

SUDBURY BOARD OF SELECTMEN
FRIDAY SEPTEMBER 25, 2020
10:46 AM, VIA ZOOM

REVISED AGENDA – NOTE REVISED START TIME

Please click the link below to join the virtual Selectmen's Meeting:

<https://us02web.zoom.us/j/360217080>

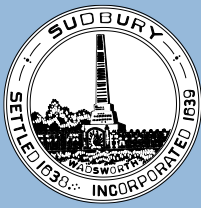
For audio only, call the number below and enter the meeting ID on your telephone keypad

Call In number: **978-639-3366** or **470 250 9358**

Meeting ID: **360 217 080**

Item #	Time	Action	Item
	10:46 am		CALL TO ORDER/ROLL CALL
MISCELLANEOUS			
1.		<i>VOTE</i>	Authorize the Town Manager to work with Town Counsel regarding Eversource litigation to address Chapter 91 permit with the Army Corps of Engineers as it relates to the Section 106 permit as a sub-category.
2.			Citizen's Comments
3.		<i>VOTE</i>	Vote to adjourn

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



SUDBURY BOARD OF SELECTMEN
Friday, September 25, 2020

MISCELLANEOUS (UNTIMED)

1: Additional item re: CH 91

REQUESTOR SECTION

Date of request:

Requestor: Town Manager Hayes

Formal Title: Authorize the Town Manager to work with Town Counsel to address Chapter 91 permit with the Army Corps of Engineers as it relates to the Section 106 permit as a sub-category. This matter is time sensitive, notification just came up today, and was not anticipated.

Recommendations/Suggested Motion/Vote: Authorize the Town Manager to work with Town Counsel to address Chapter 91 permit with the Army Corps of Engineers as it relates to the Section 106 permit as a sub-category. This matter is time sensitive, notification just came up today, and was not anticipated.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

09/25/2020 10:30 AM



DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM

BY:

Notice of License Application pursuant to M.G.L. Chapter 91
Waterways License Application Number W20-5835, Transmittal No. X285958

Applicants: NSTAR Electric Company and Massachusetts Department of Conservation and Recreation

Project Location: Bridge No. 127, Map K09 Parcel 5000, 0 Railway, Massachusetts Bay Transportation Authority Right-of-Way, (42.3598 Latitude / -71.4136 Longitude), Sudbury, MA

Notification Date: August 27, 2020

Public Comments Deadline: September 26, 2020

Public notice is hereby given of the Waterways Application by NSTAR Electric Company and Massachusetts Department of Conservation and Recreation to remove an existing dilapidated bridge structure and install and maintain a replacement rail trail bridge and electric transmission line over the waters of Hop Brook at Bridge No. 127, Map K09 Parcel 5000, 0 Railway, Massachusetts Bay Transportation Authority Right-of-Way (42.3598 Latitude / -71.4136 Longitude), Sudbury, Middlesex County. The proposed project has been determined to be a water-dependent use project. Pursuant to 310 CMR 9.15(1)(b) and (c) the Applicants have requested an extended term license for the electric transmission lines and an unlimited term license for the bridge, respectively.

The Department will consider all written comments on this Waterways Application received by September 26, 2020 (Public Comments Deadline). Failure of any aggrieved person or group of ten (10) citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include at least five citizens who are residents of the municipality in which the proposed project is located. A public hearing may be held upon request by the Municipal Official.

