



Town of Sudbury

Community Preservation Committee

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email: cpc@sudbury.ma.us

PROJECT SUBMISSION FORM

Submitter: William Schineller

Submission Date: 11/7/2016

Group or Committee Affiliation (if any): Protect Sudbury, Inc

Submitter's address and phone number:

37 Jarmen Rd.
Sudbury, MA 01776
508-308-5921

Purpose (please select all that apply):

- Open Space
- Community Housing
- Historic
- Recreation

Submitter's email address: bschineller@yahoo.com

Project Name: Protect Sudbury

Project Description: Legal, technical analysis, feasibility study, appraisal and other project-related costs to acquire, create, and/or otherwise protect open space, water supply, historical, and recreation resources threatened by proposed siting of high voltage transmission lines on property within Sudbury.

Costs:

Fiscal Year	Total Project Cost	CPC Funds Requested	Other Funding Sources (amount and source)
2018	200K	150K	50K private contributions
2019	200K	175K	25K private contributions
2020			
2021			
2022			
Total	400K	325K	75K

How does this project meet the General Criteria and Category Specific Criteria for CPC projects (see attached)?

see attached Statement of Need and support information.

Does this project fall within the jurisdiction or interest of other Town Boards, Committees or Departments? If so, please list the boards, committees or departments, whether applications and/or presentations have been made, and what input or recommendations have been given.

see attached. Board of Selectmen, Town Manager, Planning and Community Development, Planning Board, DPW, Conservation Commission, Town Clerk, Community Preservation Commission, Historic Districts Commission,

For Community Preservation Committee Use:

Form received on: _____

Project presented to CPC on: _____

Reviewed by: _____

Determination: _____

Community Preservation Act (CPA) Project Application

Date: 2016-11-07

Project Name: Protect Sudbury

Summary: Funds to protect threatened open space, drinking water, historical, and recreational resources

Description: Legal, technical analysis, feasibility study, appraisal, and other project-related costs to acquire, create, and/or otherwise protect open space, water supply, historical, and recreation resources threatened by proposed siting of high voltage transmission lines on property within Sudbury.

Statement of Need: Eversource is proposing to construct a new 115-kilovolt (kV) transmission line between Sudbury and Hudson, MA, to address reliability needs as identified by ISO-New England. Pending approval by the EFSB, the line would traverse at least 4.29 miles in Sudbury (and 4.72 miles in Hudson), involving construction and ongoing operation and maintenance on property through conservation land, wetlands, historic districts, and neighborhoods. Eversource’s preferred options would involve massive tree removal (estimated up to 27,000 trees), earth moving, and ongoing herbicide-based vegetation management. Approximately 1.7 miles of their preferred route is within the Zone II of the Sudbury Water District’s gravel pack wells, which are the sole source of water for over 18,000 residents of Sudbury.

