

December 14, 2020

H. Rebecca Cutting
381 Maynard Rd
Sudbury, MA 01776

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Joint NOI No. 301-1287 filed by
Eversource for Sudbury-Hudson Transmission Reliability Project
and MassDCR for Mass Central Rail Trail

Dear Sudbury Conservation Commissioners:

I offer my comments on the above-referenced Joint Notice of Intent for your consideration and through you (as you deem necessary) for response from the joint Applicants, Eversource and MassDCR (the Applicants) or for response from you as appropriate. As you know I have followed this project for approximately four years through the MEPA process and wetlands permitting in Stow, Hudson and now Sudbury. I appreciate the amount of work that this complex project presents to the Conservation Commission and your diligence in following the key subjects under the interests of the Wetlands Protection Act and Sudbury Wetlands Bylaw.

It has been an effort on our collective parts to track all the amendments to the original plans and proposed work under the Notice of Intent as well as the progression of comment and response between the Commission/Peer Reviewer Beta and the Applicants/VHB. The project has proved beyond this give and take to be a moving target also due to the parallel courses of a number of other permits (c. 91, s. 106 Historic Resource Review, Army Corps 404) most notably the Sudbury Planning Board's concurrent review of the Applicants' Stormwater Permit Application under the Sudbury Stormwater Bylaw but also that of the Sudbury Historical Commission.

I am clear that the Town staffs are coordinating on information but the fact remains that changes are continuously being made as these reviews proceed, and will continue to be made, to stormwater structures such as infiltration trenches and especially culverts. For example, "Drainage Structure" 126D which was "to be abandoned" is now referred to as "Pipe 126D" and will be replaced. Although the Applicant's November 13th submittal says the plans have been revised there's no reference to which plan sheet and what additional wetlands impacts will occur or whether the "Pipe" will meet the Stream Crossing Standards. Confirmation of these facts would be appreciated.

I would like to propose to both reviewing boards, the Commission and Planning, that, in order to finally determine the full extent of work in jurisdictional wetland areas, a running comprehensive list of all of these features be made with their attendant wetland alterations by feature, plan sheet and impacts to resource area. In this way, a full analysis of the dimensions of the conditions your Order will need to address can be fully and clearly understood rather than the existing piece by piece collection of documents posing scattered sources of facts.

It would also be helpful to know what criteria the Applicants' structural engineers will be using to evaluate the aging culverts and "drainage features" and how their methodology will take into account the tonnage (weight loads) for example of the construction vehicles especially the cranes for the bridge work. I would also like to know if the report from the Applicants' prior culvert investigation (said to have been done in 2017-2018) has been provided to you or any other proof of what level of scrutiny the Applicants' engineers undertook. Absent these a new study is imperative. I have also learned from the recent meeting of the Sudbury Historical Commission and the presentation by their peer reviewer on the railbed that there are likely buried culverts not yet identified in the bed that may be encountered during trenching or splice vault/manhole installation. I encourage you to consult with the Sudbury Historical Commission on this topic and on the work being proposed on Bridges 127 and 128. Other railroad experts I have interviewed and who have walked the ROW express concern that the depth of excavation in the rail bed will inevitably encounter buried rail features such as signal wiring and culverts.

Assessment of the impacts at the two bridges from the crane mat installations is also difficult to ascertain as the locations are not certain until construction is started so quantification of wetland impacts is uncertain. This is compounded by the lack of information on the length of time the mats will remain. The Applicants have characterized the mats' impacts as "temporary" however, without knowing location and duration of placement, this remains an unknown. The removal of vegetation especially mature trees and shrubs overhanging the banks will not be temporary. It will also, despite the pronouncements of Dr. Slater of MassWildlife have only a salutary effect on the cold water fishery as the shade afforded especially during low groundwater events such as this summer's severe drought is a needed support under stressed conditions. The fact that Hop Brook is open meadow above Bridge 128 is in fact all the more reason that wooded canopy and shaded banks are key to species survival.

The extent of canopy loss also seems to have become a moving target, now hard to ascertain and seems to continue to change since even if the larger areas of clearing for splice vaults and the access road are taken into account the cutting of overhead trees to allow for passage of the cranes will impact wetlands so close to the toe of slope (particularly VPOols). I do not believe that the canopy removal necessary for the cranes and other construction vehicles has been quantified. If I am incorrect in this, I would appreciate receipt of a final canopy removal chart. Canopy removal is not a "temporary" impact as any wider canopy removal required for the cranes' passage will not regrow. The corridor canopy consisting mostly of hardwoods such as oaks and maples do not rebranch. As SVT, Protect Sudbury and I have commented canopy removal creates thermal impacts to protected and vernal pool species compounded by the use of asphalt not gravel/stone dust. I join SVT in asking that the area west of Dutton Road not be

paved. If indeed Sudbury is to have a swath cut through one of its largest (second only to Great Meadows NWR) conservation areas, it should be with consideration for the habitat's sensitivities and public values. I have spoken with persons who use adaptive bikes and they are as comfortable with gravel or stone dust as with asphalt. Asphalt is not some thing they require. I have a book on this subject I will present to the Commission for its reference and that of the using public.

