

# Milford Upper Charles Trail Committee

## Final Report

March 2024



East Main Street (Rt. 16) Trail Head

**Milford Upper Charles Trail Committee – Final Report**

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## Milford Upper Charles Trail Committee – Final Report

### Preface

The concept of a 27-mile multi-town loop trail through the towns of Holliston, Sherborn, Framingham, Ashland, Hopkinton, Milford thence back to Holliston was originated by the Upper Charles Conservation Land Trust, a regional not-for-profit land trust dedicated to preserving open spaces in the Upper Charles River Valley (Dover, Holliston, Hopkinton, Medfield, Medway, Milford, Millis, Natick, and Sherborn). At the Trust's request, the Metropolitan Area Planning Council (MAPC) completed a feasibility study of the Upper Charles Trail in 1997. (See [Appendix 1: Upper Charles Rail Trail Regional Map](#))

In December 1997 the Conservation Commission Chairman Robert Buckley, and Town Planner Reno DeLuzio gave a presentation of the Upper Charles Trail to the Select Board. The Select Board voted to support the Upper Charles Trail development, authorized the Town Planner to participate, established the Milford Upper Charles Trail Committee, and appointed Reno DeLuzio, Robert Buckley, Michael Bresciani (Park Director), Attorney Brian Murray, Carolyn Cooney (Conservation Commission), Frank Pirrello, Jr. (Guerrier & Halnon Civil Engineer), and Henry Papuga (Milford Water Co. Manager).

Holliston, Sherborn, and Milford Select Boards submitted their letters of support. Framingham decided not to participate. Although Ashland and Hopkinton did not formally support the Upper Charles Trail, they eventually formed committees to pursue their sections.

This report summarizes the development of the Milford section of the proposed Upper Charles Trail and a subsidiary project to develop a connecting path from Rt. 85 at Walden Way to the Bike Trail.

The ultimate success of the project is the result of the continuous support of Town Boards, Departments, Committees, Commissions, Town Meeting, and the dedication and perseverance of the many Milford Upper Charles Trail Committee members who have served over the years, sometimes in the face of seemingly unsurmountable obstacles.

Submitted By:

*Reno DeLuzio*

Reno DeLuzio, Chairman

E-Copy Available at [www.milfordma.gov](http://www.milfordma.gov) > Departments>Planning and Engineering>  
> Milford Upper Charles Trail.

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### Project Development Process Overview

Establishing the Milford Upper Charles Trail Committee (“Committee”) on Dec.8, 1997 by the Select Board was the first step in a multi-faceted, long-term project involving a variety of disciplines and participants that required a program management approach to be successful. (See [Appendix 2: Select Board Vote](#)).

The project was managed by Reno DeLuzio from Dec. 1997 through Dec. 2001 as Town Planner/Trail Committee Chairman and as Trail Committee Chairman from Jan. 2002 to the present.

Committee membership has varied from the initial 7 appointees over the years. It expanded to 20 members by 2000, dwindled to 13 by the end of 2010, to 11 in 2020, and finally to the current 8 members. Special recognition is extended to those who served the longest: Robert Buckley, Mike Bresciani, Joseph Arcudi, Attorney Brian Murray, Frank Pirrello, Jr., Henry Papuga, Margaret Knowlton, Elaine Capuzziello, Jeff Howard, Rose Mary Natelson, Frank Malangone. (See [Attachment 1-2: Longest Serving Members - Term of Office](#))

Once it was determined who was responsible for managing the program, the following initial questions were addressed and decisions were made:

1. Should the program development process be serial or parallel? Serial approach is less risky but would take much longer than a parallel approach.
  - Serial --- Secure all property rights first, then preliminary design, then outreach, etc.
  - Parallel --- Concurrently pursue as much of the above as possible.

**The Committee decided on the parallel approach. It also decided to divide the project into two phases (eventually into three phases) to accommodate property rights acquisitions and the availability of Town, State, and Federal funds.**

2. What type of Trail? --- Walking/Biking or Walking/Biking/Equestrian. **The Committee decided on a Walking/Biking Trail.**
3. Trail Surface --- The Committee deliberated the pros and cons of a stone dust surface vs. an asphalt surface (See [Attachment 1-2: Surface Deliberation](#)). **The Committee decided on an asphalt paved surface.**
4. Should it be plowed and sanded/salted during the winter months or should it be relegated to snowshoeing and cross-country skiing? Plowing and sanding/salting would strain town resources and degrade the pavement over time. **The Committee decided to relegate the trail to snowshoeing and cross-country skiing.**

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5. Should dogs be allowed on the trail? Since many trail users walk with their dogs, it would generate opposition if they were excluded. **The Committee decided to allow dogs on the trail.**

### **Key players involved in the process:**

(See [Appendix 3:Key Players' Roles](#))

**Town of Milford:** Select Board, Finance Committee, Capital Improvement Committee, Town Meeting, Conservation Commission, Parks Commission, Highway Dept., and Police Dept.

**Commonwealth of Massachusetts:** Deciding to apply for funding through the Massachusetts Transportation Improvement Program (TIP) and the Urban Self-Help Program resulted in the following state agency involvement:  
Boston Region Metropolitan Organization (MPO), Metropolitan Area Planning Council (MAPC), Southwest Advisory Planning Committee (SWAP), Executive Office of Transportation, MassHighway Boston, MassHighway District 3 Project Review Committee (PRC) & Construction Management, Enhancement Steering Committee, and the Department of Conservation Services (DCS).

**Federal Government:** Federal Highway Administration

### **Project Funding**

#### **Major Funding Sources:**

- Federal Highway Administration (FHWA) Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) Enhancement Program. Share ratio Federal 80%, State 10%, Local 10%. Administered by the Massachusetts Department of Transportation (MassDOT).
  - ❖ Mainly for construction (Funds are not allocated to the Town). MassHighway takes control of project construction.
  - ❖ New policy was adopted to award funds for final design. (A reimbursable grant so the Town Meeting must appropriate the full amount.)
  - ❖ The Town is required to secure all property rights, develop the design, secure all environmental permits, and contribute 10% of the total project cost.
- Mass. Department of Conservation Services (DCS) Urban Self-Help Grant Program.
  - ❖ For property rights acquisition by purchase or eminent domain.
  - ❖ Property rights acquired is designated as conservation land in perpetuity.
  - ❖ Reimbursable grant which requires Town Meeting appropriation for the full amount. The Town applied for and received a grant. Share ratio State 64%, Town 36%.
- Town Meeting appropriations or transfers from available funds.

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### Design Consultant Procurement (Phases 1 & 2)

TEA-21 Enhancement Projects require the design consultant to be listed on MassHighway's pre-qualified consultant list and be selected by a competitive process. Requests for Proposals (RFP's) were prepared. Procurement was made in accordance with MGL Chapter 30B, S 6.

**Phase 1:** Fifty-one firms requested the RFP. Five firms submitted proposals. Contract was awarded to Greenman Pedersen, Inc.

**Phase 2:** Eighteen firms requested the RFP. One firm (Greenman Pedersen, Inc.) submitted a proposal. Since they were under contract for Phase 1, had demonstrated their capabilities, and their proposal complied with all the RFP criteria, they were awarded the contract.

### Design Process

The trail was designed in accordance with MassHighway standards. The following five submittals were required:

1. 25% Design
2. 75% Design
3. 100% Design
4. Plans Specifications & Estimate (PS&E)
5. Bid Plans and Contract Documents

Submittals included Design Plans, Special Provisions, Construction Cost Estimates, Right of Way Plans, and all Calculations. Each submittal involved responses to comments (sometimes multiple times).

### Abutters

The Committee followed the following procedure:

- Identify all trail corridor abutters, and others who may have interests in the trail corridor land..
- Schedule abutters' meetings in groups by trail segment as early as possible to minimize the number of opponents at Town Meeting.
- Send individual invitations (via return receipt mail).
- Use marked up assessor's maps, aerial photos (via Google Earth), and information packets to brief the abutters and:
  - ❖ hear their concerns,
  - ❖ positively address as many concerns as possible,
  - ❖ promise to get back to them on unresolved issues and follow up.
- Have a sign-up sheet for them to check whether they support the project.

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### Property Rights Acquisition

One or more of the following methods were used to acquire property rights depending on the circumstances of each phase:

- Fee acquisition by purchase, gift or eminent domain
- Permanent Easement by purchase, gift or eminent domain
- Long Term Lease – usually from public utility and railroad companies
- Assent Agreement – usually from public utility companies when crossing utility rights of way.
- Temporary Construction Easements
- Rights of Entry

### Fencing

Fencing is a major component of the trail design. Initial post and rail fencing and stockade fencing were specified by the Design Consultant. However, abutters' concerns regarding privacy resulted in additional stockade fencing. The following general guidelines were followed to justify additional stockade fencing:

1. Where the trail is elevated from abutting properties and there is insufficient natural vegetation.
2. Where the trail runs along unsightly abutting properties.
3. Where the trail is close to an abutting dwelling and there is insufficient natural vegetation.
4. Replacement of existing stockade fencing that is in poor condition.
5. Where the trail is depressed along abutting properties – Stockade fencing is not warranted.
6. Where the trail is along non-residential abutting properties – Stockade fencing is not warranted.
7. Where there is sufficient natural vegetation along abutting properties – Stockade fencing is not warranted.

### Milford Upper Charles Trail Development Primer 2011 (Rev. 1)

A number of inquiries regarding Milford's development of its segment of the Upper Charles Trail had been received by the Chairman. Being too complex to explain over the phone or via email, the Chairman prepared a Primer to describe the Committee's approach. Upon future inquiries the Chairman responded with the Primer via email.

The Milford Upper Charles Trail Development Primer (2011) - Rev. 1 can be found on the Town website [www.milfordma.gov](http://www.milfordma.gov) > Departments>Planning and Engineering> > Milford Upper Charles Trail.

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### Town Meetings

A total of 26 Articles over 19 Town Meetings were presented. 21 Articles were for Phases 1, 2, and 3. Two more were for the Rt. 85 Connecting Path to the Bike Trail Project located in the vicinity of Walden Way. One of which was for an easement to provide access to the Bike Trail and a connection to the Town Conservation Land from the Bike Trail. The other was for the Rt. 85 Crossing design.

Another Article amended the Town's General By-Law by adding a new Article 34, Trail Rules and Regulations. Article 34 was subsequently amended twice. All were passed with little or no opposition. (See [Appendix 4: MUCT Committee – Town Meetings](#))

### East Coast Greenway (ECG) – 2023

The East Coast Greenway is a proposed 3,000-mile pedestrian and bicycle route from Maine through Florida along the East Coast of the United States. This vision has been ongoing at the state level for many years. The Metrowest Greenway Coalition (MGC) had taken the lead at the community level to support this historic vision by MAPC and MassDOT.

The MGC contacted the Chairman and requested he present the ECG initiative to the Select Board and request they endorse the inclusion of the Milford segment of the Upper Charles Trail from the Holliston town line to Mount Pleasant Street as part of the ECG. Sherborn and Holliston Select Boards had endorsed the inclusion of their segments. On August 10<sup>th</sup>, 2013 the Select Board endorsed the inclusion of the Milford Upper Charles Trail segment.

### Milford Upper Charles Trail

#### Significant Events Chronology (Phase 1,2,3)

(See [Appendix 5: MUCT Major Events Chronology](#))

### Trail Rules and Regulations

The Committee recognized that enforceable Trail Rules and Regulations would be required to inform all trail users of the allowed and prohibited activities to ensure all have a safe and positive experience. The Chairman's research could not identify any communities with bike trail By-Laws or Ordinances. The Metropolitan Area Planning Council, which is the Town's regional planning agency, expressed a need for such a By-law and complimented Milford's initiative.

With the assistance of the Police Chief and Town Counsel a By-Law was prepared. The Committee submitted an article for the October 2004 Town Meeting to amend the Town's General By-Laws by adding a new Article 34. Motion carried unanimously. Article 34 has since been amended. The most recent amendment allows the use of Electric Bicycles (E-Bikes).



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### Friends of the Milford Upper Charles Trail

In late 2003, the Committee recognized that it should focus on doing all that was required to develop the trail and a separate volunteer group be formed to focus on other trail related functions (e.g., plan events, promote trail use, maintain a Web Site, fundraise for enhancements, assist maintenance, and monitor/report trail abuse). Volunteer recruitment in 2004 resulted in the formation of a 20-member Friends of the Milford Upper Charles Trail in Aug. 2005. The Friends reorganized as a not for profit 501(c)(3) corporation in 2006 and are currently active. (For more information visit <http://www.milfordtrail.org/home.aspx>).

### Part 1 – 6.5-Mile Milford Upper Charles Trail (MUCT) Project Development

#### Introduction

The Milford Upper Charles Trail project was initially divided into two phases (Phase 1 and Phase 2) to accommodate property rights acquisitions and funding availability. During the Phase 2 final design process, the Select Board decided to revisit a proposed Alternate Route to relieve traffic on East Main St. The Alternate Route (commonly referred to as the “Bypass Road”) would occupy the same corridor as the Phase 2 segment from Mt. Pleasant St. to the end of Veterans Memorial Drive at Rt. 109. This one-mile segment was therefore removed from the Phase 2 design plan and designated Phase 3 to be treated separately. (See [Attachment 3: Milford Upper Charles Trail Map](#))

This new Phase 3 segment was no longer eligible for TEA-21 funding. If the Alternate Route with bike lanes project advanced, it would be eligible for MassDOT funding (See Phase 3 below for more detail).

At the start of the project the Town only had control of 30% of the proposed 6.5-mile corridor. Various forms of property rights acquisitions were used for the remaining 70%. Twenty-six property owners were involved. Most were cooperative and negotiations went smoothly. Others required an eminent domain taking or involved long negotiations. (See [Appendix 6: Phase 1 and 2 Property Rights Acquisitions Summary by Property Owner](#)).

Phases 1 and Phase 2 designs were in accordance with MassHighway’s design review requirements. Comments on multiple submissions were received and dispositioned. Phase 3 development proceeded as an “Interim Path” Town project, separately funded.

**The issues described in each of the three phases were chosen for their potential impact to schedule, cost, and/or funding sources.**

**Phase 1**

**Project Description**

The 2.8-mile Phase 1 segment begins at the Commuter Parking Lot on East Main Street (Route 16), or at the intersection of the existing abandoned rail bed at Main Street. It proceeds through the Fino Field Recreation Complex to Dilla St., thence along the easterly side of Louisa Lake, thence easterly and northerly emerging at Route 85 southerly of the Route I-495 interchange, thence northerly along Route 85 and under the Route I-495 overpass to its termination at Deer Street. (See [Attachment 3: Milford Upper Charles Trail Map](#))

**Property Rights Acquisitions**

There was a total of seven Property Rights Acquisitions in Phase 1 as follows:

1. CSX (Formerly Conrail) railbed from Main St. to Sumner Realty Trust Property - Fee Ownership by Friendly Eminent Domain to clear deed issues.
2. Mill Pond Realty Trust – Permanent Easement.
3. Sumner Realty Development, LLC- Permanent Easement by Eminent Domain. The property owner contested the Town’s appraised damages offer. There was an issue wherein the proposed trail corridor was over an existing sewer line that the Town had never secured an easement. It was eventually settled out of court for a mutually agreed amount.
4. Joseph Consigli Dilla Street Property - Fee Ownership Eminent Domain. Upon the death of Mr. Consigli, the Town purchased the entire 4.2-acre parcel from the Estate in 2002 rendering the trail corridor acquisition moot.
5. Milford Water Company – A substantial permanent no cost easement was granted from Dilla St. to Deer Street, a portion of which was over abandoned rail bed. The Town purchased the Milford Water Co. and all its land holding in 2021, rendering this easement moot.
6. Stone Ridge Management, LLC – Gifted a 9.4-acre lot at the rear of the Milford Water Co. property.
7. Commonwealth of Mass. ROW Bureau – Issued a ROW Certificate for crossing the Route I-495 interchange at Cedar St.

