

TOWN OF BOXFORD
Minutes of April 29, 2010 Public Hearing on
Rt. 133 Proposed Road Reconstruction

Selectwoman Jessel called the Public Hearing to order at 7:00 PM in the upstairs meeting room of Lincoln Hall.

Members present: Charles Costello, Stephen Davis, Preston Galarneau, Barbara Jessel, Peter Perkins

Others present: John Dold, D.P.W. Superintendent; Norm Brown, Steven Tyler, Bruno Campea and Mike Rizzo of Bayside Engineering; Anthony Komornick of Merrimack Valley Planning Commission; Brendan Lewis, Tri Town Transcript and residents of the Town.

Selectwoman Jessel spoke to the significant costs associated with this proposed road reconstruction and the hope for additional sources of funds to be contributed. She then introduced John Dold, D.P.W. Superintendent.

Mr. Dold began by detailing past work on this road and stated that it is presently in good shape. Going forward, there are three major issues two of which relate to drainage: at Sperry's Pond and the Parker River at Willow Road. He conveyed his hope to obtain State funding for these repairs. The third relates to West Boxford center where, although studies have been conducted in the past, no definitive plan has yet received consensus. He also highlighted safety concerns in this location and noted this will also be included in reconstruction plans.

Mr. Brown of Bayside Engineering pointed out that a study of this area had been performed in the past. The present proposal is comprised of two phases: (1) from the North Andover town line to just east of West Boxford center (1.45 miles), (2) from West Boxford center to the Georgetown Line (1.75 miles)

Mr. Tyler of Bayside Engineering described maps hanging from the walls of the meeting room. The pavement will extend 30' from outside edge to outside edge in the center. The present roadway is 24' total. He brought the attention of those in attendance to a handout, the last page of which allows for written questions and comments on the proposal, all of which become part of the permanent record for the project. They are to be collected by John Dold. He cited the designation of this roadway as a "rural major connector." He pointed out that Bayside has worked in the past with Natural Heritage and coordinated with them on protection of certain species.

Mr. Rizzo of Bayside spoke further to the width of the road through West center: two 11 ft. lanes with 4 ft. "shared shoulders" on either side – this makes up the 30' total width of the road. A shared shoulder accommodates a bike lane. Sidewalks would require 5 ft. shoulders, more than the space available in this area. Mass. Highway would automatically fund the project with sidewalks but a waiver would be required for the "shared shoulder" plan. He said they will look to get a right of entry from abutting landowners to grade and incorporate driveways at intersections.

Mr. Campea gave an overview of the Functional Design Report which includes accident history, traffic counts, etc., and is preliminarily required by Mass. Highway. He mentioned the study conducted 4.5 years ago which looked at the intersection in West center, which was determined to be a higher safety risk than the State average. This project will require all new traffic counts and accident history to go forward.

Mr. Brown spoke to the funding of the project, saying that a Project Need Form comes first. Mass. Highway will talk to the Planning Commission then submit for a 25% design review. He estimated here is a minimum of 5-6 years out for the start of the project and added there are opportunities for inclusion of amenities if desired, such as lamps, benches, brick crosswalks, etc.

Selectman Costello inquired as to Merrimack Valley Planning Commission's role in the project. Mr. Komornick pointed out that they will provide the Commission's resources to complete the project and interface with Mass. DOT.

Selectman Perkins asked how the power company becomes involved and if there would be a possibility of putting all of the lines underground. Mr. Rizzo offered that he doubted the possibility due to the high cost but perhaps it would be a possibility in West center only. The owners of any affected utility poles will be responsible for relocating them, with the State providing funding. Speed limits will be determined by the State and, in response to concerns about more speeding with the reconstructed roadway, Mr. Rizzo replied that ultimately it will be an enforcement issue, though enhancements like constructing crosswalks with different materials for better visualization might serve to slow traffic. Selectman Perkins voiced concern about the safety of the Spofford Road intersection and Mr. Rizzo indicated engineering will be performed to provide for more line of sight.

In response to Selectwoman Jessel's inquiry about the issue of restrictions with a tight right-of-way in the center of West Boxford, Mr. Rizzo said they would have to work with Mass. Highway on this and wasn't sure about the need for additional land.

The hearing was then opened for public comment and the following individuals spoke:

Richard Taylor, 172 Washington Street – Dr. Taylor asked about who is in charge of decision making and whether the process goes forward with only the approval of the Board of Selectmen. It was agreed that funding for design only will be decided by the Selectmen and does not go to Town Meeting. He also expressed concern about sidewalks, how expensive fences and other homeowner improvements affected by the work would be treated and an increase in speed of traffic.