It is similarly very hard to gain a clear picture of the impacts other key aspects of the proposed work such as dewatering sites especially where the Applicants propose to allow dewatering into BLSF, Vernal Pools (unless these are included as Isolated Vegetated Wetlands) and Buffer Zone/AURAs. I note also that recently the Applicants propose to discharge stormwater to a number of Vernal Pools. They consistently deny "conducting work" in the Pools but want to discharge to them and to the VP habitat at very close proximity to the pools. This should be prohibited and under the Clean Water Act's provisions of section 401 is for certified Vernal Pools. Not dredging or filling Vernal Pools but working in their habitat and/or discharging waters to them is under both the Wetlands Protection Act and the Sudbury Bylaw, an activity that alters the biology, chemistry, temperature, etc of these sensitive areas. I would like confirmation that no discharges in any form will be made to Vernal Pools or their habitat.

The argument that the transmission line/bike path will not discharge anything harmful in its stormwater is not quite accurate. When vegetation is cut and removed along with woodland duff and the underlying soils are exposed, runoff into adjacent wetlands will carry a new and damaging phosphorus load, at least until revegetated which will take a minimum of two years or more. Phosphorus is the gateway nutrient to eutrophication of freshwaters. Further, the check dams in the infiltration trenches are proposed to be filled with loam, ostensibly to reduce velocity, but will instead add more such nutrients. This offer should not be accepted. Siltation from the exposed and unvegetated shoulders prior to regrowth will be an issue for the same reason and over the same several year period of time. Seed wash into adjacent mature vegetated areas will interfere with existing forest growth. Anyone who has seen the impacts of clearing along surface water bodies can attest to the immediate biochemical oxygen demands of such work on the receiving waters.

In their November 13, 2020 "Supplemental Submission" at item 5, the Applicants offer to fund "an independent environmental monitor" to be notified if they want to discharge to "jurisdictional areas at the two Hop Brook bridges and near Union Avenue." Will these areas be outside the Town's Zone IIs? Do the applicants have a discharge permit? In light of the industrial nature of Union Avenue and the extremely limited groundwater sampling done, one at Raytheon, one near the Freeman intersection at the Chiswick entrance and one along Station Road, better characterization of the groundwater seems advisable as well as no discharges to adjacent wetlands or stormwater structures/features. Certainly, the Zone IIs should have no such discharges without proper characterization and no herbicide applications. Stormwater discharge points in the Zone IIs should also be avoided especially as Mr. Roy of the Water District pointed out at the November 23rd hearing where the aquifer is not confined but exposed; being without a protective clay layer.

Soil stockpiles are another example of how the Applicants' original proposals have changed, and not for the better. Originally, in the EFSB hearings Eversource witnesses said that excavated rail bed soils, known to be contaminated with petroleum, heavy metals, etc. would be characterized and moved off site within 24 hrs unless the receiving facility were closed in which case they'd be moved the next day. Now you are being told that they will be stored for a week and there is mention of "tarping". Unless these soils, exposed to the air and elements are contained at the base of the pile and covered they will erode, possibly into resource areas along the narrow rail bed and the inert contaminants will not remain so. In any event, if excavated rail bed soils are to be left on site for reuse for as long as a week, it would be advisable to identify reasonable locations protective of wetland resource areas.

Regarding contamination issues, Mr. McKinley is incorrect that the Applicants sampled the groundwater at the Boyd/Precision Coatings PFAS site in Hudson. They did not. Their sampling which was primarily soils for construction purposes and few if any for groundwater stopped short of the identified PFAS plume. The Firefighting Academy just to the East is another DEP identified source of PFAS adjacent to White Pond at the westerly end of the Sudbury portion of the ROW. The groundwater in this area as well as the Assabet River NWR in Sudbury is close to the surface in a sandy lakebed soils aquifer that drains along with Hop Brook to the East. The fact that Sudbury wells contain PFAS and that the Wetland Protection Act includes pollution prevention and protection of groundwater as well as public and private water supply points to caution in dewatering and soils storage and reuse.

The Applicants refer often to their "due diligence" but the sites of known and potential concern on their desktop-generated list were not given due deference, they were avoided. Boyd is one and the Sudbury Rod and Gun Club is another. The conclusion drawn by Mr. McKinley (Nov 6) that data sampling "indicated that there has not been any uncontrolled migration of contaminants onto the ROW in these areas." is not supported by the sampling actually done; only 3 groundwater samples in Sudbury and none near the former Fort Devens Annex or Sudbury Rod and Gun or Landham Road (gas station).

Finally, I wish to explore the intent of section 10.53(6) of the Wetlands Protection Act regulations regarding bike trails allowed as Limited Project in Riverfront Area. The regulation provides that such trails may be permitted as Limited Projects "... along riverfront areas but outside other resource areas..." This is not such a project as it will occur in Riverfront Areas that contain other Resource Areas. I believe this regulatory language means that if other Resource Areas occur within the RFA, that the project no longer qualifies as a Limited Project, due to its additional Resource Area impacts. I would appreciate an opinion from Town Counsel on this question to confirm the Commission's position.

Thank you for the opportunity to share my observations. It is my continued hope that they will be of assistance to you.

Sincerely,

H. Rebecca Cutting

Rebecca Cutting

Cc: Sudbury Planning Board
George Pucci, Town Counsel
Sudbury Historical Commn.
Sudbury Valley Trustees