



Town of Sudbury

CONSERVATION

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Wetlands • Conservation Land Management • Land Protection • Stormwater

The following are questions and concerns raised by the Conservation Commission and/or the public at the July 8th Hearing regarding the Eversource Transmission Line - DCR Mass Central Rail Trail. Materials that were reviewed for this hearing include: 1) Updated Eversource Sudbury NOI Plans; 2) Updated DCR Sudbury NOI Plans; 3) Eversource Stormwater Pollution Prevention Plan; 4) DCR Stormwater Pollution Prevention Plan; 5) Soil and Groundwater Analytical Memo; 6) Time of Year Restriction Figures; 7) Corridor Management Plan; 8) Eastern Box Turtle Protection Plan; 9) Operation and Maintenance and Long Term Pollution Prevention Plan; 10) Response to Peer Review Comments; 11) Response to Commission/Public Comments; 12) Mass DEP ENF Comment Letter; 13) Dr. Slater May 2018 Email. Response to concerns regarding compliance with Stormwater Management Standards have not yet been addressed by the applicant.

1. Disturbed areas associated with the work at Bridge 128 will be replanted with 85 trees and 60 shrubs. Disturbed areas associated with the work at Bridge 127 will be replanted with 78 trees and 135 shrubs. Tree species include gray birch, red maple, serviceberry, and black oak to replace primarily white pine that will be removed. The applicant should look at increasing the diversity of proposed trees which should include coniferous species to replace the primarily white pine that is proposed to be removed, that provide year-around shading for this coldwater fishery.
2. Disturbed areas will also be seeded with an herbaceous mix that includes eight species which are not on the Commission's approved list. Species proposed to restore jurisdictional areas should only include species on the Commission approved plant list.
3. The applicant has modified the proposed seed mix to include woody shrub species. The applicant should explain how seeding disturbed areas following construction substantially restores vegetation removed for construction to comply with the limited project provision, which requires that the surface vegetation and contours be substantially restored.
4. The applicant should explain how the project is in compliance with the Sudbury Wetlands Administration Bylaw, which does not allow for this limit project provision.
5. The applicant should provide information on how the seed mix/plantings will be watered to ensure their survival.
6. The project proposes 248,164 s.f. of alteration to Adjacent Upland Resource Area (AURA): 94,645 s.f. permanent alteration with installation of rail trail and 153,519 s.f. of temporary impact, but revegetated following construction. The expectation of the Sudbury Wetlands Administration Bylaw is the restoration of the values and functions provided by the AURA to pre-existing conditions following construction, at a rate similar to that required for wetland replication under the Bylaw. The applicant should explain how the project meets the mitigation requirement for impacts to AURA.
7. There is 1 Certified Vernal Pool, 12 certifiable vernal pools, and 7 presumed vernal pools within the site. Many of these vernal pools are located directly adjacent to the rail bed. The project proposes to alter 82,692 s.f. of land within 100 feet of these vernal pools: 33,139 s.f. of permanent alteration is proposed with the installation of the rail trail; 49,553 s.f. of temporary alteration which will be revegetated. The applicant should enhance proposed mitigation adjacent to vernal pools to restore the slope within the limit of work to ensure no negative impacts to the vernal pools from erosion, loss of shading, loss of food source, and/or loss of shelter.
8. The applicant has obtained approval from the Natural Heritage and Endangered Species Program for the project which places conditions that need to be adhered to in order for the project to be permissible. NHESP implemented a Time of Year (TOY) Restriction from October 1 – June 30 for work within Hop Brook; and

a TOY restriction for work within 450 feet of vernal pools March 1 – May 15. The applicant states that this restriction is only for construction and the applicant still plans on traversing land within 450 feet of vernal pools during this restricted time. The applicant should implement a strategy to prevent unintended casualties, besides assuming vernal pool species are not likely to be present during the day.

