

# Town of Sudbury

## Historical Commission

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August 24, 2021

Mr. Paul Maniccia, Chief  
Permits & Enforcement Branch A  
Regulatory Division  
US Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742-2751

RE: Section 106 Consultation: Eversource Transmission Reliability Project in the Towns of Sudbury, Hudson, Stow and Marlborough, Massachusetts  
NAE-2017-01406, ACHP Case #016522, MHC #RC.62384

Dear Mr. Maniccia,

On August 13, 2021, the Sudbury Historical Commissioner Diana Warren was copied, among others including THPOs and the Advisory Council on Historic Preservation (ACHP), but not the Massachusetts Historical Commission (SHC) SHPO, on an email from Ruthann Brien, US Army Corps of Engineers, Northeast District (USACE), to Mr. Peter Breton, Chair of the Hudson Historical Commission, that included a USACE letter to him dated seven days earlier on August 6, 2021, and a revised draft Memorandum of Agreement regarding the above named undertaking.

Upon receipt of the copied email with attachments, the Sudbury Historical Commission (SHC) wondered why our Commission had not received a similar letter from the USACE requesting information about the potential effects of the undertaking on “73 contributing features” along the railroad right-of-way corridor within the Towns listed above, requesting comments and participation as an MOA signatory, requesting to engage in discussion with the HHC about assessment of adverse effects and ultimate mitigation of any adverse effects. The request to the HHC was perplexing because a preponderance of the contributing railroad features – 66 of them – are located in Sudbury, not Hudson.

On August 19, 2021, SHC Commissioner Diana Warren received an email from you thirteen days after the date of an August 6, 2021 letter addressed to the Sudbury Historical Commission that included the revised draft MOA. The SHC had not and has not received a hard copy, by either USPS or other mode of carrier, of the August 6, 2021 letters to either the HHC or the Sudbury Historical Commission.

The SHC notes that the August 6<sup>th</sup> letter to the SHC states: “We have recently learned of an effort to establish a Historic District involving approximately 73 contributing features along this corridor.” What the SHC knows is that in Sudbury there is no effort at this time to establish a National Register of Historic Places (NR) historic district to actually list the Central Massachusetts Railroad (CMRR) linear corridor in Sudbury on the NR. What the SHC did in late 2020 was have the 4.62-mile section of the Central Massachusetts Railroad linear corridor in Sudbury surveyed for the purpose of identifying historic property resources and evaluating eligibility for listing in the National Register of Historic Places to determine what resources may be subject to review under Section 106 (36 CMR 800) and the determination of any adverse effects. The CMRR was evaluated and determined to be eligible for NR listing according to NR criteria.

Further, although the revised draft MOA implies that the ACHP has made a formal decision to not participate as a consulting party in this Section 106 undertaking review case, it is not the SHC’s understanding that a decision as to whether or not to participate has been made.

The Sudbury Historical Commission most definitely intends to submit a comment letter to the USACE concerning the USACE August 6, 2021 letter to the SHC as well as comment on the revised MOA after the SHC has had a reasonable opportunity to evaluate the August 19<sup>th</sup> email, letter and MOA. The Sudbury Historical Commission’s May 20, 2021 letter (attached) – sent to the USACE three months ago – addressed to USACE NED Regulatory Chief, Tammy Turley - clearly communicated that the Commission sought to engage with the USACE in a good faith consultation about the issues and concerns the SHC raised in that letter, the SHC May 12, 2021 letter (attached) to the MHC, and the ACHP April 30, 2021 comment letter (attached) to the USACE.

Again, we point out that 13 days elapsed between the date of the USACE August 6<sup>th</sup> letter addressed to the SHC and August 19<sup>th</sup> when the USACE emailed that letter to the SHC. The Sudbury Historical Commission expects the USACE to understand that the SHC is an all-volunteer town commission that conducts its business during legally posted quorum meetings and needs adequate time to meet to deliberate in order to respond to the USACE letter and draft MOA.

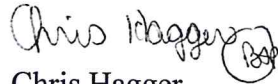
The August 6<sup>th</sup> letter to the SHC unfortunately was emailed to the SHC on Thursday, August 19<sup>th</sup> two days after the Sudbury Historical Commission’s most recent monthly meeting held on Tuesday, August 17<sup>th</sup>. The SHC will discuss the USACE August 6<sup>th</sup> letter and revised draft MOA at our next legally posted regular meeting the third week of September and provide comments to the USACE as soon as possible within 30 days thereafter.

The SHC requests that the USACE email the Town of Sudbury, Director of Planning and Community Development, Adam Duchesneau, at [DuchesneauA@sudbury.ma.us](mailto:DuchesneauA@sudbury.ma.us) to confirm that the USACE acknowledges that the SHC needs adequate time to meet to deliberate this matter and the USACE agrees to accept the Commission’s comment letter about the USACE actions and MOA within 30 days following the SHC September 22, 2021 meeting. Also, in the future please email USACE correspondence addressed or copied to the Sudbury Historical Commission

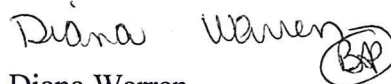
through the Sudbury Planning Director, Mr. Duchesneau, at [DuchesneauA@sudbury.ma.us](mailto:DuchesneauA@sudbury.ma.us).  
Thank you.

Thank you for your cooperation with regard to the Sudbury Historical Commission's Section 106 consulting party consultation with the USACE regarding this proposed undertaking. We await your email to Mr. Duchesneau confirming our request.

Sincerely,



Chris Hagger  
Chair  
Sudbury Historical Commission



Diana Warren  
Vice Chair  
Sudbury Historical Commission

Encl.

CC without enclosures:

Tammy Turley, USACE  
Alan Anacheka-Nasemann, USACE  
Brona Simon, SHPO MHC  
Jonathan Patton, MHC  
John Eddins, ACHP  
Jaime Loichinger, ACHP  
Bettina Washington, THPO Wampanoag Tribe of (Gay Head) Aquinnah  
David Weeden, THPO Mashpee Wampanoag Tribe  
John Brown, THPO Narragansett Tribe  
Peter Breton, Chair Hudson Historical Commission  
Daniel Elliot  
Vivian Kimball, VHB  
Sudbury Town Manager  
Sudbury Town Counsel  
Adam Duchesneau, Town of Sudbury Planning Director