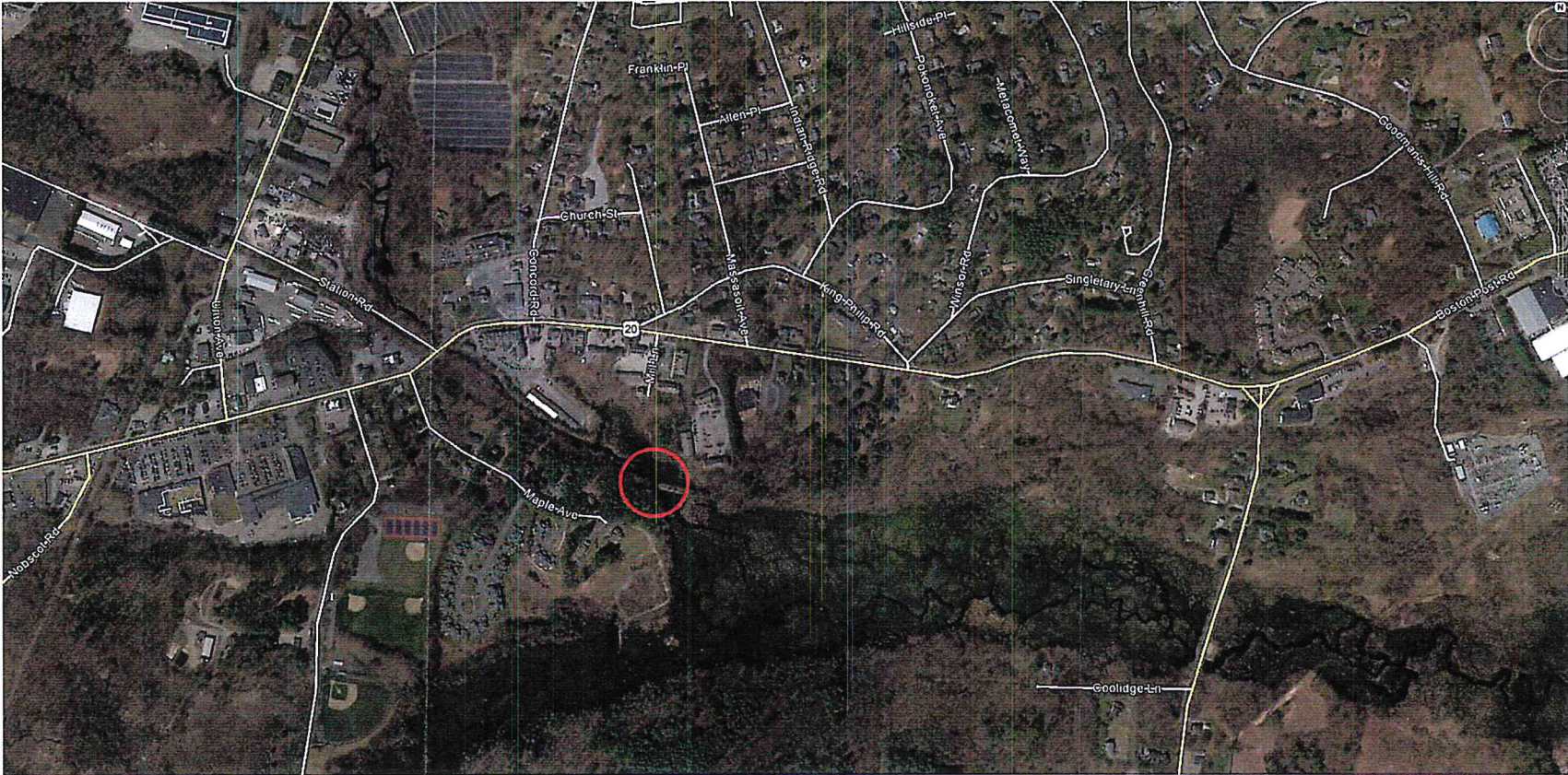
Additional information regarding this application may be obtained by contacting the Waterways Program. Project plans and documents for the Waterways application are on file for public viewing electronically by request to Christine.Hopps@mass.gov. If you do not have access to email, please leave a voicemail at (617) 348-4084 and you will be contacted with information on alternative options.

Please be advised that the MassDEP Boston office is currently closed to the public and the Waterways Program Staff are working remotely. It is recommended that documents and correspondence be filed electronically with the email address specified above when possible; documents should not be hand delivered to One Winter Street, Boston, MA until further notice.

