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**RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
FINAL REPORT AND RECOMMENDATIONS**

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Preface

The Railroad Bed Study Committee was established by vote of the Hull Board of Selectmen on July 9, 1990. The Committee's stated mission was to report to the Board, within 6 months, its recommendations for the proper use of the railroad bed right of way which runs the length of the Town.

The Committee was comprised of:

Roger Jackson	Committee Chairman, Hull Municipal Light Plant Manager, designee of Hull's Town Manager
Neil Pennywitt	Committee Secretary, Chairman of the Hull Planning Board
Charles Allen	Member, Chairman of the Hull Board of Selectmen
Donald Brooker	Member, Hull Chief of Police, designee of the Town Manager
Thomas Gould	Member, Chairman of the Hull Board of Assessors
Ann Kinnear	Member, Chairman of the Hull Historical Commission
Joan McAuliffe	Member, designee of the Hull Conservation Commission
Joseph Burke	Member, Citizen of Hull
Dorothy Harney	Member, Citizen of Hull
James Perchard	Member, Citizen of Hull

The Committee held public, advertised meetings on:

August 14, 1990	January 30, 1991
September 12, 1990	February 13, 1991
September 26, 1990	February 20, 1991
October 10, 1990	March 12, 1991
November 14, 1990	March 20, 1991
November 28, 1990	May 22, 1991
December 12, 1990	May 28, 1991
January 9, 1991	June 12, 1991
January 23, 1991	

Approved minutes of all the above meetings are in the Appendix.

The first effort of the Railroad Bed Study Committee was to establish the Town of Hull's legal right(s) to determine the use of the land. The principal advisor was James B. Lampke, Esq., Town Counsel to Hull, whose interpretation was that the Town does have control of the parcels. The land was conveyed to the Town by the trustees of the New York, New Haven, and Hartford Railroad Company in 1938, and accepted by the Town in Town Meeting. This Conclusion is supported by a report by Lawrence A. Kellem, Esq. dated August 5, 1966:

"The foregoing facts and recitation of applicable law lead me to the conclusion that the Town perfected its easement in and to the railroad property and that the Town does presently have an easement for the purpose of a Town Way in such property. This conclusion is also supported by the release which was no doubt given to the Town by the railroad simultaneously with the delivery of the deeds heretofore mentioned."



Both lawyers identify that the Order of Taking issued by the Town indicates the parcel is taken as a way or highway. For legal purposes, there is no difference between these two terms. "Ways..." according to Lampke, "... can be viewed as property laid out or constructed to accommodate modes of travel (and other related purposes) that change as customs change and technology develops."

Lampke furthermore, states that there are methods by which the Town could change the "Way" designation if it so desires.

Based on this advice, the Committee concurs that the Town of Hull does hold and control the railroad bed.

The Committee did a physical assessment of the railroad bed and observed that the only permanent structures the length of the parcel appear to be a restaurant at Wade's Crossing and a storage shed at the XY Parking lot. There are some fences, one addition to an ancillary structure protruding onto the bed, many gardens, "captured" backyards, and parking areas, both formal and informal. The various areas range from well kept and finely manicured to uncared for eyesores. Generally the parcels are clean. The bed follows, to the best of the Committee's ability to interpret, the dimensions outlined in the Town's official assessor's maps. At least two stone boundary markers were discovered.

The Committee put out calls, through multiple vehicles, for two areas of citizen input in the study's data. All meetings were legally posted, letters and releases were run in both local newspapers, and a mass mailing was made to all 312 households identified (by the Assessor's office) as abutters to the railroad bed (copies attached).

The Committee asked for interested citizens to:

1. come to its meetings to give their ideas and listen to the thoughts of others, and
2. advance any materials which they might have which showed either
 - a. documentation about the railroad bed, or
 - b. documentation which showed their legal right to the use or ownership of any part of the railroad bed.

All documents, pictures, maps, books, postcards, etc., which were received can be found in the archives which has been turned over to the Town. In no case did the Committee receive any documentation which indicated that any party had any long term, irrevocable rights to a part of the railroad. Citizen attendance, cooperation and input were all generous. For example, one private citizen, Paul Burgart, attended nearly every meeting. Specific ideas advanced can be seen in the Minutes (attached) of the various meetings.

The Committee was in total agreement that the Railroad Right of Way is a valuable asset to the Town of Hull, and the long term protection of that asset should be of paramount concern to Town officials.

Any member of the Committee who had a minority opinion was invited to add his/her opinion to this final report. Minority opinions follow the discussion of each section recommendations.

History of the Railroad Bed

In 1880, Hull was on the verge of becoming a world-class summer resort. The village area, the seat of town government and home of most of the year round residents, had already attracted wealthy summer visitors from Boston for many years. Nantasket Pier had been built at the other end of town in the 1870s, and a fleet of steamboats carried thousands of daytrippers daily from Boston to Pemberton Pier to enjoy the beach and cool breezes. For the wealthy, there were the "Grand Hotels," which catered to their every wish as long as the money held out. A trolley line ran from Hingham to the beach, with an extension over Atlantic Hill for the exclusive use of those who occupied the lovely Victorian summer cottages that sprang up in that area.

With all this activity at both ends of town, some enterprising men began to eye the economic possibilities of beautiful Nantasket Beach. Soon, requests were being made to develop a rail line that would stretch across the long plains of the Hull peninsula.



On March 2, 1880, the Nantasket Beach Railroad Company was formed and asked permission to construct a railroad from the steamboat wharf at Nantasket Beach to Allerton Hill. Permission was granted, and service began on July 10th. It must have been a success because a new company, calling itself the Hull and Nantasket Beach Railroad Company, requested permission on September 2, 1880 to build another line, this one from Allerton to Pemberton.

A month later, a third group, the Hingham and Hull Railroad Company, was formed and received permission to build a line from the end of the Nantasket Beach Railroad Company line to the Old Colony House station in Hingham, near the present-day site of the Hingham Lumber Company.

These three companies operated their own lines for the rest of the first season. Before the 1881 season began, however, the Nantasket Beach Railroad Company applied for authority to consolidate with the other two companies. On July 3, 1881, the new railroad company began service, using steam engines and coaches, from the Old Colony House to Nantasket, Allerton, and Pemberton with no fewer than 11 stops along the way.

The Nantasket Beach Railroad Company eventually closed in 1886, after struggling for some years with financial difficulties, and the Old Colony Railroad Company obtained the right to operate the line a few years later. In 1895, Old Colony installed an electrified third rail system, the very first in the nation. It took its power from Power House #1, built on the Hingham side of the Weir River.

The Nantasket Beach railroad proved to be a great success and soon became the highlight of the trip from Boston to the seashore. Tourists would take the steamboat to Pemberton, then hop the open cars of the train for the cooling ride across the long beach plains to the amusement area and on to the head of the beach. Later, they would enjoy a romantic ride back across the long beach to catch the last night boat for Boston from Pemberton.

Over the next several decades, the railroad contributed much to Hull. The new line united the town and opened the long expanse of the peninsula to development. Clusters of homes sprang up around the train stations, as people took advantage of the convenience of having a train stop literally at their back doors. Eventually, the town divided into sections that to this day are known by familiar names of the old railroad stations: Nantasket, Surfside, Whitehead, Kenberma, Waveland, Bayside, Allerton, Windemere, Stony Beach, Hull, and Pemberton.

Old Colony ran the Nantasket line until July 24, 1932, when the lethal combination of the Great Depression and the growing use of private autos did in both the steamboat service and the railroad. After receiving permission from the Legislature, Old Colony abandoned the line on May 18, 1937. On March 12, 1938, the Town Meeting voted to acquire the railroad bed for use as a public road. [See the Town Meeting Minutes in the Appendix, page 00.]

Sectional Recommendations

The Committee noted that discussing past, present or potential current use of the Railroad Right of Way was nearly impossible unless it was divided into smaller sections. A sectional approach also recognized the fact that the current use of the Railroad Bed varied markedly depending on location.

The Sections were defined as follows:

1. Town line/landfill through Rockland Circle Extension
2. Rockland Circle Extension to Phipps street
3. Phipps to Lewis Street
4. Lewis Street to A Street
5. A Street to L Street
6. L Street to XY Streets
7. Stony Beach to Hull Lifesaving Museum
8. Hull Lifesaving Museum to Pemberton Point

Each section was discussed at length and specific recommendations relating to that section, both short and long term, were made by the Committee. Each section examination is accompanied by a locus map which details the exact area discussed. The Committee has also provided a brief rationale for each sectional recommendation.

By unanimous vote the Committee did make one recommendation which related to the entire length of the Railroad Right of Way:

The Town should not sell any portion of the Railroad Bed which it controls.

The Committee felt that disposing of public property through land sale, especially public open space, was not in the long term best interest of the Town. Protecting the Right of Way for some future use which may not, at this time, be feasible was a prime motivation in this recommendation. For instance, the argument was made that rapid advances in public transportation technology, similar to those made over the last 50 years, could make the Railroad Right of Way a vital public use corridor in the future.

Section 1: Town line/Landfill to Rockland Circle Extension

- An easement for electrical use (power lines, etc.) should remain in place
- All existing right of way property should remain public open space, and/or the existing use should be allowed to continue (roads, parking, etc.)
- A small section of the bed behind what was the roller coaster is noticeably wider than the usual bed (the site of an old spur or siding?). Land subsequently sold to the Golden/Levin families may have been this spur and not the actual bed. If so, the right of way still exists unbroken under what is now the MDC parking lot (formally George Washington Blvd.). The Committee recommends that Town Counsel research this area of the Right of Way, and that further engineering could be required.

This area is currently being used by the Town for various public purposes, including providing access to the Town Landfill and routing of utility lines. Continuing this public use is the most rational recommendation on the short term. Once the Town Landfill is closed and capped, continued access should remain to a future park or other public space.

Section 2: Rockland Circle Extension to Phipps Street

- The existing use should remain as is for the immediate future. All existing leases should be maintained, and open spaces preserved.
- No long term recommendation is made simply because current economic forces beyond the Town's control may result in a modification of land ownership in this area (the possible dissolution of the MDC, for example).
- Potential control of MDC property requires further study, although the Committee suggests that the historic railroad bed should revert to Town control.

The Committee noted that the Town either owns or controls only a small section of the Railroad Right of Way near Wharf Avenue. All other parts of the bed in this section are either privately owned or controlled by the Metropolitan District Commission.

Certain areas of this section are currently leased by the Town to private concerns (the site of Atlantic Bar and Grill, for example). The Committee also discovered that the Town may control a sizable stretch of the bed running along the beach behind the Bergan House, formerly located at the end of Quincy Street; this area needs further examination by Town Counsel and an engineering study.