Steve Merriam, 265B Washington Street – Mr. Merriam stated that he lives at the tight corner right near the North Andover town line and would like to maintain more of a "village atmosphere" in West Boxford by electing not to widen the road. He is supportive of drainage improvements but apprehensive about safety concerns with increased vehicle speed as well as the dangerousness of the Spofford Road intersection. He warned about a bike lane leading into North Andover contributing to an already dangerous situation for both bikers and vehicles. Mr. Komornick of MVPC offered that he has not heard of any planned road work by North Andover at that location.

Nick Berents, 183 Washington Street - Mr. Berents asked what the previous accident study results were for West Boxford center and Mr. Campea noted a Statewide average of .66, District average of .63, while the intersection at West center was 1.14 – that is the average per million of entering vehicles.

Patricia Lucey, 19 Willow Street – Ms. Lucey expressed enthusiasm for the project for safety reasons and inquired if plans could be changed to designate West center by itself as "Phase 3." Mr. Brown warned that such a change might delay the project. To an inquiry by Selectwoman Jessel about removing the West center from the project and retaining the other two phases, Mr. Komornick of MVLC said he would doubt it would be approved in light of the fact that the then two remaining sections would not connect.

Bernice Kehoe, 151 Washington Street – Ms. Kehoe expressed concern that widening the road would affect her septic system as well as trees and inquired who would pay for relocating the septic system. She inquired if the idea of a roundabout had been considered. Mr. Rizzo stated that if Mass. Highway approves the project and a homeowner amenity is in the way, Mass. Highway will participate and there will be no cost to the homeowner.

Sue Smith, 108 Washington Street – Ms. Smith is apprehensive of taking any additional land for the roadway as her home is close to the road now and with vehicles traveling even closer to her home will cause greater safety concerns.

Kristina Benson, 181 Washington Street – Ms. Benson wondered about the loss of parking spaces from her business in West center. Mr. Rizzo said that Mass. Highway would be interested in working together with businesses on problems such as these.

Nancy Taylor, 172 Washington Street – Ms. Taylor stated she is not in favor of the road reconstruction but is supportive of the culvert repair. She sees the real problem as speeding and expressed apprehension about individuals who have had close calls crossing the road to get to the store.

Bill Paisley, 189 Washington Street – Mr. Paisley observes cars passing in the center and believes widening of the road will only contribute to this problem. He is also uneasy about the amount of the frontage of his business and availability of parking being affected as this is his livelihood. He supports the 3 Phases approach with work on culverts being performed first.

Steve Merriam, 265B Washington Street – Mr. Merriam asked if John Dold could explain more about using Chapter 90 money to do design work which may eventually be thrown out. Mr. Dold indicated the design cost could be as high as \$800K. Mr. Brown of Bayside stated they would do another public hearing to gather public input before completion of the 25% design submission which represents up to 55-60% of the design cost.

Andy Klouse, 142 Washington Street – Mr. Klouse is a cyclist and worries about safety in West center. He's in support of finding out about widening the road and stated that options in the center are worth exploring. He also wondered how much influence a property owner would have, for instance, on the look and feel of a retaining wall on their property necessitated by the design.

Mr. Rizzo offered that owners will have input, all comments are part of the record of the project and Mass. Highway must respond to them.

Selectman Costello added that the Town could have such details written into the specifications. He would want first a 2 ft. waiver for West center (no sidewalks).

Louise Kress, 20C Stiles Pond Road – Ms. Kress questioned whether West center could be made a 4-way stop to calm traffic. She also asked if it took a Town Meeting vote to take land by eminent domain.

Mr. Tyler of Bayside said that easements or the taking of land by eminent domain must be voted at Town Meeting in the event any of the land is needed in the process of this project. A 4-way stop would be unlikely due to the amount of traffic in that location.

Andrew Scheuchzer, 232 Washington Street – Mr. Scheuchzer indicated that some interested individuals were unable to attend tonight's hearing and are there any additional forums planned or somewhere they might look for more information. Selectwoman Jessel offered that a video of tonight's hearing will be aired on public access television and John Dold can provide additional information as requested. The comment sheet will be put up on the website together with additional information as well.

Robert Hazelwood, 19 Belvedere Road – Mr. Hazelwood requested there be no granite curbing as part of the project as it can cause damage to service delivery vehicles and asked if that would require a waiver. Mr. Rizzo of Bayside thought it probably would require a waiver.