9. Portions of the work are located within Zone II Wellhead Protection Zone. Impacts to Bank, Bordering Vegetated Wetlands, Land Under Waterways, and Riverfront Area contribute to recharge to groundwater. The project will need to ensure any impacts to these resource areas will not impact their recharge function. The Applicant needs to ensure that potential contamination from the excavation of the rail bed and potential release of contaminants will not negatively impact the Zone II Wellhead Protection Zone. The applicant should explain why they will not seek a letter from the Water District confirming they have no concerns with potential impacts the project could have to the Zone II Wellhead Protection Zone. The applicant should also explain why they are not willing to install monitoring wells to confirm the project results in no migration of contaminants during construction.
10. The applicant has provided two Draft Stormwater Pollution Prevention Plan (SWPPP), one for each Phase of the project. Not all sections have been completed. A fully executed SWPPP will need to be submitted prior to commencement of work.
11. The SWPPP states that the project will be discharging stormwater into the municipal system. The applicant should explain where this is occurring and what methods are implemented to ensure only clean water is being discharged to the Town system. The applicant should provide confirmation that connections to the Town stormwater system have been reviewed and approved by the Department of Public Works.
12. The SWPPP includes non-stormwater discharges including washing vehicles and pavement. The applicant should provide information on where these activities will occur.
13. The SWPPP states that Polyester mesh compost filter tubes are called out for erosion controls. These are not the jute or biodegradable tubes discussed in the Notice of Intent. The applicant should confirm what is being proposed for erosion controls and be consistent throughout all documents with both materials, installation instructions, and locations. Most jute or biodegradable filter tubes do not have an extended life expectancy. They are also not recommended for any steep slopes, such as those present on site. The applicant should explain the appropriateness of this erosion control barrier given the duration of the project and site conditions.
14. The SWPPP calls for stabilizing stockpiles that will be present for more than 14 days, but the Final Environmental Impact Report Certificate specifies stockpiling of material within the ROW will be limited in size and duration (1 week maximum). The applicant should modify the SWPPP accordingly.
15. The Soil and Groundwater Analytical Memo states that the Final Environmental Impact Report (FEIR) addresses notification and construction protocol to be implemented if contamination is encountered at the Project Site, including identifying the parties that will be notified, potential construction-period dewatering activities and related permitting requirements. The Conservation Commission should also be included in the contact list, should contaminated soils be encountered that require additional evaluation or special handling.
16. Excess soil not reused within the Project Site will be stockpiled temporarily at laydown areas outside of the ROW and the Conservation Commission jurisdictional areas. The applicant should identify where materials will be taken to. The applicant should also confirm that only soils removed from the Sudbury section of the ROW will be reused within Sudbury and/or clean fill will be brought in to use on site.
17. The applicant should provide information on dust control measures that will be implemented during construction. This is typically achieved by spraying exposed soils with water. A special condition should be included that prohibits any use of water from wetland resource areas to be used for dust management.
18. Dewatering of construction areas is proposed to be achieved by overland flow to vegetated upland area, including Buffer Zone, Adjacent Upland Resource Area and Riverfront Area (outer riparian); dewatering

to a filter bag surrounded by straw wattles or other erosion control measures, or discharged within the existing trench. The applicant should explain how discharging into the existing trench provides sufficient dewatering during construction and when this methodology would be used. The applicant should also confirm that dewatering activities will not introduce contaminants into non-contaminated areas.

19. The FEIR Certificate states that a Corridor Management Plan will be developed which incorporates specific measure to protect state-listed species during vegetation management activities. The Draft Corridor Management Plan provided states that they will provide annual Vegetation Management Plan to NHESP for review and approval. This should also be provided to the Commission to review for area within wetland jurisdiction.
20. The Corridor Management Plan states that mowing will be avoided between April 1 and November 1, but if done during this time period then turtle sweeps will be conducted ahead of the mower with a mower height of 10 inches. This only addresses area within NHESP jurisdiction and does not protect non state-listed species from this activity. The applicant should commit to not mowing areas over the Eversource duct bank and water quality swales (within wetland jurisdictional areas) between April 1 and November 1, unless needed for safety purposes, without prior approval of the Conservation Commission.
21. Trash receptacles are included in the Corridor Management Plan. Trash receptacles should be shown on the plan and/or conditioned to be located outside jurisdictional areas. The applicant should confirm whether there will be other trail amenities, such as benches, kiosks, and dog waste receptacles, and if so, where such amenities will be located.
22. Debris from the trail is to be blown from paved surfaces at least once every two weeks. The applicant should provide information on how this is conducted, what machinery is used, and what efforts are employed to keep debris from being blown into the directly adjacent wetlands, especially as many of these are vernal pools.
23. The applicant states that Eversource Engineers have determined that the existing culverts/drainage pipes under the ROW do not need to be replaced as they will not affect the operation and maintenance of the transmission line. The Commission requests Eversource provide the structural report on the structural integrity of the culverts for review. The analysis should also include the projected lifespan of these culverts with regards to the anticipated lifespan of the transmission line and rail trail. DCR should confirm that they will be taking responsibility to repair/replace failed culverts under the trail as they continue to degrade.
24. Trimming and removal of hazard trees and those that appear to be causing root damage to the pavement are included in the Corridor Management Plan. This should be modified to include Conservation Commission approval for trees work within wetlands jurisdiction.
25. This Corridor Management Plan includes herbicide treatment and includes management under an approved Eversource's Vegetation Management Plan (VMP), should DCR not construct their portion of the project. The applicant should clarify when herbicide treatments are anticipated, including methodology, and provide a typical VMP for other DCR rail trails as well as Eversource utility corridors, for review.
26. The Corridor Management Plan should include invasive species management. Section 3.3 of the NOI should be incorporated into the Plan which includes spot treatment for species that cannot effectively be managed by other methods, such as Japanese knotweed. An invasive species management plan, extending at least 3 years beyond the completion of Phase II should be provided for all areas that will be disturbed.
27. The applicant should confirm that NHESP has reviewed and approved the Eastern Box Turtle Protection Plan. Turtle sweeps will not be conducted during construction during the dormant season as turtles are presumed to be hibernating. The applicant should confirm whether this will be confirmed by the radio tracking that is being conducted to confirm turtles are dormant.
28. The Operation and Maintenance and Long Term Pollution Prevention Plan includes elements that are not part of the proposed site such as catch basins and appears to have contradictory statements on management of the vegetation over the duct, for example, the Maintenance of Landscaped Areas section states that