Section 3: Phipps Street to Lewis Street

- The Committee approved, by unanimous vote, that PORTIONS OF THE RAILROAD BED IN SECTIONS 3 AND 4 AS IDENTIFIED BY THE RAILROAD BED STUDY COMMITTEE SHOULD BE AVAILABLE FOR PRIVATE LEASE. LEASABLE PARCELS INCLUDE ONLY THOSE AREAS NOT USED FOR PARKING, (EITHER TRADITIONALLY OR EXISTING) OR AREAS IDENTIFIED AS RESERVED FOR FUTURE PUBLIC USE. Those areas are identified on the map appended to this section.
- A number of potential lease terms are recommended; all will require review by Town Counsel:
 1. All existing rights and agreements previously issued should become null and void once the recommendation made in this report are accepted.
 2. All Railroad Right of Way property leased for private use is subject to recall by the Town for public use through a 30 day written notification.
 3. The Committee recommends issuing a 5 year lease with a 5 year option; value of lease tied to market rates. Sale of property terminates the lease, and both the new property owners and the abutting property owners to be given the option to lease under the same terms as the previous leaseholder;
 4. The first year's lease payment be allocated to pay for required survey work; in effect the Town would obtain a current survey of the Right of Way at little or no cost to the taxpayers.
 5. Each abutter to be offered 1/2 the Right of Way which abuts his property;
 6. In event any abutter declines to lease the Right of Way abutting his property the opposite abutter is to be given the option to lease both halves;
 7. Adjacent property abutters may be given the option to lease any sections of the Right of Way not leased by the immediate abutters;
 8. All leases to begin and end concurrent with the same fiscal year;
 9. All unleased property reverts to the town for use as public parking;
 10. Some type of Special Needs abatement should be enacted;
 11. Public use for routing of public utilities must be protected in the all lease documents;
 12. General use guidelines (i.e. allowable improvements, upkeep and maintenance items) should be a lease condition;

The Committee made this recommendation, limited to Sections 3 and 4 of the Railroad Bed, for a number of reasons. The portions of the Railroad Bed contained in the area from Phipps to L Street have seen more past "private use" than other sections, generally in a positive sense. Most abutters have extended their private property landscaping to incorporate the railroad bed. The preservation of this existing greenspaces is important both to the Town and to these property owners.

Continued "minimal impact" use of the Railroad Bed through the issue of revokable leases in these sections also allows the maintenance of the continuous Right of Way and protects potential public future use of the corridor.

These areas of the Railroad Bed still need to be available for various concurrent public uses like the routing of public utilities.

The Committee felt that setting lease fees was the responsibility of the Board of Selectmen or their designees, but that fees were necessary despite the fact that they will probably only provide minor financial advantages to the Town. The Railroad Bed is public property, and the Town must be reimbursed for private use of that property, if only to be fair to those residents who are not now currently enjoying similar property use advantages.

The Committee also felt that funds raised through property leasing, other than those allocated to property survey, could be earmarked for maintenance of sections of the Railroad Bed reserved for public use.

Section 4: Lewis Street to A Street

- This section is notable as it is the site of the old Waveland Station and is thus considerably wider than adjacent sections of the Right of Way.
- Short term recommendation is to leave all areas as is; town parking areas remain and private use of major portions of the bed to also remain;
- Long term use should include increasing the size of the existing parking area from a single row of parked vehicles to a double angled row with center egress. This increase in parking lot size would reduce land areas used by abutters for private yards, but would not result in a total taking.

This section was discussed at some length since many of the abutting property owners noted that their rear house facades were nearly on the railroad bed lot line. The existing bed is currently used approximately 2/3 by the abutters as yard and 1/3 by the town for parking. The committee felt that increasing the parking area benefited the town at large, but noted that only the minimum amount of additional land necessary for an increase in parking area should be removed from private use.

The Committee noted that the continuation of public parking in the Railroad Bed is a valid, and sometimes necessary, use of this space especially where adequate street parking is limited or does not exist.

Section 5: A Street to L Street

- The Committee discussion was similar to that of Section 3; all recommendations contained in that Section apply here.
- All existing parking areas in this Section should either remain or be expanded as noted on the attached Section Map.

The Committee noted that the Railroad Bed in Section 5 is more congested by cross streets has a totally different character from Section 3. The continuation of public parking is an important function, as discussed in Section 4.

Section 6: L Street to XY Streets

- The Committee recommends that the short term use of the Right of Way remain as is with movable barriers remaining in place midblock between each pair of cross streets to prevent vehicular traffic. [Note minority opinion below on this recommendation]
- The Committee recommends that the long term use for this section should be a permanent, paved one way (northbound) street, divided with a system of alternating barriers, including marked and posted parking areas and all other signage required by law. [Note minority opinion below on this recommendation]
- The Committee recommends, both for the short and long term, that the Town owned fence at the corner of L Street and the Right of Way be removed and replaced with a lockable gate; access should be adequate to allow for emergency use.
- Existing parking lots should remain as parking or other public use.

Discussion on this Section of the Railroad Bed was the most involved and took up the majority of the time spent on the report. Most of the meetings held in 1991 were spent entirely on issues relating to this Section; see the amended notes for detailed discussions, motions, and actions.

Public safety issues were the major focus of discussion and recommendations in this section. The major problem voiced by residents in this Section was a lack of street parking. Perhaps even more important is the fact that several beachfront homes in this Section currently depend on the existing poorly maintained dirt

Railroad Right of Way as their only accessway for either private or emergency vehicles. Providing an alternative traffic route for traffic when the other major north/south artery is either closed or impassable seems to be simply good planning.

The long term permanent use of this Section as an auxiliary northbound roadway would help alleviate off-street parking problems of residents and would require paving, speed bumps, warning and regulatory signage, landscaping and marking required by a secondary roadway system.

Almost all abutters of this Section who attended the Committee sessions spoke out strongly against any changes in use of the Railroad Bed, and viewed the right of way as a private parking area.

Minority Opinion - Short Term Use of Section 6: L Street to XY Streets

To: Roger Jackson, Chairman
Railroad Bed Study Committee
Hull, MA

From: Railroad Bed Study Committee Members
Donald F. Brooker
Jim L. Linville

Date: May 28, 1991

Subject: Minority Report

The Committee, in a split vote, recommended that the Short term use of Section 6 be to maintain the Railroad bed in its present state.

The present state is that barriers such as telephone poles or objects of a similar nature have been placed across the Railroad Bed halfway between each intersecting alphabet street to prevent access for motor vehicle travel and at the same time create individual parking areas.

We, Donald F. Brooker and Jim Linville, are in opposition to this short term goal as it prevents unimpeded access. It does nothing more than maintain the status quo which has been a cause for concern for many years. It creates what we consider a serious public safety and motoring hazard. By allowing this condition to continue it will only tend to compound the liability issue that presently exists. It denies the residents of the Town and others the use of this Town owned property that all of the citizens of the community should be able to enjoy and benefit from.

Minority Opinion - Short Term Use of Section 6: L Street to XY Streets

To: Roger Jackson, Chairman
Railroad Bed Study Committee
Hull, MA

From: Railroad Bed Study Committee Members
Dorothy Harney
Jim Perchard

Date: June 26, 1991

Subject: Minority Report concerning Section 6 of the Report of the Railroad Bed Study Committee to the Board of Selectmen

We disagree vehemently with the vote of the majority of the Committee on the long-term recommendation for Section 6.



The stretch of the railroad bed from L to XY Streets is an extremely unique area which we feel calls for very careful and special consideration.

The two most important factors are: (1) the safety of all the residents of the area who use these particular streets as access to the beach; and (2) the ability of the people who have homes here on Beach Avenue to have access to, and parking at, their homes.

We feel, and our opinion is reinforced by the petition of 200 residents made to the Selectmen, that the best and safest solution for the bed in this area is to leave it as it has been since the tracks were removed over 50 years ago, i.e. with some sort of barrier placed at the middle of each of these streets to prevent through traffic while at the same time allowing the owners to get to their homes.

Our position, as opposed to the majority position, is that this area should not become a northbound street with alternate parking at each block.

Our "No" votes reflect our deepest conviction that a paved road in this area is totally unnecessary, would become an extremely dangerous safety hazard, and would make access to the Beach Avenue homes, with adequate parking for them, almost impossible.

Jim Perchard
Dorothy Harney

Section 7: Stony Beach to Lifesaving Museum

- Existing use should remain, i.e. roads should remain as roads and parking lots remain as parking lots. All areas should remain zoned public open space. The town should maintain all property rights and not lease or sell land in this area.

It is important to note that Fitzpatrick Way follows the Railroad Right of way from the XY Street parking lot to the Stony Beach area.

Section 8: Lifesaving Museum to Pemberton

- The existing use should remain; all land should remain public open space and controlled by the Town.
- Existing parking areas should remain as parking areas.

Summary

The Railroad Bed Study Committee, after weeks of discussion with abutters and other interested citizens, determined that they had two major issues to address:

1. Who actually owns the Railroad Right of Way; and
2. What should be done with the property.

All the information which the Committee could find upheld the opinion of Town Counsel that the former Railroad Right of Way is, with the exception of certain parcels behind the Horizons Condo complex, either owned by the Town of Hull outright by Deed or controlled through an Instrument of Taking (easement). [See Lampke opinion contained elsewhere in this Appendix]

Town Counsel also noted that, to his knowledge, no documentation of private ownership of any section of the Right of Way other than the Horizons parcel was in existence.

The Committee proceeded with the assumption that the Town had legal title to or control of all land in question and was thus justified in planning for it's current and future use.



Arriving at a recommendation for the use of the property was much more difficult. The Committee agreed that disposing of publicly owned property through land sale was not in the long term best interest of the Town. The Committee also agreed that recommending one use for the entire length of the Right of Way was neither appropriate to the property or in the best interest of the Town.

Public access and use surfaced as the primary motivation behind most of the sectional recommendations. The Committee felt that it was in the Town's long term best interest to protect the whole length of the Right of Way thus saving it for some future use which may not be either economically feasible at the current time or even considered by this Committee. The argument was made that rapid advances in public transportation technology, similar to those made over the last 50 years, could make the Railroad Right of Way a vital corridor 50 years in the future, or even sooner.

Continued "minimal impact" use of the Railroad Bed through the issue of revokable leases in specific Sections also allows the maintenance of the continuous Right of Way and protects potential public future use of the land.

The Committee felt strongly that fees were necessary despite the fact that they will probably only provide minor financial advantages to the Town. The Railroad Bed is public property, and the Town must be reimbursed for private use of that property, if only to be fair to those residents who are not now currently enjoying similar property use advantages. This policy will be beneficial to the community as a whole rather than to only the few who happen to abut the land.

The Board of Selectmen are still going to be faced with determining exactly how leasing the property can be handled, both administratively and legally. The Committee felt that they could only recommend possible lease terms, and that the final determination of those terms would be best left to the Selectmen, Town Counsel, and Town Manager.

The Railroad Right of Way is a valuable asset to the Town of Hull, and the long term protection of that asset should be of paramount concern to Town officials.

Minority Opinion re Plan and Timetable

To: Roger Jackson, Chairman
Railroad Bed Study Committee
Hull, MA

From: Railroad Bed Study Committee Members
Anne Kinnear

Date: June 12, 1991

Subject: Minority Report

I am a member of the Railroad Bed Study Committee and unanimously support most of the recommendations in the final report of the Railroad Bed Study Committee which will be presented to the Selectmen. I am concerned, however, that the committee did not recommend a clear and precise plan and timetable for the Railroad Bed property to be opened, clearly marked and entirely free of encumbrances.