Carolyn Tanner, 200 Washington Street – Ms. Tanner reiterated other business owners' concerns regarding parking space loss as well as concerns about the culvert next to Mr. Paisley's property being widened, thereby possibly causing flooding to her property. Mr. Rizzo of Bayside explained that work on the culvert would not affect that location.

Rick Anderson, 126 Washington Street – Mr. Anderson stated his worries about safety in West center, especially at the corner onto Main Street where people park and cross to enter the store. He suggested a stop sign for merging traffic as a way to deal with the problem but Selectman Perkins warned that it would cause more of a traffic jam in the center.

Bill Paisley, 189 Washington Street – Mr. Paisley had questions about the culvert adjacent to his property being converted to an arch as it would require more space, but Mr. Rizzo of Bayside explained that there are many different types of culverts, so it would not necessarily need to be an arch. Mr. Tyler of Bayside said there are only recommendations for culverts, not requirements and that hydraulics and extensive analysis is performed to take into account the wetlands, animal species affected, etc.

Selectman Costello stated that ample time will be needed for the collection of resident comments and compilation of the information. The Board would then plan to have discussions centered around the input received, with D.P.W. Superintendent John Dold and representatives of Bayside Engineering invited to participate.

Mr. Rizzo of Bayside offered that the Project Development Guidebook details a 28 ft. road which can accommodate a bike path.

Steve Merriam, 265B Washington Street requested that a typical cross section be part of the information which is put on the Town's website and Mr. Tyler of Bayside said that he will provide cross sections which do not require a waiver.

Selectman Galarneau stated he wants to focus on the design aspects in the center and whether waivers will be needed before spending funds which could be spent on roads repairs.

Mr. Rizzo of Bayside confirmed for Selectman Perkins that one lane must always be kept open during construction on roads.

Selectwoman Jessel closed the public hearing at 9:20 p.m.

Respectfully submitted,

Katherine Carleton
Minutes Secretary

**PROPOSED RECONSTRUCTION OF RT. 133
PUBLIC COMMENTS**

**Stephen Davis
8 Kimball Road**

I am a bike rider, do ride 133, would love bike lanes, do not think there is room for sidewalks.

**Chuck Costello
P.O. Bo 333**

How wide is the existing Rte. 133 pavement, 300 feet east of the Main Street to a point 300 feet west of #200 Washington Street? Waivers: May need to include reductions on walkways and bikepaths and shouldered widths. How likely is it that a 28' road (pavement edge to pavement edge) will be approved.

**William McCullom
553 Main Street**

Nice discussion last night. My impression was, there are three priorities – in the following order:

- #1 “Parker River” culvert
- #2 Culvert west of the center
- #3 Intersection congestion & safety

Everything else is secondary – for convenience primarily, and safety somewhat.

**Patricia Lucey
19 Willow Road**

I support the project 100% but I fear that the West Village property owners will keep us in litigation for years. If the two culverts are MAJOR then those sections of 133 should be done first and let West Village get mired in lawsuits. Improved drainage so run-off no longer destroys our driveways having an impact on our septic system. I fear that at Town Meeting it will get turned down as the town is so parochial that people in East could care less what affects West.

**Richard Taylor
172 Washington Street**

As requested, I have the following questions and suggestions w/r/t the proposed improvements to Route 133.

First, as a matter of position, I oppose any takings in the village for the purpose of sidewalks. It makes little sense for the Town to go through the expense of determining titles, paying for easements or takings, and/or facing litigation for sidewalks that would provide little service to few residents and only be located in a small portion of Boxford. As we heard from abutters to Route 133, including business owners, they are opposed to sidewalks. I also challenge whether MassDOT requires such improvements past bike paths: the published MassDOT specifications I have seen do not require sidewalks. I would like to see the specific document cited by Bayside saying sidewalks are required.

Second, if Bayside is correct and the ROW for road and bike lanes can be 28 feet or up to 30 feet, this width can be achieved now in the West Village, without takings, surveys, or the need to worry residents. I have no problem with this and, in discussions with a number of neighbors, neither do they. If we can agree on this ROW, it would be a waste of money to, again, go through surveys and title searches. If Bayside insists that such is needed, I would, again, like to see the specific specification supporting their position.

