June 25, 2020

Ref: 12970.00/14424.00

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Supplemental Submission
April 13, 2020 Public Hearing – Applicants' Response to Comments – DEP File No. 301-1287
Sudbury-Hudson Transmission Reliability and Massachusetts Central Rail Trail Project

Sudbury Conservation Commission Members:

The Applicants, the Massachusetts Department of Conservation and Recreation ("DCR") and NSTAR Electric Company d/b/a Eversource Energy ("Eversource"), are providing this supplemental information in response to comments received from members of the Commission, as well as from the public, during and following the initial public hearing held for the Project on April 13, 2020, additional written public comments that were submitted through May 7, 2020, comments and questions received from the Conservation Commission during the May 7, 2020 site walk, and comments received from MassDEP Northeast Region on June 8, 2020. Specifically, the Applicants have prepared this submission in response to the following:

- Document titled "Conservation Commission and Public Comments on the Eversource/DCR Notice of Intent Application," provided by Lori Capone, Sudbury Conservation Commission agent, received April 22, 2020;
- Comments and questions received from the Conservation Commission during the May 7, 2020 site walk; and
- Comments received from MassDEP Northeast Region on June 8, 2020.

Each comment is presented in bold text, and the Applicants' response is provided in plain text.

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Conservation Commission and Public Comments on the Eversource/DCR Notice of Intent Application

1. **Loss of tree canopy and associated impacts to wildlife corridor and Cold-Water Fisheries:**

   The applicant has provided a Wildlife Habitat Evaluation that will be reviewed by the peer reviewer and the Commission.

   The Applicants have received the peer reviewer's report, dated May 11, 2020, which provides the results of their review of the Notice of Intent application. The Applicants have responded to BETA's comments on this topic in a separate submission.

2. **Proper quantification of wetland impacts:**

   The peer reviewer is ensuring that the wetland delineation approved by the approved Order of Resource Delineation is used on the most recent plan and that wetland impacts are properly quantified.

   The Applicants have received the peer reviewer's report, dated May 11, 2020, which provides the results of their review of the Notice of Intent application. The Applicants have responded to BETA's comments on this topic in a separate submission.

3. **Compliance with DEP Stormwater Management:**

   The peer reviewer is ensuring that the project is in full compliance with DEP Stormwater Management.

   The Applicants have received the peer reviewer's report, dated May 11, 2020, which provides the results of their review of the Notice of Intent application. The Applicants have responded to BETA's comments on this topic in a separate submission.

4. **Quantification of floodplain fill:**

   There was question whether the floodplain fill was accurately quantified. The peer reviewer will ensure all floodplain fill is properly identified and that adequate compensatory storage is being provided.

The Applicants have received the peer reviewer's report, dated May 11, 2020, which provides the results of their review of the Notice of Intent application. The Applicants have responded to BETA's comments on this topic in a separate submission.

5. **Proper management of contaminated soils from rail bed during excavation:**

   There was a question on what pollutants are present in the soils and what may be released from the excavation of the rail bed material. There was question on the potential impact any release may have on adjacent surface and groundwater quality.

   This information is being provided in a memorandum that is included as an attachment to this submission.

6. **Use of herbicide to manage corridor following completion of work:**

   There was concern that alteration of the corridor will result in the establishment and spread of invasive species due to the edge habitat that will be created.

   Section 3.3 of the NOI discusses long-term vegetation management along the Project corridor, including the monitoring and control of invasive species.

   During the construction phase of the Project, invasive species control includes:

   - Contractor is required to clean all equipment and timber mats prior to mobilizing to the Project Site. Equipment and timber mats will not be allowed to enter the Project Site unless they are free of plant matter and soil;
   - Chipping or shredding of plants, including invasive species, will be directed into a truck or container for offsite disposal immediately after it is cut; and
   - Only using certified weed free clean fill/loam.

7. **Applicability of Limited Project designation:**

   There was question whether the project qualifies as a limited project under 310 CMR 10.53(3)(d) and 310 CMR 10.53(6).

   The Project fully complies with the criteria for limited projects. As proposed, the surface contours and vegetation in the Project Site will be substantially restored. With respect to contours, the Project maximizes the use of the previously developed areas associated with the existing raised rail bed and has been designed to follow existing topography and to minimize the grading necessary to facilitate

the installation of both project components. The grading proposed for the Project is similar to the kind of activity that is necessary for any linear utility or rail trail project that is subject to the limited project regulations.