**Abutters**

An abutters meeting was held on April 7, 1999 for the entire Phase 1 trail corridor. Information packets were mailed to the 27 abutters and to 37 Shadowbrook Condominium residents of buildings closest to the trail. A presentation of preliminary plans was made by the Town’s Consultant (Greenman Pedersen, Inc.). Questions were mainly about distances of the trail from their homes, policing, maintenance, and safety. All their concerns were addressed and satisfactorily resolved. There were no other objections to the project, except one.

A significant objection came from Thayer Associates, the management firm for Shadowbrook Condominiums. Their spokesperson expressed objection to the trail location on the abutting

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Joseph Consigli property being located within 25 feet of their property line. He noted that the trail project would be supported if it was relocated to the existing foot path approximately 200 ft. from their property line.

The issue resurfaced when a warrant article was submitted for the May 17, 1999 Town Meeting to authorize the acquisition of property rights for Phase 1. It came to the Chairman's attention that the Shadowbrook Board of Directors were circulating a petition to oppose the article. The Chairman met with them wherein he pointed out that the trail was 75 feet from the nearest building and proposed a vegetative screening plan that showed site lines from their balconies to the trail. As a result, they decided not to proceed with the petition and sent a letter of support for the project. The Shadowbrook Condominium Trust Chair spoke at Town Meeting in favor of the article.

Fast forward to 2002. The Town purchased the Consigli property and the trail was relocated to the existing path approximately 200 feet from the Shadowbrook property line thereby removing the need for vegetative screening. At Shadowbrook's request, a paved connection from the trail to their property line was provided.

### Design and Permitting

#### (A) Design

There were 3 significant design issues:

1. I-495 Overpass at Rt. 85 -- In 2001 it was discovered that construction of the new TARGET Department Store on Fortune Boulevard in Milford required widening of Route 85 as part of their traffic mitigation agreement with MassHighway. They had not fulfilled their obligations. The road widening under the I-495 overpass conflicted with the trail corridor width requirements.

Design plan modifications were developed over several months through working meetings with MassHighway District 3 personnel, representatives from the Town of Milford, the Town Engineer, the Town's consultant (GPI), and TARGET's consultant (VHB). TARGET agreed to design and construct a retaining wall with fencing under the I-495 overpass at their expense as part of their mitigation requirements.

2. Dilla Street Crossing – A proposal to install a pedestrian activated signal at the Dilla Street Crossing did not meet MassHighway's pedestrian/traffic volumes requirements to justify the signal. It was disapproved. A flashing beacon system was then proposed. However, it was not a MassHighway approved technology during the Phase 1 design period.

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During the Phase 2 design, GPI together with Cross Alert (Flashing Beacon System supplier) worked with MassHighway to develop acceptable specifications. The Town then appropriated the funds to install the system at Dilla St. Flashing beacon technology is now approved by MassHighway.

3. Milford Water Co. Transmission Pipe – There is a 20-inch diameter asbestos-cement (AC) transmission pipe that supplies water from Echo Lake to the Water Company facilities on Dilla St. Approximately one-mile of the pipe is under the Phase 2A segment of the easement to Deer Street and then continues westerly another 1000 feet under the Phase 1 segment of the easement.

The Water Company expressed concerns over construction equipment damaging the pipe. To mitigate those concerns, notes were included in the bid plans that advised the contractor of the existence of the pipe and that its depth was unknown. The Milford Water Company excavated test pits to determine the exact location and depth. In addition, the design plans advised the contractor to take every precaution to protect the pipe. A general note also stated that the contractor is held fully responsible for all damages occasioned by his failure to exactly locate and preserve any and all underground utilities.

More detail requirements for protecting this pipe during Phase 2 are found in the Phase 2A Design section of this report. **Those requirements shall also be applied for future maintenance of the Phase 1 segment.**

### (B) Permitting

A Notice of Intent (NOI) was filed in accordance with the Wetlands Protection Act. (MGL C131 S40). An Order of Conditions was issued with no significant special conditions. Only two minor replication areas were required.

### Construction

Prime Contractor: Northern Construction Services LLC., Charlton, MA

1. Drainage - Several drainage problems began to appear along the trail from Louisa Lake to the Water Co. property and at Fino Field in early 2004, the most significant of which was at Fino Field.

A site visit at Fino Field with the Town Engineer revealed that a 24-inch drainage pipe from Sumner Street was discharging into the railbed causing it and the parking lot to flood. Also, the Town had not installed a drain pipe from the railbed to the Charles River. In addition, the Sumner St. pipe did not exist when GPI prepared the trail base plan. Therefore, this pipe and the drainage conditions now on the ground never appeared in any of the design plans.

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The solution was to install a box culvert in the railbed and install the drain pipe to the Charles River. GPI submitted the box culvert design to MassHighway. MassHighway procured the culvert. Northern Construction installed it and the Town installed the pipe to the Charles River. GPI also redesigned and realigned the trail in this area to accommodate the box culvert. Construction in this area was delayed several months.

2. Construction Delays -- Construction slowed in the fall of 2006 for several reasons, the most significant of which was TARGET's delay in starting a retaining wall and fencing work under the I-495 overpass. TARGET awarded the construction contract for this work to Northern Construction Services (who was also the trail contractor) in March 2006. Northern resumed work on the trail and Route 85 in June 2006. Construction was completed in early 2007.

### **PHASE 1 OPENING - JUNE 16, 2007**



**Cutting the Ribbon:** Selectman William Buckley (L), State Senator Richard Moore

### **Phase 2**

#### **Description**

Phase 2 was originally comprised of two segments (Phase 2A and Phase 2B) totaling 3.7 miles. Phase 2A (1.4 miles) completes the trail from the 2.8-mile Phase 1 termination at Deer Street to the vicinity of the Hopkinton town line.

Phase 2B (2.3 miles) completes the segment of trail from the Commuter Parking Lot on East Main St. (Rt. 16) to the Holliston town line on a 600-foot "WALK ONLY" sidewalk to Mount Pleasant St., thence northeasterly to a crossing at Hayward St. to Veterans Memorial Drive, thence on road/sidewalks to a crossing at Rt. 109, thence over New England Power Company's transmission line corridor, thence over easements through the Zain Ridge

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Condominium property terminating at the Holliston town line. Phase 2B also includes a 0.2-mile Spur from the rear of the Senior Center at North Bow St. to the Phase 1 trail at Main Street. (See [Attachment 3: Milford Upper Charles Trail Map](#))

As was mentioned in the Project Development Introduction, a one-mile segment from the Commuter Parking Lot on East Main St. to Rt. 109 was removed from the Phase 2B final design plan and designated Phase 3 to be treated separately (See Phase3 below for more detail). **This section only addresses Phase 2B from Rt. 109 to the Holliston town line and the Senior Center Spur.**

### Property Rights Acquisitions

There was a total of twenty-four Property Rights Acquisitions in Phase 2 (See [Attachment 4: Phase 2 Property Rights Acquisition Summary by Trail Segment](#)). As in Phase 1, the Milford Water Co. granted a significant permanent easement from Deer St. thence proceeding northerly along Rt. 85. Most negotiations went smoothly except for National Grid USA, All property owners, including National Grid USA, were supportive of the project.

### National Grid USA

Background: The Federal Highway Administration (FHWA) requires property rights in perpetuity for TEA-21 projects. National Grid USA (NGRID) is a subsidiary of parent company UK based National Grid plc. NGRID USA holds the New England Power Co. transmission assets of the parent company. NGRID USA has the authority to negotiate a license or lease agreement. The FHWA policy would not accept a license or a lease. NGRID would not agree to a lease. The plan was to begin negotiations of a license and petition the FHWA to change its policy to accept a lease. Negotiations started with NGRID in 2004. During the next two years NGRID drafted a license agreement and FHWA changed its policy to accept a lease.

In 2007 NGRID conceded to a lease agreement. Through June 2008 NGRID had not produced an acceptable lease agreement. **After 4 years, the Town is given 6 months to complete the NGRID agreement or it will lose its \$3M TIP funding.**

Running out of time, and upon the recommendation of the Chairman and Town Council, the Select Board on Sept. 8, 2008 approved a permanent easement eminent domain order of taking. A Warrant Article was submitted for the Oct. 27, 2008 Special Town Meeting. NGRID was notified of the taking. The Lease agreement language was accepted by all parties prior to Town Meeting and the Warrant Article was passed over. The Lease agreement was finalized and recorded on Nov. 21, 2008. (See [Attachment 5: NGRID Property Rights Acquisition Chronology](#)). **It is important to note that any future improvements, other than routine maintenance, requires NGRID's approval.**

<b>NGRID Elapsed Time – 4.5 Yrs.</b>
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### Abutters

Abutters were divided into 5 groups. A separate meeting was held for each group. One of the groups consisted of abutters along the Phase 3 segment. Their comments and concerns were recorded for the record and would be considered during the development of Phase 3.

Of the 94 abutters notified by certified return receipt mail, 21 (21%) attended the meetings. A Trail Map Poster and Preliminary Design Plans were used as visual aids. Several abutters who did not attend, sent letters of support. The most common comments centered around concerns of unauthorized motor vehicles on the trail, privacy, trespassing on private property, excessive tree removal, parking on neighborhood streets by those seeking access to the trail, and drainage. The Chairman responded to each comment. All the meetings ended on a positive note. Their concerns were addressed and satisfactorily resolved, except one.

Of particular concern was the Senior Center Spur. Several Pond Street abutters were initially not in favor of the project. They were experiencing flooded basements during heavy rain storms due to runoff from the railbed and were concerned it would get worse with the paved trail. To alleviate their concerns, the design was revised by adding a detention basin on the railbed and a drain pipe across Pond St. to the Charles River. In addition, their existing stockade fencing, being in poor condition, was replaced. They not only ended up supporting the project, some requested gates so that they could easily access the trail.

### Design and Permitting

#### (A) Design

Phase 2A: Two existing features along this segment were of concern ---- a 1-mile section of a 24-inch diameter asbestos-cement (AC) transmission pipe that supplies water from Echo Lake to the Water Company facilities on Dilla St., and existing culverts of dry laid granite block abutments at two Charles River crossings.

#### Water Co. Transmission Pipe

The characteristics of the AC pipe together with the depth of cover and soil type required special provisions be specified to protect the pipe during construction. Close co-ordination between GPI and the Milford Water Company's Consultant ( Stantec) took place during most of 2008. Test pits were dug at various locations to determine the depth of the pipe and soil samples were taken to determine its characteristics.

Based on loading requirements provided by the Milford Water Company and analysis, the following special provisions were specified:

- Construction equipment weight shall be less than 30,000 lbs.
- Construction vehicles with weights between 30,000 lbs. and 45,000 lbs. shall be tracked vehicles.
- Tracked vehicles should attempt to straddle the water main wherever possible.

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- Construction vehicles exceeding 45,000 lbs. shall be prohibited from the area over the water main.
- The maximum centrifugal pressure exerted by an individual roller drum shall not exceed 6,000 pounds per square foot.

**It is important to note that future improvements, other than routine maintenance along the Phase 2A trail segment, shall adhere to these special provisions.**

### Bridges

The proposed Phase 2A trail crosses the Charles River at two locations, one to the south of the Rt. 85 crossing and the other to the north of the Rt. 85 crossing. GPI advised the two existing culverts were constructed to provide railroad crossings over the river and should not require formal design review by MassHighway Bridge Section.

Being concerned with the increase in design costs and schedule delays that may result from a formal Bridge Section review, the Select Board submitted a letter to MassHighway Director of Project Management on December 6, 2006. It requested the culvert treatments be submitted as part of the design plans submittal and not a separate submittal to the Bridge Section, as was the case for the Phase 1 Charles River culvert at the rear of the Water Co. facilities on Dilla St.

Numerous communications with MassHighway regarding the lack of response to the 2006 letter and to a subsequent Structures Report (12-3-07) prompted GPI to submit 75% design plans (which included culvert treatment details) to MassHighway Director of Project Management on February 15, 2008.

*Side note: Circa early 2008 MassHighway was dealing with bridge issues throughout the Commonwealth and issued a directive that all bridge proposals are to be submitted to the Bridge Section.*

March 13, 2008 --- MassHighway Bridge Section informs GPI to send the Structures Report to the Director of Bridges and Structures.

May 2008 --- GPI is informed that a full submittal of the two structures is required in accordance with MassHighway Bridge Section format/guidelines. GPI provides the full submittal on June 30, 2008.

As of Sept. 5, 2008 no written correspondence from the Bridge Section had been received. GPI's inquiry revealed the Bridge Section reviewed one bridge and mistakenly discarded the second bridge data package (thought both were the same). GPI resubmitted the data package.



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**Nov. 15, 2008 – GPI receives minor comments, revises the plans, and delivers mylars to the MassHighway Project Director on Dec. 17, 2008 just in time for bid advertisement scheduled for Dec. 30, 2008.**

**Bridges Elapsed Time – 2 Yrs.**

### (B) Permitting

A Notice of Intent (NOI) was filed in accordance with the Wetlands Protection Act. It was determined that an Environmental Impact Report (EIR) was not required. The Conservation Commission issued Order of Conditions with no significant special conditions. Retaining walls were constructed in some sections along the NGRID corridor (Phase 2B) to minimize wetland impacts and minor wetland replication areas were provided. No replication was required along the Phase 2A segment. However, there are two items of note:

1. During the Massachusetts Environmental Protection Agency (MEPA) review of the Environmental Notification Form (ENF), the agency requested Greenman Pedersen (GPI) provide information on the Holliston, Sherborn, Hopkinton, and Ashland trails status. Information was provided for Holliston, Sherborn and Hopkinton. No information was available for Ashland.

The Agency directed GPI to include Holliston and Sherborn in Milford's ENF citing both projects are active and MEPA does not allow segmentation of projects. Compliance with this requirement would have resulted in a significant increase in cost and schedule delays. Upon appeal by GPI, the agency reversed its position and allowed the ENF review to proceed with Phases 2A and 2B in Milford only. MEPA issued the ENF Certificate on November 7, 2008.

2. Since areas along the Phase 2A segment were identified as Priority Habitat for the wood turtle (a species of "Special Concern") a filing with the Natural Heritage & Endangered Species Program (NHESP) of the Division of Fisheries & Wildlife in compliance with the Massachusetts Endangered Species Act (MESA) was required. A site assessment determined that the overall project disturbance of 3.5 acres over 1.4 miles near Route 85 will not result in any short or long-term impacts to this species.

However, to avoid a "take" of rare and endangered species habitat during construction (from mid-April through mid-November) the Special Provisions included a Turtle Protection Plan. Monitoring and reporting of any encounters with wood turtles by a qualified biologist approved by the NEHSP whenever construction activity is occurring within or immediately adjacent to the wood turtle Priority Habitat was also required.

### Construction

Prime contractor: P.A. Landers, Inc., 351 Winter Street, Hanover, MA 02339.

Phase 2 construction went much smoother than Phase 1. There are no significant issues to report.

## Milford Upper Charles Trail Committee – Final Report

### **PHASE 2 OPENING**

**September 24, 2011**



#### **Cutting the Ribbon**

State Senator Richard Moore (L), Chairman Reno DeLuzio (R)

### **Phase 3**

#### **Background**

During the Phase 2 trail final design period, the Select Board submitted a proposal to MassDOT in 2006 to develop an alternate route from Veterans Memorial Drive at Rt. 109 to Central St. to alleviate the traffic on East Main St. (Rt. 16). This Alternate Route overlapped one mile of the trail corridor from Veterans Memorial Drive at Rt. 109 to Mt. Pleasant St.