The reason for my concern is the strong proprietary feelings displayed by the abutters of the railroad bed in protesting the opening of a portion of the bed by the Fire Chief and by the comments made during the open meetings of the study committee which indicated that many of the abutters felt that because they have had the use of the property for many years that they have some rights in deciding what can or cannot be done with the property,



Also, none of the many people who spoke indicated they would consider other uses of the railroad bed property other than as an adjunct of their own property.

The town needs to begin to reestablish its rights in the railroad bed now.

The abutters of the railroad bed property need to understand that they do not own, nor have any right to, the property.

A plan must be worked out to allow the Town to reclaim its property while giving the abutters as much time as possible before the Town opens the bed to alternate uses.

A specific time — such as the end of the second five year lease recommended by the committee — should be decided on and the abutters notified as soon as possible.

Being interested in the history of Hull and having researched and poked about for some time, I have come to the conclusion that our town has repeatedly failed to consider future needs and paid dearly for it at times. One case in point is the old village school that was torn down around 1950 — I have heard that it was so sturdily built that it took days to knock it down. I don't know why it was destroyed, but I do know that it would have made a magnificent library.

To avoid repeating past mistakes we must keep in mind that to determine the best future use of this property to the town we must think first in terms of public safety and municipal needs.



APPENDIX A
Committee Administration, Attendance and Meeting Minutes

Late in the Summer of 1990 the Hull Board of Selectmen held an Open Public Meeting devoted to examining past, present, and possible future uses of the old Railroad Right of Way running the length of town. At the conclusion of that meeting, the Selectmen voted to appoint a Study Committee to examine in depth this potentially complex issue.

The Selectman appointed the following as members of the Committee:

- Chairman of the Board of Selectman (or his designee)
- Chairman of the Planning Board (or his designee)
- Town Manager (or his designee)
- A Representative from Public Utilities (Water Department or Light Department) appointed by the Town Manager;
- Chairman of the Conservation Commission (or his designee)
- A Representative of the Town Public Safety Departments (either Fire or Police), appointed by the Town Manager;
- A Representative of the Assessor's Department;
- A Representative from the Hull Historical Society

The first meeting of the Railroad Bed Study Committee was held at Town Hall on August 14, 1990, opening at 7:30 PM. Attending that meeting were:

Charles Allen	- Chairman, Board of Selectmen
Donald Brooker	- Hull Chief of Police
Thomas Gould	- Chairman Hull Board of Assessors
Roger Jackson	- Hull Municipal Light Plant Manager
Neil Pennywitt	- Chairman, Hull Planning Board

The first act of the Committee was to appoint Roger Jackson to serve as Chairman and Neil Pennywitt to serve as Secretary.

Comments from the floor sparked discussion on the addition of members from the public at large in addition to the members appointed by the Board of Selectmen and Town Manager. The Committee subsequently requested that the Board of Selectmen advertise for two new members, one from each the north and south sides of A Street, and appoint them as soon as possible.

New members were subsequently appointed by action of the Board of Selectmen on September 10, 1990 as follows:

Joseph Burke	- 5 Harvey Circle
Dorothy Harney	- 331 Beach Avenue
James Perchard	- 53 O Street

The committee decided to hold meetings the 2nd and 4th Wednesdays of each month beginning Wednesday, September 12th, at 7:30 PM.

An actual listing of the meetings and the attendance is as follows:

August 14, 1990

Attending

Charles Allen, Chairman, Board of Selectmen
Donald Brooker, Hull Chief of Police
Thomas Gould, Town Assessor (appointee of Town Manager)
Roger Jackson, Hull Municipal Light Plant Manager
Neil Pennywitt, Chairman, Hull Planning Board

Absent

Joan McAuliffe, Chairman Conservation Commission (or designee)



September 12, 1990

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Thomas Gould
Ann Kinnear (Hull Historical Commission)

Absent

Joe Burke
Dorothy Harney
Joan McAuliffe
James Perchard

September 26, 1990

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Thomas Gould
Ann Kinnear
James Perchard

Absent

Joe Burke
Dorothy Harney
Joan McAuliffe

October 10, 1990

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Joseph Burke
Thomas Gould
Dorothy Harney
James Perchard

Absent

Ann Kinnear
Joan McAuliffe

November 14, 1990

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Jim Linville (for Charles Allen)
Thomas Gould
Dorothy Harney
James Perchard

Absent

Donald Brooker
Joseph Burke
Ann Kinnear
Joan McAuliffe

November 28, 1990

Attending

Neil Pennywitt, Secretary
Charles Allen
Joseph Burke
Thomas Gould
Ann Kinnear
James Perchard

Absent

Roger Jackson
Donald Brooker
Dorothy Harney
Joan McAuliffe

December 12, 1990

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Donald Brooker
Jim Linville (for Charles Allen)
Joseph Burke
Thomas Gould
James Perchard

Absent

Ann Kinnear
Dorothy Harney
Joan McAuliffe



January 9, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Donald Brooker
Charles Allen
Thomas Gould
Ann Kinnear

Absent

Joseph Burke
Dorothy Harney
Joan McAuliffe
James Perchard

January 23, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Donald Brooker
Jim Linville (for Charles Allen)
Thomas Gould

Absent

Joseph Burke
Dorothy Harney
Ann Kinnear
Joan McAuliffe
James Perchard

January 30, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Thomas Gould
Ann Kinnear

Absent

Joseph Burke
Dorothy Harney
Joan McAuliffe
James Perchard

February 13, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Joseph Burke
Thomas Gould
Ann Kinnear

Absent

Dorothy Harney
Joan McAuliffe
James Perchard

February 20, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Thomas Gould

Absent

Joe Burke
Dorothy Harney
Joan McAuliffe
Ann Kinnear
James Perchard

March 12, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Thomas Gould
Ann Kinnear
Jim Linville (for Charles Allen)
James Perchard

Absent

Donald Brooker
Joe Burke
Dorothy Harney
Joan McAuliffe



March 20, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Charles Allen
Donald Brooker
Thomas Gould
Ann Kinnear
Jim Linville (for Charles Allen)
James Perchard

Absent

Joe Burke
Dorothy Harney
Joan McAuliffe

May 22, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Thomas Gould
Dorothy Harney
James Perchard

Absent

Charles Allen
Donald Brooker
Joe Burke
Ann Kinnear
Joan McAuliffe

May 28, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Donald Brooker
Thomas Gould
Dorothy Harney
Jim Linville (for Charles Allen)
James Perchard

Absent

Charles Allen
Joe Burke
Ann Kinnear
Joan McAuliffe

June 12, 1991

Attending

Roger Jackson, Chairman
Neil Pennywitt, Secretary
Donald Brooker
Dorothy Harney
Jim Linville (for Charles Allen)

Absent

Charles Allen
Joe Burke
Thomas Gould
Ann Kinnear
James Perchard
Joan McAuliffe

Copies of the Meeting Minutes from each meeting are included in the appendix of this document.

Chairman Jackson stated that the end product of this study must be a written report, suitable for distribution to both Town Departments and the general public. The Committee also noted that a minority position paper should be allowed if conditions so dictated.

The committee decided, after some discussion, that the study should examine the whole length of the Right of Way rather than limit itself to certain sections.

The Chairman questioned when to notify abutters about committee meetings and proceedings. The Committee discussed when to notify abutters about Committee meetings and proceeding and arrived at the decision to send out notification letter on September 17, 1990 and another before the presentation of the final report.

Chief Brooker noted that specific recommendations from this committee should take the form of a by-law to provide consistency over a long period of time.

Tom Gould stated that the assessors office had prepared a complete and current list of abutters to the Right of Way, and that it was in the computer in label format. Gould presented one printed set for use of the Committee.

Brooker stated that the Town is the official owner of all records gathered by the committee and that they must be made available for inspection to others.

Allen presented the committee with the book *Nantasket Beach Branch of the New York, New Haven and Hartford Railroad Company. Pioneer Electrification*, by Bob Megarigle. Although out of print, Allen noted that it was a valuable source of information on the active years of Railroad operation.

Brooker brought to the meeting a summary of all pertinent actions taken at Town Meetings from 1928 to 1938. He stated that at the Town Meeting in 1938 the land takings was referred to a being intended for purposes such as highways, roadways, parking, and other public uses.

Jackson presented the Committee with a collection of 7 survey maps dating from the early 1930's detailing the Railroad Right of Way and adjacent properties, obtained by Jim Linville and given to the Committee for it's use.



APPENDIX B
Summary of Open Public Discussions

In the first meeting on August 14th, a good deal of the discussions from attending citizens concerned the current legal ownership of the right of way. The Chairman stated that he would request Town Counsel to research the question and issue a Statement of Ownership by the next meeting if possible. Lampke's reply statement is noted in the next section of this report.

The meeting of October 10, 1990 was particularly well attended by members of the general public. Jackson summarized the instructions to the Committee from the Board of Selectmen and information gleaned to date for the approximately 20 citizens in attendance, and invited their comments concerning the use of the Railroad Bed Right of Way.

Winfred Kelly, 49 Manomet Avenue, recommended sale of the land to the abutters, or suggested renting the land if sale was not considered feasible. She noted that she has held a use agreement with the Town since 1962.

Edith Damon, 131 Manomet Avenue, noted that, as an elderly resident on a fixed income, she could not afford to purchase the land abutting her property but still wanted to exercise some control over its use.

Joseph Finegello, Jr., 67 E Street, recommended that abutters to the right of way buy the land and then pay the annual town taxes for it.

Paul Burgart, 52A Samoset Avenue, questioned how the Town planned to maintain the bed as it exists along Samoset Avenue.

Eric Green, 68 H Street, suggested that the committee evaluate the potential end use impacts. He stated that parking use could potentially decrease the assessed values of adjacent properties and thus reduce tax revenues.

Marshal Shapiro, 76 H Street, stated that he felt that actual ownership of the land was a "guess" by the Town. He recommended that the land be left as it is now but that abutters be taxed for its private use through a license process.

Ralph LeBlanc, 931 Nantasket Avenue, noted that the committee should develop an overall plan which showed the existing use of the Railroad Bed. He warned that any suggested end use must be weighed against potential impact to abutters.

Helen Semo, 165 Manomet Avenue, suggested charging rent to abutters for the private use of the right of way.

The meeting of November 28, 1990 was also well attended. Several citizens spoke to the issue of potential ownership of the land, and recommended that abutters be given the opportunity to purchase adjacent town owned property.

Most of the remaining in attendance recommended the Town leasing property to abutters if sale was not feasible or legal.

The public in attendance were informally polled and were evenly split between sale and lease of the property to abutters. Allen noted, however, that since all Town residents controlled use of the property its final disposition had to be left to the Town as a whole and not just to the abutters.

