

SUDBURY BOARD OF SELECTMEN

TUESDAY NOVEMBER 30, 2020

(Meeting can be viewed at www.sudburytv.org)

Chapter 91 Public Hearing

Mass DEP

W20-5826

Present: Chair Janie Dretler, Vice-Chair Jennifer Roberts, Selectman William Schineller, Town Manager Henry L. Hayes, Jr.

Others Present: Chrissy Hopps, Assistant Director – MassDEP Waterways Program; Alice Doyle - MassDEP Waterways Program; Paul Jahnige - Mass DCR; Vivian Kimball – VHB; Katie Kinsella – VHB; Denise Barton – Eversource; J. Brook – Eversource; Barry Fogel, Applicant’s legal counsel – Keegan Werlin, LLP; and Marc Bergeron - Epsilon Associates.

The statutory requirements as to notice having been complied with, the meeting was convened at 6:00 p.m. via Zoom telecommunication mode.

Ms. Hopps opened the hearing and stated that the purpose of the hearing was to explain the proposed project and receive/encourage the submission of public comment. Ms. Hopps explained that all comments must also be submitted to her directly, before December 21, 2020. She detailed that ten or more citizen comment submittals in writing, would waive the right of adjudicatory hearing. She noted that five such written comment submittals must be from Sudbury residents.

Ms. Hopps read the hearing notice for Bridge No. 128:

Public notice is hereby given of the Waterways Application by NSTAR Electric Company and Massachusetts Department of Conservation and Recreation to rehabilitate an existing dilapidated bridge structure for rail trail use and install and maintain an electric transmission line over the waters of Hop Brook at Bridge No. 128, Map H03 Parcel 5000, 0 Railway, Massachusetts Bay Transportation Authority Right-of- Way (42.3763 Latitude / - 71.4624 Longitude), Sudbury, Middlesex County. The proposed project has been determined to be a water-dependent use project. Pursuant to 310 CMR 9.15(1)(b) and (c) the Applicants have requested an extended term license for the electric transmission lines and an unlimited term license for the bridge, respectively.

Ms. Kinsella presented the PowerPoint slide titled “Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project Chapter 91 Licensing – Bridge 128.”

Ms. Kinsella provided summary of the Bridge No. 128 water-dependent project and detailed the proximity to Dunton Road, Sudbury; and White Pond Road, Hudson. She presented the existing bridge rendering which was re-constructed in 1908, and the proposed bridge rendering. She noted that bridge abutments were in fair condition, and the project proposed rehabilitation, but not reconstruction. Ms. Kinsella confirmed that the proposed transmission line would be set on the underside. She stressed that the proposed plan would ensure navigability within Hop Brook, and would not impede adjacent property owners’ rights to waterway access. Ms. Kinsella emphasized that the project would advance public safety and enjoyment when crossing the brook.

Ms. Kinsella addressed the 100-year flood plain, and affirmed that both Bridge No. 127 and Bridge No. 128 were elevated above the 100-year flood plain.

Board of Selectmen Chair Dretler requested a copy of the plans as well as, a copy of the application. Chair Dretler inquired about the exact location of electrical work proposed, adjacent to Bridge No. 128. Ms. Kinsella detailed the proposed transmission line to be attached to the bottom side of the existing bridge. She also presented image of the existing girder.

Resident and Chair of the Sudbury Historical Commission Chris Hagger, stated that the Commission was currently reviewing both bridges under Section 106 requirements. Mr. Hagger questioned if the two conduits on Bridge No. 128 could be placed between the plate girders, in consideration of the historical significance of the two bridges (both Bridges are included in the MA Historical Resources Inventory System). Ms. Kimball suggested that Mr. Hagger submit the comment in writing. Ms. Hopps recommended comments on the bridges be submitted in writing.

At 6:20 p.m., Chair Dretler called the Sudbury Board of Selectmen meeting to order. Vice-Chair Roberts motioned to start the meeting. Selectman Schineller seconded the motion. Chair Dretler recognized the quorum and conducted Selectmen roll call: Dretler-aye, Roberts-aye, Schineller-aye.

Resident Rebecca Cutting, 381 Maynard Road, commented regarding lack of water dependency regarding the application for Bridge 128. She added that under MEPA there was no such dependency finding.

Ms. Cutting noted the public benefit regarding M.G.L. Chapter 91 was limited. She stressed that the view would be changed with the cutting of the vegetated bank, and should be further examined by the Waterways Program.

Ms. Cutting mentioned “parallel permitting” and affirmed state permit decisions are not final, and such bridge construction cannot obliterate existing pathways in consideration of birding, kayak excess, or existing footpaths.

Selectman Schineller asked what other alternatives might address the needs, and asked if horizontal drilling and alternative measures could be utilized. He maintained that current use is enjoyed by walkers, cyclers, kayakers, emphasizing no additional benefit would be achieved and improvements could be addressed by maintenance of the bridge.

Selectman Schineller exemplified a similar project in Connecticut, which is undergoing horizontal drilling in light of historical significance and also being located in an ecological-sensitive area.

Mr. Hagger recommended that options should be examined in order to maintain and not disturb the concrete embarkment.

At 6:35 p.m., Vice-Chair Roberts motioned to adjourn the Sudbury Board of Selectmen meeting. Selectman Schineller seconded the motion. Chair Dretler conducted roll call: Roberts-aye, Schineller-aye, Dretler-aye.

Ms. Hopps adjourned the Public Hearing at 6:39 p.m.