The same is true for revegetation. The Project includes restoration of native vegetation in all temporarily disturbed areas outside of the proposed 10-foot wide paved surface associated with the MCRT. The revegetation of the Project corridor outside of the proposed paved surface includes a variety of strategies, dependent upon proximity to the paved MCRT and the underground transmission line, proximity to perennial waterbodies, and proximity to Estimated/Priority Habitat for state-listed species.

Since submitting the NOI, the seed mix in the planting schedule on Sheet 131 of the Eversource NOI plans has been revised to include woody shrubs. The revised planting schedule is included as an attachment to this supplemental submission. The combined herbaceous/woody seed mix will be used in all areas of temporary disturbance except for the bike path shoulders. The bike path shoulders will be restored with the herbaceous seed mix shown under Schedule A on Sheet 131 of the Eversource NOI plans.

The entire ROW is previously developed and portions of the RFA are degraded. The restoration plan proposed near Bridge 128 includes the planting of 85 individual tree specimens that are 3 to 6 feet in height, and 60 woody shrub specimens that are 3 to 4 feet in height, combined with the application of a seed mix and aquatic plant plugs. The restoration plan proposed near Bridge 127 includes the planting of 78 individual tree specimens that are 3 to 6 feet in height and 135 woody shrub specimens that are 3 to 4 feet in height, combined with the application of a seed mix and aquatic plant plugs. In addition, the approximately 4,000 linear feet of the Project alignment within Estimated/Priority Habitat from the Sudbury/Hudson town line to approximately STA 401+40 will be restored with a combination of low-growing shrub species and an herbaceous and woody seed mix. Finally, as previously mentioned, the remaining temporarily disturbed areas along the Project will be restored by planting a seed mix containing a variety of native herbaceous and woody species. All of these vegetation restoration treatments will provide wildlife habitat and once fully established they will substantially restore or improve conditions.

In addition to this proposed re-establishment of native vegetation, the Project design includes the creation of snags and brush piles along the alignment to supplement wildlife habitat value within these areas. Lastly, the removal of the railroad rails and ties will remove an existing barrier for wildlife movement along the entire length of the Project.

8. **Impacts from dewatering activities:**

   There was question whether dewatering activities are adequately managed to ensure this activity will not result in negative impacts on adjacent resource areas.

   Water from dewatering during the temporary transmission line excavation will not be discharged directly into any waterbodies, Bordering Vegetated Wetlands, inner 100 feet of RFA, or Isolated Vegetated Wetlands. All dewatering locations will be located within the limits of work as depicted on the plans and may include areas within Buffer Zone/AURA, BLSF and outer 100 feet of Riverfront Area.

   Three dewatering methods have been identified that may be employed:

   - Overland flow to vegetated upland areas, which can include Buffer Zone/AURA and RFA, within the limits of work where it will infiltrate naturally;
   - Dewatering to a filter bag that has been secured with a hose clamp and surrounded by straw wattles or using other erosion control methods that is set up ahead of the active construction area; and
   - Discharging excess water within other sections of the open existing trench.

9. **Impacts to rare species:**

   Sections of project site falls within estimated and priority habitat of rare and endangered species. The Natural Heritage and Endangered Species Program have designated this area for four species: the eastern box turtle, eastern whip-poor-will and two species of moths (Gerhard's underwing and Coastal Swamp Metarranthis). The project has filed an application under the Massachusetts Endangered Species Act which has resulted in Time of Year Restrictions when certain activities cannot be conducted in certain areas to ensure the project does not result in negative impacts to these species. There is also a requirement that the applicant adhere to a Turtle Protection Plan during construction to protect the eastern box turtle.

   The Project will adhere to all conditions within the Natural Heritage No-Take Determinations, including the Time-of-Year Restrictions ("TOYR") and the Turtle Protection Plan.

Additional questions raised on the recent NOI submittal:

10. Invasive Species Management:

    Information is needed on what efforts will be implemented to prevent invasive species from establishing and what management technique will be employed to manage them long term.

    Refer to the response to Question 6 regarding efforts during construction to control invasive plant species and refer to Section 3.3.1 of the NOI for long-term invasives management.