At the meeting on January 9, 1991, the Chairman read into the record a certified letter from Bernard Kansky expressing his concerns about potential uses of the Railroad Bed and offering suggestions regarding use, particularly in the section from L to XY Streets. Kansky essentially recommended continued use in the manner which it currently exists.

The Chairman relayed to the Committee Mr. Kansky's request that he be personally called by the Chairman



after each meeting and told of the proceedings. Jackson reported that Kansky was told the meetings were open to the public and all records, including meeting minutes, were available for examination. Brooker noted for the record that Kansky had not attended any of the previous meetings.



APPENDIX C
Summary of Committee Discussions

At the August 14, 1990 meeting Brooker raised several initial points about the right of way as it now exists:

- a. Public safety hazards are currently a problem;
- b. Public property should be used by the public at large and not limited to use by individuals;
- c. Stated that Police Department has recommended since 1980/1981 that the Right of Way be upgraded to allow parking and other municipal uses;
- d. Noted that a mechanism must be in place to notify abutters of work which could impact private property.

The Committee took a walking tour of the Railroad bed from the town landfill to A street on Sunday, September 9th. Jackson noted that few permanent structures existed in the right of way but stated that fencing, shrubbery, and other landscaping was the norm rather than the exception. Several fences extended across the right of way which prevented either pedestrian or vehicular traffic.

Members of the Committee walked the section of the bed from A to XY Streets, the Yacht Club area, and the sections adjacent to Stony Beach on Sunday, October 17th. No permanent obstructions were found, although there were encroachments such as fencing and landscaping. Jim Perchard maintained a photographic record of the walk.

Brooker stated that the Committee needed documentation of existing uses to show encroachment wherever it may occur. Jackson noted that aerial photographs were taken and would be made available to the committee.

Town Counsel James Lampke attended the meeting of September 26, 1990 and made several comments:

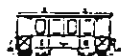
1. Lampke stated that the Selectmen were adding a letter to the one the committee was sending to abutters requesting that no further use of the right of way occur until final recommendations from the committee are discussed by the Selectmen.
2. Stated that he was not prepared at this time to give a definitive legal opinion on the exact ownership status of the Railroad Bed, but noted that:
 - a. The Town acquired the right of way to be used for a street and that the Town has "sufficient legal interest" to maintain a road on it;
 - b. A legal report on the right of way by Larry Kellem done some years ago would be forwarded to the committee as soon as it's release was approved by the Board of Selectmen;
 - c. The Selectmen's Office has a file on licenses issued relating to private use of the right of way
3. Lampke stated that the committee should assume legal ownership of the right of way until documentation could prove otherwise and proceed with the study as directed by the Board of Selectmen;
4. Lampke noted that in order to definitively prove ownership the Town would need plans showing each abutting parcel accompanied by the legal instrument which allowed taking of the right of way property.

The Town Counsel stated that he would research the legal questions raised by the committee and report, if possible, his findings at the meeting on October 24th.

Brooker stated that he would attempt to locate the minutes of the Town Meeting in 1938 which defined the proposed use of the Railroad Right of Way as a road. He noted that use other than that of a public way should require a legal opinion.

The Committee members commented on what they perceived as potential problems with the railroad bed after numerous comments from attending private citizens at the meeting of October 10, 1990.

Perchard noted that properties along XY streets needed the right of way for property egress. Harney stated



that the area of most concern seemed to be from L to XY streets.

Pennywitt stated that the Planning Board has recommended that the Town should never sell Town owned land but rather keep control of it through leases or other similar arrangements.

Allen suggested that leasing of different sized parcels is a possibility. Allen also noted that an open Right of Way from L to XY streets may be required as the ocean side access road for properties fronting along the beach.

Jackson questioned, in light of the egress necessity of the right of way from L to XY streets, whether sale of the land should even be considered.

Perchard summarized the discussion by noting that the committee was responsible to all the taxpayers of the town, not just the abutters of the Railroad bed, and that recommendations as to use of the Railroad Bed Right of Way must be made in that light. He noted that there was probably not one solution for the entire right of way, and that compromise solutions are always difficult to obtain.

Town Counsel also attended the meeting of November 14, 1990 and took the floor to address two specific legal questions raised by Committee members during previous meetings. Lampke also referred to his written response, dated October 24, 1990, distributed to the Committee members the previous week.

1. What is a Way?

Lampke clearly stated that, for the purposes of this study, "there is no practical distinction between a way and a highway," and further "that motor vehicles, foot travelers and bicycle users can use a way." He further noted that final restrictions on use of the way are set by the Board of Selectmen.

2. Can the Acquisition Purpose be Changed from a Way?

Lampke notes that "it is possible for a town to change the purpose for which it acquired property," but that a change of use would be unnecessary for most contemplated uses.

Committee members questioned Lampke at some length in an attempt to clarify actual ownership of the property. Town Counsel stated for the record that the former Railroad Bed Right of Way is, with the exception of certain parcels behind the Horizons Condo complex, in fact either owned by the Town of Hull outright by Deed or controlled through an Instrument of Taking (easement).

Lampke noted that, to his knowledge, no documentation of private ownership of any section of the Right of Way other than the Horizons parcel was in existence.

The meeting of November 28, 1990 was particularly well attended by the general public. Chairman Jackson was absent, so Secretary

Pennywitt opened meeting with a general statement bringing the attending citizens up to date on the status of Committee activities since the first meeting in August. Pennywitt noted that recent articles in the print media stating that this was the last open meeting for public discussion were in error, and that public discussion would be welcomed and encouraged throughout the study process. He did state, however, that this meeting was the last which the committee would devote solely to public input, and that the committee would begin discussions on materials and information received to date at the meeting on December 12th.

There was still some confusion as to legal ownership of the Right of Way. Pennywitt stated again that, according to Town Counsel, the Town either owns by Deed, or controls through easements, the entire length of the old Right of Way from the landfill to Pemberton Point. Pennywitt noted that the Committee would proceed with the assumption that the Town controlled the Right of Way and any recommendations for future use would reflect that assumption.

Several citizens questioned Committee members on their proposed recommended action. Pennywitt noted that the Committee has purposely not begun discussion on future use but has been gathering information

up to this point. Perchard stated that uses proposed to date included property sale, property lease, use as a road, as an emergency public accessway, as parking, as a bike path, as a walking trail, and as a public transportation way (railroad/trolley) among others.

The meeting of December 12, 1990 saw the Committee members trying to determine how to handle discussion of all information received to date.

Brooker stated that the committee needed to identify both short and long term goals as part of the proposal. Most long term goals all seem to need funding. The final plan should express both.

Burke suggested that the committee identify specific recommended treatments or use of various areas and then incorporate the short and long term goals.

Jackson suggested a sectional approach which was modified and agreed upon as follows:

1. Town line/landfill through Rockland Circle Extension
2. Rockland Circle Extension to Phipps street
3. Phipps to Lewis Street
4. Lewis Street to A Street
5. A Street to L Street
6. L Street to XY Streets
7. Stony Beach to Hull Lifesaving Museum
8. Hull Lifesaving Museum to Pemberton Point

Discussion began on various sections, and is contained in the next section of this report.

The Committee also discussed particular mechanisms of the final document, and made suggestions concerning materials already collected:

- Recommended that each section of the bed, as identified by the Committee, be discussed with a map of that section provided in that discussion.
- Recommended that the book *Nantasket Beach Branch of the New York, New Haven & Hartford Railroad Company*, by Bob McGarigle be copied and included in the archives.



APPENDIX D
Minutes



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of August 14, 1990

Page 1

Attending:	Charles Allen	- Chairman, Board of Selectmen
	Roger Jackson	- Hull Municipal Light Plant
	Donald Brooker	- Hull Chief of Police
	Thomas Gould	- Town Assessor
	Neil Pennywitt	- Chairman, Hull Planning Board

Meeting opened at 7:30 PM in Hull Town Hall, Charles Allen presiding until officers selected.

Chief Brooker moved that Roger Jackson be elected chairman of the committee, seconded by Neil Pennywitt. Motion approved by unanimous vote.

Charles Allen moved that Neil Pennywitt be elected Secretary, seconded by Roger Jackson. Motion approved by unanimous vote.

Chairman Jackson stated that the end product of this study must be a written report, suitable for distribution to both Town Departments and the general public. Committee noted that a minority position paper would also be allowed if conditions so dictated.

Chief Brooker stated that specific recommendations from this committee should take the form of a by-law to provide consistency over a long period of time. Brooker also raised several points about the right of way:

- a. Public safety hazards are currently a problem;
- b. Public property should be used by the public at large and not limited to use by individuals;
- c. Stated that Police Department has recommended since 1980/1981 that the Right of Way be upgraded to allow parking and other municipal uses;
- d. Noted that a mechanism must be in place to notify abutters of work which could impact private property.

Discussions from attending citizens raised legal question as to current legal ownership of the right of way. Chairman stated that he would request Town Counsel to research the question and issue Statement of Ownership by the next meeting if possible.

Comments from the floor sparked discussion on the addition of members from the public at large in addition to the members appointed by the Board of Selectmen and Town Manager.

Charles Allen moved that the committee add two new members, one from each the north and south side of A Street. Seconded by Tom Gould.

Motion approved unanimous vote.

Chairman Jackson to request that the Board of Selectmen advertise the positions and appoint the new members ASAP.

The committee decided, after some discussion, that the study should examine the whole length of the Right of Way rather than limit itself to certain sections.

The committee decided to hold meetings the 2nd and 4th Wednesdays of each month beginning Wednesday, September 12th, at 7:30 PM.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of August 14, 1990

Page 2

Chairman Jackson requested that three things occur before the next meeting:

1. The Planning Board should package all pertinent materials prepared by The Town Planner and the Board and distribute the same to the members;
2. The Assessors Office should attempt to generate a definitive list of all current property abutters to the Right of Way.
3. Town Consul issue a final Statement of Ownership on the Right of Way.

Charles Allen moved that the meeting be adjourned at 9:45 PM, seconded by Neil Pennywitt. Motion approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of September 12, 1990

Attending: Roger Jackson, Chairman; Neil Pennywitt, Secretary; Charles Allen; Donald Brooker; Thomas Gould; Ann Kinnear

Absent: Joseph Burke; Dorothy Harney; Joan McAuliffe; James Perchard

Meeting opened at 7:30 PM in Hull Town Hall. Meetings from last meeting read and corrected. Motion to approve corrected minutes made by Allen, seconded by Brooker. Motion approved by unanimous vote.

New members appointed by action of the Board of Selectmen on September 10, 1990 are: Joseph Burke, Dorothy Harney and James Perchard.

Tom Gould stated that the assessors office had prepared a complete and current list of abutters to the Right of Way, and that it was in the computer in label format. Gould presented one printed set for use of the committee; Chairman Jackson to hold until final report. Brooker stated that the Town is the official owner of all records gathered by the committee and that they must be made available for inspection to others.

The Chairman questioned when to notify abutters about committee meetings and proceedings. Discussion arrived at decision to send out notification letter now and another before the presentation of the final report. Committee directed Secretary to compose and present a letter of notification to the Board of Selectmen for their approval at the meeting of September 17, 1990.