The conflict was resolved by all parties agreeing to an Alternate Route design that included bike lanes. In addition, MassDOT did not object to the Town developing an Interim Path as a Town funded project to achieve an unbroken 6.5-mile bike trail from the vicinity of the Hopkinton town line to the Holliston town line. The one-mile segment was removed from the Phase 2 design plans.

After 5 years of no progress in advancing the Alternate Route Project, the Select Board in April 2011 approved the Committee's proposal to proceed with a plan to develop an Interim Path and supported a funding request for design and permitting. ([See Attachment 6: Alternate Route/Phase 2B Conflict Resolution - Significant Events](#)).

#### **Project Description**

The Phase 3 one-mile trail begins at the Commuter Parking Lot Phase 1 Trail Head on East Main St. (Rt. 16), crosses East Main St., proceeds on a 600-foot "WALK ONLY" sidewalk to

## Milford Upper Charles Trail Committee – Final Report

Mount Pleasant St., thence northeasterly to a crossing at Hayward St., thence along Veterans Memorial Drive's roadway and sidewalks to the Rt. 109 crossing. (See [Attachment 3: Milford Upper Charles Trail Map](#))

### **Property Rights Acquisition**

No property rights were required. The Town had purchased the former railroad property.

### **Abutters**

Abutters concerns and comments along the Phase 3 segment were taken at the Phase 2 March 29, 2006 abutters meetings for the record. The attendees were advised that their concerns would be addressed when the Alternate Route project (or an Interim Path) was advanced.

When the Phase 3 Interim Path advanced to the final design stage, the Committee held three abutter meetings (June 2012, May 2013, Sept. 2014) There were 39 abutters along this segment. All their concerns (mostly drainage and fencing) were addressed and satisfactorily resolved.

The most significant issue was the conflict of the trail with the Milford Catholic Elementary School Playground. The Town had granted a license to the Roman Catholic Bishop of Worcester to utilize the full width of the railroad right of way for part of the playground. Negotiations with the Diocese resulted in narrowing the trail along the playground, adding an 8ft. high chain link along the trail to separate the playground from the trail, and rearranging some playground equipment within the new enclosed area.

### **Design and Permitting**

#### **(A) Design**

Beals & Thomas was awarded a contract to design the Phase 3 ADA compliant paved Interim Path. GPI was directed to delete the one-mile segment from the Phase 2B final design plans (in process) and provide the AutoCad files to Beals & Thomas.

Since Town funding for construction of the Phase 3 segment had not been established and appeared to be unlikely, the Committee planned to raise private funds and seek volunteers and local contractors' pro-bono contributions of labor and materials for the project. Design Plans and Special Provisions were developed to a level such that volunteers and pro-bono contractor services, under the supervision of the Town Engineer, would be able to construct this segment.

Design and permitting proceeded with close cooperation between Beals & Thomas and Guerriere & Halnon. Design plans, a certified cost estimate (\$918,000), and Special Provisions were completed in January 2012. The Project was now shovel ready for construction.

## Milford Upper Charles Trail Committee – Final Report

### (B) Permitting

Guerriere & Halnon was awarded a contract for environmental permitting services.

Background: The development of the Plains Mall having blocked drainage of the railbed to the northeast along with inadequate maintenance of the drainage system to Hayward St and along Parkhurst St. caused much of the segment from Hayward St. to Veterans Memorial drive to be mostly flooded. The railbed evolved to a point where it was now considered a wetland area and therefore subject to the provisions of the Wetland Protection Act.

It was determined that the area from the high point on the path back toward Hayward Street (southwest) as an area of flooding due to the unmaintained rail bed / drainage channels. The other area from the high point towards the Vitalini property (northeast) as an isolated area of flooding (not bordering). These classifications reduced the wetlands disturbance, resulting in a replication area of less than 500 sq. ft.

The disturbance being less than 5,000 sq. ft. also eliminated the requirement for a State 401 Water Quality Certification (WQC) which would have involved the Army Corps of Engineers.

A Notice of Intent was filed with the Conservation Commission in Sept. 2011, an Order of Conditions was issued with no significant special conditions in Oct. 2011, and a Certificate of Compliance was issued in Dec. 2014.

### Construction

In January 2012 the Walden Woods Planned Residential Community developer Stone Ridge LLC begins exploring shovel ready significant community projects they would construct in exchange for relief from the over age 55 restriction on the 41 Walden Woods condominium units so restricted. The Town Planner provided the developer with the Phase 3 Interim Path design plans, a certified cost estimate, and Special Provisions for their consideration.

On March 6, 2012 – After public hearing, the Planning Board approved an amendment to Stone Ridge LLC's Walden Woods Special Permit which relieved the developer from the over age 55 restriction in exchange for the developer's agreement to construct the Phase 3 Interim Path.

**Stone Ridge LLC agreed to construct Phase 3 at their expense.**

Phase 3 Ribbon Cutting --- October 25, 2014.

**Phase 3 Elapsed Time – 3.5 Yrs.**

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**Cost and Funding**

Table 1 illustrates the contributions from each funding source. Table 2 illustrates costs by project task.

**Table 1**

<b>MILFORD UPPER CHARLES TRAIL</b>		
<b>Cost &amp; Funding Summary by Funding Source (Phases 1,2,3)</b>		
<b>Town</b>	<b>Funding</b>	
(Account 4033-5000-5840 unless noted otherwise)	<b>(\$000)</b>	<b>% of Total</b>
Transfer from E&D Account, #1 Phase 1 (Art. 7, Oct. 1998)	145	
Appropriation, #2 Phase 1 (Art. 4, Oct. 2005)	15	
Transfer from E&D Account, #1 Phase 2 (Art 11, Nov. 1999) Acct.#122-5306A	3	
Transfer from E&D Account, #2 Phase 2 (Art. 21, Oct. 2000)	150	
Appropriation, #3 Phase 2 (Art. 14, Oct 2005)	150	
Phase 1 Sumner Realty Settlement -- Select Board	35	
Appropriation, #3 Phase 1- Dilla Street Flashing Beacon (Art. 10, Oct 2008) Acct#122-5308H	19	
Appropriation #1 Phase 3 ( Art. 13 , Oct. 2010)	40	
Transfer from E&D Account, Phase 3 - Hayward St. Flashing Beacon ( Art. 28 , May. 2014) – Acct#122-5906	23	
<b>Total Town</b>	<b>580</b>	<b>9.0%</b>
<b>Gifts</b>		
Anonymous Gift (circa 2010) Acct. #26530	2	
Milford Water Co.	1	
<b>Total Gifts</b>	<b>3</b>	<b>nil</b>
<b>State</b>		
DCS Urban Self-Help Grant for Property Rights Acquisition- Phase 1	117	
MassDOT for Construction - Phase 1 (10% of \$2.24M)	224	
MassDOT for Construction - Phase 2 (10% of \$3.34M)	334	
<b>Total State</b>	<b>675</b>	<b>10.4%</b>
<b>Federal</b>		
TEA-21 Grant for Design - Phase 2	185	
TEA-21 for Construction - Phase 1 (90% of \$2.245M)	2,021	
TEA-21 for Construction - Phase 2 (90% of \$3.336M)	3,003	
<b>Total Federal</b>	<b>5,209</b>	<b>80.6%</b>
<b>Total Project Funding</b>	<b>6,467.0</b>	
<b>Total Cost</b>	<b>6,465.4</b>	
<b>Balance</b>	<b>1.6</b>	
<b>Non-federal contribution minimum requirement: 10% of Total Cost</b>		
<b>Town (\$580K) + Gifts (\$3K) + DCS Grant (\$117K) = \$700K</b>		<b>10.8%</b>

**Milford Upper Charles Trail Committee – Final Report**

**Table 2**

<b>Milford Upper Charles Trail</b>						
<b>Costs by Project Task</b>						
	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Fund Balance Expenditures (See Table 3)</b>	<b>Total Project</b>	
<b>Project Task</b>	<b>\$(000)</b>	<b>\$(000)</b>	<b>\$(000)</b>	<b>\$(000)</b>	<b>\$(000)</b>	<b>% of Total Project</b>
Design & Permitting	121	402	57	12	<b>592</b>	9%
Property Rights Acquisition	169	18	0	0	<b>187</b>	3%
<b>Construction</b>						
Town	41	3	24	36	104	2%
Stone Ridge LLC			Note 1		0	
MassDOT	224	334	0	0	558	9%
Federal	2,021	3,003	0	0	5,024	78%
<b>Total Construction</b>	<b>2,286</b>	<b>3,340</b>	<b>24</b>	<b>36</b>	<b>5,686</b>	<b>88%</b>
<b>Total Project</b>	<b>2,576</b>	<b>3,760</b>	<b>81</b>	<b>48</b>	<b>6,465</b>	
Note 1: Phase 3 constructed by Stone Ridge LLC – Engineering estimated cost \$920K (Source: Beals and Thomas) at their expense plus \$24K for the Haward St. Flashing Beacon (not included in Stone Ridge LLC Scope of Services).						

**Fund Balance Expenditure Program:**

At the conclusion of Phases 1 and 2, \$48,565 remained in the Capital Project Fund 4033-5000-5840 account. The Committee recognized that additional tasks were required to complete the project. In Oct. 2014, the Town Meeting approved a request to expend the remaining balance in that account. Table 3 illustrates the costs for the tasks performed with the remaining funds. The Phase 3 As built Plan and Trail Remedial Tasks were completed by Oct. 2020.

<b>Fund Balance Expenditure Program Elapsed Time -- 6 Yrs.</b>
--

**Milford Upper Charles Trail Committee – Final Report**

**Table 3**

<b>Milford Upper Charles Trail</b>	
<b>Fund Balances Expenditure Program - Cost and Funding by Task</b>	<b>Cost (\$)</b>
<b>Phase 3 As Built Plan</b>	<b>11,096</b>
<b>Trail Remedial Work</b>	
Bank Stabilization	9,700
Stone Dust Shoulder Refurbishment (5000 ft., various locations)	9,800
Improved Signage – Commuter Lot to Veterans Memorial Drive (added 60 signs)	1,026
Purchased & Installed Pedestrian Push Pushbutton (6 locations)	3,500
Battery charging problems, Dilla St. & Cedar St. (cut/trim trees & high wattage solar panels)	4,750
Hazardous Trees removal/trimming (120 trees) per Tree Warden	4,500
Additional Fencing	1,200
Miscellaneous	1,034
<b>Trail Remedial Work Total</b>	<b>35,510</b>
<b>Rt.85 at Walden Way - Connecting Path to the Bike Trail</b>	
Base Plan (G&H) (6-7-21)	950
Path Hydroseeding (Roy Landscaping)	1450
<b>Total Connecting Path</b>	<b>2,400</b>
<b>Total Program</b>	<b>49,006</b>
<b>Funding</b>	<b>50,575</b>
<b>Balance</b>	<b>1,569</b>
Funding - Trail Capital Project Fund Account (\$48,575) and an anonymous gift (\$2,000) = \$50,575	

**Contracts**

The Committee had the responsibility to administer twelve contracts during the project development period (See [Appendix 7: Contracts](#)). In addition, the Town had to accept a 110% Agreement between the Commonwealth and the Town before MassHighway would issue the construction contract.

Issues with the 110% Agreement and Greeman Pedersen Inc.'s (GPI) Phase 2 Final Design Contract had potentially significant cost impacts on the project as cited below.

**110% Agreement**

The agreement was developed to hold cities and towns (who are responsible for providing the design and permitting of a project) financially responsible for design and quantity estimate errors and changed conditions resulting in cost overruns exceeding 10% over the bid items of work. It also holds the community responsible for all costs that result from community directed changes. The agreement was imposed on Phases 1 and 2.

## Milford Upper Charles Trail Committee – Final Report

The Town first became aware of the agreement when it received the Phase 1 Notice to Proceed letter from MassHighway on January 31, 2005. It was determined that thoroughly reviewing its provisions and going through the process of pursuing changes with all parties involved at this late stage of the project would delay the start of construction and risk losing the funding. The agreement was signed by the Select Board.

The Committee subsequently reviewed the agreement and found it flawed at several levels. Town Counsel sent the Committee's recommended changes to the Executive Office of Transportation on April 9, 2009. A concerted effort was made by all parties involved to pursue the recommended changes. **The most significant provision:**

***“The Department shall participate in the construction cost of the Project up to, but not exceeding 10% over the cost for the bid items of work. Payment of the remaining balance of work overruns shall be the responsibility of the Town.”***

During Phase 1 the Town recommended changing “10% over the cost for the bid items of work” to “10% over the total contract bid price”. The rationale being that although some items may overrun, others may underrun due to overestimation of quantities, reduced scope by the Town, or other adjustments directed by MassHighway.

This can only be determined at the end of the project after all claims are settled and final payments are made by the Commonwealth. In addition, the agreement ignored municipal finance law that prohibits a city or town from spending monies without an appropriation vote and therefore cannot pay for overrun of bid items as they occur in real time.

### **Conclusion:**

Both Phase 1 and Phase 2 construction contracts overran their total contract bid price by more than 10%.

Phase 1 – The Town received no notices of bid item overruns. No Cost Recovery Procedures were initiated by MassHighway after construction completion in 2007.

Phase 2 – Clarification was received on May 15, 2009 stating the 10% overrun applied to the OVERALL contract bid price. The Town received no notice of the contract bid price overrun. No Cost Recovery Procedures were initiated by MassHighway after construction completion in September 2011.

**October 28, 2011** – MassDOT issued a new 110% Agreement. *(For the benefit of those that follow).* **Total elapse time to resolve --- 2.5 yrs.**

### **Greenman Pedersen, Inc. (GPI) Phase 2 Final Design Contract:**

In 2001 the GPI Contract was funded at \$90,000 for preliminary and final design services. During the period from July 2002 through July 2004 the following items were introduced, none of which were included in the RFP, Proposal, or Contract Scope of Services:



## Milford Upper Charles Trail Committee – Final Report

- a) The Senior Center Spur was added.
- b) Two traffic signals were added.
- c) The parking lot in the vicinity of the Hopkinton town line was added.
- d) At the Town Engineer's recommendation, GPI was directed to expand the drainage design beyond MassHighway's minimum requirements.
- e) Full submittal of the two minor bridges that cross the Charles River was now required by MassHighway's Bridge Section. At the time of the RFP, MassHighway exempted minor bridges from full submittal. They also did not require it for the Phase 1 bridge at the crossing behind the Milford Water Co. property on Dilla St.

In August 2004 GPI informed the Town that there were insufficient funds to complete the Phase 2 final design. They advised the Committee to reprogram the remaining contract funds to complete the preliminary design (25% submittal to MassHighway) and forgo final design until such time as additional funds becomes available.

The Town submitted a preliminary application for a TEA-21 Grant in October 2005 followed by a final application in August 2006 in the amount of \$185,100 for completing the Phase 2 Final Design. The grant was awarded for the full amount and GPI's contract was signed in October 2006.

### Maintenance

#### A. Maintenance Responsibilities:

As part of the Federal/State construction funding application and the State's Urban Self-Help Land Acquisition grant application, the Town was required to identify the department which would be responsible for maintaining the trail. The Parks Department and the Highway Department were chosen.

In 2010, with three years of experience in maintaining the Phase 1 trail it was recognized that others were involved with trail maintenance. The Police Department had the responsibility of maintaining all traffic signals in Town and the Friends of the Milford Upper Charles Trail were also participants in trail maintenance. A Memorandum of Understanding (MOU) among all parties was developed to delineate the areas of responsibility. The Parks Department was identified as the lead department.