Third, I have said before and I say again that the Washington/Main intersection is dangerous and awaiting a tragedy. Waiting for two or three more years to have a full scale engineering study on the intersection appears to be pure overkill and a waste of taxpayer money. There is not reason that with the skills and resources available now in the DPW that this intersection could not be addressed immediately, perhaps with a minimal engineering layout, with a request for any required sums to T it off at the Fall Town Meeting.

Fourth, Bayside should not be considered sole source if any studies go forward. This would be in violation of procurement law. I also was not impressed by the seemingly uncompromising attitude of Bayside in their presentation and answers to questions. Their attitude seemed to imply they want to follow the book, asking MassDOT for no waivers and no matter the consequences which, coincidentally, would also cost the town the most for their services. Their suggestion that they need to search land titles, lay out sidewalks and the ROW, etc. etc. before deciding whether to ask for waivers would be a waste of town money. I was also not impressed that they obviously had not even looked at the road width in the West Village before the meeting.

Those points made, and assuming the worse (sidewalks through the West Village), here are my specific questions:

- How many feet into our land will the Town want?
- Who pays for moving fences, trees, etc?
- Who pays for the land that's taken?
- What if a taking causes or increases a zoning nonconformity?
- Will any taking go to Town Meeting for approval?
- What about telephone poles? Will they need to be moved further onto our property?
- What happens if front yards are above or below the level of the bike path?
- Who pays for the landscaping to correct?
- If sidewalks are put in, who keeps them open in winter? Where does the snow go?
- How will this affect our property values?
- Will there be curbs (good idea, but adds another foot or two)?
- What about parking in the bike paths? Will it be prohibited? If so, will it be enforced?
- By improving Washington Street, are we just making it easier to speed?

Right now, it's already the busiest street in Boxford (2005 traffic study).

Given time, there will be more questions, I'm sure, stemming from these.

Lana Spillman
20 Pearl Road

The culvert under Route 133 at Porter Brook between the Washington Street business building and King's Tree Farm property frequently is blocked due to beaver activity. Also, this area of Route 133 is a hot spot of turtle mortality, especially during egg-laying season (late spring). I have seen numerous turtles crushed on the road or injured by vehicles in this area. Is there a possibility that the relevant culvert (from Sperry's Pond) could be replaced or modified to a more open system, especially so that turtles and small mammals could traverse without having to cross the Rt. 133 road? A more open system could also deter the beaver damming activity that is occurring there now.

Joe & Beatrice Kehoe
151 Washington Street

Suggestions:

1. Putting a round-a-bout in the West Village @ Rte. 133 and Main Street
2. Putting a 4-way stop sign in the West Village

Concerns:

1. Leach field approximately 5' from the white line
2. 5 very mature white pines within 5' of white line
3. Mailbox and stonewall 1' from white line
4. Telephone poles, one to right and one to left of driveway within 4' of white line
5. Who will be monetarily responsible for moving and replacing of the four above mentioned concerns?

Paul Donohoe
28 Pye Brook Lane

In listening to the comments at the meeting, it seems to me that it would make sense to ferret out any right of way issues and easements or takings if necessary early in the process – particularly in the west village. I would not want to see a title or boundary location conflict (real or implied) being used as a trump card to delay progress and funding. Also, I really believe that continued meaningful dialogue with abutters will significantly reduce a “kill the project” approach with most reasonable people.

Michelle Rose
87 Willow Road

When I first read this proposal I nearly jumped for joy! What I would have done to have this 21 years ago when I moved here! It would have been so nice if I could have pushed a stroller around and met other neighbors. When I had my children I felt very isolated in this town. The sidewalks will increase the sense of

community. Help children stay active. My children now ride to Topsfield, up and down 133, to Bensons, etc. I worry because it's not safe. I'd love to be able to jog and walk our dogs. There are issues with residents in the center but perhaps a smaller path or only on one side would make less of an impact. Please begin as soon as possible. It would mean a huge change for the better in our family's life.

Dennis Kent
87 Willow Road

My concerns are the maintenance of the sidewalks (repair, snow removal, trash and litter removal – who pays?) and to lower the speed limit to 35 not raise it! And if guardrails are used they should be pressure treated timbers not galvanized steel!

Carolyn Anderson
575 Main Street

Although a bike path along 133 would be nice, I would object if construction would take away neighbors' land, trees, fences. I also would object if the village would be significantly impacted: specifically if Benson's and Paisley's were to be compromised. Has upkeep/maintenance of the bike path been considered? Who is responsible for keeping it ice free? Who bears liability when someone slips? I have a problem with the State encouraging us to spend more money on a bigger project than is needed, rather than just giving us less money to fix the culverts. What an example of government waste.

