

Town of Sudbury

Historical Commission

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August 18, 2022

Tammy R. Turley
Chief, Regulatory Division
US Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 017742-2751

By Email to tammy.r.turley@usace.army.mil and USPS Registered Mail

RE: Section 106 Review Sudbury-Hudson Reliability Transmission Line and MA Department of Conservation and Recreation MA Central Rail Trail Projects: USACE NAE-2017-01406, MHC #RC.62384, AVCHP Case #16522

Dear Ms. Turley,

The Sudbury Historical Commission received Mr. Paul Maniccia's July 29, 2022 letter with two attachments: a Section Tool House Figure (without attribution or date) (Figure) and a Final Memorandum of Agreement (MOA) which is a revised version of previous MOAs the SHC received on May 27, 2022, February 17, 2022 and October 2021.

The July 29th letter invites the SHC to sign the MOA as a concurring party, however due to the recent change in the design of the undertaking as explained below, the SHC is unable to determine at this time if it will sign the MOA.

The SHC offers the following comments.

Section Tool House

It has come to the attention of the SHC that recently Eversource's and DCR's projects have been re-designed so that the railroad track – the rails and ties – along the corridor where the Section Tool House is located will be retained and the project's path has been moved and will be constructed further west to avoid the entire Section Tool House encompassing its loading platform. On August 3, 2022, Eversource provided the Sudbury Historic Districts Commission (SHDC) the three attached documents - one photograph and two simulated photographs of the area of the Section Tool House. The simulations show the project's re-design has moved the path location further west away from the Section Tool House and the retention of two lengths of track adjacent to the Section Tool House. On August 4th, the SHDC approved a Certificate of

Appropriateness (COA) with conditions based on the projects' re-design and these documents. Please see the attached COA.

Therefore, the Section Tool House Figure (Figure) the US Army Corps of Engineer (USACE) provided the SHC on July 29th is out of date and no longer accurately reflects the new path of the Eversource and DCR projects and retention of railroad track.

The SHC also notes that the Figure does not accurately represent the entirety of the loading platform of the Section Tool House. Please see the attached 1937 photograph of the Section Tool House which shows the loading platform extends from the wall of the Section Tool House west to the nearest rail and then extends to the other more western rail to provide a flat surface in between the rails for the railroad pump car to roll from the Section Tool House to the track. The loading platform does not end at the first rail.

Had the project not been re-designed, fencing would not have protected the loading platform as the USACE July 29th letter stated because - as stated above - the platform extends to the area between the rails which is within the limit of work. The SHC expects that due to the design change protective fencing will be installed to the west side of the most western rail in front of the Section Tool House.

The Section Tool House Figure needs to be updated to reflect the change in the location of the projects' re-designed path and to correctly outline the full length of the loading platform. The SHC suggest that rather than use the format of the Figure (without a date or attribution) that a new Figure be in the format of the sheet plans attached to the May 27th HPAPP which is an attachment to this letter.

The Historic Properties Avoidance and Protection Plan Spreadsheet should note that two 40-foot lengths of railroad track will be retained adjacent to the Section Tool House loading platform. The SHC wants the remaining wooden pieces of the loading platform between the rails to be preserved and reconstructed according to the US Secretary of the Interior's Guidelines.

The USACE July 29, 2022 letter states that the Figure has been added to the Historic Properties Avoidance and Protection Plan (HPAPP) but the SHC did not receive a copy of the updated HPAPP. The SHC requests a copy of the updated HPAPP when a new Figure is made to reflect the re-design.

The second Whereas statement of the MOA should be modified to add a statement that the Section Tool House, in addition to Bridges 127 and 128, is individually eligible for listing in the National Register.

Evaluation of Alternatives to Demolition and Total Replacement of Bridge 127

The USACE July 29th letter to the SHC states that "The steel plate girders and timber piers are moderately to severely deteriorated as a result of being submerged in Hop Brook." The letter further states, "...the USACE determined that the deterioration of Bridge #127 is too extensive to rehabilitate and meet structural safety requirements for the proposed construction access and

rail trail conveyance.” The letter does not specify which feature – the girders or the piers – is moderately deteriorated, and which is severely deteriorated. However, the Electronic Section 106 Documentation Submittal System (e106) Form submitted by the USACE in February 2022 to the Advisory Council on Historic Preservation (ACHP) states: “The existing bridge is partially submerged in Hop Brook, which has resulted in severe deterioration of the existing piers and *moderate deterioration of the steel sections*, such that the existing structure would not provide a safe crossing for the MCRT.”

It would seem that the “severely deteriorated” timber piers could be considered for reconstruction, according to the US Secretary of the Interiors (SOI) Reconstruction Standards, as they cannot be rehabilitated.

The USACE July 29th letter provided no detailed structural or condition evaluation report to include details about how the girders are moderately deteriorated and if and how the deterioration may affect load capacity and structural integrity. The structural load for an access road and rail trail is significantly less than the structural load capacity requirement for a train to safely run over the bridge.

The e106 Form comments that the Bridge #128 “steel girders” and “a majority of the granite block abutments will be retained and reused” and “The steel girders represent a character-defining feature of plate girders bridge and retaining them and other historic bridge fabric retains the historic character of the bridge and preserves distinctive features, finishes, and construction techniques that characterize the historic bridge.

As the SHC has previously stated the Commission has never received a copy of the “in-depth evaluation” referenced in VHB’s letter of November 14, 2019 and September 20, 2020. It appears likely from comments made by the USACE and VHB at the SHC April 5, 2022 meeting that the USACE has also not received this “in-depth evaluation.” So, the SHC has received neither the “in-depth report” or a detailed USACE report of its own evaluation.