11. Limited Project Status:

    The NOI states that DEP-CERO confirmed eligibility of limited project status in their MEPA Letter. The applicant should provide this letter for evaluation. As Sudbury is in the DEP-NERO Region, any applicable determination from NERO should also be provided.

    The July 7, 2017, MassDEP CERO letter is attached. Although the letter is on CERO letterhead, the letter states that both CERO and NERO had reviewed the ENF.

12. Construction Equipment:

    The applicant should provide a list of equipment that will be used during Phase I and Phase II and the clearance requirements for each machine to evaluate whether impacts are being minimized.

    During Phase I, the following types of equipment are expected to be utilized:

    - For clearing activities: chain saws, wood grinders, backhoe, flatbed trucks,
    - For rail & tie removal, trench excavation and pile Installation - pavement saw, pneumatic hammer, mounted impact hammer (hoe ram), excavator, dump truck, pipe crane, welding machine, diesel generator, sump pumps, concrete batch truck
    - For Access Road: bulldozers. graders, rolling compactors
    - For Bridges: large excavator, 250-ton crane, drilling machine, dump truck, concrete truck, large flatbed truck
    - For manhole installation - pavement saw, excavator, manhole crane, dump truck
    - For cable pulling, splicing and testing – generator, splicing van

    During Phase II the following types of equipment are expected:

    - Paving machine

- Pavement roller/compactor
- Dump truck
- Small skid steer / tracked vehicle
- Pickup truck

The proposed clearing limits encompass all anticipated clearance needs for the construction of the rail trail and duct bank. Trees within the limit of grading will be removed to provide access along the construction platform. With the exception of a few select locations, such removal is expected to provide sufficient vertical clearance for construction access with no need to remove limbs from trees that are located outside of, but overhang, the limit of work. At locations where a crane is needed to install manholes and perform bridge work, vertical clearance of up to sixty feet may be required and some additional trimming of overhanging limbs may be necessary in these locations. The contractor will be required to utilize equipment that is compatible with the designed width of the Project.

13. **Dewatering Activities**:

The NOI states that dewatering activities will occur outside resource areas. It is unclear whether the term resource areas including the buffer zone and riverfront area. A specific dewatering plan should be provided as part of this Notice of Intent for areas highly likely to encounter groundwater such as at Bridge 127.

Please see the response to Comment 8.

14. **Bridge 127 Design**:

Bridge 127 is designed to support construction vehicles to expedite construction between Hop Brook and the Sudbury Substation. The applicant should explain if this construction and associated wetland impacts are in excess of what is needed for the MCRT alone, and if so, what additional resource area impacts, if any, are associated with this design.

This construction and associated wetland impacts are related to what is needed for the MCRT alone. As discussed within Section 3.1.9.1 of the NOI, temporary decking will be installed to support construction vehicles; however, the footprint of the bridge was not enlarged. Once the bridge is reconstructed, the temporary decking will be removed and the permanent wood decking for the MCRT will be installed. In addition, the MCRT requires Bridge 127 to be reconstructed and Bridge 128 to be rehabilitated for bike path users and for emergency vehicle use (i.e., ambulance).

15. **Table 5 in NOI:**

Table 5 in the NOI lists changes in the design that minimize or avoid wetland impacts. It is unclear what plans these two sets of calculations refers to. The applicant should clarify.

As the Project design progressed, the design was refined to avoid and minimize wetland resource area impacts to the greatest extent practicable. The second column in Table 5 of the NOI that is titled "Impact Amount Prior to Reduction in Footprint" is from the 25% design that was submitted with the Draft Environmental Impact Report during the MEPA process. The third column that is titled "Impact Amount Based on Current Design Plans" are the wetland resource area impacts for the current design and the "Summary of Change" column is the difference between the two (25% design vs. current design).

16. **Compliance with Sudbury Wetlands Administrative Bylaw:**

The NOI states that the plans are in full compliance with the Sudbury Wetlands Administrative Bylaw but does not appear to provide mitigation for alteration of Adjacent Upland Resource Area (AURA) in accordance with the Bylaw and its accompanying Regulations.

All temporarily disturbed areas in AURA except for the bike path shoulders will be revegetated with native species, which includes a mix of herbaceous and woody species (see Planting Schedule on sheet 131 in the plans provided as Attachment B of the NOI). The bike path shoulders will be restored with the herbaceous seed mix shown under Schedule A on Sheet 131 of the Eversource NOI plans. The Applicants did not propose any specific mitigation in addition to revegetation because the Project is designed to restore the AURA's habitat function and ability to control nutrient runoff, water pollution, siltation, or erosion.