After 11 years of experience and at the recommendation of the Parks Department and the Highway Department, the MOU was once again revised in 2019 to re-define primary maintenance responsibility from the Parks Department to shared responsibility between the Parks Department and the Highway Department. ([See Appendix 8: Maintenance MOU Rev.2](#))

B. Maintenance Cost Finance Committee concerns regarding trail maintenance costs during Fiscal Year 2018 budget review meetings with the Highway Department and the Parks Department prompted the development of a comprehensive maintenance assessment in 2018. It included all elements of trail maintenance, their frequency of occurrence, and associated cost estimates.

## Milford Upper Charles Trail Committee – Final Report

This assessment is a result of over 10 years of experience in maintaining the trail. The contributors to the report included the Highway Surveyor, Parks and Recreation Director, Police Chief, and the Friends of the Trail. It was intended to be used as a model for preparing realistic trail maintenance budgets going forward. (See Milford Upper Charles Trail Comprehensive Maintenance Assessment Report at [www.milfordma.gov](http://www.milfordma.gov) > Departments>Planning and Engineering> Milford Upper Charles Trail.)

**The most important maintenance task** is to keep the vegetation cut back at each of the seven road crossings listed below during the growing season to assure adequate vehicular traffic site distances: ([See Appendix 9: Road Crossing Vegetation](#))

Granite Street	I-495 (South bound off- ramp)
Rt. 85 (South Crossing)	Hayward Street
Rt. 85 (Crossing at Walden Way - 2013)	Beaver Street

### **Phase 3 Opening - Oct. 25, 2014**



### **Congratulations**

Selectman Attorney Brian Murray (L), Chairman Reno DeLuzio (R)

**END OF PROJECT**

**6.5 Mile, Three Phase Project Elapsed Time – 16.5 Yrs.**

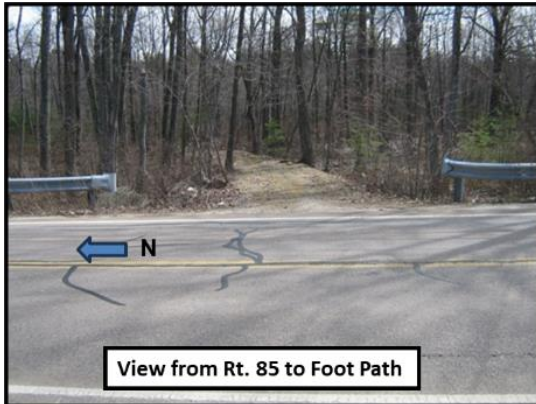
[\(See Appendix 10: Before and After Photo Examples\)](#)

## Milford Upper Charles Trail Committee – Final Report

### Part 2 – Rt. 85 Crossing at Walden Way - Connecting Path to the MUCT

#### Introduction

The Chairman, having moved to the Waldenwoods Planned Residential Community in 2012, noticed the Waldenwoods residents were crossing Rt. 85 to an existing path on an undeveloped lot (Assessor's Map Lot 6-0-8) to access the Milford Upper Charles Trail (MUCT). Two issues were of concern. Crossing Rt. 85 was unsafe and dangerous, and there was no permission from the property owner (Stone Ridge Management, LLC) to cross their property.



An initiative was undertaken to rectify both concerns.

Proposed improvements would provide a safe crossing of Rt. 85, an ADA compliant path to the Bike Trail, and a connection from the Bike Trail to 185 acres of conservation land (under a Trustees of Reservations Conservation Restriction) surrounding the Waldenwoods Development.

In some respects, this supplemental project was as challenging as that of the MUCT. Since it largely benefited the 165-unit 280-resident Waldenwoods Community, public and Town Meeting support was not as strong as that for the MUCT, making funding a major challenge.

The Waldenwoods Homeowners Association (HOA) established an Ad-hoc committee reporting to the Board of Governors for the purpose of determining the feasibility of the Rt. 85 pedestrian crossing. This included conducting a 2019 survey of Waldenwoods residents to gauge their interest in improving the existing path and footbridge. The results indicated that more than 80% of the respondents said the path and bridge were "important" or "very important" to their quality of life at Waldenwoods.

However, the HOA could not establish an Ad-hoc committee for projects beyond the limits of the development's property. Four Waldenwoods residents (including Chairman DeLuzio) then organized themselves as the Volunteers for Bike Trail Access (VBTA). They had backgrounds in Engineering, Landscaping Business, Communications, and Marketing.

Initially Path Improvements were to be made with volunteers and pro-bono services. The VBTA took on the challenge of developing a fund-raising program, recruiting volunteers with various skills, and lining up local contractors for pro-bono services. These efforts were

## Milford Upper Charles Trail Committee – Final Report

terminated when a State Earmark was awarded to the Highway Department for Path Improvements (See Cost and Funding Section).

The VBTA's contributions to this project are noted in the various sections of this report.

Significant pro-bono professional services were provided by Robert Weidknecht (Registered Landscape Architect, Beals & Thomas Retiree, and Holliston Upper Charles Committee Chairman) for Environmental Permitting, Pedestrian Bridge Design, Path Profile & Cross Section, and Preliminary Soil Assessment; and Jonathan Niro (Environmental Scientist and Milford resident) for Wetland Delineation and Site Plan Development.

A unique project feature is that the connecting path requires an ADA compliant Pedestrian Bridge ("Bridge") to cross the Charles River. In fact, it is the geographically first bridge along the Charles River.

### **Project Description**

The project consists of the following three elements (All ADA Compliant):

1. Rt. 85 crossing improvements.
2. Path Improvements.
3. Pedestrian bridge.

### **Property Rights Acquisition**

Stone Ridge Management, LLC gifted a 9.4-acre lot at the rear of the Milford Water Co. property on Dilla St. for Phase 1. Since they were a contributor to the MUCT project, the Chairman sent them a letter (with an information packet) through their Attorney in 2013 requesting they once again consider granting property rights (e.g., Gift of Land or Permanent Easement) for this project. Multiple attempts requesting status through August 2015 met with no responses.

Sept. 2015 Committee Meeting: The Committee voted that the Chairman continue this initiative to acquire an easement over Lot 6-0-8 and report back to the committee when more information becomes available.

December 2015: An Easement Plan, Easement Deed (Draft), and Appraisal were prepared and submitted to Stone Ridge Management requesting a decision.

February 2016 Committee Meeting: The Chairman presented a plan that showed the 303 acres of Town Land (185 acres of which is under a Conservation Restriction) could also be accessed from the bike trail via the proposed easement.

March 2016 Committee Meeting: The Committee voted that the Committee support the acquisition of the Walden Woods Connector Easement on lot 6-0-8 and further that the Chairman submit an article for the 2016 Annual Town Meeting for authorization to acquire said easement.

## Milford Upper Charles Trail Committee – Final Report

Once again receiving no response to the December 2015 submittal, a consultation between Town Counsel and Stone Ridge Management's Attorney revealed issues with a deceased partner's heirs that could not be resolved. They concluded that a friendly eminent domain taking was required to resolve the impasse.

May 2016 Annual Town Meeting: Approved the Lot 6-0-8 Easement acquisition for the purpose of providing a pedestrian connection from the Milford Upper Charles Trail to the Town Conservation Land and to the Waldenwoods Development.

The Eminent Domain Order of Taking, containing the same terms and conditions as the Easement Deed, was recorded at the Worcester Registry of Deeds in July 2016.

**Elapsed time from first request to the Order of Taking recording: 3 years**

### Design and Permitting

#### Design

##### 1. Rt. 85 Crossing

###### (A) Site Evaluation:

The evaluation was performed by Green International Affiliates, Inc.(GIA). It concluded that while the sight distance requirements are met and do not indicate imminent safety concerns, the high volumes and speeds along Rt. 85 do create a potentially high-risk crossing environment for pedestrians attempting to access the Milford Upper Charles Trail from the Waldenwoods development.

It also recommended the installation of Solar Powered, Pedestrian Activated, Rectangular Rapid Flashing Beacons (RRFBs) approximately 50 feet north of Walden Way. In addition, advanced Solar Powered Light-Emitting Diode (LED) blinking warning signs were recommended approximately 400 feet prior to the crossing along both directions of Rt. 85.

A sidewalk along the westerly side of Rt. 85 to the RRFB was also recommended. It was later extended 27 feet to Walden Way.

###### (B) Design:

The Jan. 2021 Town Meeting (Article 11) appropriated \$11K for the Rt. 85 Crossing Improvements design to be spent under the jurisdiction of the Highway Dept. The design task was awarded to GIA who was also under contract with the Highway Department for its MassDOT Completes Streets Funding Program. GIA provided design plans and bid documents which included all their site evaluation recommendations.



## **2. Path Improvements**

The path is 238 feet long from Rt. 85 to the Bike Trail, 181 feet of which has a compacted 3-inch stone dust surface. There is a 20-foot-long Pedestrian Bridge across the Charles River, a 24-foot asphalt transition from Rt. 85 to the stone dust surface, and a 13-foot asphalt transition from the Bike Trail to the stone dust surface. (See [Attachment 7: Path Cross Section and Stone Dust Specification.](#))

Robert Weidknecht, with the assistance of Jonathan Niro, prepared a stamped Site Plan and Profile from a Guerriere & Halnon surveyed plan of the easement which showed contours, spot elevations, and bordering vegetative wetlands. This plan formed the basis for determining the amount of fill required to satisfy the ADA slope requirement of no greater than 5% and for the filing of a Wetlands Protection Act (MGL Ch. 131, S 40) Request for Determination of Applicability (RDA) with the Conservation Commission.

## **3. Pedestrian Bridge**

*(AASHTO LRFD: American Association of Highway and Transportation Officials – Load and Resistance Factors)*

The Bridge required a building permit, the application of which required a design plan stamped by a Massachusetts Registered Structural Engineer. The Volunteers for Bike Trail Access (VBTA) explored various design and build options vs. procurement (assembled or in kit form) from companies who also provided the required structural engineering service.

During this effort, it became apparent that a trail bridge vs. a pedestrian bridge intended for urban settings with large numbers of potential users, is best suited for this application. Two sources recognized the need for a lower live load requirement for low usage applications:

1. AASHTO LRFD Guide Specifications for the Design of Pedestrian Bridges (*in drafting the 90psf requirement*): “The previous edition of these Guide Specifications used a base nominal loading of 85psf, reducible to 65psf based on influence area for the pedestrian load.” ..... “Consideration might be given to the maximum credible pedestrian loading. There is a physical limit on how much load can be applied to a bridge from the static weight of pedestrians.”
2. US Forest Service: “When the Trail Management Objectives indicate such limited use, the pedestrian load can be reduced to 65 psf. The justification for a reduced live load should be documented and included in the permanent bridge file.”

The Chairman prepared an analysis (corroborated by Mr. Weidknecht) that demonstrated the limited use of this application. It was presented to the Building Commissioner. He concurred and granted a waiver for a 65psf live load specification. A copy of the analysis was provided to the Building Commissioner for his file as required.

## Milford Upper Charles Trail Committee – Final Report

**Design and Build Option:** Request for Quote (65psf live load spec.) was sent to nine firms/individuals for structural engineering services. Four responded. The low bidder would only certify a 90psf design resulting in a bridge that would be needlessly more expensive.

**Bridge procurement from companies with engineering services option:** A request For Quote (65psf live load spec.) prepared by the VBTA was sent to six companies, three no-bid, one did not comply with the stamped plan requirement, one was for a steel bridge. The low bidder was Fifth Room (5410 Route 8, Gibsonia, PA 15044) for an assembled wooden bridge. The VBTA advised the Highway Surveyor of its findings and recommended procurement from Fifth Room. The Highway Dept. purchased the bridge from Fifth Room.

A stamped design plan was delivered and a copy was provided to the Building Commissioner as was required for the Building Permit.

### Permitting

There were three permitting requirements for this project:

1. A Building Permit Application for the Pedestrian Bridge.
2. A Request for Determination of Applicability (RDA) filing with the Conservation Commission under the Wetlands Protection Act (MGL Ch.131, S40).
3. A Mass. Endangered Species Act (MESA) filing with the Division of Fisheries and Wildlife under the Natural Heritage & Endangered Species Program (NHESP).

#### **1. Building Permit:**

Having received a copy of the stamped plan, the Building Commissioner issued Building Permit #BLD-23-0603 on June 13, 2023.

#### **2. Request for Determination of Applicability (RDA):**

Mr. Weidknecht, with the assistance of Jonathan Niro, prepared the RDA. The Chairman presented the request at the Conservation Commission public hearing on Nov. 17, 2021. The Commission issued a Negative Determination.

#### **3. Mass. Endangered Species Act (MESA):**

Work on this project occurs in the same area as that of Phase 2A which includes habitat for the wood turtle (a species of “Special Concern”). As in Phase 2A, a MESA filing was required. The filing was prepared by the Chairman and reviewed by Mr. Weidknecht. The Division issued its finding in Oct. 2021. .... “the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species.

## Milford Upper Charles Trail Committee – Final Report

### Construction

#### Rt. 85 Crossing Improvements

These improvements were included along with three other projects for which the Highway Department received funding from the MassDOT Complete Streets Funding Program. The prime contractor was NC Incorporated (658 Center St., Ludlow, MA 01056) who was also the contractor for the other projects.

All the traffic control elements described in the Rt. 85 Crossing design section of this report were installed. A 5-foot-wide 60-foot sidewalk was constructed from the Rt. 85 crossing to Walden Way. Three ADA-compliant curb ramps (two at the Rt. 85 crossing and one at Walden Way) were also constructed. New pavement markings including crosswalk and yield markings within the project limits were applied.



### Path Improvements

#### **Contractors:**

Roy Landscaping (20 Debra Rd, Millville, MA 01529), under subcontract with the Highway Department, cut several trees, installed erosion control wattles, and hydroseeded the path shoulders.

M.J. Tuttle Excavating (441 Fiske St, Holliston, MA) was the contractor who installed the 6.5-mile Holliston Upper Charles Trail stone dust surface. Under subcontract with the Highway Department, they performed all grubbing and excavation; installed, graded and compacted the reclaimed asphalt base; loamed the shoulders; applied the stone dust surface; installed the two asphalt transitions and the removable bollard.

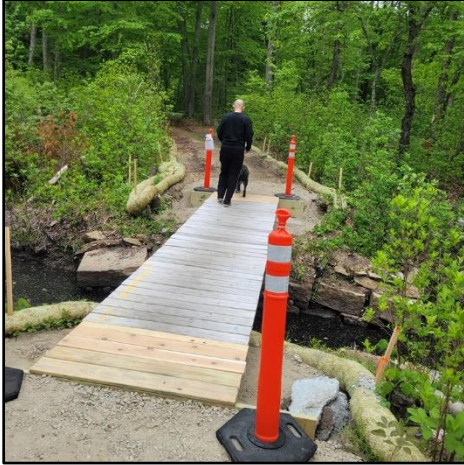
#### **Bridge Concrete Pad Supports:**

The Highway Department constructed two 20 in. wide x 15 in. high x 7 feet long forms for concrete pads on a gravel base over pre-existing rip rap, random size crushed stone. They were poured with the sidewalk pour.



## Milford Upper Charles Trail Committee – Final Report

### **Bike Trail access and path improvements in advance of Bridge placement:**



To provide access to the Bike Trail and continue path improvements without the Fifth Room Bridge, the VBTA extended the 16-foot temporary bridge to 20 ft. - 5in. and attached headers of the approximate height of the Fifth Room bridge. This simulated bridge was placed on the pads as a guide for M. Tuttle Excavation to continue work.

### **Bridge Support and Footer Assembly:**

The Chairman designed and specified the components of a Pedestrian Bridge Support and Footer Assembly. (See [Attachment 8: Bridge Support and Footer Assembly Detail](#))

The Bridge design plan specified a Bridge bearing surface of 16 in.(minimum) and a 1/2 in. gap from the Bridge to the Footer Assembly to allow for expansion. Both requirements were satisfied.