Attachment1.a: Combined_docs (4148 : Additional item re: CH 91)

Ref: 12970.00
April 2020

Figure 2-3 Hop Brook Crossing 2: Bridge #127



Attachment1.a: Combined_docs (4148 : Additional item re: CH 91)

RECEIVED
AUG 27 2020

BY:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM

Notice of License Application pursuant to M.G.L. Chapter 91
Waterways License Application Number W20-5826, Transmittal No. X285957

Applicants: NSTAR Electric Company and Massachusetts Department of Conservation
and Recreation

Project Location: Bridge No. 128, Map H03 Parcel 5000, 0 Railway, Massachusetts Bay
Transportation Authority Right-of-Way, (42.3763 Latitude / -71.4624
Longitude), Sudbury, MA

Notification Date: August 27, 2020

Public Comments Deadline: September 26, 2020

Public notice is hereby given of the Waterways Application by NSTAR Electric Company and Massachusetts Department of Conservation and Recreation to rehabilitate an existing dilapidated bridge structure for rail trail use and install and maintain an electric transmission line over the waters of Hop Brook at Bridge No. 128, Map H03 Parcel 5000, 0 Railway, Massachusetts Bay Transportation Authority Right-of-Way (42.3763 Latitude / -71.4624 Longitude), Sudbury, Middlesex County. The proposed project has been determined to be a water-dependent use project. Pursuant to 310 CMR 9.15(1)(b) and (c) the Applicants have requested an extended term license for the electric transmission lines and an unlimited term license for the bridge, respectively.

The Department will consider all written comments on this Waterways Application received by September 26, 2020 (Public Comments Deadline). Failure of any aggrieved person or group of ten (10) citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include at least five citizens who are residents of the municipality in which the proposed project is located. A public hearing may be held upon request by the Municipal Official.

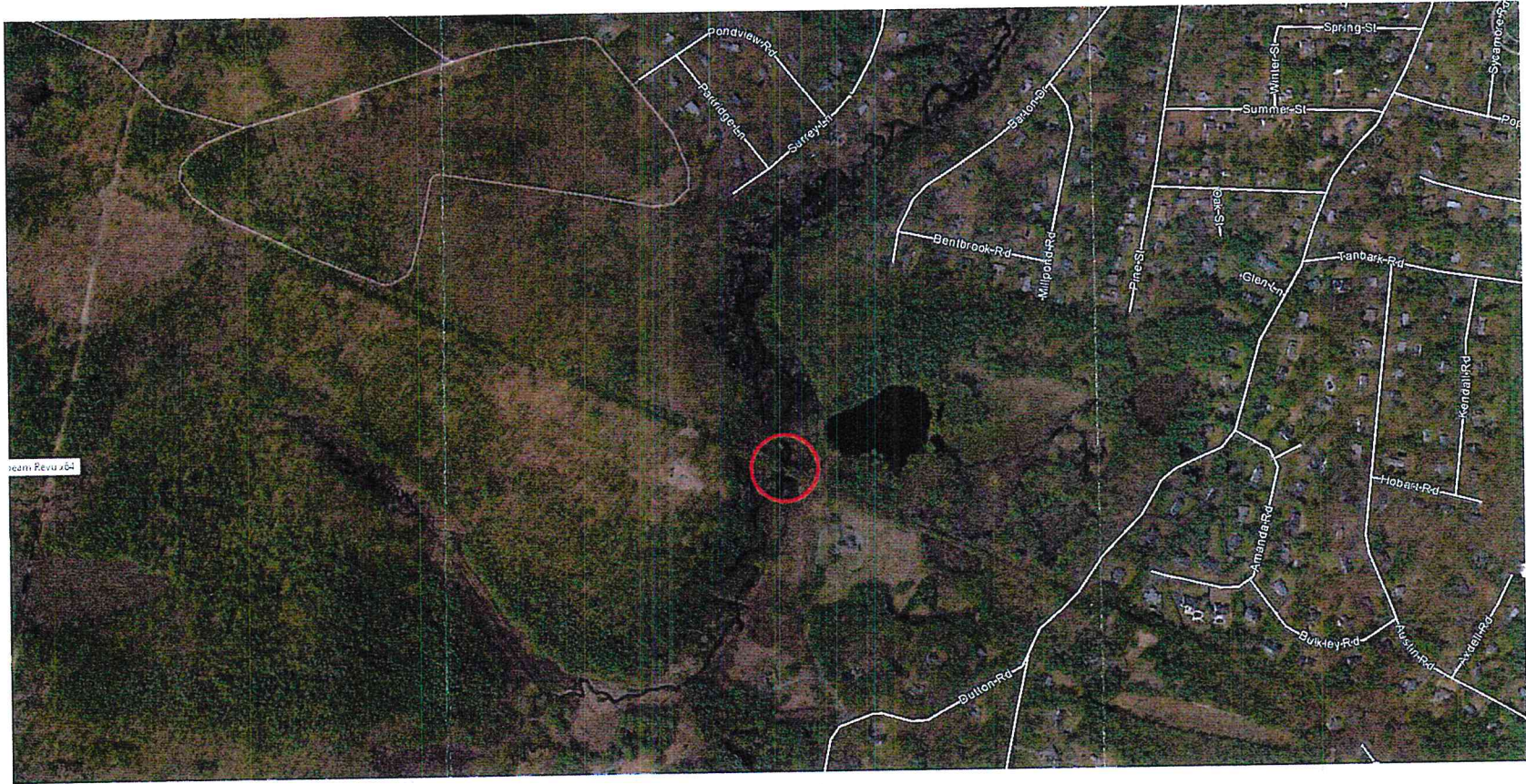
Additional information regarding this application may be obtained by contacting the Waterways Program. Project plans and documents for the Waterways application are on file for public viewing electronically by request to Christine.Hopps@mass.gov. If you do not have access to email, please leave a voicemail at (617) 348-4084 and you will be contacted with information on alternative options.