maintenance on the shoulder will include mowing of the 2-foot shoulder biweekly with an annually mow of 5 feet beyond the shoulder, but the Appendix notes the annual mow of a 25 foot vegetated filter strip. The applicant should clarify.

29. The DEP Environmental Notification Form letter dated July 7, 2017 identifies six additional contaminated sites in close proximity to the ROW including lead generated from the former Rod and Gun Club at 33 Bulkley Road from 2005 and contamination from Mullen Lumber at 39 Union Avenue. DEP advised that recovered groundwater may require treatment and monitoring for VOCs, and soil excavated near Bulkley Road should include testing for lead. The application is silent on this request regarding potential lead contamination.
30. The application states that the contractor is responsible for cleaning all equipment and timber mats prior to mobilizing to the site, to minimize transport of invasive species. This standard needs to be applied, however, to the mobilization of equipment throughout the corridor as there are areas impacted by invasive species, but there are other areas that have very few invasive species. The applicant needs to ensure that invasives will not be transported within the corridor.
31. There are a few areas, such as at the bridges, and the section between Boston Post Road and bridge 127 where dewatering is going to be needed no matter what the conditions are at the time of construction. The applicant should provide a specific dewatering plan for areas that will require dewatering, to guide the contractor on how to appropriately deal with dewatering. This can be modified at the time of construction, with Conservation approval, but a dewatering plan should be provided as part of the NOI submittal.
32. The applicant should explain how the timber mats will be positioned to provide a level surface given the currently steep slopes on which the mats will be positioned and any alteration that would be needed to the slope to support the crane on an up to 7-foot high stacked platform. The applicant should explain the comment that stacked timber mats is just one method that may be used and identify other methods that the Commission should consider. The applicant should provide an architectural rendering for both bridges showing implementation of construction mats and installation of the transmission line at these crossings.
33. The applicant has provided a planting schedule by station. The applicant should submit a detailed planting plan specifying the square footage of each altered area, vegetation removed in each area by size and species, and the planting schedule for each of these areas for the Commission to evaluate whether the functions and values provided by these areas will be substantially restored.
34. The applicant states that the wetland replication area will be monitored for invasive species until 75% cover is achieved. To be in compliance with standard expectations of the Commission for replication areas, this should be modified to 90% cover, which is particularly important due to the extent of invasive species present.
35. The applicant agrees to not store or refuel vehicles within the inner riparian zone or bordering land subject to flooding. This activity should also be required to occur outside the buffer zone, with the exception of the cranes. For the cranes, the applicant should develop secondary containment protocols to contain any fluids that may leak from these vehicle as they will be positioned at the river's edge.
36. Best Management Practices submitted with the Notice of Intent refers to the use of hay bales. This should be modified to limit any confusion the contractor may have.
37. The applicant should explain why they are proposing pavement for this section of the Mass Central Rail Trail (MCRT) when other sections of the MCRT are not paved.
38. As recommended by DEP in their ENF Comment Letter, the applicant should develop a protocol for re-vegetating areas of temporary disturbance that discourages the growth of invasive species and provides restoration with a diversity of native species. DEP further recommends the applicant develop a long-term vegetation management plan to maintain the 30-foot ROW.