Allen presented the committee with the book *Nantasket Beach Branch of the New York, New Haven and Hartford Railroad Company. Pioneer Electrification*, by Bob Mcgarigle. Although out of print, Allen noted that it was a valuable source of information on the active years of Railroad operation. Committee instructed Secretary to contact author, if possible (c/o Box 186, Acton, MA 01720), and attempt and gather information he may have which could be of use in this study.

Pennywitt stated that all committee members should have already received a set of discussion papers prepared by the Town Planner for the Planning Board. Kinnear given papers at the meeting.

Brooker brought to the meeting a summary of all pertinent actions taken at Town Meetings from 1928 to 1938. Stated that at the Town Meeting in 1938 the land takings was referred to a being intended for purposes such as highways, roadways, parking, and other public uses.

Committee questioned if perhaps this type of research has already been done in the past. If not, it was decided that all town records must be search for relevant information.

Jackson suggested that such research might be done by local college or university students. Pennywitt stated that such research would be a natural directed study project for Hull High students. Committee agreed and directed Chairman Jackson to contact School Superintendent and invite her to the next meeting to discuss this concept.

Jackson also noted that Town Counsel Jam Lampke would be at the next meeting to summarize legal positions.

Jackson brought to the meeting a collection of 7 survey maps dating from the early 1930's detailing the Railroad Right of Way and adjacent properties, obtained by Jim Linville and given to the committee for it's use.

Committee agreed to hold a walking tour of the Right of Way on Sunday, September 23rd, beginning at the landfill at 12:30 PM.

Pennywitt moved to adjourn at 9:30 PM, seconded by Allen. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of September 26, 1990

Page 1

Attending: Roger Jackson, Chairman; Neil Pennywitt, Secretary; Charles Allen; Donald Brooker; Thomas Gould; Ann Kinnear; James Perchard

Absent: Joseph Burke; Dorothy Harney; Joan McAuliffe

Meeting opened at 7:30 PM in Hull Town Hall. Meetings from the meeting of September 12th read. Motion to approve minutes made by Perchard, seconded by Kinnear. Motion approved by unanimous vote.

Chairman Jackson noted that the Committee took a walking tour of the Railroad bed from the town landfill to A street on Sunday, September 9th. Jackson noted that few permanent structures existed in the right of way but stated that fencing, shrubbery, and other landscaping was the norm rather than the exception. Several fences extended across the right of way which prevented either pedestrian or vehicular traffic. The remainder of the right of way will be walked by the Committee members at a later date.

Brooker stated that the Committee needed documentation of existing uses to show encroachment wherever it may occur. Jackson noted that aerial photographs were taken and would be made available to the committee.

Chairman gave the floor to Town Counsel, James Lampke for several comments:

1. Lampke stated that the Selectmen were adding a letter to the one the committee was sending to abutters requesting that no further use of the right of way occur until final recommendations from the committee are discussed by the Selectmen.
2. Stated that he was not prepared at this time to give a definitive legal opinion on the exact ownership status of the Railroad Bed, but noted that:
 - a. The Town acquired the right of way to be used for a street and that the Town has "sufficient legal interest" to maintain a road on it;
 - b. A legal report on the right of way by Larry Kellem done some years ago would be forwarded to the committee as soon as it's release was approved by the Board of Selectmen;
 - c. The Selectmen's Office has a file on licenses issued relating to private use of the right of way
3. Lampke stated that the committee should assume legal ownership of the right of way until documentation could prove otherwise and proceed with the study as directed by the Board of Selectmen;
4. Lampke noted that in order to definitively prove ownership the Town would need plans showing each abutting parcel accompanied by the legal instrument which allowed taking of the right of way property.

Town Counsel stated that he would research the legal questions raised by the committee and report, if possible, his findings at the meeting on October 24th.

Brooker stated that he would attempt to locate the minutes of the Town Meeting in 1938 which defined the proposed use of the Railroad Right of Way as a road. He noted that use other than that of a public way should require a legal opinion.

Jackson reported that he had met with School Superintendent Clair Sheff to discuss the participation of students in gathering information for the Committee. Jackson stated that Sheff agreed with the concept and would relay the request to the teaching staff.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of September 26, 1990

Page 2

Brooker questioned the possibility of microfilming the final report. Jackson agreed to see if this was possible.

Chairman Jackson asked for Committee members to comment on the next step:

Kinnear:	Gather more info, especially from the public; wait for Lampke report
Jackson:	Encourage public participation at next meeting after mailing of notice letter
Allen:	Encourage participation at public hearing; keep accurate records of public response
Pennywitt:	Requested that location maps be available for viewing at meeting on October 10th.

Jackson directed Secretary to notify local press of the public hearing. Motion to adjourn by Pennywitt, seconded by Allen, Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of October 10, 1990

Page 1

Attending: Roger Jackson, Chairman; Neil Pennywitt, Secretary; Charles Allen; Donald Brooker; Joseph Burke; Thomas Gould; Dorothy Harney; James Perchard

Absent: Ann Kinnear, Joan McAuliffe

Meeting opened at 7:30 PM in Hull Town Hall. Minutes from the meeting of September 12th read. Motion to approve minutes made by Burke, seconded by Allen. Motion approved by unanimous vote.

Jackson summarized the instructions to the committee from the Board of Selectmen and information gleaned to date for the approximately 20 citizens in attendance, and invited their comments concerning the use of the Railroad Bed Right of Way.

Winfred Kelly, 49 Manomet Avenue, recommended sale of the land to the abutters, or suggested renting the land if sale was not considered feasible. She noted that she has held a use agreement with the Town since 1962.

Edith Damon, 131 Manomet Avenue, noted that, as an elderly resident on a fixed income, she could not afford to purchase the land abutting her property but still wanted to exercise some control over its use.

Joseph Finegello, Jr., 67 E Street, recommended that abutters to the right of way buy the land and then pay the annual town taxes for it.

Paul Buryant, 52A Samoset Avenue, questioned how the Town planned to maintain the bed as it exists along Samoset Avenue.

Eric Green, 68 H Street, suggested that the committee evaluate the potential end use impacts. He stated that parking use could potentially decrease the assessed values of adjacent properties and thus reduce tax revenues.

Marshal Shapiro, 76 H Street, stated that he felt that actual ownership of the land was a "guess" by the Town. He recommended that the land be left as it is now but that abutters be taxed for its private use through a license process.

Ralph LeBlanc, 931 Nantasket Avenue, noted that the committee should develop an overall plan which showed the existing use of the Railroad Bed. He warned that any suggested end use must be weighed against potential impact to abutters.

Helen Semo, 165 Manomet Avenue, suggested charging rent to abutters for the private use of the right of way.

Discussion among the members of the committee followed comments from the floor. Perchard noted that properties along XYZ streets needed the right of way for property egress. Harney stated that the area of most concern seemed to be from L to XYZ streets.

Pennywitt stated that the Planning Board has recommended that the Town should never sell Town owned land but rather keep control of it through leases or other similar arrangements.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of October 10, 1990

Page 2

Allen suggested that leasing of different sized parcels is a possibility. Allen also noted that an open Right of Way from L to XYZ street may required as the ocean side access road for properties fronting along the beach.

Jackson questioned, in light of the egress necessity of the right of way from L to XYZ street, whether sale of the land should even be considered.

Perchard summarized the discussion by noting that the committee was responsible to all the taxpayers of the town, not just the abutters of the Railroad bed, and that recommendations as to use of the Railroad Bed Right of Way must be made in that light. He noted that there was probably not one solution for the entire right of way, and that compromise solutions are always difficult to obtain.

Chairman Jackson noted that he would speak with Clair Sheff concerning potential student help before the next meeting.

The Committee agreed to do the second phase of the walking examination of the Railroad Bed, from A street to the High School, for Sunday, October 17 at 1:00 PM.

Motion to adjourn at 9:30 PM by Perchard, seconded by Jackson. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of November 14, 1990

Page 1

Attending: Roger Jackson, Chairman; Neil Pennywitt, Secretary; Jim Linville (for Charles Allen); Thomas Gould; Dorothy Harney; James Perchard

Absent: Donald Brooker; Joseph Burke; Ann Kinnear; Joan McAuliffe

Meeting opened at 7:30 PM in Hull Town Hall. Minutes from the meeting of October 10th read. Motion to approve minutes made by Perchard, seconded by Gould. Motion approved by unanimous vote.

Chairman Jackson opened the meeting with the statement that he felt the time allowed for citizen input should be about over. Jackson suggested that this meeting, with comments by Town Counsel James Lampke, and the next regularly scheduled meeting, on November 28th, should be last devoted solely to information gathering.

Jackson recommended that the committee begin discussion on information in hand on December 12th. After some deliberation the committee members agreed with the recommendation.

The Committee felt that the general public should be urged for the final time, through notification in the local media, to bring forward any materials relating to the Railroad Bed. The Secretary was directed to enlist the aid of the local media for this last push.

Jackson reported that the Committee walked the section of the bed from A to XYZ, the Yacht Club area, and the sections adjacent to Stony Beach on Sunday, October 17th. No permanent obstructions were found, although there were encroachments such as fencing and landscaping. Jim Perchard maintained a photographic record of the walk.

Town Counsel James Lampke, in attendance at the request of the Committee, took the floor and addressed two specific legal questions raised by Committee members during previous meetings. Lampke also referred to his written response, dated October 24, 1990, distributed to the Committee members the previous week.

1. What is a Way?

Lampke clearly stated that, for the purposes of this study, "there is no practical distinction between a way and a highway," and further "that motor vehicles, foot travelers and bicycle users can use a way." He further noted that final restrictions on use of the way are set by the Board of Selectmen.

2. Can the Acquisition Purpose be Changed from a Way?

Lampke notes that "it is possible for a town to change the purpose for which it acquired property," but that a change of use would be unnecessary for most contemplated uses.

Committee members questioned Lampke at some length in an attempt to clarify actual ownership of the property. Town Counsel stated for the record that the former Railroad Bed Right of Way is, with the exception of certain parcels behind the Horizons Condo complex, in fact either owned by the Town of Hull outright by Deed or controlled through an Instrument of Taking (easement).



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of November 14, 1990

Page 2

Lampke noted that, to his knowledge, no documentation of private ownership of any section of the Right of Way other than the Horizons parcel was in existence.

Edith Damon presented to the Committee a package of materials relating to property at 163 Manomet Avenue.

Private citizens in attendance requested a list of abutters from the Town Assessor for use in an effort to notify those who may not have attended previous meetings of the Committee's intention to begin deliberations of potential use. Gould provided the requested list for citizen use.

Motion to adjourn at 9:30 PM by Linville, seconded by Perchard. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of November 28, 1990

Attending: Neil Pennywitt, Secretary; Charles Allen; Joseph Burke; Thomas Gould; Ann Kinnear; James Perchard

Absent: Roger Jackson, Chairman; Donald Brooker; Dorothy Harney; Joan McAuliffe

Meeting opened at 7:30 PM in Hull Town Hall. Minutes from the meeting of November 14th read. Motion to approve minutes made by Perchard, seconded by Gould. Motion approved by unanimous vote.