Please be advised that the MassDEP Boston office is currently closed to the public and the Waterways Program Staff are working remotely. It is recommended that documents and correspondence be filed electronically with the email address specified above when possible; documents should not be hand delivered to One Winter Street, Boston, MA until further notice.

Attachment1.a: Combined_docs (4148 : Additional item re: CH 91)

Ref: 12970.00
April 2020

Figure 2-2 Hop Brook Crossing 1: Bridge #128



Attachment1.a: Combined_docs (4148 : Additional item re: CH 91)

Table 1.2 Anticipated Permits and Approvals

Agency	Permit/Approval	Status
Federal		
U.S. Army Corps of Engineers	Section 404 Federal Clean Water Act— Massachusetts Programmatic General Permit (GP): Pre-Construction Notification Note: Section 7 and Section 106 consultations occur within this process	This application
U.S. Environmental Protection Agency	Federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge from Construction Activities	Projected filing 1-2 months prior to start of construction
State		
Energy Facilities Siting Board / Department of Public Utilities	M.G.L. c. 164, § 72, approval to construct; M.G.L. c. 40A, § 3, request for zoning exemptions; M.G.L. c. 164, §69J, EFSB approval	Decision received December 18, 2019
Massachusetts Environmental Policy Act	Environmental Impact Report (EIR) 301 CMR 11.00	DCR Certificate on EENF issued January 10, 2014 (EOEEA #15123) Eversource Certificate on the FEIR issued September 14, 2018 (EOEEA #15703)

Attachment 1.a: Combined_docs (4148 : Additional item re: CH 91)



July 2, 2020

Ref: 12970.00

Christine Hopps
 Assistant Director, Waterways Regulation Program
 Massachusetts Department of Environmental Protection
 One Winter Street, 5th Floor
 Boston, MA 02108

Re: Clarification of License Terms
 Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project
 Transmittals #X285958, #X285957, and #X281935

Dear Ms. Hopps,

On behalf of NSTAR Electric d/b/a Eversource Energy ("Eversource") and the Massachusetts Department of Conservation and Recreation ("DCR"), I am writing to clarify the license terms the Applicants are requesting in the applications associated with Transmittals #X285958, #X285957, and #X281935 that were submitted on May 27, 2020. The Applicants would like to request independent terms for each portion of the work for the reasons described below.

Mass Central Rail Trail

In accordance with 310 CMR 9.15(1)(c), DCR is requesting a license for an unlimited term as the proposed Mass Central Rail Trail ("MCRT") will be under the control, development, and operation of DCR, a public agency, for the provision of services directly to the public. The MCRT will serve as a regional American Disabilities Act-compliant shared use trail that is accessible by people of all abilities and will connect over 20 communities and provide over 100 miles of shared use pathway. The MCRT is considered a DCR priority and will contribute to the overall future vision of an extensive multi-use pathway traversing the state from west to east.