Susan Smith
108 Washington Street

As stated at the meeting on April 29 at Lincoln Hall, I am concerned with several issues regarding the widening of Route 133 from the N. Andover Line to the Georgetown Line. Mrs. Smith and I believe as many residents stated that night that the speed at which most cars travel on the existing roadway already exceeds posted speed limits. I follow cars from the Georgetown line where the speed limit is 45 miles per hour and many do not slow down for speed limit changes when they enter Boxford. As a longtime resident, living at the corner of Washington Street and Willow Road, we have seen many accidents over the years involving cars hitting the tree that used to be out front and the guardrail which is now there. We feel that a wider road is only going to be inviting higher speed resulting in more accidents. Often we hear screeching tires during the early morning hours as cars going around the corner of the intersection of Willow Road to Washington Street. During heavy traffic hours we see cars gliding through the stop sign at Washington Street and Willow Road. In fact, one car failed to stop at the stop sign, crossed Rt. 133 into our yard causing damage to a vehicle parked in the yard. By widening the roadway we believe that automobiles and trucks traveling at excessive rates of speed will create a greater risk of danger to the safety of our property and the people living there.

James E. Tanner, D.V.M.
200 Washington Street

After carefully listening to the presentation on the reconstruction of Route 133, I wish you to know that I am strongly against this proposal. 200 Washington Street is a commercially zoned building and as such has certain parking requirements, set forth in the town zoning bylaws, based on the square footage of the building. I am currently meeting those requirements but fear I would not be able to meet them if a portion of my parking was eliminated by this proposal. I second the concerns of both the Paisleys and the Bensons that this expansion could seriously jeopardize the businesses in this area. I also share the concerns of most all of the residents on the street that this expansion could exasperate the speeding problem we are all aware of. The only time that traffic is controlled is with the presence of a patrol car. I realize it is impractical to have a constant police presence. This doesn't even take account of the statistically significant increased risk at the intersection with Main Street. I believe that I share with most, the desire to defray costs, when possible, but not at this price. Thank you for all your time.

Katherine & Scott Reed
3 Whittier Terrace

My husband and I wanted to express our delight and support of the Reconstruction of Rte. 133. We live at 3 Whittier Terrace at Willow and we would be thrilled to see neighbors and friends walking and biking by. Each day I drive to North Andover to walk my dog on their beautiful sidewalks ...

William Paisley
189 Washington Street

I am the owner of Paisley Farm and Greenhouses located at 189 Washington Street. The business is a vegetable farm, road side stand and retail greenhouses. It was established in 1932 by my grandfather and father. My daughter, fourth generation Paisley, manages the daily operation of the business and is assuming more of the management of the business as I regress to a less active role. The road side farm stand sits just off the pavement of Route 133 and has been at that location since being built in 1936. The business uses most of the frontage along Route 133 for customer parking from Good Friday through to Christmas Eve. My comments on the resurfacing of Route 133 from the North Andover line to the Georgetown line are as follows:

1. The proposed thirty foot thoroughfare, twenty four foot travel lanes and two three foot bicycle paths, would pose little if any inconvenience to the operation of the farm stand or greenhouses.
2. The addition of a five foot sidewalk to the 30 foot thoroughfare would eliminate the farm stand, the gravel parking lot and all of the parking currently used along the frontage of the farm. Such a move would so restrict the operation of the business that it would probably become unprofitable and would close.
3. I support the proposal for the State funding of the resurfacing of Route 133, improving the drainage problems, replacing the culvert on Willow

Road, the redesign of the intersection at Washington Street and Main Street and the establishment of a bicycle path on each side of the road as long as a waiver were granted to omit sidewalks in the village section of the project.

4. I see nothing wrong with the culvert at 200 Washington Street. The beaver problem can easily be remedied by the installation of a beaver deceiver at far less cost.
5. The installation of side walks along Route 133 seems to me to be a waste of money. The bicycle paths make an excellent pedestrian way along Route 133. Eliminating the sidewalks from the proposal would greatly reduce the cost of the project and eliminate the need to destroy trees, stone walls and disrupt the frontage on every resident along the route.
6. Over the years since the farm stand was established, the elevation of Route 133 has constantly increased with the addition of pavement. When the road was last resurfaced a few years ago, the increase in elevation of the pavement placed the road side stand well below the road surface and is at the maximum recess desirable. I ask that if the project is approved that the raising of the road side stand and surrounding area be included in the plan.