Chairman Jackson was not in attendance, and the meeting was chaired in his absence by the Committee Secretary, Pennywitt.

Pennywitt opened meeting with a general statement bringing the attending citizens up to date on the status of Committee activities since the first meeting in August. Pennywitt noted that recent articles in the print media stating that this was the last open meeting for public discussion were in error, and that public discussion would be welcomed and encouraged throughout the study process. He did state, however, that this meeting was the last which the committee would devote solely to public input, and that the committee would begin discussions on materials and information received to date at the meeting on December 12th.

The floor was opened to comments from attending citizens. Several spoke to the issue of potential ownership of the land, and recommended that abutters be given the opportunity to purchase adjacent town owned property.

Most of the remaining in attendance recommended the Town leasing property to abutters if sale was not feasible or legal.

There was still some confusion as to legal ownership of the Right of Way. Pennywitt stated again that, according to Town Counsel, the Town either owns by Deed, or controls through easements, the entire length of the of the old Right of Way from the landfill to Pemberton Point. Pennywitt noted that the Committee would proceed with the assumption that the Town controlled the Right of Way and any recommendations for future use would reflect that assumption.

Several citizens questioned Committee members on their proposed recommended action. Pennywitt noted that the Committee has purposely not begun discussion on future use but has been gathering information up to this point. Perchard stated that uses proposed to date included property sale, property lease, use as a road, as an emergency public accessway, as parking, as a bike path, as a walking trail, and as a public transportation way (railroad/trolley) among others.

The public in attendance were informally polled and were evenly split between sale and lease of the property to abutters. Allen noted, however, that since all Town residents controlled use of the property its final disposition had to be left to the Town as a whole and not just to the abutters.

Pennywitt requested, on behalf of the Chairman, that all Committee members review materials received to date, including minutes of past meetings, and be prepared to begin potential use discussions at the next regular meeting on December 12th.

Motion to adjourn at 9:30 PM by Perchard, seconded by Burke. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of December 12, 1990

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Donald Brooker, Jim Linville (for Charles Allen); Joseph Burke; Thomas Gould; James Perchard

Absent: Ann Kinnear, Dorothy Harney; Joan McAuliffe

Meeting opened at 7:30 PM in Hull Town Hall. Minutes from the meeting of November 28th read. Motion to approve minutes made by Gould, seconded by Burke. Motion approved by unanimous vote.

The Chairman opened discussion from the floor asking for any comments, suggestions or clarifications from attending townspeople.

Hearing none, discussion among the board centered on how to structure the examination of materials received and suggestions made to date.

Brooker stated that the committee needed to identify both short and long term goals as part of the proposal. Most long term goals all seem to need funding. The final plan should express both.

Burke suggested that the committee identify specific recommended treatments or use of various areas and then incorporate the short and long term goals.

Jackson suggested a sectional approach which was modified and agreed upon as follows:

1. Town landfill through Levin property
2. Levin property to Phipps street
3. Phipps to A Street
4. A Street to L Street
5. L Street to O Street
6. O Street to XYZ Streets
7. Stony Beach to Hull Lifesaving Museum
8. Hull Lifesaving Museum to Pemberton Point

Discussion began on various sections.

Section 1: Landfill to Levin Property

- An easement for electrical use (power lines, etc.) should remain in place
- All existing right of way property should remain public open space

Section 2: Levin Property to Phipps Street

- Noted that the town only owns a small section of the right of way near the stop light. All other sections are either privately owned or controlled by the MDC.
- The existing use should remain as is short term.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of December 12, 1990

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Section 3: Phipps Street to A Street

- Discussion occurred over possible sale or lease of town controlled sections of the Right of Way. The general consensus was that the land should not be sold, but that leasing may be an option. The committee did not identify either the mechanism or town authorities involved in potential leasing.
- The Committee suggested that parking at the existing parking lots at A Street and Kenberma should be continued and/or expanded.
- Burke stated that he perceived the biggest problem facing the Committee when considering a change of use was the potential destruction of substantial private investment of time and money in landscaping improvements.

Section 4: A Street to L Street

- Committee discussion similar to that of Section 3 above; that all existing parking to remain or be expanded.

Section 5: L Street to O Street

- Brooker recommended that the Right of Way be made into a one way street (northbound) over this span to be used when public safety demanded (i.e. parades, etc.). Suggested a lockable gate be placed at the L Street end to prevent permanent use.

Section 5: L Street to O Street (cont.)

- Jackson queried why not permanent use. Brooker responded that it was not needed on the short term. On the long term permanent use would help alleviate off-street parking problems of residents, but would require paving, speed bumps and marking. Short term use would not require these improvements.

Section 6: O Street to XYZ Streets

- The committee, after discussion, suggested that the long term goal for the area should be a permanent one way (northbound) street. The short term goal could be minimal grading and road improvements and the insertion of stantions, alternating from side to side, to allow for travel and parking without allowing high speeds.
- The committee noted that this area needed a great deal more discussion before any final recommendations could be made.

Section 7: Stony Beach to Lifesaving Museum

- Existing use should remain, i.e. roads should remain as roads and parking lots remain as parking lots. All areas should remain zoned public open space. The town should maintain all property rights and not lease or sell land.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of December 12, 1990

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Section 8: Lifesaving Museum to Pemberton

- The existing use should remain; all land should remain public open space and controlled by the Town.

Chairman Jackson suggested that the next regular meeting should be on Wednesday, January 9th, and that the meeting scheduled for Wednesday, December 26th should be canceled. All Committee members approved.

Motion to adjourn at 9:30 PM by Pennywitt, seconded by Gould. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of January 9, 1991

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Donald Brooker, Charles Allen; Thomas Gould, Ann Kinnear

Absent: Joseph Burke; Dorothy Harney; Joan McAuliffe, James Perchard

Meeting opened at 7:55 PM in Hull Town Hall. Minutes from the meeting of December 12th read. Motion to approve minutes made by Kinnear, seconded by Gould. Motion approved by unanimous vote.

The Chairman opened discussion from the floor asking for any comments, suggestions or clarifications from attending townspeople.

The Chairman read into the record a certified letter from Bernard Kansky expressing his concerns about potential uses of the Railroad Bed and offering suggestions regarding use, particularly in the section from L to XYZ Streets. Kansky recommended continued use in the manner which it currently exists.

Brooker noted for the record that Kansky had not attended any of the previous meetings. The Chairman relayed to the Committee Mr. Kansky's request that he be personally called by the Chairman after each meeting and told of the proceedings. Jackson reported that Kansky was told the meetings were open to the public and all records, including meeting minutes, were available for examination.

The Chairman recommended that the Committee review the discussions from the last meeting on a section by section basis. The Section descriptions were changed to the following:

1. Town line/landfill through Rockland Circle Extension
2. Rockland Circle Extension to Phipps street
3. Phipps to A Street
4. A Street to L Street
5. L Street to O Street
6. O Street to XYZ Streets
7. Stony Beach to Hull Lifesaving Museum
8. Hull Lifesaving Museum to Pemberton Point

Discussion began on various sections, and modifications were made as follows:

Section 1: Town line/Landfill to Rockland Circle Extension

- An easement for electrical use (power lines, etc.) should remain in place
- All existing right of way property should remain public open space, and/or the existing use should be allowed to continue (roads, parking, etc.)
- Kinnear pointed out that a small section of the bed behind what was the roller coaster was noticeably wider than the usual bed (the site of an old spur or siding?) and pointed out that the land sold to the Golden/Levin families may have been this spur and not the actual bed. If so, the right of way still exists unbroken under what is now George Washington Blvd. Committee suggested that Town Counsel research this area of the Right of Way.

RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of January 9, 1991

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Section 2: Rockland Circle Extension to Phipps Street

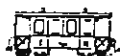
- Noted that the town only owns a small section of the right of way near Wharf Avenue. All other sections are either privately owned or controlled by the MDC.
- The existing use should remain as is short term.
- Brooker noted that the Town currently leased certain areas of this section to private concerns (the site of Atlantic Bar and Grill, for example). Brooker also noted that the Town controlled a sizable stretch of the bed running along the beach behind the Bergan House; Jim Linville has more information on this area.

Section 3: Phipps Street to A Street

- **MOVED: THE TOWN SHOULD NOT SELL ANY PORTION OF THE RAILROAD BED WHICH IT CONTROLS EITHER BY DEED OR EASEMENT.** Motion by Brooker, seconded by Kinnear. Approved by Unanimous Vote.
- **MOVED: PORTIONS OF THE RAILROAD BED IN SECTIONS 3 AND 4 AS IDENTIFIED BY THE RAILROAD BED STUDY COMMITTEE SHOULD BE AVAILABLE FOR PRIVATE LEASE. LEASABLE PARCELS INCLUDE ONLY THOSE AREAS NOT USED FOR PARKING, (EITHER TRADITIONALLY OR EXISTING) OR AREAS IDENTIFIED AS RESERVED FOR FUTURE PUBLIC USE.** Motion by Brooker, seconded by Pennywitt. Approved by Unanimous Vote.

Section 3: Phipps Street to A Street (continued)

- Discussion of potential lease terms followed; several terms were suggested for review by Town Counsel:
 1. Each abutter to be offered 1/2 the Right of Way which touches his property;
 2. In event any abutter declines to lease the Right of Way touching his property the other abutter is to be given the option to lease both halves;
 3. Adjacent property owners are to be given the option to lease any sections of the Right of Way not leased by the immediate abutters;
 4. Committee suggested a 5 year lease with a 5 year option; value of lease tied to market rates. Sale of property terminates the lease, and both the new property owners and the abutting property owners to be given the option to lease under the same terms as the previous leaseholder;
 5. All leases to begin and end concurrent with the same fiscal year;
 6. All unleased property reverts to the town for use as public parking;
 7. Some type of abatement should be enacted relating to age or personal financial conditions;
 8. General use guidelines (i.e. upkeep and maintenance items) should be a lease condition;



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of January 9, 1991

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- Allen suggested that the first year's lease payment be allocated to pay for required survey work; in effect the Town would obtain a current survey of the Right of Way at little or no cost to the taxpayers.

Section 4: A Street to L Street

- Committee discussion similar to that of Section 3 above; that all existing parking to remain or be expanded.

Section 5 thru 8

- Pennywitt noted that Sections 5 and 6 were not discussed in great depth at the meeting on 12/12/90 and deserved close especially attention. Suggested that they be given priority at the next meeting.

Committee discussed particular mechanisms of the final document, and made particular notes concerning materials already collected:

- Recommended that each section of the bed, as identified by the Committee, be discussed with a map of that section provided in that discussion.
- Recommended that the book Nantasket Beach Branch of the New York, New Haven & Hartford Railroad Company, by Bob McGarigle be copied and included in the archives.

Chairman Jackson reminded members that the next regular meeting is scheduled for January 23rd at 7:30 PM. Jackson suggested that the committee add another meeting this month to begin a draft of the final report, and that the meeting be held at the offices of the Hull Light Plant so the Committee could use the word processing equipment there.

