MASS DOT preserves a section of the MCRT from being cut-off

Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO

massDOT
Massachusetts Department of Transportation

June 20, 2022

VIA CERTIFIED MAIL

Paul Adzima
Building Inspector
Town of Belchertown
P.O. Box 670, 2 Jabish Street
Belchertown, MA 01007

Re: Request for Consent to the Issuance of a Building Permit
Property located at 108 / 130 Shea Avenue, Belchertown, Massachusetts
File Reference # 22A-5

Dear Mr. Adzima:

You have requested my consent, in my capacity as the Secretary of the Massachusetts Department of Transportation ("MassDOT"), to the issuance of a building permit to Derrik Stebbins and Jillian Brunell (the "Applicants") for the construction of a driveway through and within a former railroad property, to provide access to a single-family home to be located at 108 / 130 Shea Avenue in Belchertown, Massachusetts (the "Subject Parcel"). The Subject Parcel contains a segment of the former Central Massachusetts Railroad right-of-way, which was previously owned by the Boston and Maine Corporation, and reportedly abandoned by 1980.

Massachusetts General Laws ("M.G.L") Chapter 40, Section 54A, provides that no city or town in the Commonwealth shall issue a permit to build a structure of any kind on land formerly used as a railroad right-of-way in the Commonwealth without the written consent of the Secretary of Massachusetts Department of Transportation. The intent of this statute is to prevent interference with transportation uses and to preserve former railroad property in the Commonwealth for present or future transportation-related use where appropriate.

After reviewing information submitted by the Applicant and canvassing interested agencies, MassDOT has determined that the proposed construction on the Subject Parcel will not adversely impact current or potential transportation uses, provided certain conditions are met. Accordingly, I give my consent to the issuance of a building permit for the above-referenced construction as detailed by the application material, provided that the construction and operation of the proposed driveway does not preclude the future development and use of the former railroad property for rail trail / alternative transportation corridor purposes in the future.

The consent is granted by means of two original letters, one to the town of Belchertown and the other to the Applicant.

Sincerely,

Jamey L. Tesler
Secretary of Transportation & CEO

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

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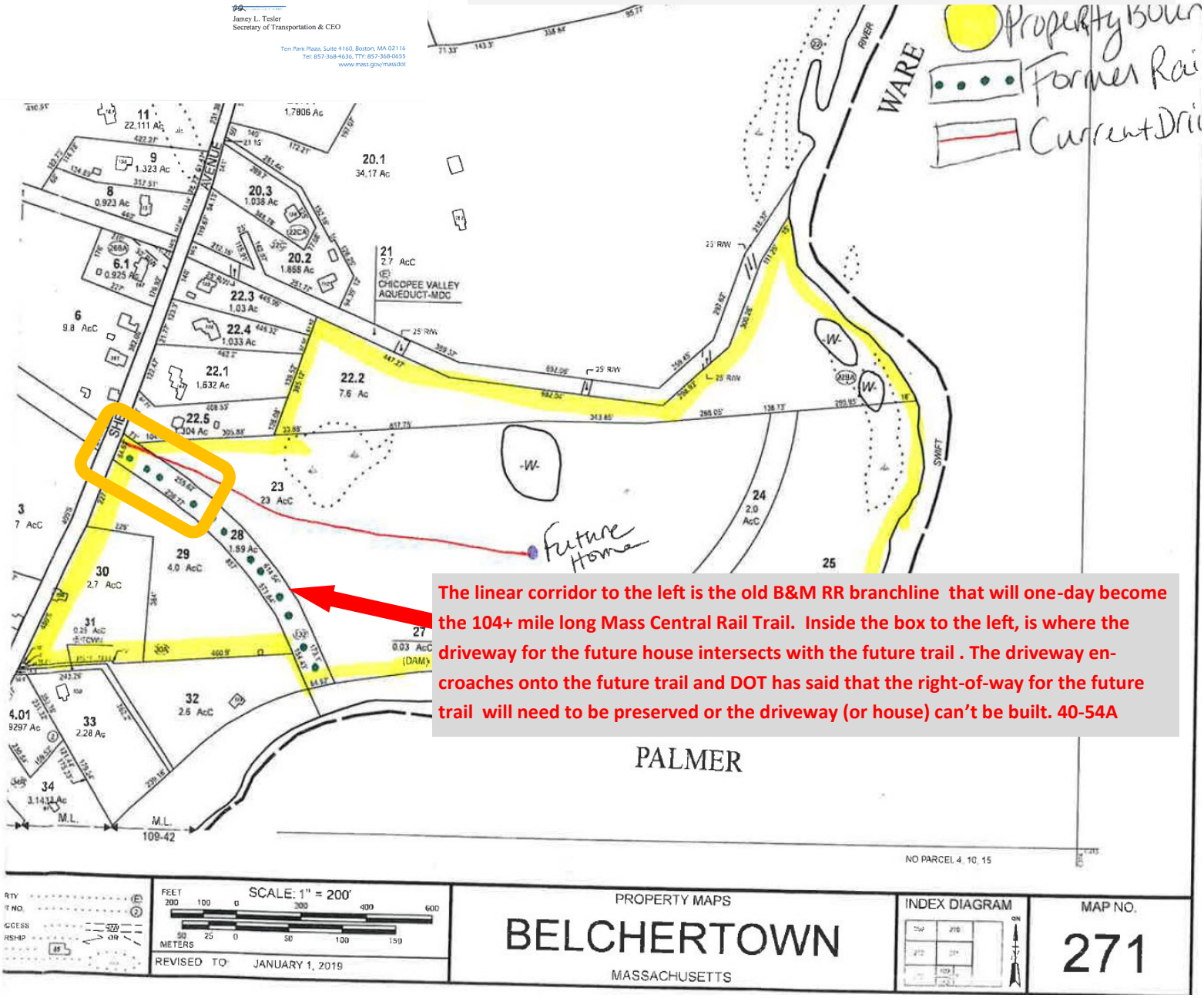
Here is an infographic about a recent case in Belchertown where the integrity of the dead RR corridor was saved, allowing for the future trail to be built.
I'll bet most of you don't know that there are two obscure regs that defend former RR corridor from being sold off or being subjected to inappropriate development. Here's a link to one of them. 40-54A which says that you cannot be issued a building permit to construct something on top of former RR corridor without the local Building Dept alerting MassDOT of the project. They will weigh-in.
More info the Belchertown section of the MCRT is here.
https://www.belchertowngreenway.org/



The linear corridor to the left is the old B&M RR branchline that will one-day become the 104+ mile long Mass Central Rail Trail. Inside the box to the left, is where the driveway for the future house intersects with the future trail . The driveway encroaches onto the future trail and DOT has said that the right-of-way for the future trail will need to be preserved or the driveway (or house) can't be built. 40-54A