



The General Court of the Commonwealth of Massachusetts
State House, Boston, MA 02133-1053

May 14, 2020

Jim Montgomery, Commissioner
Department of Conservation and Recreation
Executive Office of Energy and Environmental Affairs
251 Causeway Street, 9th Floor
Boston, MA 02114

Dear Commissioner Montgomery,

As legislators representing the towns of Hudson, Marlborough, Stow, and Sudbury, we write with concerns regarding the proposed high voltage transmission line that Eversource plans to construct below an inactive MBTA railroad corridor that transits each of these four communities.

We are concerned about Eversource's attempt to use MassDEP's 'Best Management Practices', intended for rail trail construction, as the regulatory and permitting standard for the construction of their transmission line, as well as DCR's participation in this plan. It is our understanding that this guidance document was developed to facilitate low impact surface use of contaminated railbeds. The proposed high voltage transmission line would be constructed 10-15 feet below ground into the contaminated railbed and into the groundwater, and would run through five Zone 2 aquifers that supply drinking water to the towns of Sudbury and Hudson, and would damage conservation lands owned by the Sudbury Valley Trustees, the local municipalities, and the state and federal government.

The combination of permitting a low impact bike trail with a high impact 115 kilovolt power line seems to us to run counter to the principles of the DCR's mission to protect, promote and enhance our commonwealth of natural, cultural and recreational resources for the well-being of all. A review of the Joint Notices of Intent filed in these communities under the Wetlands Protection Act leaves little doubt that they are in fact two vastly different projects, a transmission line with major environmental impacts, and wetland alterations and bike trail with few environmental impacts. All the two have in common is the site itself.

The transmission line should be permitted by each Conservation Commission on its own merits and thus be required to meet the regulatory standards necessary to protect both the drinking water and the valuable wetlands and habitats that exist in each town. It is our

recommendation that the DCR file its own NOI when it has funding sufficient to establish and maintain a timeline and has consulted with each community to determine a design that is consistent with the wishes of each community.

Another concern we have is that the Memorandum of Understanding between Eversource and DCR regarding post-construction vegetation management still remains unfinished, specifically the use of herbicides. Eversource is subject to a mandate in the decision of the Energy Facilities Siting Board to refrain from herbicide use under its joint maintenance MOU, whereas DCR, not participating or being a party, is not. Counsel for the town of Hudson requested and the EFSB included, in its final decision, that Eversource not use herbicides in any maintenance plans.

Hudson's concern is well founded due to the ongoing contamination of the Cranberry Well and that the transmission line passes through Hudson's Zone I and II aquifers and four other wells. The EFSB Final Decision requires the MOU to contain the Eversource obligation to use only mechanical controls and asks that DCR agree to this same provision. In the event that DCR refuses to agree, the Decision requires that Eversource report back to the EFSB describing DCR's objections for the Board's consideration.

Our last concern is the limited community involvement in this project. To date, it is our understanding that DCR has not solicited the input of the four communities involved in this section of the Mass Central Rail Trail to ensure that the design is consistent with the wishes of those host communities. It would seem reasonable to expect DCR to abide by the public policies that it promotes throughout the state and that significant changes to the proposed DCR rail trail will occur based on the input of each town, prior to a final design. These communities would welcome the opportunity to partner with DCR for a rail trail that considers a design consistent with each community's planned usage, but one that doesn't facilitate the permanent environmental damage that this transmission line will bring.

Thank you very much for your consideration of our concerns. This is an important project for this region, and we look forward to hearing how you plan to address these concerns.

Sincerely,

James B. Eldridge

State Senator

Middlesex & Worcester

Kate Hogan

State Representative

Third Middlesex

Carmine L. Gentile

State Representative

Thirteenth Middlesex

cc: Kathleen Theoharides, Secretary of Energy and Environmental Affairs

State Representative Smitty Pignatelli, Chair, Joint Committee on Environment, Natural Resources & Agriculture

State Senator Anne Gobi, Chair, Joint Committee on Environment, Natural Resources & Agriculture

U.S. Senator Ed Markey

U.S Senator Elizabeth Warren

U.S. Congresswoman Katherine Clark

Sudbury Conservation Commission

Stow Conservation Commission

Hudson Conservation Commission

The Sudbury Valley Trustees

Protect Sudbury Inc.

DCR Special Commission

DCR Stewardship Council