**Bridge Preparation:** A flaw was uncovered in the manufacture of the Bridge. The Structural Engineer required the Bridge to be fastened to the concrete pad plates with slotted brackets supplied by Fifth Room. The first three deck boards on each end had to be removed to do so. The Bridge assembly did not allow for the removal of the first two deck boards. Fifth Room acknowledged the manufacturing flaw. (See [Attachment 9 :Pedestrian Bridge Preparation](#))

**Bridge Placement:** It should be noted that a 1 in. gap at each end of the 20-foot bridge was provided to account for some misalignment when placing the Bridge. The Highway Department placed the 2,800 lb. Bridge over the Charles River with accuracy and without incident.



**Path Completed Oct. 25, 2023**



**Signage:** Three signs will be installed:

1. Sign at the Rt. 85/Path intersection --- NO MOTOR VEHICLES
2. Sign at the Bike Trail/Path Intersection --- TO RT 85 AND TOWN CONSERVATION LAND
3. Sign on the westerly side of the Rt. 85 crossing – TOWN CONSERVATION LAND

Milford Upper Charles Trail Committee – Final Report

Cost and Funding

**Funding:** This supplemental project was funded from the following sources:

1. Friends of the Milford Upper Charles Trail [a 501(c)3 non-profit organization]
2. Waldenwoods Home Owners Association (WW HOA)
3. MUCT Account Balance (Remaining funds at the conclusion of MUCT Development.)
4. State Earmark (Representative Brian Murray, also an MUCT Committee Member, was able to secure State funds for Path Improvements).
5. Complete Streets Funding Program: “A Complete Street is one that provides safe and accessible options for all travel modes – walking, biking, transit, and motorized vehicles – for people of all ages and abilities.”

The Highway Dept. participates in this program. It received funding for the Rt. 85 Crossing at Walden Way along with three other projects.
--

6. Town of Milford
7. Pro-Bono Contributions:
  - a) Robert Weidknecht and Jonathan Niro ( Consultants) – \$10K estimate from hours logged at consultant rates.
  - b) Volunteers for Bike Trail Access (VBTA) – Temporary bridge fabrication (2 versions) and Fifth Room Bridge seal coating (materials and labor). Also provided path improvement assistance and as needed funds for incidental expenses.
  - c) Hillview Equipment & Leasing Co. (Milford, MA) provided a Lull Material Handler for Bridge placement (\$4K Rental Fee waived)

**See Table 1 below for Cost and Funding Summary by Project Task**

**Milford Upper Charles Trail Committee – Final Report**

**Table 1**

<b>Rt. 85 Connecting Path to the Bike Trail - Cost and Funding Summary</b>							
FUNDING SOURCE	Friends of the Trail	WW HOA	Trail Account Balance	State		Town of Milford	Total
				Earmark	Complete Streets Program		
PROJECT TASK	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>Easement Acquisition (Lot 6-0-8)</b>							
Appraiser's Fee	1,000						
Easement Plan (G&H)	850						
<b>Total Easement</b>							<b>1,850</b>
<b>Rt. 85 Crossing Site Evaluation</b>	1,008	1,008					<b>2,016</b>
<b>Rt. 85 Crossing Design (TM \$11K Appropriation)</b>						10,420	<b>10,420</b>
<b>Path Permitting</b>							
Base Plan (G&H)			950				<b>950</b>
NHESP Filing Fee (Select Board Budget)						300	<b>300</b>
<b>Rt. 85 Crossing Construction</b>					61,893		<b>61,893</b>
Sidewalk Ext. 27 ft. and Support Pads Concrete Pour				6,778			<b>6,778</b>
<b>Pedestrian Bridge Procurement</b>				13,132			<b>13,132</b>
<b>Path Improvements</b>							
Tree Cutting & Erosion Control				5,400			<b>5,400</b>
Grubbing, Excavation, Filling, Grading, Loam Shoulders, Install Asphalt Transitions & Bollard				6,250			<b>6,250</b>
Stone Dust Surface Application				4,450			<b>4,450</b>
Hydroseed Shoulders			1,400				<b>1,400</b>
Bollard & Misc. Materials				2,624			<b>2,624</b>
<b>Highway Dept. Services (Dept. Budget)</b>							
Guardrail Extension (Sub-Contract)						3,840	
Other						3,359	
<b>Total Highway Dept.</b>						<b>7,199</b>	<b>7,199</b>
<b>Project Total</b>	<b>2,858</b>	<b>1,008</b>	<b>2,350</b>	<b>38,634</b>	<b>61,893</b>	<b>17,919</b>	<b>124,662</b>
Funding	2,858	1,008	4,000	40,000	61,893	18,499	<b>128,258</b>
<b>Account Balance</b>	<b>0</b>	<b>0</b>	<b>1,650</b>	<b>1,366</b>	<b>0</b>	<b>580</b>	<b>3,596</b>
<b>Adjusted Account Balance</b>			<b>1,650</b>	<b>0</b>		<b>0</b>	<b>1,650</b>
<b>% of Total Project</b>	<b>2.3%</b>	<b>0.8%</b>	<b>1.9%</b>	<b>31.0%</b>	<b>49.6%</b>	<b>14.4%</b>	

Note: Earmark, Select Board, and TM \$11K Appropriation Account Balances are no longer available.

**Rt. 85 Crossing - Connecting Path to the MUCT, Elapsed Time – 10.5 Yrs.**

## Milford Upper Charles Trail Committee – Final Report

### **Part 3. Recently Proposed Trail Enhancements [Draft (2-22-24)]**

In February 2023, a Milford resident proposed twelve Trail enhancements for the Committee's consideration. Eight were deemed worthy of further investigation. Five of the eight proposed connecting more neighborhoods to the Trail. One was to expand the Trail along Milford Pond from the rear of Sumner Street to Dilla Street opposite the Milford Water Department and then to Plains Park. Two addressed other issues. They were taken under advisement and evaluated by the Committee.

The proposed enhancements and the Committee's position on each can be found in [Appendix 11: Recently Proposed Trail Enhancements Evaluation](#).

## Milford Upper Charles Trail Committee – Final Report

### Part 4. Recommendations

1. **The Committee:** The Milford Upper Charles Trail Committee’s (“Committee”) task to develop the Milford segment of the multi-town Upper Charles Trail has been completed.

**Recommendation:** The Committee be dissolved by the Select Board upon receipt of this final report.

2. **Continuity:** The Milford Upper Charles Trail (MUCT) is one segment of the envisioned 27-mile multi-town Upper Charles Trail. It is also designated as part of the 3,000-mile East Coast Greenway trail initiative. The Committee has been the town’s representative for these regional initiatives.

In addition, there are trail maps, documents and meeting agenda/minutes that need to be retained once the Committee is dissolved.

**Recommendation:** Maintain continuity as follows:

- Designate the Town Planner as the Milford Upper Charles Trail contact person.
- Add a dropdown tab “Milford Upper Charles Trail” to the Planning and Engineering Dept. website to access maps and documents.
- The MUCT Committee site will remain published and available under “other boards and committees” to access agenda/minutes.

Additional Implementation details to be addressed by the Committee Chairman, the Town Planner, and the IT Dept. (Town Planner and IT Dept. representative concurred with this recommendation.)

3. **Maintenance:** The Parks Commission, Highway Dept., Police Dept, and Friends of the Milford Upper Charles Trail have agreed to their respective maintenance responsibilities via a Memorandum of Understanding (MOU). (See Appendix 5: Maintenance MOU)

**Recommendation:** The MOU, as may be amended by the parties, to remain in effect.

4. **Comprehensive Maintenance Assessment:** Perform a Comprehensive Maintenance Assessment every two years and issue a report.

(Reference for Guidance: Milford Upper Charles Trail – Comprehensive Maintenance Assessment Report 09-2018. *E-Copy Available at [www.milfordma.gov](http://www.milfordma.gov)* > Departments>Planning and Engineering>> Milford Upper Charles Trail.)

5. **Proposed Trail Enhancements:**

**Recommendations:**

- a) The Parks Commission be consulted for all proposed Trail Enhancements.
- b) Proposed enhancement initiatives receiving favorable consideration to be pursued by the proponent or an Ad-hoc Committee appointed by the Parks Commission or the Select Board.

**Attachments** (see next page)



## Milford Upper Charles Trail Committee – Final Report

Attachment 1-2

**MILFORD UPPER CHARLES TRAIL COMMITTEE**  
**Longest Serving Members (Dec. 8, 1997 Through March 2024)**

	NAME	TERM OF OFFICE	YEARS OF SERVICE
1	Reno DeLuzio, Committee Chairman	1997-2024	26
2	Robert Buckley, Conservation Commission Chairman	1997-2022	24
3	Mike Bresciani Parks and Recreation Administrator	1997 - 2010	12
	Joseph Arcudi Park Commissioner	2011-2024	13
4	Attorney Brian Murray State Representative	1997-2024	26
5	Frank Pirrello, Jr.	1997-2024	26
6	Henry Papuga	1997-2024	26
7	Margaret Knowlton	2000 - 2022	22
8	Elaine Capuzziello	2000 - 2024	24
9	Jeff Howard	2010 - 2024	14
10	Rose Mary Natelson	2000 -2022	22
11	Frank Malangone	2002 - 2024	22

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### **Milford Upper Charles Trail** **Surface Deliberation (1997-1998)**

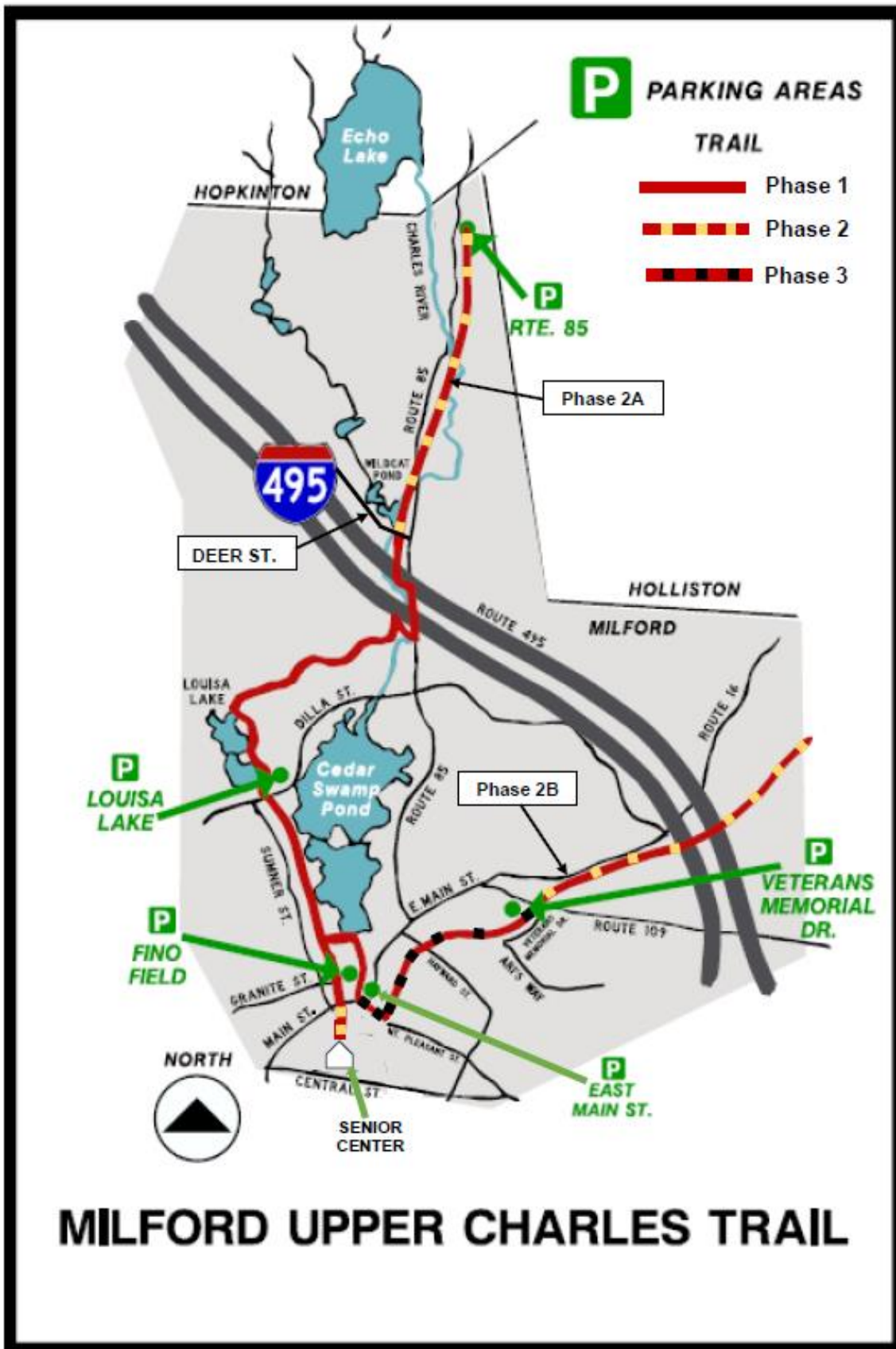
The Milford Upper Charles Trail Committee deliberated the pros and cons of a stone dust surface vs. an asphalt surface for the project.

#### **Factors that were considered:**

1. At that time the Department of Conservation and Recreation (DCR) was experimenting with various stone dust compositions with mixed results.
2. Stone dust composition and application must be carefully controlled.
3. Stone dust performance on 5% slopes (ADA max. limit) was uncertain.
4. Stone dust performance for wheel chair users, and roller bladders was uncertain.
5. Stone dust performance for emergency vehicles, especially when wet, was uncertain.
6. Stone dust life and maintenance costs were uncertain.
7. Asphalt application is a well-established process.
8. Asphalt thickness can be specified to adequately support emergency vehicles.
9. Asphalt life and maintenance costs are well known and predictable.
10. The Town's Design Engineering consultants recommended an asphalt surface.
11. Construction was being funded by the Federal Highway Administration and MassDOT via the TIP under the Transportation Enhancement Program so cost was not a major factor.

#### **Decision:**

Given the uncertainties of stone dust cited above, that no Town funds were required for construction, and the Town's extensive experience with maintaining asphalt, the Committee unanimously approved an asphalt surface.