17. **Requested changes to Best Management Practices:**

a. **Haybales are called out for erosion controls. These should be changed to straw bales.**

As noted within Section 3.1.2 of the NOI narrative, hay will not be used on the Project Site. The two types of erosion controls that are proposed to be used within the Project Site are syncopated silt fence and a silt fence/compost filter tube combination. In dewatering locations, a filter sock that is placed inside a straw bale containment area for additional filtration may be used.

b. **Erosion control blankets are called out for erosion controls. The location of where these will be installed should be shown on the plan. The applicant should also provide information on what type of ecb blanket is being used.**

Erosion control blankets will be used to facilitate revegetation on slopes greater than 2:1. The proposed locations of the erosion control blankets are located on the Eversource NOI plans that were included as Attachment B of the NOI. Blankets will be a fully biodegradable product such as North American Green BioNet C700BN or approved equivalent. This blanket uses coconut fiber held within jute mesh and sewn together with biodegradable thread. This material will last up to 36 months and provide ample time for the seeded materials to germinate and become established. Materials with a so-called photodegradable plastic mesh are not included in the project specifications and details and will not be used.

c. **The application states that vehicle storage and refueling will be outside and as far as practical from sensitive areas, such as wetlands, unless specifically agreed by the Project Team. The plan should detail where these activities can take place and should be conditioned that it must be outside jurisdictional areas. The applicant should also identify stockpile and storage locations on the plan set. Any modifications to these designated locations should be at the approval of the Commission, not Project Manager.**

To the extent practical/feasible, vehicles and equipment will be stored and refueled outside of the inner Riverfront Area and Bordering Land Subject to Flooding. There may be situations where storing and/or refueling vehicles and equipment within these areas is necessary to minimize impacts to those areas from frequent vehicle/equipment movement (e.g., moving large cranes over long distances each day vs. remaining stationary). The requirements contained within the SWPPP and the Construction Spill Prevention and Countermeasures Plan will be followed in these instances.

Eversource's Contractor will be responsible for selecting and securing the specific stockpile and storage locations during its actual performance of work. Eversource will specify that these be located in previously disturbed areas that will not require additional clearing or impacts to wetlands or rare species habitat. If stockpiling/storage must take place within jurisdictional areas, such use would be subject to review by the Commission and appropriate best management practices (e.g., erosion controls) would be implemented.

d. **The application says that seeded area will be mulched with hay. This should be changed to straw.**

The Project does not include the use of hay. Please refer to Section 3.1.2 of the NOI narrative, particularly the bullet that discusses native indigenous plantings and seed mixes which states "If used, straw mulch will be spread over the seed mix in place of hay to prevent the spread of invasive plant species seed stock…"

e. **Concrete trucks should not be to not permitted to washout on site or into catch basins.**

Concrete washout will not be into catch basins. Concrete washout is common practice on construction sites and typically occurs into a temporary area with straw bales and filter fabric that is maintained and disposed of regularly. Eversource can also agree that concrete washout will not occur within BVW, IVW, LUWW, Bank, or the inner 100-foot RFA.

18. **Groundwater/soil data from soil borings:**

Provide the groundwater/soil data and reports generated from soil borings that were conducted along the entire ROW, both in legible tabular form, as well as, showing the boring locations on a map, and their locations in relation to known contamination sites and where, within the ROW the boring was located. Please clearly indicate the purpose for each boring.

Please indicate the exact locations of each split vault according to the most recent engineering design documents and integrate the locations of all soil contamination test borings and groundwater test borings in the same map/document. Do not include borings performed for any other purpose other than contamination testing.

This information is being provided in a memorandum that is attached to this submission.

19. **Resource Area Impacts Per Activity:**

Quantify impacts/disturbance associated with the installation of the transmission line versus impacts necessary for the rail trail alone.

This Project has been designed as a joint transmission line/rail trail project and the impacts presented in the NOI are for both components of the Project. If it was only designed for the rail trail, the impacts would be very similar to the combined footprint. As with this Project, building a rail trail requires clearing, rail and tie removal, grading, stormwater management, slope work to meet existing grade, and a gravel sub-base, with a working width of at least 19 feet. In addition, the rail trail component of the Project requires reconstruction of Bridge 127 and rehabilitation of Bridge 128 in Sudbury to support rail trail users and emergency vehicles (e.g., ambulances).