Without any detailed evaluation of Bridge #127, the SHC cannot determine whether or not the steel girders have sufficient load capacity and structural integrity to be retained and reused like the retention and reuse of the steel girders for Bridge #128. The SHC requests that the USACE provide the SHC a detailed report of the USACE’s own evaluation of Bridge 127 in order for the SHC to understand the underlying detailed facts about Bridge #127’s condition.

New MOA Stipulation

Add a new Stipulation under II describing the avoidance re-design for the Section Tool House loading platform and retention of two 40-foot lengths of track.

Corrections to MOA

Wording in the MOA is not consistent: some stipulations use “shall” and others “will”. The word “will” where used should be changed to “shall”. Also, under the Stipulations regarding the

Diamond Junction and Section Tool House, the word “panels” in the plural should be changed to “panel” as only a single interpretive sign is required.

MOA Stipulation II: I.

The SHC notes that the marker posts are referred to as steel posts instead of granite posts. It is the SHC’s understanding from discussions with DCR that the markers would be granite, not steel. The SHC does not want the posts to be specified as to be made of steel, but be made of granite

MOA Stipulations II: E., F., G., H., I., and L.

These Stipulations involve the Massachusetts Historical Commission (MHC). The June 27, 2022 MHC letter to the USACE did not request that the MHC “...be provided with 30 days to review and approve the final design” of interpretive panel designs. Has MHC requested to be involved with approving interpretive panels? Under Stipulation II: F. Diamond Junction, and G. Section Tool House, why is the Hudson Historical Commission to be consulted for these interpretive panels to be located in Sudbury?

MOA Allows Removal of Any Railroad Feature

The Whereas clause in the second paragraph of the July 29, 2022 MOA, like the May 27th MOA version, has added wording, “but not limited to”, which the February 17, 2022 MOA version did not. The inclusion of this wording provides a huge loophole to allow any, and in fact all National Register contributing railroad features of the Central Massachusetts Railroad Corridor (CMRRCHD) in Sudbury (and in Hudson) to be removed. Therefore, any of the railroad features listed in the Exhibit I Spreadsheet of the Historic Properties Avoidance and Protection Plan may be removed contrary to what the Spreadsheet indicates.

Inclusion of the caveat, “but not limited to,” in the final MOA is not acceptable to the SHC, especially given the fact that the 2010 Lease Agreement (LA) between the Massachusetts Department of Conservation and Recreation (DCR) and the Massachusetts Bay Transportation Authority (MBTA) allows either party to remove any and all railroad infrastructure¹. Despite the SHC repeated requests for assurance from DCR and the MBTA, the SHC has received no definitive assurance from either party that the LA provision will not be exercised. The SHC has also not received confirmation from Eversource of exactly what railroad features it will remove during Phase I of the project, other than the railroad features (track, Diamond Junction, several culverts, Bridge 127, and partial removal of Bridge 128) Eversource has informed the SHC it will remove.

The SHC requests that the wording “but not limited to” be deleted from the MOA.

¹ 2010 Lease Agreement between MBTA and DCR, page 10.

Appendix C – 33 CFR 325

Mr. Paul Maniccia stated during the USACE's last meeting with the SHC on April 5, 2022 that the USACE was applying "800" (36 CFR 800) **and** Appendix C to its review of this undertaking.

Like the February 17, 2022, and May 27th versions of the MOA, the July 27th MOA refers to 33 CFR 325, Appendix C, thus indicating the USACE's continued reliance on and application of Appendix C which is unacceptable to the SHC. Use of and reference to Appendix C in the MOA is not acceptable to the SHC.

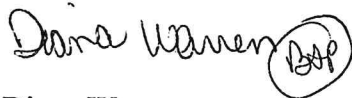
Unknown Impacts of DCR Phase II Construction

The ACHP June 8, 2022 letter "recommends that the Corps revise the HPAPP to address concerns regarding the construction of the rail trail impacting or undoing avoidance and protection measures committed to by Eversource." The MOA does not address this issue.

Conclusion

The Sudbury Historical Commission requests that the "final" MOA be updated to comply with the undertaking's design changes regarding the Section Tool House with loading platform, railroad track and relocated path, as well as address the other issues the SHC has commented on concerning the MOA. Therefore, until the MOA reflects the design change, the SHC is unable to determine whether it will sign the MOA.

Sincerely,

A handwritten signature in black ink that reads "Diana Warren" followed by a circled set of initials "DWP".

Diana Warren
Vice Chair
Sudbury Historical Commission

Attachment:

Eversource Photo Simulations: 22-15 Boston Post Road near Station Road 220803
Sudbury Historic Districts Commission Certificate of Appropriateness
1937 Photograph – Section Tool House
HPAPP Figures Sheet Plans (attached to May 27, 2022 MOA)

cc:

Brona Simon, MHC SHPO
John T. Eddins, ACHP
Paul Maniccia, USACE
Katelyn Rainville, USACE
Marc Paiva, USACE
John Brown, Narragansett THPO
David Weeden, Mashpee Wampanoag THPO

Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah) THPO
Peter Breton, Hudson Historical Commission
Vivian Kimball, VHB
Paul Jahnige, MA DCR
Denise Bartone, Eversource
Sudbury Select Board
Sudbury Town Counsel
Sudbury Town Manager
Sudbury Historical Commission