Railroad company bulldozes thousands of trees, enraging residents worried about the impact on water supply

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An overall view of the lost forest. RICE CITY SQUADRON AERIAL PHOTOGRAPHY

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HOPEDALE — Last spring, as legal wrangling mounted and town officials sought control over forestlands critical to the local water supply, the new property owner spurned their pleas and cleared 100 acres above the sole aquifer, bulldozing thousands of mature trees to make way for new development.

Residents were aghast to learn the owner, a local railroad company, asserted its right under an arcane federal law that allowed it to ignore local and state environmental rules.

The dense woods where they had long walked their dogs and went snowshoeing, a forest vital to filtering and recharging the town's water as well as absorbing the carbon emissions that cause climate change, looked like a moonscape.

"It's devastating to see what they've done," said David Sarkisian, 64, whose property abuts the cleared land. "This is an environmental nightmare for our town."



Construction equipment had remained near the railroad tracks in the Hopedale watershed late last month. SUZANNE KREITER/GLOBE STAFF

The woods were bought from a private realty trust two years ago by the Grafton and Upton Railroad Co., which operates a 149-year-old freight line between Grafton and Franklin that runs through the property.

With the shipping industry booming, company executives say they need more room to maintain locomotives, store rail cars, and unload and warehouse commodities they transport, which include chemicals, propane, lumber, gravel, and wax.

The railroad bought nearly 200 acres of forested land in this town southwest of Boston near Rhode Island and plans to build 1.5 million square feet of warehouses — more than 20 buildings — and a network of roads and other paved surfaces. The track-side location is ideal for the company, near two interstate highways.

“With double-digit growth year over year, and 20 percent growth in rail car volume, our customers have needs,” said Michael Milanoski, president of the company, known as GURR.

But it’s unclear whether the company can develop the land, which it hopes to complete next year.

Local residents and Hopedale officials, enraged about the environmental threats and what they consider bullying by the company, have filed multiple lawsuits. They claim the company violated state and federal laws and that the town should have had the option to buy the land first.



Ed Burt, chair of the Hopedale Water and Sewer Commission, showed parts of the area that the Grafton Upton Railroad Company has cleared of trees. SUZANNE KREITER/GLOBE STAFF

"They've trampled the town's rights and are jeopardizing the town's future by endangering its water supply," said Ed Burt, chairman of the Hopedale Water and Sewer Commission. "This may be something we never recover from."

Meanwhile, newly elected selectmen have taken a less-accommodating position than their predecessors, who had approved a settlement with the company that allowed it to develop a smaller portion of the land. The agreement required the company to sell the remaining undeveloped land to the town.

Last year, after residents sued the town to block the settlement and Hopedale's Town Meeting rejected it, a state superior court judge effectively nullified the agreement.

Over the summer, the new Select Board approved using the town's eminent domain powers to take nearly two-thirds of the land, claiming Hopedale is the rightful owner.

Around the same time, the town's Conservation Commission accused the company of violating the state's Wetlands Protection Act, arguing its development would worsen existing water-supply problems, lead to significantly higher treatment costs, and impede access to new water sources.

"When these types of mature forests are razed and later replaced with impervious surfaces from development, the water is not held as long," said Becca Solomon, chair of the Conservation Commission, in a sworn statement in yet another lawsuit filed this summer. "It causes higher risk of flooding during large rain storms, and because the water is not held by the vegetation, it is followed by higher risks of drought."

The company has challenged the town's authority to assert eminent domain over the property and insists it shouldn't be subject to state environmental laws. In asking a federal judge in Boston this summer to block such action, GURR argued the federal Interstate Commerce Act has long allowed railroad companies to operate "free of unreasonable local interference and regulation."

The company, which has been sued for asserting similar privileges in other communities, called the land "irreplaceable real estate" and "a once in a lifetime railroad development opportunity."

No compensation from the town would be enough to make up for the loss of the land, it added.

"GURR could not simply take the proceeds from a taking and purchase replacement property similarly sized, zoned, situated, and suited to development as a railroad transloading operation," the company argued in a complaint to the court.

Milanoski insisted the company is doing everything it can to protect the environment.

"This is one of the most benign locations from a community impact that one could find," he said in a telephone interview.

He also said the company is abiding by federal environmental laws and plans to filter storm water, build drainage basins, and take other steps to protect the local water supply.

"It's bogus to say that we're going to contaminate the watershed," Milanoski said. "The town is trying to deflect its own problems."

In fact, he argued, the project would ultimately be good for the environment.

Allowing for more freight to be delivered by rail, rather than on trucks, would make a significant difference in reducing emissions, he said.

"Our project is going to offset the need for any more trucks on the road," Milanoski said.

He cited a 2018 report by the state Department of Transportation that called for the development of more freight rail to accommodate millions of additional tons of cargo the state projects will enter Massachusetts in coming years.

The report asserts that transporting commodities by rail is four times more fuel efficient than sending the same amount of goods by truck, reducing overall emissions by about 75 percent.

"When feasible, MassDOT encourages the use of rail to move freight and recognizes that the growth of freight rail volumes will be necessary to meet the future supply chain requirements," said Kristen Pennucci, a spokeswoman for the state Department of Transportation. "MassDOT also encourages all transportation systems to be developed according to the environmental regulations of the commonwealth."

Other studies have been less definitive about the benefits of rail. As trucks are electrified and become more fuel efficient in the coming years, the equation is likely to change, especially if freight trains continue to be powered by diesel locomotives.

A report two years ago by the California Air Resources Board found that the state's pollution controls for trucks will result in fewer emissions of harmful particulate matter than trains as soon as 2023. But the report found it will take years before trucks produce fewer greenhouse gases, because of the time it will take for most tractor-trailers to run on electricity.

When asked why it was necessary to remove so many trees, Milanoski said: “You can’t develop industrial areas if you can’t cut down trees. What about solar farms?”

He added: “We’re a business that has the right to develop its property.”

State environmental officials declined to comment.

Officials at the US Environmental Protection Agency said they’re monitoring the project and noted that developed land typically reduces groundwater by hundreds of thousands of gallons per acre annually compared with natural land.

“If the proposed buildout proceeds, EPA would … ensure compliance with federal environmental laws and prevent impacts to water quality,” said Dave Deegan, a spokesman for the EPA in New England.

In Hopedale, residents said much of the damage is already done, as the hills on the property have been denuded.

Their only hope is that a court will rule in their favor, allowing the town to reclaim the property and rebuild the forest.

“What GURR did is a punch to the gut,” said Carole Mullen, 66, a resident who has lived in Hopedale for decades. “It’s a monstrosity.”

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