Sudbury-Hudson Transmission Line

As indicated on the Transmittal Forms and License Application Forms for each crossing, Eversource is applying for a Water-Dependent Extended Term License (and has paid the appropriate fees for such). In accordance with 310 CMR 9.15(1)(b)1, Eversource is requesting an extended term of 65 years for this project which will be located on "other waterways." The expected operating life of the proposed transmission line is at least 40 years, and Eversource's agreement with the Massachusetts Bay

101 Walnut Street
 PO Box 9151
 Watertown, Massachusetts 024
 P 617.924.1770
 F 617.924.2286

Engineers | Scientists | Planners | Designers

Christine Hopps
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Transportation Authority grants Eversource a permanent easement within the inactive Central Massachusetts Branch railroad corridor. The transmission line provides the public benefit of increasing the reliability of the regional electric transmission system by resolving thermal overloads and low voltage conditions and supporting the increased demand for electricity within the region. In addition, construction of the transmission line and associated gravel access road provides a base for and expedites construction of the MCRT, which will have a life that extends beyond the standard 30-year license term and promotes use and enjoyment of these waterway crossings by the general public.

Please do not hesitate to contact me if there are any questions regarding this request. I can be reached by email at vkimball@vhb.com or by phone at 508-513-2713.

Sincerely,

A handwritten signature in black ink, appearing to read "Vivian Kimball", written in a cursive style.

Vivian Kimball
Project Manager
vkimball@vhb.com

CC: Denise Bartone, Eversource
Paul Jahnige, Massachusetts Department of Conservation and Recreation

Attachment1.a: Combined_docs (4148 : Additional item re: CH 91)

DRAFT FOR REVIEW BY BoS

[BoS Letterhead]

September 25, 2020

Christine Hopps, Asst. Dir.
 Waterways Regulation Program
 Massachusetts Department of Environmental Protection
 One Winter Street – 5th Floor
 Boston, MA 02108

Re: c. 91 License Application W20-5826, Transmittal No. X285957
 Sudbury-Hudson Transmission Reliability & Mass. Central Rail Trail
 Bridge No. 128 – MBTA Right of Way, Sudbury, MA

Dear Ms. Hopps:

The Board of Selectpersons of the Town of Sudbury, as the “Municipal Official” defined by 310 CMR 9.02 of the “Waterways Regulations” (“the Regulations”) hereby request that the Department of Environmental Protection (“DEP”), Waterways Regulation Program (“Waterways”) hold a public hearing on the above-captioned c. 91 License Application. This License Application has been determined by Waterways (See, Public Notice dated August 27, 2020) to be a “water-dependent use” project under the Regulations.

The Regulations provide, at section 310 CMR 9.13(3)(b) that a public hearing may be requested by the Municipal Official for the town in which the project is located if made within the public comment period. The Public Notice issued for this License Application W20-5826, Bridge No. 128, states that the public comment deadline is September 26, 2020. This public hearing request is being made within the public comment period as so noticed.

The Town of Sudbury understands that the regulation at 310 CMR 9.13(3)(b) also provides that the public hearing on a water-dependent use requested by a municipality will be conducted in that municipality “... if reasonable arrangements for such hearing are made by the municipality.” Therefore, the Town of Sudbury is prepared to make such “reasonable arrangements”, presumably by remote means, and stands ready to collaborate with Waterways on such arrangements.

Town of Sudbury Board of Selectpersons by,

 Janie Dretler, Chair

 Daniel Carty

 Charles Russo

 Jennifer Roberts, Vice Chair

 William Schineller

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DRAFT FOR REVIEW BY BoS
[BoS Letterhead]

September 25, 2020

Christine Hopps, Asst. Dir.
Waterways Regulation Program
Massachusetts Department of Environmental Protection
One Winter Street – 5th Floor
Boston, MA 02108

Re: c. 91 License Application W20-5835, Transmittal No. X285958
Sudbury-Hudson Transmission Reliability & Mass. Central Rail Trail
Bridge No. 127 – MBTA Right of Way, Sudbury, MA

Dear Ms. Hopps:

The Board of Selectpersons of the Town of Sudbury, as the “Municipal Official” defined by 310 CMR 9.02 of the “Waterways Regulations” (“the Regulations”) hereby request that the Department of Environmental Protection (“DEP”), Waterways Regulation Program (“Waterways”) hold a public hearing on the above-captioned c. 91 License Application. This License Application has been determined by Waterways (See, Public Notice dated August 27, 2020) to be a “water-dependent use” project under the Regulations.

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