39. The Memorandum of Understanding should include Joint and Severable Liability to ensure the obligations of the project are fulfilled.
40. The applicant should provide information on impacts on wildlife due to habitat fragmentation that the project may create, both during construction and from the higher density use of the trail by visitors and dogs.
41. The applicant should explain how the restoration of the site following construction minimizes predation and harassment of animals crossing the ROW from the additional exposure due to loss of vegetation.
42. The applicant should provide information on what will be done to enhance the local population of wild lupine at this site and what they will do to improve habitat for declining insects.
43. The applicant should provide specific information on the source of any fill used, the sources of any fill certifications, and its appropriateness for the geology and habitat at this site.
44. The applicant should explain the proposed Ordinary Borrow that will be used on site and where it is coming from. Any soils added or brought into the site should be similar to the sandy soils that are already present at the site rather than "loam" in the section of the utility/rail trail corridor that is located between the Marlborough-Hudson town line and Dutton Rd.
45. What is "Fluidized Thermal Backfill" that will be added above the buried utility line? What are the contents of such substance? What are its typical uses and has it been previously used in a conservation setting?
46. Explain the applicability of Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails guidance, and any anticipated impacts from the mixing and topsoil with underlying soils. Provide copies of soil boring logs and monitoring well construction diagrams for all subsurface investigations conducted within the MBTA ROW in the Town of Sudbury, including, but not limited to: B28, MP27, SB33/MW33, MP28, SB36, MP29, SB34, MP30, SB48, , SB35/MW35, MP31, MP32, MP33, SB49, MP34, SB42/MW42, SB40, MP35, SB41, MP36, SB-51, SB-50, MP37, SB-37, SB-38, MP38, SB-39, MP39 and MP40. Provide copies of laboratory reports for all soil and groundwater analyses completed for samples collected within the MBTA ROW in the Town of Sudbury, including, but not limited to soil borings and/or groundwater monitoring wells B28, MP27, SB33/MW33, MP28, SB36, MP29, SB34, MP30, SB48, , SB35/MW35, MP31, MP32, MP33, SB49, MP34, SB42/MW42, SB40, MP35, SB41, MP36, SB-51, SB-50, MP37, SB-37, SB-38, MP38, SB-39, MP39 and MP40.
47. Have other pervious trail surfaces been considered?
48. Are there accommodations for horses, as they currently use this area?
49. How many manholes are needed in total along the line in Sudbury? How far apart are they and how wide do the sections with manholes have to be built? How many manholes in total for the entire project? How much surface area does that equal?
50. Has DCR ever built a rail trail along an abandoned rail line that did not have a utility corridor associated with it, where the utility corridor was later built adjacent and within the rail line and already built rail trail?
51. Does DCR plan on funding and maintaining rest areas? Are there rest stops and planned areas for handicapped access points located in town or in the conservation areas along the route? Who pays for this construction and maintenance?
52. What happens to all the dirt that has to be moved when leveling out the berm that the train used to run on and where is it stored both during and after construction? How many tons and what happens if it rains? What happens to the dirt of the berm when digging out the area for the manholes and the buried vaults for the lines? Will they be using the same dirt already there? If so, will it be tested for train contaminants?

53. Are there water and soil test results for under and near the proposed rail trail? Have they tested at different depths along the rail bed or just at one depth? Have they tested water for pollution near Landham Road and one of the areas most affected in town by toxic waste spills from gasoline products?
54. Since the train has not run for over 50 years, isn't this land and water now considered a natural area. How can you say that your project will "improve" on what is currently there?
55. Will the heat from the lines underground affect the natural environment and wildlife in any way? What about people walking through along the trail?
56. Have Eversource or the DCR ever built a utility project or rail trail in the state that involves so many spill sites, so many residences, and require the disposal of so much material and upending of so much property adjacent to this amount of wetlands and priority habitat?
57. How do you justify a multi-million dollar project that will obviously lower property values and taxes in our town and raise our utility rates at a time when many people are going to be laid off or let go?
58. How would the use of horizontal directional drilling or other technology for installation of transmission line under the water crossing at bridge #127 and #128 impact wetlands vs. wetland impacts from (1) installation/construction of a new replacement bridge #127/rehabilitation of #128 and (2) the use of such replacement bridges as attachment surfaces for the transmission line conduit?
59. When the lines go over or under the bridges will they be outwardly visible?
60. With multiple work crews coming from different sides of the ROW, is it possible to reduce the width of the 19-foot construction platform that provides for two way construction traffic?
61. The TOY restrictions shown on the map was very helpful, thank you. Can you show a 20-month calendar of the proposed work? E.g., the proposed timing for particular sections? Using the ROW map or Gantt chart or similar format.
62. Has the slope of filled ROW areas been appropriately considered, both in terms of area of impact and mitigation (e.g., amount of re-seeding material needed)? Using a simple overhead calculation rather than accounting for the slope could lead to underestimates for areas such as the section between Hop Brook heading east to Dutton Road, as show in the diagram below. Using an overhead horizontal would results in an impact diameter of 20 (D), when the reality considering the slopes would be a diameter of 32.4 (A+B+C), for however long the length of the impact area travels.

