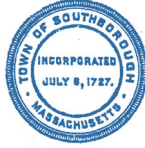


TOWN OF SOUTHBOROUGH



OFFICE OF THE BOARD OF SELECTMEN

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

February 22, 2021

Shawn M. Mauro, CRPC®, CLTC, Managing Partner
144 Turnpike Road, Suite 215
Southborough, MA 01772

Dear Mr. Mauro,

This is to update you on the status of relevant infrastructure work to be performed on Main Street between approximately Park Street on the west to the Newton Street intersection on the east, and beyond.

Based on a review of existing court, assessor, and registry of deed records, the Board of Selectmen informally has determined that it is necessary to enter into an easement agreement with CSXT in order to make the infrastructure improvements. It is likely the Board will consider and potentially formalize this determination at its meeting on March 2. The work done pursuant to these easements likely will include curbing along the right-of-way that is requested by CSXT and identified by their architects, engineers, planners, the Bergmann firm, through red-line edits on a VHB plan dated 4/15/20 and attached to Bergmann's 7/20/20 letter and further revised in Bergmann's 11/20/20 correspondence. See attached.

Note that CSXT has indicated that an additional right-of-way barricade/barrier along your eastern property line may be installed. We understand that you dispute that property line, but we are not aware of any records or documentation that support your position. If you are aware of or believe any such records exist it would be helpful if you would provide them to our office.

Based on our current understanding of existing property rights, the Town remains willing to assist you in any way in discussions with CSXT to maximize your use of CSXT property beyond the eastern property line of your property and have informed CSXT of that. Please advise me or our Town Administrator, Mark Purple, if you would like the Town to assist with any such discussions.

Very truly yours,

Martin F. Healey
Chair, Board of Selectmen

c. Mark Purple, Town Administrator



July 20, 2020

Karen Galligan
Superintendent
Town of Southborough
Department of Public Works
147 Cordaville Road
Southborough, MA 01772

Subject: MA0142; Southborough, Worcester County, Massachusetts; Improvement project on Main St and Central St at CSXT grade crossing; 547119K & 547117W; Northern Zone, Fitchburg Subdivision; QBU-30.5 & QBU-31.66
Encroachment Coordination Letter #1

Dear Ms. Galligan;

Reference is made to the Bergmann Preliminary Engineering Plan Review Letter #2 dated April 23, 2020 for the subject project. Comment #1 from that letter stated:

1. CSXT Real Estate does not have any records of agreements for the existing parking areas occupying its right-of-way in the northwest, southwest, and southeast quadrants where its right-of-way intersects Main Street. As such, CSXT will not permit the temporary easements shown on the plans, or the work proposed within them, until these areas are properly documented. Agreements for existing driveways and parking areas outside of the highway easement must be coordinated through CSXT Real Estate.

CSXT Real Estate has been in contact with three of the four encroaching property owners, and proposes the following:

- Northeast Quadrant – CSXT will require curb along the entire property frontage of the vacant lot. Whether or not curb is adjacent to the proposed concrete walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.
- Northwest Quadrant – CSXT will allow a curb cut for the Knights of Columbus driveway, to be located a minimum of 25'-0" from the centerline of CSXT's tracks. Additionally, a right-of-way barricade/barrier will be required 25'-0" from the centerline of CSXT's tracks through the length of the lot. Note that construction of the curb cut and barricade/barrier, and occupancy of the driveway on CSXT right-of-way is contingent on the execution of an easement agreement between the Knights of Columbus and CSXT.
- Southeast Quadrant – Property owner has indicated that it will cease use of the parking area and driveway on CSXT's right-of-way to the west of its property. CSXT will require curb along the entire property frontage, and a right-of-way barricade/barrier along the lot's western property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.



November 20, 2020

Karen Galligan
Superintendent
Town of Southborough
Department of Public Works
147 Cordaville Road
Southborough, MA 01772

Subject: MA0142; Southborough, Worcester County, Massachusetts; Improvement project on Main St and Central St at CSXT grade crossing; 547119K & 547117W; Northern Zone, Fitchburg Subdivision; QBU-30.5 & QBU-31.66
Encroachment Coordination Letter #2

Dear Ms. Galligan;

Reference is made to Encroachment Coordination Letter #1 dated July 20, 2020 for the subject project. Since the issuance of that letter, CSXT Real Estate has received subsequent correspondence from the property owner in the Northwest Quadrant (the Knights of Columbus), but no others. As such, CSXT will require the following:

- Northeast Quadrant – CSXT will require curb along the entire property frontage of the vacant lot. Whether or not curb is adjacent to the proposed concrete walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.
- Northwest Quadrant – CSXT will allow a curb cut for the Knights of Columbus driveway, to be located a minimum of 25'-0" from the centerline of CSXT's tracks. Note that construction of the curb cut and barricade/barrier, and occupancy of the driveway on CSXT right-of-way is contingent on the execution of an easement agreement between the Knights of Columbus and CSXT.
- Southeast Quadrant – Property owner previously indicated that it will cease use of the parking area and driveway on CSXT's right-of-way to the west of its property. CSXT will require curb along the entire property frontage, and a right-of-way barricade/barrier along the lot's western property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.
- Southwest Quadrant – Property owner has been unresponsive to CSXT Real Estate. CSXT will require curb along the CSXT right-of-way, as well as a right-of-way barricade/barrier along the lot's eastern property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.