**MILFORD UPPER CHARLES TRAIL - PHASE 2  
PROPERTY RIGHTS ACQUISITION SUMMARY  
(By Trail Segment)**

**Sheet 1 of 3**

<b>Corridor Segment Acquired From</b>	<b>Town Meeting Authorization</b>	<b>Status</b>	<b>ROW Plan Parcel Identification</b>
<b>Deer Street to Hopkinton Town Line</b>			
Milford Water Co. (Permanent Easement for trail corridor)	Nov. 2003, Art. 31	Easement Deed (Bk: 31719, Pg:20) Recorded 9/22/03	E-7, E-8
Stone Ridge Management, LLC (Gift of Land in Fee for parking lot)	Nov. 2003, Art. 31	Quitclaim Deed (Bk:39574, Pg: 142) Recorded 8/15/06	1
Owner Unknown (c/o Town of Milford Legal Department)	Nov. 2003, Art. 31	Order of Taking (Bk:42507, Pg: 213 and Plan (Pln. Bk:865, Pln:105)	D-4
<b>Friendly's Parking lot Termination</b>			
LPL Associates (Permanent Easement for parking spaces)	Oct. 2006, Art. 8	Easement Deed (Bk. 40221, Pg. 103 and Plan (Pln. Bk. 850, Pln. 117) Recorded 1/24/06	A(EA) -1
<b>Route 109 to Zain Ridge Condo's.</b>			
Piscia (Permanent/Temporary Easement for trail corridor/wetland replication)	Oct 2005, Art. 15	Easement Deed (Bk. 38112, Pg: 89) and Plan (Pln. Bk. 836 Pln. 60) Recorded 12/28/05	E-9, TE-11,TE-12
New England Power Co./NGRID (99-year Lease Agreement )	Nov. 2003, Art. 31	(Bk. 43528, Pg. 333). Notice of Lease Recorded 11/21/08	E-2, E-3
MassHighway I-495 (Alteration of Limited Access for trail corridor)	Nov. 2003, Art. 31	MHD Order (Bk. 43176, Pg. 141) and Pln. Bk. 869. Pg. 79). Recorded 8/6/08.	N/A
OLI, LLC (Temporary Construction Easement to modify parking lot)	May 2007, Art. 37	Easement Deed (Bk. 41383, Pg: 270) and Plan (Pln. Bk. 858 Pln. 17) Recorded 6/26/07	TE-1

**Milford Upper Charles Trail Committee – Final Report**

**MILFORD UPPER CHARLES TRAIL - PHASE 2  
PROPERTY RIGHTS ACQUISITION SUMMARY  
(By Trail Segment)**

**Sheet 2 of 3**

<b>Corridor Segment Acquired From</b>	<b>Town Meeting Authorization</b>	<b>Status</b>	<b>ROW Plan Parcel Identification</b>
<b>Route 109 to Zain Ridge Condo's. (Cont'd.)</b>			
Ney – 5 Eugene Circle (Temporary Construction Easement for fence)	Nov. 2003, Art. 31	Easement Deed (Bk. 42180, Pg: 101) and Plan (Pln. Bk. 863 Pln. 96) Recorded 12/12/07	TE-4
Ney – 5 Eugene Circle (Right of Entry for fence)	Nov. 2003, Art. 31	ROE signed	TE-4
Mancuso, 10 Turin Street – (Right of Entry to clean out drainage swale)	Nov. 2003, Art. 31	ROE signed	TE-5
Gurigues, 8 Turin Street – (Right of Entry to clean out drainage swale)	Nov. 2003, Art. 31	ROE signed	TE-6
Beaulieu, 6 Turin Street – (Right of Entry to clean out drainage swale)	Nov. 2003, Art. 31	ROE signed	TE-7
Duke Energy (permission to cross pipeline in NGRID ROW)	Nov. 2003, Art. 31	Letter (5/19/06)	E-3
<b>Zain Ridge Condo's. to Holliston Town Line</b>			
Mill Pond Realty Trust (Original Permanent Easement for trail corridor)	Nov. 2003, Art. 31	Granted per Planning Board Special Permit. Easement Deed (Bk: 28105, Pg: 209) and Plan (Pln. Bk: 788, Pln: 49) Recorded 11/15/02	E-10, E-11
Swan Ridge of Milford, LLC (Additional Permanent Easement for trail corridor)	Oct. 2006, Art. 8	Easement Deed (Bk. 41383, Pg: 272) and Plan (Pln. Bk. 858 Pln. 18) Recorded 6/26/07	E-4A, E-4B, E-5
<b>Senior Center Spur</b>			
CSX railbed Central St. to Main St. Friendly Eminent Domain to clear deed issues)	Oct.29, 1997 Art. 3 Appropriation. (Selectmen's Vote to proceed 9/12/01) No Trail Funds required.	Order of Taking (Bk: 25015, Pg:1-5) and Plan (Pln. Bk:773, Pln:18) Recorded 10/12/01	2

**Milford Upper Charles Trail Committee – Final Report**

**MILFORD UPPER CHARLES TRAIL - PHASE 2  
LAND ACQUISITION SUMMARY  
(By Trail Segment)**

**Sheet 3 of 3**

<b>Corridor Segment Acquired From</b>	<b>Town Meeting Authorization</b>	<b>Status</b>	<b>ROW Plan Parcel Identification</b>
<b>Senior Center Spur (Continued)</b>			
Pinto - Pond Street, (Permanent Easement for drainage)	Oct. 2006, Art. 8 May 2007, Art 37	Easement Deed (Bk. 41383, Pg: 277) and Plan (Pln. Bk. 858 Pln. 19) Recorded 6/26/07	D-3
Vaz -Goodrich Court, (Permanent Easement for drainage)	Oct. 2006, Art. 8	Easement Deed (Bk. 41383, Pg: 275) and Plan (Pln. Bk. 858 Pln. 19) Recorded 6/26/07	D-2
McDowell/McGrath -Goodrich Court (Permanent/Temporary Easement for drainage/fence)	Oct. 2006, Art. 8	Easement Deed (Bk. 41383, Pg: 279) and Plan (Pln. Bk. 858 Pln. 19) Recorded 6/26/07	D-1, TE-2
Costantino – 33 Pond St. (Temporary Construction Easement for shed removal and replacement)	May 2007, Art.37	Easement Deed (Bk. 42008, Pg: 103) and Plan (Pln. Bk. 862 Pln. 75) Recorded 10/31/07	TE-3
Costantino – 33 Pond St. (Right of Entry for shed)	May 2007, Art.37	ROE signed	TE-8
DeLuca, 52 North Bow St.- (Right of Entry for fence)	May 2007, Art.37	ROE signed	TE-9
Stramer, 54 North Bow St.- (Right of Entry for fence)	May 2007, Art.37	ROE signed	TE-10

PROPERTY RIGHTS ACQUISITION CHRONOLOGY

MAJOR ISSUES

- **National Grid is a British Held Company.**
  - US Division –
    - ✓ No authority to grant Permanent Easement.
    - ✓ Can authorize License.
    - ✓ Easement highly unlikely with the parent company.
- **Trail Funding – Federal/State via the TIP**
  - Federal Highway Administration’s minimum requirement is a permanent easement for TEA21 projects.
- **NGRID Position**
  - Would not agree to Lease.
  - First responsibility- Supply reliable and affordable Electric Power.
  - Limited by the Federal Energy Regulatory Commission regulations.
  - Town must carry \$6M Liability Insurance (Town provided self-insurance fund certification).
  - Approve Trail Design Plans.

SIGNIFICANT EVENTS

- **2004- 2006**
  - NGRID Drafts License.
  - FHWA Mass. Div. Rejects License.
  - NGRID petitions Congressman J. Oliver (Energy Committee) for assistance.
  - Dec. 2007- FHWA changes policy to allow lease agreements.
- **2007**
  - Stake Holders have series of Meetings to reconsider the License
    - ✓ Town (Town Counsel and Trail Committee Chairman)
    - ✓ NGRID
    - ✓ Federal Highway Administration (FHWA) Mass. Div.
    - ✓ State Representative.
    - ✓ State Senator.
    - ✓ Executive Office of Transportation (EOT) Mass Highway ROW Bureau.
    - ✓ EOT Deputy Secretary for Transportation Planning.
    - ✓ EOT Secretary of Transportation.
  - EOT and FHWA rejects the License.
  - NGRID Concedes.
  - NGRID Submits Draft Lease (Changed Title of License to Lease).
- **2008—**
  - EOT and FHA reject Draft Lease.
  - MassHighway ROW Bureau Director agreed to rewrite Lease.
  - Lease Markups going back and forth amongst the 4 parties.
  - **June 6<sup>th</sup> -- Transportation Planning and Programming Committee (TPPC) Staff recommends Phase 2 be removed from the TIP. Town given 6 months to resolve NGRID Agreement or lose TIP funding (\$3M).**
  - Eminent Domain Warrant Article submitted for Oct. 2008 Town Meeting.
  - Town Notifies NGRID that an Eminent Domain Taking has been initiated.
  - **Notice of Lease Agreement Finalized and Recorded on Nov. 21, 2008.**

Total Elapsed Time – 4.5 Yrs.

**Milford Upper Charles Trail**

**Alternate Route/Phase 2B Conflict Resolution**

**Significant Events**

❖ **2006 (GPI working on Phase 2 Final Design)**

- March - Town adds Alternate Route (Common reference “Bypass Road”) from Rt. 109 to Central St. to the TIP.
  - MassDOT now faced with 2 competing proposals on the TIP.
  - Several meetings with MassDOT.
- Town & MassDOT agreed to the following:
  - Proceed with the Phase 2A Design.
  - Remove Commuter Parking Lot to Rt. 109 segment from the Phase 2B Design.
  - Proceed with Phase 2B from Rt. 109 to Holliston Town Line.
  - Proceed with the Alternate Route Project (include bike lanes).
  - Town proposed an Interim Path to avoid a gap in the 6.5-mile trail.
  - MassDOT did not object but would not fund it.

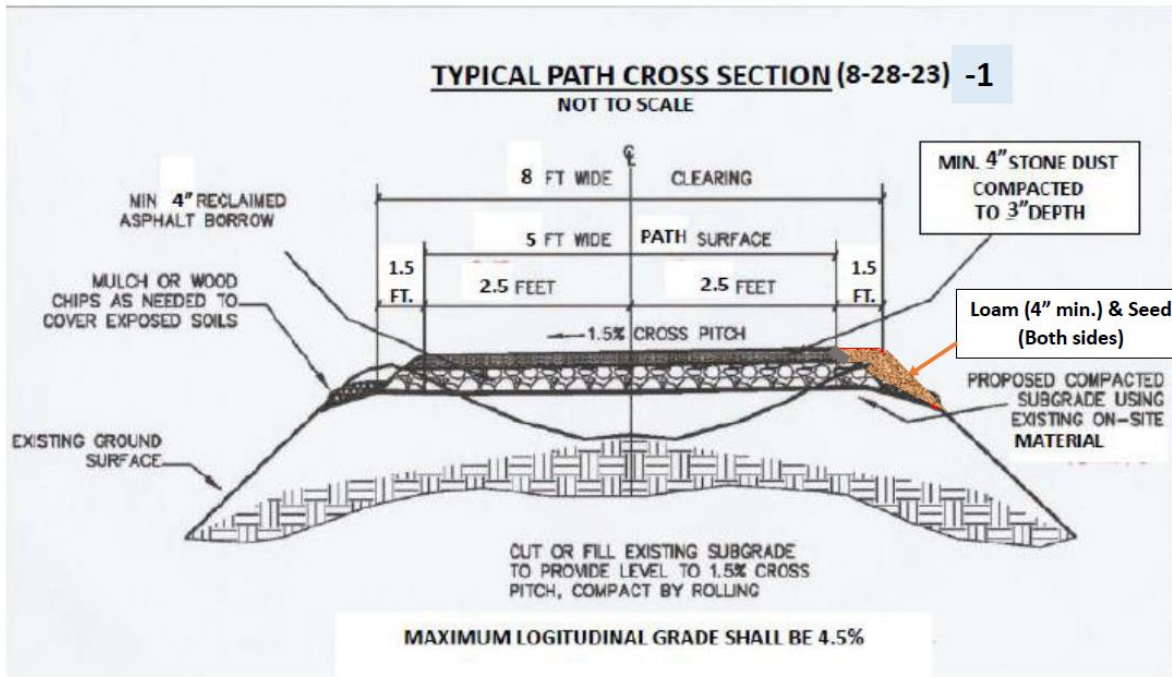
❖ **2010 - 2011**

- Alternate Route Project had not advanced.
- April 2011– Selectmen approved Trail Committee’s \*Interim Path Plan.
- Town appropriated limited funds (\$40K) for:
  - Environmental Permitting.
  - Design sufficient for pro-bono construction.
  - Town Engineer to manage the construction.
- Sidewalk from Mt. Pleasant St. to Sacred Heart Church to be designated as “Walk Only”.

\*Interim Path: Commuter Parking Lot on East Main St. to Rt. 109 (1 mile)

**PATH CROSS SECTION AND STONE DUST SPECIFICATION**

**Typical Cross Section**



**Stone Dust Specification**

Stone Dust material shall consist of inert materials that are hard, durable, stone free from surface coatings and deleterious materials. Color shall be gray to brown as approved by the Highway Surveyor (or representative). Gradation requirements shall be as follows:

Gradation	
U.S. Sieve No.	Percent Passing by Weight
3/8"	90-100
#4	70-98
#8	56-83
#16	38-69
#30	22-50
#50	12-35
#100	8-25
#200	5-15

**Required Source:**

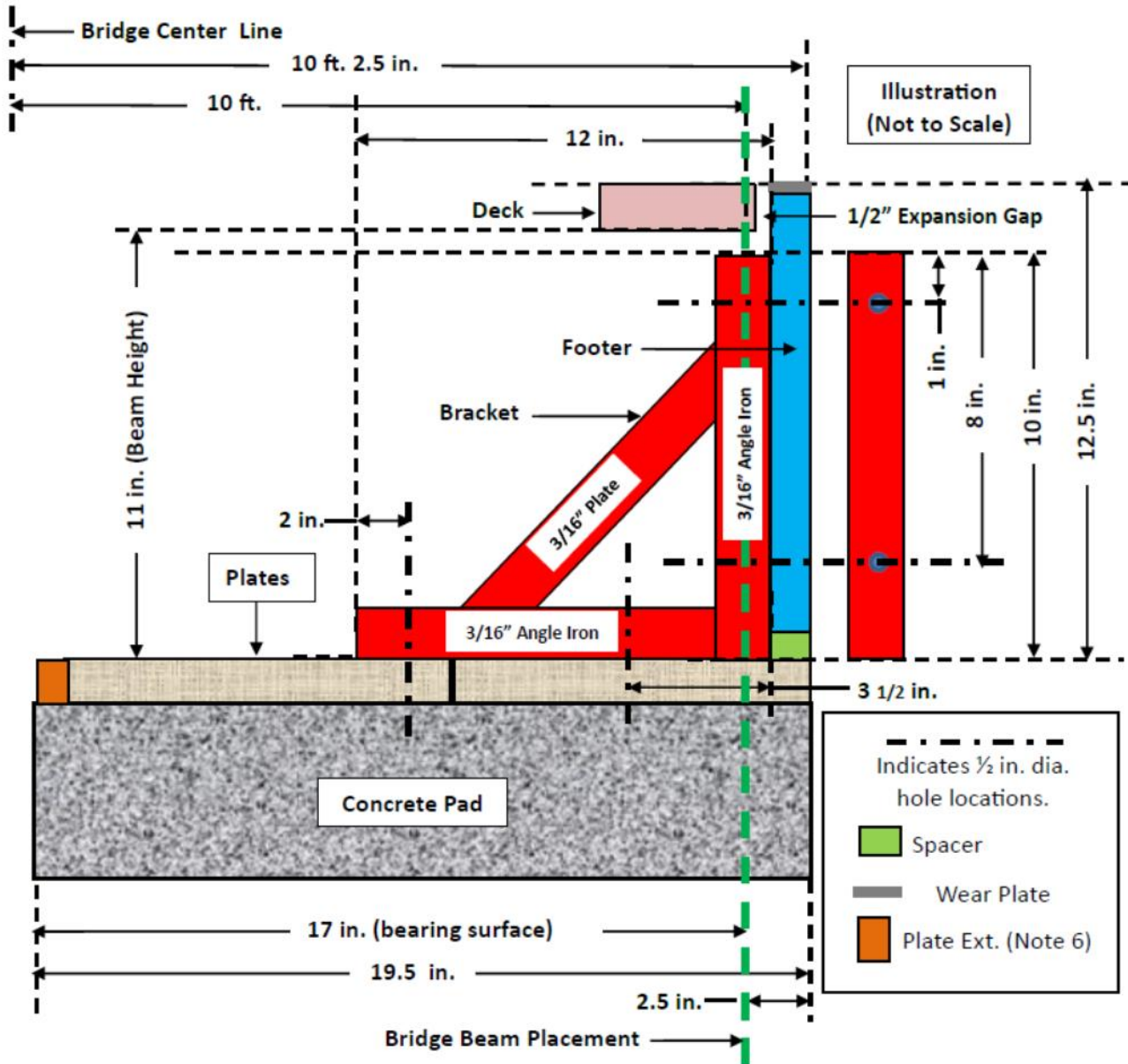
**Kimball Sand and Gravel's Blackstone Quarry**

Kimball Sand and Gravel, 202 Elm St. , Blackstone MA, 01504

Contact: Ron Kimball (508) 883-1798 ext. 23

Reference: Holliston Upper Charles Trail.