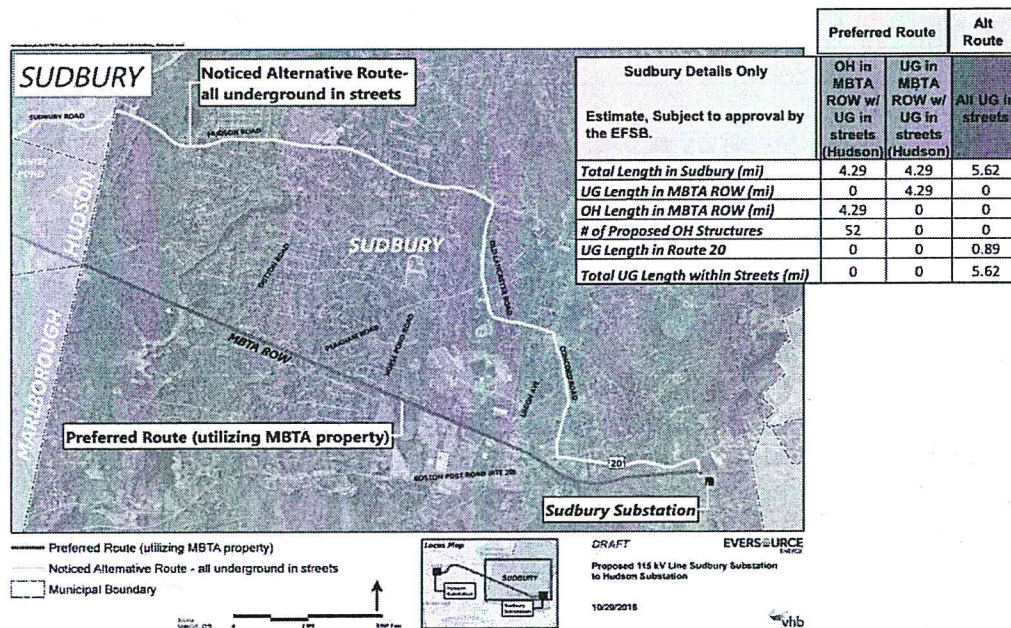


Figure 1 – Eversource Map of proposed routes in Sudbury

The installation of overhead wires on towers, or underground wires in buried conduits along Eversources preferred route, would undercut the Town’s 1967 acquisition for

conservation purposes of approximately 80 acres now known as the Hop Brook Conservation Land. That 1967 purchase advanced the Town's long range plan for the conservation of the Hop Brook Watershed, with the intent to devote this land to the purposes of quiet recreation for the citizens of Sudbury which are consonant with conservation principles and contributory to the public welfare.

As described in the Town's 2009-2013 Open Space and Recreation Plan, "the 88-acre Hop Brook Marsh is frequently used by day hikers, horseback riders and cross country skiers for passive recreation. The Hop Brook Marsh area has a vast network of maintained trails through upland, wetlands, around ponds, and along streams. These trails connect with over 3,000 acres of state, federal, private conservation non-profit, and abutting town's trail systems."

By unnecessarily creating a new utility corridor through the heart of Sudbury, Eversource's transmission line proposal threatens to divide open space parcels, destroy features and landscapes of historical significance, and detract from existing passive recreation and safe and healthful transportation opportunities.

Virtually every Category Specific Criteria listed by the Sudbury CPC for **Open space** and **Recreation** CPA proposals is threatened by the transmission line siting. Multiple criteria for **Historical** proposals are also met, and would require archeology and landscape identification as part of this CPA request.

The Eversource project timeline has their EFSB petition scheduled for Q42016, EFSB Public & Evidentiary Hearings in 2017, and EFSB Decision in 2018. The opportunity to appeal the EFSB Decision with the MA Supreme Judicial Court would follow; otherwise Construction is scheduled to begin in 2018.

Significant funds are needed for legal, technical analysis, feasibility study, appraisal, and other project-related costs to acquire, create, and/or otherwise protect open space, water supply, historical, and recreation resources threatened by the proposed siting of high voltage transmission lines on property within Sudbury.

Scope and Cost

The CPA project scope and cost, for FY2018 and FY2019, is based on reviewing past and ongoing EFSB Dockets (CaseType='Siting/DTE') and on estimates from law firms with experience in energy and utility law. Scope includes expenses associated with formal Intervention in the EFSB process, research and negotiation of opportunities to acquire and/or otherwise protect open space, historical, and recreational resources threatened by the Eversource proposal, and appeals as necessary.

Interest of Town Boards, Committees, Departments

In advance of this CPA funds request, the submitter William Schineller, and Protect Sudbury, Inc., has been working with several Town Boards, Committees, and

Departments to oppose the Eversource proposal and steer it towards a better outcome. These include:

- Board of Selectmen
 - “The entire Eversource Sudbury to Hudson Transmission Reliability Project is fundamentally flawed and the Board takes the threat that this project poses to our community very seriously”
 - Re: CPA request, Chair Susan Iuliano called the idea ‘interesting’ and “suggested that there may be some questions about whether a request for legal fees to fight the Eversource proposal would qualify as the acquisition, creation, or preservation of open space or recreational land. I thus referred Bill to those who know much more than I do about what might qualify for CPA funding and how to approach a request, should Protect Sudbury choose to pursue such a request.”
- Town Manager
 - Re: CPA request: “I think its creative. I don’t know if it will be funded but I think in our tight times it makes sense”
- Planning Board
 - Bill Schineller discussed Special Town Meeting Article 5 regarding burying utility lines under streets in the context of Eversource proposal
- Planning and Community Development
 - Assisted in researching whether CPA funds could be used for legal expenses
- DPW
 - Former DPW Director Bill Place reviewed routes proposed by Eversource with Protect Sudbury. Called MBTA RoW route ‘not buildable’ without significant fill.
- Conservation Commission
 - “We believe that the preferred alternative within the MBTA rail line property is a significantly flawed alternative regardless of whether or not the transmission line is above or below ground.”
- Town Clerk: assisted in background research regarding the 1967 acquisition of Hop Brook Conservation Land
- Community Preservation Committee
 - Chair Christopher Morely provided guidance on CPA criteria and application process
- Historic Districts Commission
 - “The proposed route would irreparably damage or destroy protected and unprotected historic Sudbury.”

Similar CPA Project Proposals in Other Communities

Although somewhat different in size and scope, other communities have completed CPA projects using funds for legal services associated with preservation of open space, historic and recreation resources. Examples include Harwich (2011), Hatfield (2010), Hanover (2009), Gloucester (2011), Needham (2009), Lexington (2015).

Application Narrative

In normal circumstances a Town's unique character, resources and assets are protected through administration and enforcement of laws and bylaws. Recent circumstances have proven that state agencies (and utilities acting under the authority of state agencies) can and will make expansion and recapitalization decisions without regard for the laws. They exclude themselves from the law when they classify their projects as essential for the "public good". The "public good", however, is not necessarily determined by the public. In many cases, Towns that are disrupted and negatively affected by said expansions are not included in the planning. The Eversource conceived and Eversource managed Sudbury to Hudson Transmission Reliability Project is one such project and expansion. The proposed plan is to excavate foundations and erect 4.3 miles of high voltage transmission towers and/or caissons through some of Sudbury's most historic, resource sensitive (the Town's main drinking water supply) and environmentally sensitive properties. While this proposed project may provide operational flexibility and increased revenue to Eversource, it creates unmitigable damage and future risk(s) to Sudbury. Protect Sudbury (PS), a MA 501c, was incorporated to preserve and protect the environment, landscape, health, safety, historic character and property values of Sudbury.

PS's primary *objective* is to prevent all power lines along the MBTA ROW and to prevent above ground power lines anywhere in Sudbury.

Two of the three founding principles of the Community Preservation Act are the preservation of "open space" and the preservation of "historic resources". Open space shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use. PS's mission, and specific objective, fully comply with the legal requirements of CPA legislation. In fact, PS provides a case study for "Community Preservation".

PS, in its efforts to facilitate a negotiated solution to Eversource's (and the state's) perceived need, is currently self funded. All administration, advocacy and legal expenses are covered by private donations and community fund raisers. Although PS has not yet entered litigation, legal action is highly probable and anticipated. The CPA funds requested represent a significant contribution to this grass roots effort to maintain and sustain the character, natural resources and historical environment of

Sudbury. PS is willing and will continue to raise funds through scheduled events and private donations. We believe, however, our potential for success would significantly increase with budgeted support through the CPA and Town Meeting. The Eversource proposed project is a threat to the entire Town. We currently estimate it will realistically take at least two years to amicably and legally resolve this issue. PS is budgeting for two years of expenses.

Protect Sudbury has not previously asked the Town for financial support but has made informal and formal presentations to many Town committees and officials; local, state and national conservation organizations; and local, state and federal elected officials. Letters of support for our advocacy and efforts are published at <http://www.protectsudbury.org/official-support/> .

Brochures and information illustrating the properties and resources we are protecting, and additional information can be found at www.protectsudbury.org .

In contrast to the current thinking of our State Agencies and Private Utilities, we at Protect Sudbury believe the citizens of Sudbury are the Public and our interests must be represented in determining the "Public Good". Thusly we request CPA funds to enable us to appropriately participate in legal proceedings and negotiations with the EFSB, ISO-NE, MEPA, Eversource, the MA Supreme Judicial Court and other entities as appropriate.

Protect Sudbury is available for additional discussion at your convenience. Thank you for your time and your consideration.