The Committee agreed to hold an additional meeting on Wednesday, January 30th at 7:30 PM at the offices of the Hull Light Plant on Edgewater Road.

Motion to adjourn at 9:30 PM by Pennywitt, seconded by Gould. Approved by unanimous vote.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of January 23, 1991

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Donald Brooker, Jim Linville (for Charles Allen); Thomas Gould

Absent: Joseph Burke; Dorothy Harney; Ann Kinnear; Joan McAuliffe; James Perchard

Meeting opened at 7:45 PM in Hull Town Hall, but a quorum was not present. Minutes from the meeting of January 9th read and discussed. Modification and corrections to be made before approval requested at the next meeting.

The Chairman noted that without a quorum, the Committee could not take formal action on any motions but could discuss information already in hand. The attending members felt that discussion should continue.

The Chairman opened discussion from the floor asking for any comments, suggestions or clarifications from attending townspeople.

Hearing none, discussion among the Committee centered on Sections 5 through 8 as identified in past meetings.

Section 5: L Street to O Street

- Brooker recommended that, for a short term use, the Right of Way be made into a one way street (northbound) over this span to be used when public safety demanded (i.e. parades, etc.). He suggested a lockable gate be placed at the L Street end to prevent permanent use.
- Committee concurred, and noted that this use would require little work or initial cost to the town:
- Remove existing fencing at corner of L street and Right of Way to allow vehicular traffic to enter;
- Install foundation for gate base and anchor posts;
- Install swinging gate(s) with holdbacks;
- Do minimal clearing and grading required to allow temporary traffic use;
- Institute notification policy to abutters prior to use as a temporary traffic way.
- On the long term permanent use would help alleviate off-street parking problems of residents, but would require paving, speed bumps and marking. Short term use would not require these improvements.

Section 6: O Street to XYZ Streets

- The committee, after discussion, suggested that the long term goal for the area should be a permanent one way (northbound) street.
- The short term goal could be minimal grading and road improvements and the



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of January 23, 1991

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insertion of stations, alternating from side to side, to allow for travel and parking without allowing high speeds.

Section 7: Stony Beach to Lifesaving Museum

- Existing use should remain, i.e. roads should remain as roads and parking lots remain as parking lots. All areas should remain zoned public open space. The town should maintain all property rights and not lease or sell land.

Section 8: Lifesaving Museum to Pemberton

- The existing use should remain; all land should remain public open space and controlled by the Town.

Chairman Jackson reminded the members that the next regular meeting, and that the meeting is scheduled for Wednesday, January 30th at the Hull Light Plant. The meeting will be used to begin the first draft of the written recommendations requested by the Board of Selectmen, utilizing the Light Plant's computer equipment for the required word processing.

Pennywitt suggested that Jackson contact Town Counsel James Lampke before that meeting, if possible, to obtain feedback or language on suggested lease terms.

Jackson and Pennywitt agreed to call all Committee members and remind them of the next meeting.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of February 13, 1991

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Donald Brooker, Charles Allen; Thomas Gould; Ann Kinnear

Absent: Joseph Burke; Dorothy Harney; Joan McAuliffe; James Perchard

Meeting opened at 7:45 PM in Town Hall. Minutes from the meeting of January 30th read and discussed. Motion to approve made by Gould, second by Kinnear.

The Committee spent the meeting discussing the Draft of the Final Report prepared by the Secretary and distributed the

Brooker volunteered to identify suggested parking or public use areas within each section (historic,, existing, or proposed) for Committee review and approval at the meeting of February 13th.

Brooker volunteered the services of the Police Department to deliver copies of the Draft late the week of February 4th. Jackson requested that all Committee members review the document and be ready for final discussions at the meeting on the 13th.

Motion to adjourn at 9:30 PM by Allen, second by Pennywitt. Unanimous vote to approve.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE

Meeting Minutes of February 20, 1991

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Charles Allen; Donald Brooker; Thomas Gould; Jim Linville (for Charles Allen)

Absent: Joe Burke; Dorothy Harney; Ann Kinnear; Joan McAuliffe; James Perchard

Meeting opened at 7:45 PM in Town Hall. Secretary noted that minutes from the meeting of January 13th were not yet completed and would be ready for approval at the next meeting.

The Chairman noted that the five (5) members present did not constitute a quorum, but stated that discussion of the revised Draft should continue since no motions or votes were expected. The Committee spent the meeting discussing the revised Draft Final Report prepared by the Secretary and distributed the members prior to this meeting.

Brooker presented the Committee with maps identifying suggested parking or public use areas within each section (historic, existing, or proposed) for Committee review. The areas identified corresponded with those discussed in previous meetings, and the Committee felt that they should be included as part of the Final Report.

A number of minor changes were made to various pages of the Draft, correcting specific language and clarifying intent. The Secretary agreed to incorporate all changes in a 2nd revised Draft.

The Chairman noted that a final public hearing should be held prior to the publication of a Final Report. The Secretary stated that the Committee voted to notify all abutters by letter of the date and time of a final meeting. The Committee set the date of Tuesday, March 12th for that hearing, at 7:30 PM. The Chairman suggested that the notification letter state that copies of the Draft Final Report would be available for public inspection at 7:00 PM on that date, and that representatives of the Committee would be present at that time.

The Secretary was instructed to distribute copies of the Draft Final report to the local media on Friday, March 1st and ask that an article and notice of this meeting be inserted in issues published the week of March 4th.

Motion to adjourn at 9:30 PM by Jackson, second by Pennywitt. Unanimous vote to approve.

RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of March 12, 1991

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Charles Allen; Thomas Gould; Ann Kinnear; Jim Linville (for Charles Allen); James Perchard

Absent: Joe Burke; Dorothy Harney; Joan McAuliffe

Meeting opened at 7:30 PM in Town Hall. Minutes from the meeting of January 13th were read; motion to approve by Perchard, second by Kinnear. Unanimous vote to approve.

Minutes from the meeting of January 20th were read; motion to approve by Perchard, second by Gould. Unanimous vote to approve.

Extensive pre-meeting publicity concerning the presentation of the Draft Final Report resulted in attendance by approximately 60 interested citizens. The draft report was made available for review before the meeting began at approximately 7:00 PM so that the attending citizens could discuss the recommendations knowing in advance what those recommendations were.

Chairman Jackson made an opening summary statement, noting that the report clearly identified the Town as having control over use of the Right of Way by through it's ownership of the property. Jackson stated that all other recommendations were based upon the Town owning and thus controlling the property.

The Committee proceeded to discuss the Draft Recommendation section by section, as follows:

1. Town Line/Landfill through Rockland Circle Extension

No discussion from the floor on this section.

2. Rockland Circle Extension to Phipps Street

Several citizens asked how private owners acquired parcels of the Railroad Bed. Committee members noted that, other than land taken by the State, land obtained by the Golden family was sold to them shortly after the Railroad Bed was acquired by the Town in 1938. John Meschino questioned whether this sale constituted a precedent for sale of the bed on a parcel by parcel basis. Committee members referred him to the report which noted that the sale of town land was probably not in the long term best interest of the Town.

3. Phipps to A Street

The attending citizens were initially non-receptive to rational discussion and spent a fairly substantial amount of time questioning the legality and necessity of the whole study process. Several stated that they had never heard of the meetings, that they were never notified of the study, and commented that the Town should have gone to the expense of placing ads in all the regional papers to insure that the widest possible audience was reached.

The Chairman summarized the lengths to which the Committee went to make the meeting schedule as public as possible on a severely limited budget (\$0).



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of March 12, 1991

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Most of the citizens in attendance seemed to think that the Committee was recommending that the Town convert the Railroad Bed into some other use. Both Chairman Jackson and Secretary Pennywitt attempted to explain to a fairly hostile audience that the Committee recommended that the Selectmen allow a continuation of the existing private use of the Bed in the area from Phipps to L Street. Other Committee members further explained that existing parking areas would generally remain as parking areas.

There was an general consensus from most attending abutters that the Committee recommendation that the Bed be leased to those abutters was, variously, "extortion," "illegal," "unfair taxation," and "absurd."

Abutting Attorney Bernard Kansky recommended to all attending abutters that a class action legal suit to reclaim this property through adverse possession was an viable option. Kansky further stated that no abutter should agree to any lease terms with the Town for use of the Railroad Bed Right of Way property.

Abutters in the Lewis Street area noted that the old station in that area of the bed reduced their back yard area severely, and asked if the Committee might study allowing lease of a larger portion of the Bed in that area.

4. A Street to L Street

Discussion in this section mirrored that of Section 3, and no new issues were identified.

5. L Street to O Street

Most attending abutters to the Bed in this area questioned the Committee's recommendation to allow for emergency one way travel. Bernard Kansky stated that any proposed paving of the railroad bed would destroy the "rustic, rural character" of the neighborhood and reduce property values. Members of the Committee questioned whether the existing dusty, dirt and gravel railroad bed, now used largely for resident parking, was "rustic and rural".

The general consensus of attending abutters was that Central Avenue was sufficient to serve as an alternate North/South artery in the event that Nantasket Avenue was temporarily closed.

Abutters also held that the Bed was not accessible to large vehicles (such as fire trucks) without major modifications to the corners where the right of way intersected with cross streets. The Committee agreed to ask Fire Chief Russo to set up a site demonstration using fire equipment to settle the accessibility question.

The Committee referred to the Draft Report to point out that a sizable number of the homes along Beach Avenue were accessible only from the Railroad Bed. Abutters stated that this had not been a problem in the past and that they saw no reason to rectify it in the future.

Perchard noted that he would write a minority opinion reflecting residents concerns on this section.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of March 12, 1991

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6. O Street to XY Streets

Discussion mirrored that of Section 5 (above).

7. Stoney Beach to Hull Lifesaving Museum

There was no discussion from the floor on this area.

8. Hull Lifesaving Museum to Pemberton Point

There was no discussion from the floor on this area.

The Committee scheduled a meeting for Wednesday, March 20th to go over issues raised at this meeting. In particular, Sections 5 and 6 seemed to warrant further discussion and commentary.

Motion to adjourn at 10:00 PM by Perchard, second by Pennywitt. Unanimous vote to approve.

RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of March 20, 1991

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Charles Allen; Thomas Gould; Ann Kinnear; Jim Linville (for Charles Allen); James Perchard

Absent: Joe Burke; Dorothy Harney; Joan McAuliffe

Meeting opened at 7:30 PM in Town Hall. Minutes from the meeting of March 12th were read; motion to approve by Allen, second by Kinnear. Unanimous vote to approve.

The Chairman requested that Allen and Linville ask the Board of Selectmen allow a continuation of the Railroad Bed Study Committee meetings through the month of May to allow further debate and discussion on sections 5 and 6.

Assuming that such a continuation would be granted, the Committee set future dates and Agenda as follows:

Wednesday, April 17th @ 7:30 PM : Complete map inserts, identify Town reserved areas, continue discussion on recommendations;

Wednesday, May 8th @ 7:30 PM : Continue discussion on recommendations, particularly on Sections 5 and 6

Wednesday, May 22nd @ 7:30 PM : Final Discussions

The Committee noted that Section 8 should have more complete comments for the final report.