Please provide updated plans reflecting these requirements. Note that no work may commence on or adjacent to the CSXT right-of-way, or that could potentially impact CSXT operations, until the following have occurred:



- The plans have been reviewed by CSXT with no exceptions taken
- A fully executed Construction Agreement is in place with the appropriate parties
- The Outside Party provides to this office written notice to proceed with railroad force account work
- The contractor's insurance has been approved in writing by CSXT
- The necessary construction submissions have been submitted by the Outside Party with no exceptions taken by CSXT or its representative
- A pre-construction meeting has been held with CSXT and/or its representatives
- Railroad track protection of a form determined by CSXT is in-place and understood by all parties
- The contractor signs Schedule I of the Construction Agreement

Please do not hesitate to contact Kevin Lewandowski or me at (610) 834-4080 with any questions regarding the above matters.

Sincerely,

Erin M. Goglia, PE
Project Manager, CSXT GEC

CC: BA file 009363.50
Derek Mihaly, Project Manager – CSXT Public Projects
Jeff Everett – CSXT Real Estate



- Southwest Quadrant – Property owner has been unresponsive to CSXT Real Estate. CSXT requests the Town's assistance with facilitating contact/discussions with the property owner. Otherwise, it will require curb along the CSXT right-of-way, as well as a right-of-way barricade/barrier along the lot's eastern property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.

Please note that no work may commence on or adjacent to the CSXT right-of-way, or that could potentially impact CSXT operations, until the following have occurred:

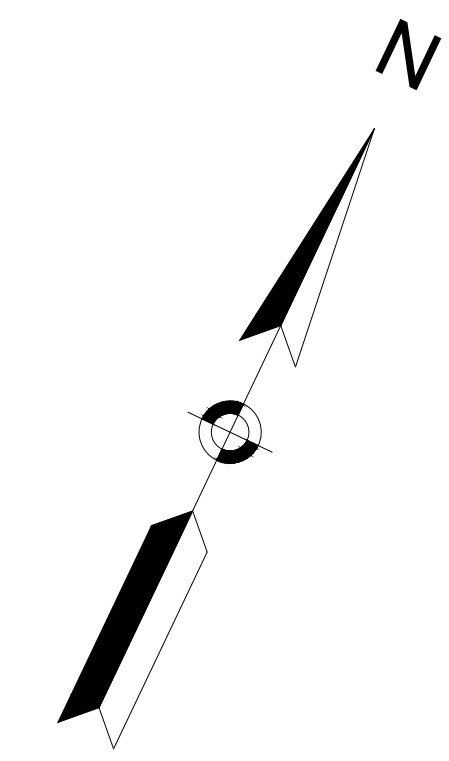
- The plans have been reviewed by CSXT with no exceptions taken
- A fully executed Construction Agreement is in place with the appropriate parties
- The Outside Party provides to this office written notice to proceed with railroad force account work
- The contractor's insurance has been approved in writing by CSXT
- The necessary construction submissions have been submitted by the Outside Party with no exceptions taken by CSXT or its representative
- A pre-construction meeting has been held with CSXT and/or its representatives
- Railroad track protection of a form determined by CSXT is in-place and understood by all parties
- The contractor signs Schedule I of the Construction Agreement

Please do not hesitate to contact Kevin Lewandowski or me at (610) 834-4080 with any questions regarding the above matters.

Sincerely,

Erin M. Goglia, PE
Project Manager, CSXT GEC

CC: BA file 009363.50
Derek Mihaly, Project Manager – CSXT Public Projects
Jeff Everett – CSXT Real Estate



NOTE: CURB CUT AND BARRICADE IN NORTHWEST QUADRANT CONTINGENT ON EXECUTION OF EASEMENT AGREEMENT BETWEEN KNIGHTS OF COLUMBUS AND CSXT

