



January 19, 2021

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Joint NOI filed by Eversource for Sudbury-Hudson Transmission Reliability Project and
MassDCR for Mass Central Rail Trail in Sudbury

Dear Sudbury Conservation Commission:

Sudbury Valley Trustees (SVT) submits these comments on the proponents' most recent submittals that were posted to the Sudbury Conservation web page for the January 21st hearing. Over the course of permitting and revisions, we appreciate that the proponents have made changes to their plans that have reduced the expected impacts to the sensitive natural resources along the length of the corridor project. **However, important issues remain unresolved.** Our comments here are repetitive of previous comment letters because of the lack of resolution.

BETA's peer review provides an excellent report on where and how the proponents are not meeting the performance standards. In addition, SVT is in receipt of Protect Sudbury's most recent comment letter to the commission, dated January 20, 2021. SVT agrees with and supports all of the points and comments made in that letter.

First and foremost, SVT wants to ensure that the commission fully applies the performance standards of the Sudbury Wetlands By-law. Among the multiple issues that need to be resolved, the most recent plans submitted by the proponents do not provide adequate protections to the Vernal Pool complex (especially Vernal Pools 9-13) directly abutting the MBTA line nor do they provide the full 2:1 mitigation for impacts to resource areas. Additionally, the proponents continue to assert that their project will improve wildlife habitat – which is absolutely not the case.

SVT continues to request the use of a gravel or stone dust trail rather than paved, at least in those sections that are going through the more pristine natural areas and high priority habitat such as the Desert Natural Area and Hop Brook Natural Area. In our letter, dated November 23, 2021, SVT provided a detailed explanation for our reasoning. In addition to the lack of necessity

for a paved path, an asphalt path will increase temperature of storm runoff to the vernal pools, negatively impacting that very sensitive resource and will detract from the natural qualities of these conservation lands.

In our comment letter of November 23rd, SVT strongly urged the commission to require results-based mitigation. We continue to stand by this recommendation. Additionally, we recommend that the commission require the proponents to propose detailed strategies on how they will meet the 2:1 mitigation. On pages 88 – 89 of the proponents' submission dated January 8, 2021, BETA's comments summarize the inadequate mitigation. The proponents' suggested mitigative measures do not equal the required 189,290 sf. of mitigation.

1. The proponents should first seek to eliminate or mitigate the significant impacts to the vernal pools and other resources that are on and that abut the project. The current plans still do not meet performance standards in this regard (see comments from BETA).
2. While SVT may be willing to permit some mitigation on our property, it seems more appropriate for the proponents to address the missing protections and mitigations for their direct project impacts within the project area itself especially as they affect abutting resources. SVT is especially concerned about the impacts to vernal pools as is USFWS (January 5 letter).
3. Planting vegetation around vernal pools that already have vegetated margins will only serve to disturb that habitat rather than improve that habitat.
4. Clean-up of refuse is a negligible effort to compensate for resource impacts.

The proponents' wildlife evaluations and mitigation actions should not rely on the excellent conservation land surrounding their project in order to justify their project – they are essentially implying that the abundance of nearby excellent habitat allows some to be destroyed. The proposed project is significantly and permanently altering the quality and character of hundreds of acres of protected conservation land that contains a globally rare natural community and priority habitat for numerous rare and state-listed species. SVT has been commenting on these adverse impacts since the projects were initially proposed.

Another unresolved issue is the soils that will be used in the restoration along the project site. The proponents continue to propose to lay down 4" loam for reseeding and planting areas. This is not consistent with the sandy soil types of this site and habitat. Therefore, this is a permanent alteration, not temporary – in spite of plantings. VHB claims it is appropriate to use loam where the area is forested even though the natural soils are sandy. They do not provide an explanation for this judgment. We disagree and do not follow their line of reasoning.

The proponents should seek to save existing non-contaminated soils from the site and provide specific information on the source of any fill used, and its appropriateness for the geology and habitat at this site. It should be assured that no other habitats are being destroyed to obtain

the fill. In the November 2nd materials, the proponents state that subsoil and topsoil will be segregated and saved but then goes on to say that soil will not be stockpiled and then also says that they will bring in man-made soils (pg. 39-40). This is confusing. What are “man-made” soils? Will they reuse soils from the site or replace them? We note that they say that some soils that are considered to contain invasive plant seeds will be replaced. In general, again, we consider this to be permanent alteration.

The most current, revised plans still do not meet the performance standards of the Sudbury Wetlands By-Law. SVT strongly encourages the Commission to require that the proponents address the many shortcomings of their plan before developing any final conditions. Recognizing that certain key requirements seem to have reached a stalemate is grounds for finding that substantial compliance cannot be obtained. SVT would expect that any Order of Conditions would contain mechanisms that ensure that the proponents adhere to the regulatory requirements.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Laura Mattei".

Laura Mattei
Director of Stewardship