Perchard and Allen noted again that the Lewis Street area needs further discussion on potential expanded use by abutters in the area of the old station. Allen suggested the possibility of splitting the Station area into partial use by the abutters and partial use by the Town.

Discussion from the floor noted that paving the recommended long term action of paving Sections 5 and 6 could result in substantial displacement of rainwater and groundwater. It was also noted that annual saltwater coverage of this pavement would increase long term maintenance costs.

Motion to adjourn by Allen, seconded by Kinnear. Unanimous vote to approve.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of May 22, 1991

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Thomas Gould; Dorothy Harney; James Perchard

Absent: Charles Allen; Donald Brooker; Joe Burke; Ann Kinnear; Joan McAuliffe

Meeting opened at 7:30 PM in Town Hall. Minutes from the meeting of March 20th were read; motion to approve by Gould, second by Perchard. Unanimous vote to approve.

The Chairman apologized to the public present for the lack of a quorum at the last scheduled meeting on May 8th, and noted that the large number of citizens who attended had a right to be angry about no meeting.

The Chairman ruled, on a related issue, that since Joan McAuliffe had never attended a meeting, the Committee was in fact a 9 member organization, making the 5 members present a quorum.

Chairman Jackson noted for the record that 2 citizens had petitioned, and were granted, a hearing before the Board of Selectmen on Wednesday, May 29th concerning the recommendations made by this Committee. Jackson stated that since the Committee had made no formal recommendations, and had only prepared a Draft Report, that such a hearing was probably premature.

One of the petitioners, John Meschino, stated that he requested the hearing because one member of the Committee, Neil Pennywitt, had made statements and taken stands which were diametrically opposed to the wishes of the majority of residents along the L Street to XY Street section of the Railroad Bed. Meschino accused Pennywitt of not being responsive to his requests for information concerning private insurance requirements, and stated that Pennywitt had an extremely closed mind regarding options on this section of the Bed.

Pennywitt stated for the record that he would not enter into a public discussion or argument with the resident on any of these issues, or defend opinions and statements which were already included in the written minutes of past meetings.

Discussion from the floor centered on the section of the Railroad Right of Way from L Street to XY Streets. All attending residents made clear statements that they wanted no improvements of any kind to the right of way other than the insertion of barriers to prevent traffic from using the right of way.

All residents were clearly opposed to any use of the Bed for anything other than emergency vehicles. Rerouting traffic down the Bed during Parades or other blockage of Nantasket Avenue was

rejected because the residents felt that other routing was available.

Jackson attempted, and failed, to gain a consensus from those attending to agree to limited use of the Right of Way for traffic during specific events.

Both Committee members Perchard and Harney agreed with the residents on their proposed use of the Right of Way.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of May 22, 1991

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Meschino presented the Committee with a petition signed by a large number of residents from the section of town nearest the Railroad Bed from L to XY Streets requesting no change of use of the bed beyond its present use.

Discussion turned to the section of the bed abutting St. Ann's Church and Lewis Street. Jackson noted that this was once the site of a passenger station so the right of way was much wider in this area. The right of way extends, in fact, to the rear steps of the residents abutting it along Lewis Street.

Two residents presented the Committee with a letter requesting that the Committee recognize the long existent use of the Right of Way in this area, being divided into thirds, with two thirds used by the resident abutters, and one third by the Town for parking.

The Committee noted that the intent of the proposed use recommendations along that section of the Right of Way was to generally protect existent uses, and that their request would be in keeping with that sentiment.

Chairman Jackson suggested that the Committee reconvene as soon as possible to complete the final report. After discussion, the committee agreed to meet on Tuesday, May 28th at 7:30 PM to finalize the report recommendations and begin compilation of the final report.

Motion to adjourn by Perchard, seconded by Gould. Unanimous vote to approve.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of May 28, 1991

Page 1

Attending: Roger Jackson, Chairman, Neil Pennywitt, Secretary; Donald Brooker; Thomas Gould; Dorothy Harney; Jim Linville (for Charles Allen); James Perchard

Absent: Charles Allen; Joe Burke; Ann Kinnear; Joan McAuliffe

Meeting opened at 7:30 PM in Town Hall. Minutes from the meeting of May 22nd were read; motion to approve by Gould, second by Perchard. Unanimous vote to approve.

The Chairman suggested that discussion take place first on a possible revision in the study divisions as recommended in earlier meetings.

The Divisions were revised as follows:

1. Town line/landfill through Rockland Circle Extension
2. Rockland Circle Extension to Phipps street
3. Phipps to Lewis Street
4. Lewis Street to A Street
5. A Street to L Street
6. L Street to XY Streets
7. Stony Beach to Hull Lifesaving Museum
8. Hull Lifesaving Museum to Pemberton Point

The change in the sectional recommendations was made specifically to accommodate a reconsideration of the old Waveland Station area between Adams and Lewis Streets. Several abutters requested that they be allowed to continue using approximately 2/3 of the bed in that area for private yards, with the remainder serving as public parking behind St. Ann's Church.

Discussion among the Committee centered on the projected use of this wider area of the Railroad bed for increased Town parking. Brooker noted that two rows of angled parking with a center accessway would require a lot approximately 60 feet wide. Pennywitt commented that the Railroad bed area now being used private abutters for yards effectively doubled their undersized lots, and that most of the abutters rear facades were almost on the property line. Without some use of the bed these property owners would have no rear yard or buffer from proposed town uses.

Jackson moved that the Committee recommend, as part of the final report, that the area of the Railroad Bed between Lewis and A Streets, be used in the future for Town parking, and that this existing use be approximately doubled in size to allow for another row of angled parking. Property owners abutting this section of the bed would see the land they currently use for

private functions be reduced proportionally, with final amounts to be determined by the minimum requirements for the parking use.

The short term use of the area is to remain as is.

The motion was seconded by Brooker. The vote to approve was unanimous.

Discussion turned to the proposed use of land between A and XY Streets. Attending abutters reintroduced points already covered in the last two meetings.



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
Meeting Minutes of May 28, 1991

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Chairman Jackson requested that comments from the floor be held to allow discussion among the Committee.

Brooker summarized his thoughts concerning the public safety issues relating to the recommending use of the right of way from L to XY Streets for parking and one way vehicular travel. Brooker held that the right of way could and should serve the parking needs of the abutting residents but should also be available for other uses, including emergency egress

Linville echoed Brooker's thoughts concerning future use of the bed in this area.

Perchard and Harney stated that the only individuals espousing an upgraded use of the railroad bed in the L Street to XY Street area were certain members of the Committee, and that none of the residents in the area wanted any change from the existing use of the railroad bed. Both Perchard and Harney recommended that the short and long term uses be the same, and that the existing removable barriers be left in place.

Jackson suggested that for the short term, the area be left as is with barriers remaining in place. The long term use would include lockable gates inserted at midsection of each block.

Perchard moved that the Committee recommend that the Railroad Right of Way between L Street and XY Street remain as is for the short term, with movable barriers remaining in place in the right of way midblock between each pair of cross-streets to prevent through vehicular traffic. Motion seconded by Pennywitt.

Voted in Favor: Gould, Harney, Jackson, Pennywitt, Perchard

Voted Against: Brooker, Linville

Motion carried by 5 to 2 vote.

Harney moved that the Committee recommend that the Railroad Right of Way between L and U Streets include lockable gates inserted at midsection of each block, with no permanent roadway access. Motion seconded by Perchard.

Brooker offered a substitute motion that alternating barriers be placed in the Right of Way from L Street to U Street, with permanent street paving, including marked and posted parking areas, and all other signage required by law. Seconded by Linville.

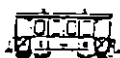
The substitute motion was considered first since it, if passed, would take the place of the original motion.

Voted in Favor: Brooker, Gould, Linville, Pennywitt

Voted Against: Harney, Perchard

Abstained: Jackson

The substitute motion becomes the majority view of the Committee regarding this



RAILROAD BED RIGHT-OF-WAY STUDY COMMITTEE
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section of the Right of Way.

The Committee discussed emergency access to the Right of Way from L Street. Pennywitt moved as both a short and long term use that the Town owned fence at the corner of L Street and the Right of Way be removed and replaced with a lockable gate; access to be adequate to allow for emergency use. Motion seconded by Brooker. Vote to approve unanimous.

The next meeting was scheduled for June 12th. Ann Kinnear had requested that the Chairman inform the members she was writing a minority opinion concerning one point of discussion. Perchard noted that he would be writing a minority opinion concerning Section 6 (L Street to XY Street) for discussion at the next meeting.

Motion to adjourn by Perchard, seconded by Gould. Unanimous vote to approve.



**Appendix E
Maps**

Old Colony Railroad Company, 1915 with updates to 1933, 7 pages.

Paine, Surveyors, 1889

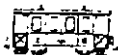
Plan of Land in Hull, 1909

Town of Hull Assessor's Maps with Chief Brooker's recommended parking areas for the railroad bed marked in blue (both present and future).

**Appendix F
Documents-Legal**

Letter from Lawrence A. Kellem
Town Counsel-Town of Hull
August 5, 1966

Letter from James B. Lampke, Esq.
Town Counsel-Town of Hull
October 24, 1990



Appendix F
Documents-Legal

Letter from Lawrence A. Kellem
Town Counsel-Town of Hull
August 5, 1966

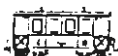
Letter from James B. Lampke, Esq.
Town Counsel-Town of Hull
October 24, 1990

Letter from James B. Lampke, Esq.
Town Counsel-Town of Hull
November 5, 1990

Letter from James B. Lampke, Esq.
Town Counsel-Town of Hull
January 29, 1991

Letter from Committee to Abutters
September 17, 1990
(sent to all abutters listed on Assessor's list)

Letter from Committee to Abutters
February 25, 1991
(sent to all abutters listed on Assessor's list)



Appendix G
Documents-General

Excerpts: Annual Town Report-Hull, 1929

Excerpts: Annual Town Report-Hull, 1930

Excerpts: Annual Town Report-Hull, 1931

Massachusetts General Law, Chapter 40, Section 4B

Massachusetts Wetlands and Waterways, DEQE-Massachusetts, 1984

Public Coastal Access: Open Space Planning for a Scenic Footpath on Town-owned Railroad Property.

Romin Koebel, PhD, Town Planner, Hull
July 10, 1990

Railroad Bed Open Space Planning Opportunities in the Warren to Kenberma Street Section.
Romin Koebel, PhD, Town Planner, Hull
July 19, 1990

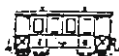
Public Use of Railroad Bed Between A Street and Lewis Street.
Romin Koebel, PhD, Town Planner, Hull
August 13, 1990

Railroad Bed Abutters List
Hull Board of Assessors Office
September 6, 1990



**Appendix H
Documents-Petition**

Petition against through traffic on the railroad bed-Undated-Signed by 186 citizens.



Appendix I
Documents-Photographs



Appendix J
Documents-Agreements with Hull