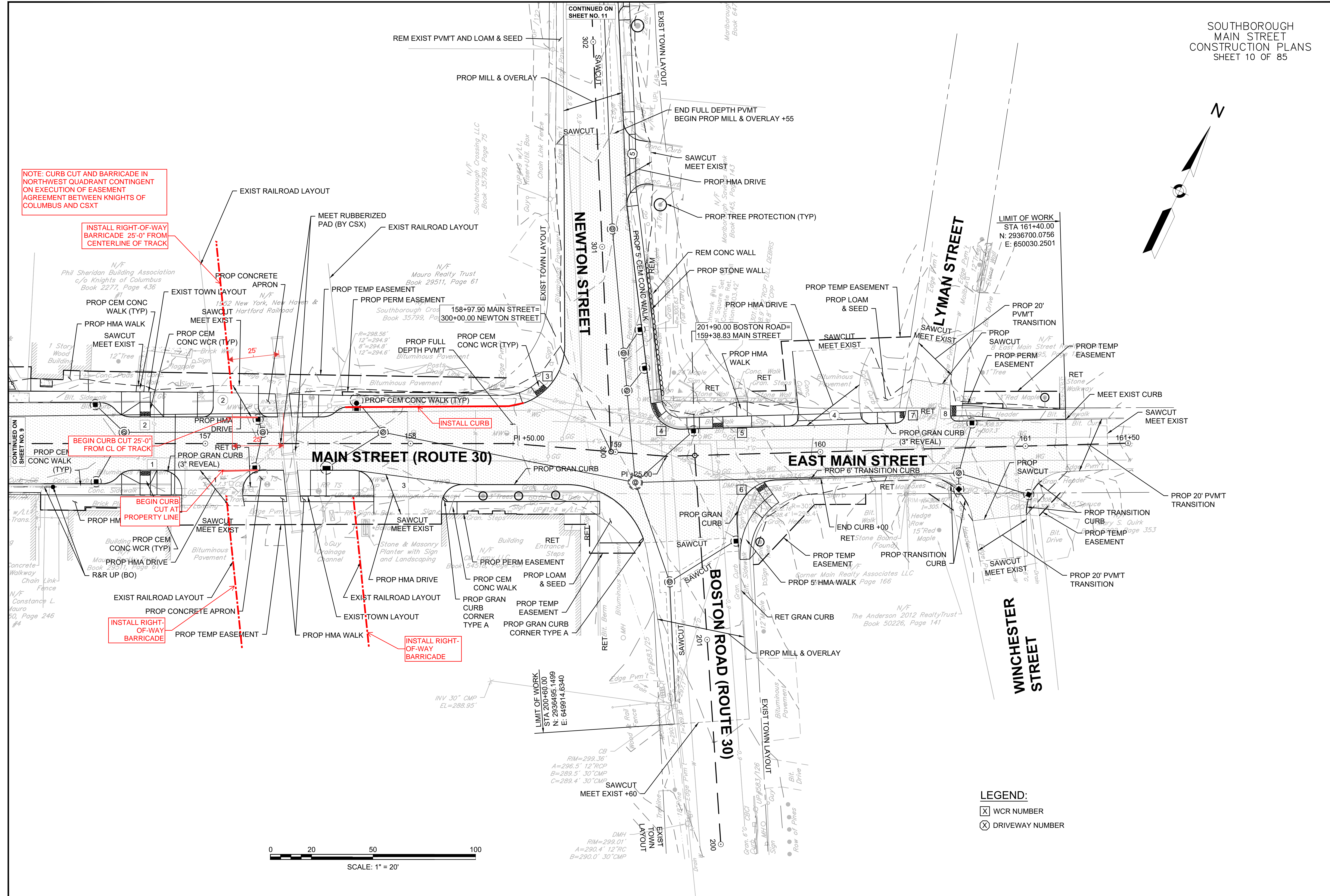
INSTALL RIGHT-OF-WAY BARRICADE 25'-0" FROM CENTERLINE OF TRACK

BEGIN CURB CUT 25'-0" FROM CL OF TRACK

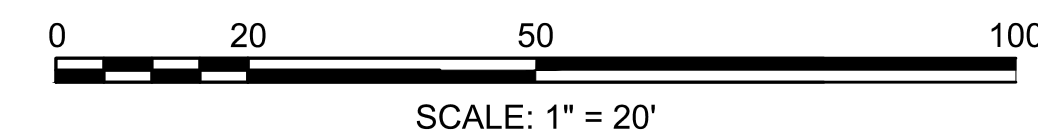
BEGIN CURB CUT AT PROPERTY LINE

INSTALL RIGHT-OF-WAY BARRICADE

INSTALL RIGHT-OF-WAY BARRICADE



LEGEND:
 [Symbol] WCR NUMBER
 [Symbol] DRIVEWAY NUMBER



LIMIT OF WORK
 STA 200+60.00
 N: 2936495.1499
 E: 643914.6340

DMH
 RIM=299.01'
 A=290.4' 12" RC
 B=290.0' 30" CMP

CB
 RIM=299.36'
 A=296.5' 12" RCP
 B=289.5' 30" CMP
 C=289.4' 30" CMP