Bridge Support & Footer Assembly Detail



Note 1. Footer – 2 x 12 x 7ft.

Note 2. Brackets – Two 2 in. x 2 in. x 3/16 in. thick Angle Iron welded assembly screwed to Footer and Plate with 3/8 in. x 1.5 in. lag screws & washers, all galvanized.

Note 3. Plates – Two 2 x 10 x 7ft. fastened to pad with 1/2 in. x 6 in. Red Head concrete fasteners.

Note 4. Spacer --- 1.5 in. wide x [thickness adjusted to the as-built bridge (beam + decking – wear plate) height] x 7 ft. long. Fasten to Footer with stainless steel #10 x 2.5 in. wood screws.

Note 5. Wear Plate – 1.5 in. x 1/8 in. thick x 7 ft. 304 Stainless Steel plate drilled and counter sunk for stainless steel #10 x 1-1/4 in. wood screws. .

Note 6. Plate Extender - 1.5 in. high x [width adjusted to flush with pad edge] x7 ft. long. Fasten to plate with stainless steel #10 x 2 in. wood screws.

Note 7. All lumber: PT Marine Grade

(Manufacturing Flaw)

The first three deck boards on each end had to be removed to be able to fasten the Bridge to the concrete pad plates with slotted brackets (to allow for expansion/contraction) provided by Fifth Room.

The first two deck boards were under the notched end posts which prevented their removal. Removing the third board allowed the second and first boards to be slid out from under the post notch. The post notches were blocked out. The first two deck boards were the notched around the posts and replaced with #10 x 2.5 in. stainless steel wood screws to facilitate removal/installation for periodic inspection of the supporting structure.

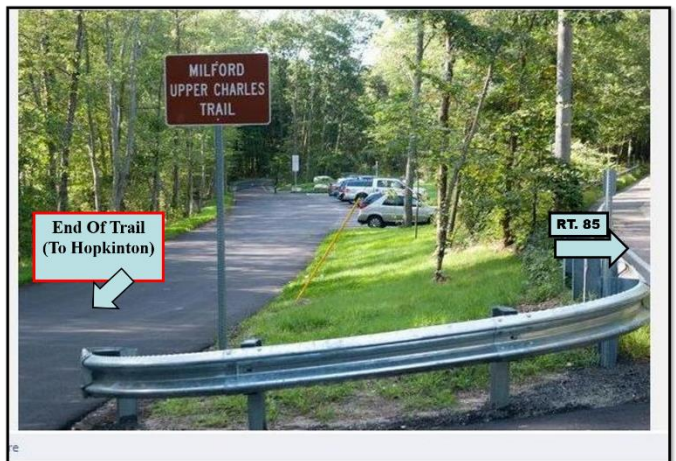
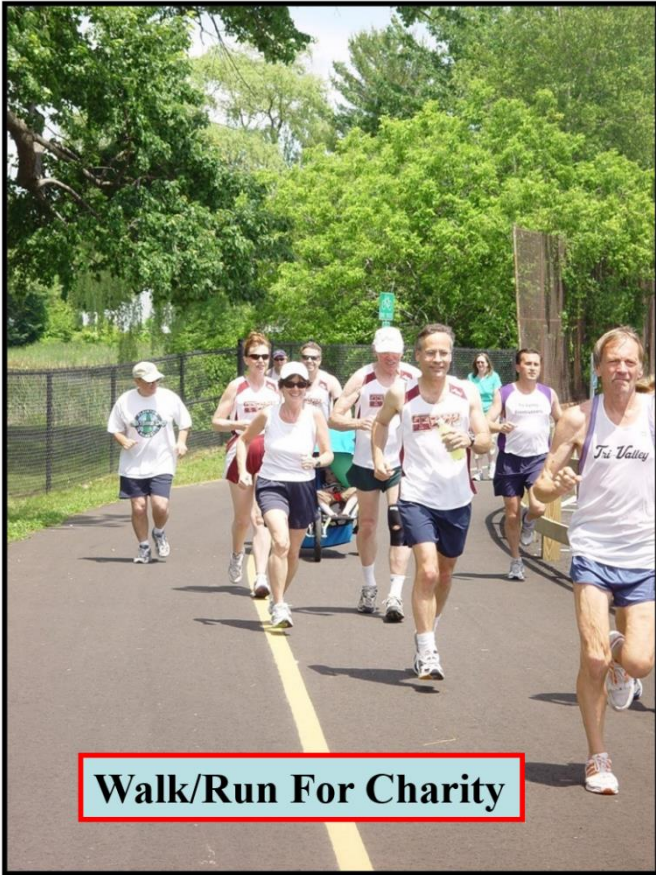
Fifth Room provided two extra wide deck boards in the event they are needed to replace the first board at each end to set the expansion gap at 1/2 in. (Structural Engineer's requirement).

Additional deck boards were also removed (and later replaced) to facilitate Bridge placement.

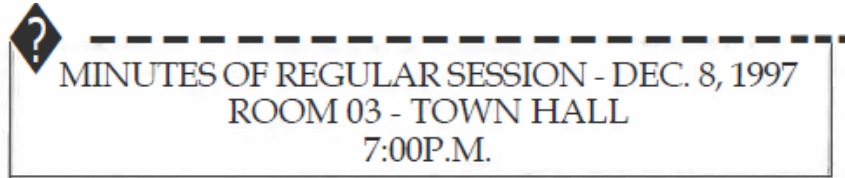




Appendices (see next page)







(Excerpt)

PRESENT: Chairman John Speroni, Jr.; Selectman Salvatore Cimino; Executive Secretary Louis J. Celozzi; Minutes Recorder Vicl<l Dowdell. Selectman Dino DeBartolomeis was absent.

1. Mr. Cimino moved, seconded by Chairman Speroni: To sign warrant and approve minutes of November 17 and 24 as submitted, UNANIMOUS.

2. Conservation Commission Chairman Robert Buckley, and Town Planner Reno Deluzio gave presentation of the Upper Charles Trail proposal. The objective is to support trail development, participate in resolving routing and right-of-way issues, request Mass. Highway to construct trail, assume responsibility for maintenance, authorize Town Planner to participate and establish a committee. Feasibility Study Summary indicates off road for non-motorized vehicles; bicycling, walking, skating, cross country skiing and possible equestrian use. Statistics for the Upper Charles Trail are: 27 miles in length (Milford section 6.4 miles); construction costs \$8M - \$10M (state and federal funding); maintenance costs \$57,000/year (Milford's share \$14,000/year). Town Planner recommends the following to be appointed to the Upper Charles Trail Committee: Reno Deluzio, Robert Buckley, Michael Bresdanl, Attorney Brian Murray, Carolyn Cooney, Frank Pirrello, Jr. and Henry Papuga. Mr. Cimino moved, seconded by Chairman Speroni: To appoint above people to that committee, **UNANIMOUS.**

Key Player Roles

Appendix 3

- **Select Board**

The Select Board's endorsement of the Upper Charles Trail development was the first step in advancing the Milford section. They are the official body that are responsible for approving all contracts and change orders (e.g., Design Consultant Contracts, City/Town 110% Agreement with the Commonwealth, etc.). They are also responsible for executing eminent domain proceedings authorized by Town Meeting.

- **Finance Committee**

The Finance Committee is an advisory committee to the Town Meeting. Their main responsibility is to recommend favorable or unfavorable action and if favorable, how the Town's share of the costs will be funded (e.g., free cash, transfer from other accounts, tax levy, borrowing, Community Preservation funds, etc.).

- **Capital Improvement Committee**

The Capital Improvement Committee is responsible for developing a multi-year capital plan including priority ranking of capital projects. They have more than an advisory role to the Town Meeting in that the Town Meeting cannot consider any capital expenditure over a certain dollar amount unless it has been submitted to the Capital Improvement Committee prior to Town Meeting and is part of the capital plan.

- **Town Meeting**

The Town Meeting is probably the most important body. Town Meeting controls the purse strings and the acquisition of property rights. They can stop the project in its tracks. The acquisition of property rights by an eminent domain taking requires a 2/3 vote and can be problematic. Town Meeting needs to be convinced that the project is good for the Town and is therefore worth approving the acquisition of property rights and the expenditure of Town funds.

*[The Committee developed a position on all known issues prior to Town Meeting to diffuse any opposition as much as possible. Committee (or sometimes one on one) meetings with abutters and other stake holders held in advance of town meeting to address and mitigate their concerns, resulted in very little Town Meeting opposition over the entire period.]*

- **Conservation Commission**

The project was subject to the Wetland Protection Act. The Conservation Commission is charged with administering the Act. *[Having the Conservation Commission Chairman as a member of the Committee proved to be advantageous in that his guidance resulted in design plans that made it through the permitting process with no difficulty.]*

- **Parks Department/Highway Department**

The Park Department and the Highway Department were designated as the responsible agencies for trail maintenance in the Federal TEA-21 Enhancement Program and the State Urban Self Help grant application maintenance plans. *[Maintenance of the trail corridor mainly consist of occasional sweeping, clearing brush, cutting grass on the shoulders, erosion control, pavement stripping, and maintaining drainage systems and pavement.]*

## Milford Upper Charles Trail Committee – Final Report

- **Police Department**

The Police Department is responsible for enforcing the provision of the Town's By-Law Article 34 (Use of Bicycle Paths, Trails and Associated Areas), and maintaining the flashing beacons at all road crossings.

### Commonwealth of Massachusetts

- **Boston Region Metropolitan Organization (MPO)**

The Boston Region Metropolitan Planning Organization (MPO) produces the Transportation Improvement Program (TIP) annually. *[Getting a project on the TIP is through the community's designated TIP representative (e.g., Milford Town Planner).]*

- **Metropolitan Area Planning Council (MAPC)**

Prepared the Upper Charles Trail Feasibility Study and has a seat on the MPO. [They were a valuable source of information and guidance. Their advocacy for the project helped to secure the MPO's approval and thereby programmed on the TIP.]

- **Southwest Advisory Planning Committee (SWAP)**

AN MAPC sub-committee. *[They were also supportive the project.]*

- **Executive Office of Transportation**

The Secretary of the EOT has the final say in approving TIP projects and issuing the Notice to Proceed for construction.

- **MassHighway Boston**

They were responsible for the design review and approval of the two Charles River bridge crossings and were also involved with construction contracts administration.

- **MassHighway – District 3**

They administer the Project Review Committee (PRC). *[This committee's approval is required to get the project programmed on the TIP.]* The District also manages the construction phase.

- **Enhancement Steering Committee**

Another advisory committee to the MPO for TIP projects (trails being one of several) that qualify for Enhancement Program funding. *[This committee's function is to assure the project meets the Enhancement Program's criteria and that the essential elements of the TIP application have been adequately addressed before it gets to the MPO for their consideration.]*

- **Department of Conservation Services (DCS)**

Administers Urban Self-Help Grants

### Federal Highway Administration (FHWA)

They had to approve the 99-year lease agreement between the Town and New England Power Company (now National Grid).

Town Meetings

1. October 1997 Town Meeting, Article 3 -- Appropriation and Authorization for Land Acquisition of Conrail Property.
2. October 1998 Town Meeting, Article 7 – Appropriation for Trail Design and General Authorization for Land Acquisition.
3. November 1999 Town Meeting, Article 12 – Authorization for Land Acquisition in Accordance with Plans Developed by Greenman and Pedersen, Inc.
4. November 1999 Town Meeting, Article 11 – Appropriation for Phase 2 land acquisition appraisals.
5. October 2000 Town Meeting, Article 20 – Authorization to borrow additional funds to cover the balance of estimated land acquisition costs, to compile all of the previous actions as a final Authorization for Land Acquisition in accordance with final plans by Greenman and Pedersen, Inc., and to comply with the Division of Conservation Services Urban Self-Help Grant Application requirements.
6. October 2000 Town Meeting, Article 21 – Appropriation for Phase 2 design, permitting, land acquisition, and construction.
7. June 2003 Town Meeting, Article 2 - Authorization to acquire land for Phase 2 in accordance with plans by Greenman Pedersen, Inc.
8. November 2003 Town Meeting, Article 31 - Correction to June 2003 Town Meeting, Article 2.
9. October 2005 Town Meeting, Article 4 – Appropriation to cover Phase 1 construction overrun costs
10. October 2005 Town Meeting, Article 14 – Appropriation for Phase 2 design, permitting, land acquisition, and construction.
11. October 2005 Town Meeting, Article 15 – Authorization to acquire land for Phase 2 in accordance with Guerriere and Halnon plans.
12. October 2005 Town Meeting, Article 14 - \$150,000 appropriation for Phase 2 Final Design funding assistance.
13. October 2005 Town Meeting Article 15 – Land Acquisition
14. October 2006 Town Meeting Article 8 – Additional Land acquisition per GPI plan dated 10/15/06
15. May 2007 Town Meeting Article 37 – Additional Land Acquisition per G&H Plans dated 1/22/07, 1/23/07, and 5/4/07

## Milford Upper Charles Trail Committee – Final Report

16. October 2008 Town Meeting
  - a) Article 10 -- \$19,000 appropriation for design & installation of a flashing beacon signal at Dilla Street.
17. October 2010 Town Meeting Article 13 -- \$40,000 appropriation for final design and environmental permitting of Phase 3.
18. October 2012 Town Meeting Article 26 – \$20,000 appropriation for Park Commission sponsored article for maintenance.
19. May 2014 Town Meeting Article 28 – \$23,000 for Hayward Street Flashing Beacon
20. October 2014 Town Meeting Article 27 – Authorization to spend Hayward St. Flashing Beacon fund balance on road crossing improvements.
21. October 2014 Town Meeting Article 28- Authorization to spend Phase 2 fund balance on trail improvements on all phases.

### **Part 2 – Rt. 85 Crossing at Walden Way - Connecting Path to the MUCT**

22. May 2016 Article 35 - Authorization to acquire a permanent easement on Assessor's Map Sheet 6, Lot 6-0-8 for the purpose of providing a pedestrian connection from the Milford Upper Charles Trail to the Towns Conservation Land and to the Walden Woods Development.
23. Jan. 2021 Article 11- Appropriation of \$11,000 for the purpose of designing a safe crossing of Rt. 85 in the vicinity of the Walden Woods Planned Residential Development's northern entrance, which crossing will provide pedestrian and bicycle access between the existing path on Assessors Map lot 6-0-8 and the Milford Upper Charles Trail.

### **General by-law Article 34 – Trail Rules and Regulations**

24. October 2004 Town Meeting, Article 1 – Amended the Town’s General By-law by adding a new Article 34 regulating use of Milford’s bicycle paths, trails and associated areas.
25. October 2005 Town Meeting Article 24 – Amended Article 34 of the General By-Laws to clarify “scoters” definition.
26. May 2023 Article 21- Amended General By-Law Article 34 to allow the use of Electric Bicycles (E-Bikes) on the MUCT.

Milford Upper Charles Trail Committee – Final Report

MILFORD UPPER CHARLES TRAIL

MAJOR EVENTS CHRONOLOGY

(Through End of Project – October 25, 2014)

Appendix 5

1993

- ❖ Holliston seeks creation of Bike Trail with linkages to surrounding Towns.

