obtain any easements or other rights that are necessary to provide that access?

*Parties agreed to work with Pan Am to provide any emergency access needed by the Town.*

What does MART mean by its past statements that access to areas along the tracks is for “authorized personnel only”? Does “authorized personnel” include Town public safety officials?

*All personnel have to go through authorization and safety training provided by Pan Am.*

Chief MacAloney responded that when the Fire Department is fighting a fire on the tracks, Pan Am is contacted and all trains are stopped. Right of way that is used is the former third rail. He also indicated he would like information about the Pan Am safety training.

*Tie crossing is also available which affords access to the majority of track.*

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Chief MacAloney expressed concern over the tie crossing (C8) with regards to the large vehicles. He requested more details of the design to ensure they are sufficient to meet the needs of the fire apparatus.

*Jacobs will be contacted to set up a meeting with the Chief to go over this information.*

The following questions were addressed by the Board of Selectmen regarding Economic Benefits from Layover Station Project:

Mr. Flanagan requested a copy of the 100% track plans.

*It was agreed to provide to the Board.*

The TIGR grant application estimated that the increased employment in the Business Park, as a result of the layover station, would be 500 jobs over a 20 year period, and included income from this increased employment in calculating the cost-benefit analysis for the entire Wachusett Extension project. As currently designed, how will the layover station create that increase in employment?

*Strictly a calculation based on information obtained from FTA. It is not saying that this will create jobs. It is based on the Park's entire business plan, the number of square feet. It's an asset to the Park. The switches will help the connection to the Park. Switching and signal is the most expensive part of the connection (\$1 million plus). Omnova is paying for their own extension switch. The signal will help Westminster Business Park as explained by Pan Am.*

How will the layover station facilitate or allow for freight access (as stated in the grant application), beyond what would have been the case without the layover station?

*They won't.*

If it is MART's position that providing a "team track" or other means of freight access for businesses in the Park is beyond the scope of the project, would MART be willing to set aside funds to develop freight connections in the Park in the future?

*It is illegal for MART to use federal money to do this. We cannot use it for private enterprises. MART will ask Pan Am to articulate the benefit the layover station can provide.*

Has the MBTA allowed freight access for private businesses at other layover facilities, and under what terms and charges? Can the MBTA provide an example of an agreement that it has used elsewhere to allow freight access?

*No – Not aware of any facility that MBTA owns that does this.*

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In the absence of actually constructing freight access, would MART and the MBTA negotiate with the Town to provide other measures to make the Park more attractive for economic development, such as a signalized intersection at the entrance to the Park?

*Unless there is a very specific need or requirement tied to the project, they cannot expend FTA money on private benefits. It is a non-project related expenses.*

*MRPC offered to help with a traffic count when school is in session on Depot Road/Route 2A intersection in getting traffic lights.*

The following questions were asked by the Board of Selectmen regarding Project Management and Permitting Issues from Layover Station Project:

What was the reason for the supplemental TIGR grant of \$3.7 million? What additional work or expense was covered by the supplemental grant?

*Original application was for \$65 million, got \$55 million. Initial reason for the \$3.7 million was additional funds that Congressman Olver was able to get. Bruno Fisher believes that the additional work/expense was put into the layover facility.*

What are the cost and time savings to the project, resulting from the relocation of the layover facility from I-8 to I-4A?

*Application was not based on locating on Lot I-8. No calculation was done for the cost of I-8. Locating at Lot I-8 would not have been feasible – the project would have died. We would have looked for another site.*

Will MART retain title to the layover facility property?

*Most likely it will be transferred to MBTA and will notify the Town when this happens. We maintain town parking lots, but the layover facility is an MBTA operation, we do not know anything about maintaining that.*

At a public meeting on the Environmental Assessment that was held on July 13, 2010, MART's representative stated that MART would comply with local permitting regulations. When did MART decide not to do this?

*MART: As of 2010, we thought that we would be building this. Mr. Khan indicated that he did not recall saying that MART would comply with local permitting. If we would be building it, we would be doing it, but now MBTA is building it. The Governor and the Secretary of Transportation decided that it was better for MBTA to build the layover station (not MART), and the feds agree. Circumstances have changed. It is not our decision.*

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Even if MART and the MBTA contend now that the MBTA's exemption from local permitting requirements applies to this project, could MART have voluntarily complied with local requirements, as it had stated it would do? Wouldn't that have been consistent with the terms of the Memorandum of Agreement between MART and the MBTA, under which MART was to "secure all local permits and approvals necessary for Project implementation"?

*MART cannot answer this question – it is the MBTA's responsibility and jurisdiction. We will help the town to work with MBTA to fulfill your regulations, provide mitigation (trees, landscaping), act in role of coordination. Anywhere you see a problem, let us know, and we will see what we can do.*

Everyone agreed that they would provide the Board of Selectmen with full written answers to the questions they were unable to answer.

#### KM CHNG ENVIRONMENTAL – LAYOVER STATION NOISE STUDY RESULTS

Richard Letty of KM Chng Environmental presented an overview of the Westminster Commuter Rail Layover Facility Noise Study. He indicated that based on the study they conclude the following:

- The project location has considerable sound levels during the day from the nearby existing Powell Sand and Gravel Facility, which will not be operational under the build scenario. Nighttime sound levels are typical of a quiet rural summer area.

- The Massachusetts Department of Environmental Protection (DEP) noise guideline of 10 dB (A) increases in noise levels will likely be exceeded at a number of locations on both sides of the proposed layover facility. The exceedances at certain locations may likely be well in excess of 10 dB (A) at certain locations, especially along South Ashburnham Road.

Mr. Letty indicated that the MBTA is using the FTA criteria. FTA looks at 2-hour average, not at the intense period.

The projections are based on a single locomotive idling. If two locomotives, would be 3dB (A) additional; if six locomotives (such as if all were idling at night during winter), would be 7dB (A) additional. Note that to the ear, a 10dB (A) is a doubling of the noise.

#### MART

Mr. Kahale stated that he would recommend to MART that they reimburse the Town one-third of the cost of the noise study. He agreed to get back to the Board with MART's decision.

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**CROCKER POND RESIGNATION**

Karl Cudak of the Crocker Pond Recreation Area Committee submitted his letter of resignation effective August 20, 2012.

Mr. Walker thanked him for his service stating the Town owed him a great debt of gratitude.

**TOPICS FOR FUTURE MEETINGS**

The Board agreed to have the mothballing of the old Town Hall and Crocker Pond Resource Management Committee items on the agenda for their future meetings.

**8:45 PM ADJOURNMENT**

Mr. Walker moved the Board adjourn. Ms. Billings seconded the motion. The motion passed unanimously

Respectfully submitted,

Heather M. Billings, Clerk  
(Prepared by B. Kazan)