1997

- ❖ MAPC completes Feasibility Study.
- ❖ Milford Selectmen assign Trail Development Responsibility to the Town Planner
- ❖ Milford Upper Charles Trail Committee formed.

1998

- ❖ Milford Town Meeting initial appropriation

1999 - 2004

- ❖ Phase 1 and Phase 2 Design & Environmental Permitting, and MassHighway Reviews
- ❖ Property Rights Acquisitions
- ❖ Federal/State Grant Applications & Town Appropriations

2005 MassHighway awards Phase 1 Construction Contract

2006

- ❖ Introduction of Alternate Route Proposal causes adjustment to Phase 2 Trail Program.
- ❖ MassHighway approves the Town's Alternate Route/Phase 3 Trail Integrated Program.

2007

- ❖ Phase 1 construction completed
- ❖ All Phase 2 Property Rights Acquisitions concluded except NGRID Agreement.
- ❖ **Phase 1 ribbon cutting - June 16, 2007.**

2008

- ❖ Finalized the Phase 2 NGRID Property Rights Agreement

2009

- ❖ MassHighway awarded Phase 2 Construction Contract

2010

- ❖ Because the Alternate Route with bike lanes project was not advancing the Trail Committee began exploring the feasibility of an interim path to connect Phases 1 and 2 which is designated as Phase 3.
- ❖ Town meeting approved funding for design & permitting for the Phase 3 path.
- ❖ Engaged two consulting firms to provide design and environmental permitting services.

2011

- ❖ Phase 2 construction completed.
- ❖ **Phase 2 ribbon cutting - September 24, 2011.**
- ❖ Phase 3 Interim Path Design & Environmental Permitting Completed



## Milford Upper Charles Trail Committee – Final Report

### 2012

- ❖ March 2012 - A private contractor agreed to construct Phase 3 in exchange for Planning Board's relief of an over 55 age restriction on his housing development. Completion date --- no later than October 2014.
- ❖ Completed pre-construction tasks

### 2013

- ❖ Completed Phase 3 clearing and grubbing
- ❖ Completed Milford Catholic Elementary School playground reconfiguration, installed chain link fencing and completed paving from Mount Pleasant St. to end of playground.

### 2014

- ❖ Town Meeting appropriated funds for Hayward St. Flashing Beacon (May)
- ❖ Completed Wetland Replication
- ❖ Completed Hayward St. sidewalk
- ❖ Completed drainage improvements
- ❖ Completed cut and fill, final grading, and paving
- ❖ Sept. 10, 2012 - Conducted another abutters forum
- ❖ Installed stockade and timber rail fencing, bollards, and access gates
- ❖ **Phase 3 ribbon cutting - October 25, 2014**

**END OF THREE PHASE PROJECT**

**Milford Upper Charles Trail Committee – Final Report**

**MILFORD UPPER CHARLES TRAIL - PHASES 1 and 2  
PROPERTY RIGHTS ACQUISITION SUMMARY**

**Appendix 6**

	<b>Property Owner/Type</b>	<b>Phase</b>		
		<b>1</b>	<b>2</b>	<b>Total</b>
1	Conrail (CSX) (Fee Ownership – Friendly Eminent Domain to clear deed issues.)	1	1	2
2	Sumner Realty Development, LLC (Permanent Easement - Eminent Domain)	1		1
3	Mill Pond Realty Trust (Permanent Easement –(Friendly Eminent Domain)	1		1
4	Mill Pond Realty Trust (Permanent Easement)		1	1
5	Swan Ridge of Milford LLC (item 4 additional Permanent Easement)		1	1
6	J. Consigli (Fee Ownership –Eminent Domain)	1		1
7	Milford Water Co. (Permanent Easements)	1	1	2
8	Stone Ridge Management, LLC– Gifts of land	1	1	2
9	Comm. Of Mass. (I-495) ROW Certificate	1	1	2
10	Duke Energy (Approval letter to cross gas line)		1	1
11	LPL Associates (Permanent Easement)		1	1
12	Piscia (Permanent Easement)		1	1
13	New England Power Co./NGRID (99 Year Lease)		1	1
14	OLI, LLC (Temporary Construction Easement)		1	1
15	Ney (Temporary Construction Easement)		1	1
16	Mancuso (Right of Entry)		1	1
17	Gurigues, (Right of Entry)		1	1
18	Beaulieu, (Right of Entry)		1	1
19	Pinto (Permanent Easement)		1	1
20	Vaz (Permanent Easement)		1	1
21	McDowell/McGrath (Permanent Easement)		1	1
22	New England Power Co. (Temporary Construction Easement)		1	1
23	Costantino (Right of Entry)		2	2
24	DeLuca(Right of Entry)		1	1
25	Stramer (Right of Entry)		1	1
26	Sousa (Right of Entry)		1	1
	<b>Total</b>	<b>7</b>	<b>24</b>	<b>31</b>

**Summary**

<b>Acquisition Type</b>	<b>Total</b>	<b>Comment</b>
Fee Interest (CSX & Mill Pond Realty Trust	2	Friendly Eminent Domain
Fee Interest (J. Consigli)	1	Hostile Eminent Domain
Fee Interest	2	Gifts of Land
Permanent Easement (Sumner Realty)	1	Hostile Eminent Domain
Permanent Easement	9	Voluntary
Temporary Construction Easement	3	Voluntary
99 Yr. Lease (NGRID)	1	FHWA/MDOT Approved
Right of Entry	9	Voluntary
Approval Letter (Duke Energy)	1	Voluntary
I-495 ROW	2	MassDOT Approval
<b>Total</b>	<b>31</b>	

**Contracts**

1. Bell Traffic Signal Co
2. Cross Alert
3. GPI Design PO for Dilla Street Signal
4. Phase 1 Construction - 110% Agreement (Commonwealth -Town)
5. Phase 1 Construction Support (Town - GPI)
6. Phase 1 Design (Town - GPI)
7. Phase 2 Construction Agreement (Commonwealth - Town)
8. Phase 2 Construction Services (Town-GPI)
9. Phase 2 Final Design (Town - GPI)
10. Phase 2 Final Design Reimbursement (Town - Commonwealth)
11. Phase 2 Preliminary Design (Town - GPI)
12. Phase 3 As Built Plan - Beals and Thomas
13. Phase 3 Interim Paved Path - Beals & Thomas
14. Phase 3 Interim Paved Path - G&H

**Milford Upper Charles Trail  
Maintenance Responsibilities  
Memorandum of Understanding  
Rev 2 (Jan. 2019)**

WHEREAS as part of the Federal/State construction funding application and the State's Urban Self Help Land Acquisition grant application, the Town submitted a maintenance plan which identified the Parks Department and Highway Department as the Town agencies responsible for long term maintenance of the Milford Upper Charles Trail, and

WHEREAS upon completion of the 6.5-mile Trail and having experienced 11 years of maintenance it was decided to re-define primary maintenance responsibility from the Parks Department to shared responsibility between the Parks Department and the Highway Department, and

WHEREAS trail maintenance tasks require participation from the Friends of the Milford Upper Charles Trail (a 501c3 non-profit organization) [the Friends], the Parks Department, the Highway Department, and the Police Department,

THEREFORE, all parties agree to:

1. The division of responsibility as set forth in the Maintenance Task Responsibility Matrix included herein as Attachment 1.
2. Execution of the tasks as set forth in Attachment 1 shall be based upon the judgment of the particular Department Head in his/her management of the day-to-day operations of their department and within the funding appropriated by Town Meeting. Tasks performed by the Friends will be determined by the Friends consistent with funds raised.
3. The tasks that are the primary responsibility of the Friends, and participation in the execution of other tasks, are subject to the availability of volunteers and suitable equipment, and the resolution of applicable liability issues.
4. The Friends shall designate a contact person from their organization who will be the sole interface with the Parks and Recreation Administrator and Highway Surveyor for all maintenance related issues.
5. Maintenance issues identified by the Friends that are outside their scope of responsibility shall be directed to the Parks and Recreation Administrator and Highway Surveyor for resolution.
6. The Parks and Recreation Administrator and the Highway surveyor shall collaborate and coordinate work assignments consistent with their respective budgets and resources.
7. The Parks and Recreation Administrator shall be the sole interface to the Police Department for Flashing Beacon maintenance.
8. The Park Commission shall be the custodian of this agreement as may be amended.

Milford Upper Charles Trail Committee – Final Report

Sheet 2 of 3

This agreement may be amended by the unanimous signed approval of the signatories. Any of the signatories, on behalf of their represented agency, may opt out of this agreement at their sole discretion upon written notification of same to the other signatories.

*(signed and dated)*

\_\_\_\_\_  
Park Commission  
Paul Pellegrini, Chairman

\_\_\_\_\_  
Friends of the Milford Upper Charles Trail  
Mike Morrison, President

\_\_\_\_\_  
Highway Department  
Scott Crisafulli, Highway Surveyor

\_\_\_\_\_  
Police Department  
Thomas O'Loughlin (Police Chief)

**Milford Upper Charles Trail Committee – Final Report**

<b>Trail Maintenance Memorandum of Understanding</b>						
<b>Attachment 1</b>						
<b>Rev 2 ( Jan. 2019)</b>						
<b>Milford Upper Charles Trail</b>						
<b>Maintenance Task Responsibility</b>						
<b>Primary Responsibility</b>						
<b>Task</b>	<b>Parks Dept.</b>	<b>Highway Dept.</b>	<b>Friends</b>	<b>Police Dept.</b>	<b>Comments</b>	
Empty Trash Receptacles	X					
Mowing	X					
Edging	X					
Sweeping with Street Sweeper		X				
Periodic Clean Up Days			X		SEE NOTE 1	
Weed Landscaped Areas			X			
Mulch Landscaped Areas			X			
Water Landscaped Areas			X			
Graffiti Removal	X					
Drainage Maintenance		X				
Erosion Repair		X				
Re-Stripe Trail & Road Markings		X				
Tree Trimming	X	X				
Brush Control Including Road Crossing Vegetation	X	x				
	Manual	Mechanical				
Invasive Species Control	X	X				
Invasive Species Control	X	X				
Doggie Station Maintenance			X			
Doggie Station Supplies			X			
Fence Repair	X					
Flashing Beacon Maintenance				X	As requested by Parks and Recreation Administrator	
Policing				X		
Bollards & Gates -- Lock Maintenance	X					
Pine Needles, Leaves, and Silt Removal	X					
Mile Markers			X			
Pavement Maintenance		X				
Root Encroachment		X				

NOTE 1: Landscaped Areas --- Commuter Lot Trail Head at Main St, Main St. Crossing at Dunkin Donuts, along the trail at the Louisa Lake Parking Lot, and Dilla St Crossing

Beaver St. Vegetation – Before and After Cutting

West Side - Before



West Side - After



East Side - Before



East Side - After



Cedar St. Vegetation – Before and After Cutting

West Side - Before



West Side -After



East Side - Before



East Side - After



Milford Upper Charles Trail Committee – Final Report

Hayward St. Vegetation – Before and After Cutting

Before



After



Before

Granite St. Vegetation – Before and After Cutting



After





Before and After Photos

Phase 1

Main St. Crossing



Before



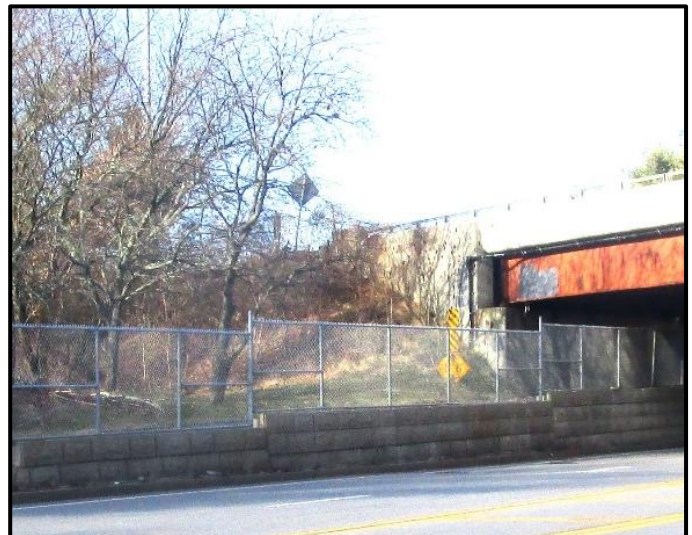
After

Phase 2

I-495 Overpass at Rt. 85



During Construction



After

Milford Upper Charles Trail Committee – Final Report

Phase 2

Senior Center Spur



Before



Detention Basin

After

Phase 3

Mt. Pleasant St. to Hayward St.



Before



After

Phase 3

Hayward St. to Veterans Memorial Drive



**Before**



**After**

**Recently Proposed Trail Enhancements Evaluation**

**Item #1 – Discontinuation of Old Cedar Street** – The Town of Milford has voted to discontinue Old Cedar Street and convey ownership of layout sections to existing abutters. This would allow for development and new construction of a storage facility. This proposed construction would eliminate the existing connection from the trail to Old Cedar Street and Dilla Street. After several discussions with the Town Planner, the developer has agreed to construct a new path along the west side of his property so that users of the trail would still have access to Dilla Street and Cedar Street.

**MUCT Committee Position:** Favorable

**Item #2 – Improve Trail access via Jackson Court** – A permanent easement would be required.

**MUCT Committee Position:** Unfavorable due to the close proximity to Trail access via Cook Street to the Hayward Street crossing.

**Item #3 – Improve Trail access via Goodrich Court** – One or two permanent easements would be required. In the past the current landowners had no interest.

**MUCT Committee Position:** Unfavorable due to the close proximity to Trail access via Main Street.

**Item #4 – Improve Trail access via Eugene Circle** – A well-defined path has been created by local residents through an undeveloped lot. The property owner has recently restricted access through his lot and has discussed development of the land as one or two lots with the Town Planner. The Town Planner is aware of the desire for Trail access and has discussed this with the property owner.

**MUCT Committee Position:** Although the Committee favors a Trail connection for the residents of this neighborhood, the Committee's intervention is unnecessary and deferred further action to the Town Planner.

**Item #5 – Improve the Trail at Sacred Heart Church playground** – When a fence was erected around the Sacred Heart School playground located in the rear of the church and off Mount Pleasant Street it was not installed along the property line and encroached upon Town property. Although the school has been closed and the playground has been abandoned, the fence does not seem to be any restriction to Trail use.

**MUCT Committee Position:** No further action is necessary.

## Milford Upper Charles Trail Committee – Final Report

### **Item #6 – Improve Trail access from Main St. to the rear of the Milford Senior**

**Center:** Bollards and barriers were installed at the Senior Center to discourage bikers from entering the Senior Center Parking Lot at high speed.

**MUCT Committee Position:** Unfavorable. Access is somewhat impeded but not restricted.

### **Item #7 – Improve Trail access via Parkhurst Street:**

An undefined path has been developed in front of house #29-31.

**MUCT Committee Position:** Unfavorable due to the close proximity of Trail access at the Hayward Street crossing.

### **Item #8 – Expand the Trail along Milford Pond from the rear of Sumner Street to Dilla Street opposite the Milford Water Department and then to Plains Park –**

During the initial meetings of the Committee when Phase I was being discussed, an alternate layout for the Trail along the northerly shore of Milford Pond was introduced but decided against. The Milford Water Company did a separate investigation independent of the Committee regarding construction of a trail on its property along Milford Pond and had further discussions with the Pine Grove Cemetery to negotiate an easement providing connecting access and trail to Plains Park located on Cedar Street.

**MUCT Committee Position:** Favorable. However, due to the expense and time involved to complete this expansion, the Committee determined to recommend the Town pursue it at a later date.