20. **Riverfront Area Impacts:**

The NOI states that the project results in a reduction in the portion of the Riverfront Area that is degraded. Additional clarification is needed to substantiate this claim.

Section 5.1.8 of the NOI details the reduction of degraded RFA within the Project Locus.

21. **Zone II Wellhead Protection Zone**:

Portions of the work area are located within a Zone II Wellhead Protection Zone: The applicant should provide information of how proposed impacts to Bank, Bordering Vegetated Wetlands, Land Under Waterways, and Riverfront Area will not impact the recharge function of these resource areas. The Applicant should also obtain a letter from the Water District regarding potential impacts to the Zone II Wellhead Protection Zone.

The Project was designed to comply with all performance standards for the referenced resource areas, which are designed to protect all of the interests of the Wetlands Protect Act and the Sudbury Bylaw, including public and private water supply and groundwater. In addition, during construction, erosion controls will be installed between construction areas and wetland resource areas and will remain in place until the Commission's Agent approves removal of the controls. A letter from the Water District is not being requested based on the compliance with applicable resource protection standards.

The end-use of the Project as a paved rail trail has been designed in accordance with MassDEP's regulations to comply with the Stormwater Management Standards to the maximum extent practicable and includes an open stormwater system with swales and check dams to promote infiltration and recharge. The Project also includes revegetating all temporarily disturbed areas (i.e., all areas except for the paved rail trail), which will ensure they maintain their recharge function and provide an additional opportunity for stormwater to infiltrate.

22. **Project Phasing and Timeline**:

Following construction of Phase I, all disturbed areas will be seeded with a native seed mix. Plantings associated with alteration associated with the construction pads will also be installed. Additional plantings will be installed following Phase II. It makes sense to install plantings after Phase II if these projects will quickly follow each other to prevent plantings from being disturbed during Phase II. However, there are areas, like where the manholes are proposed, which will alter a much more substantial area that would not otherwise be altered during Phase II. Plantings should be installed in addition to the seed mix to stabilize such areas following Phase I. Seven out of 13 manholes are located within jurisdictional areas: all are located within the riverfront area; six are within Buffer Zone and AURA.

The NOI apparently was not clear and should have stated that all woody plantings except for the plantings that DCR will install (see DCR plans in Attachment C of the NOI) will occur during Phase 1 construction activities. Please refer to sheet 131 of the Eversource NOI plans provided in Attachment B for the proposed plantings.

23. What other permits need to be obtained for the proposed project?

Other federal, state, and local permits that still need to be obtained for the Project in Sudbury include:

Federal:

- Pre-Construction Notification to the US Army Corps of Engineers under Section 404 of the Clean Water Act (including compliance with Section 106). The Project will result in a total of less than 5,000 square feet of permanent and temporary impacts to Waters of the US and is eligible for Self-Verification based on these impacts. However, based on feedback from the Massachusetts Historical Commission, the Project has the potential to cause effects to historic properties eligible for listing on the National Register of Historic Places. Therefore, a PCN is being filed in accordance with General Condition 7c of the Massachusetts General Permit.
- General Permit for Stormwater Discharge from Construction Activities from the US Environmental Protection Agency under National Pollutant Discharge Elimination System (includes Storm Water Pollution Prevention Plan)

State:

- Chapter 91 licenses from MassDEP for the bridge work (submitted May 27, 2020); and
- Highway Access Permit from MassDOT.

Local:

- Earth Removal Permit from Sudbury Earth Removal Board
- Grants of Location and Street Opening Permits Sudbury Board of Selectmen;
- Sudbury Planning Board approval for removing/altering trees under the Scenic Road Bylaw; and
- Stormwater Permit from the Sudbury Planning Board/ConComm.

24. The Commission requested the Memorandum of Understanding between MBTA, Eversource, and DCR, when available.

When the MOU is finalized and signed by the Applicants, DCR will share it with the Commission.

25. Would the project design be different whether it was filed as a limited project, or not?

No, the Project was designed to minimize its footprint and reduce impacts to wetland resource areas to the maximum extent practicable.

26. How does the project meet the Sudbury Wetlands Administrative Bylaw in regards to the extent of revegetation being proposed?

As described in the NOI, all disturbed areas other than the final rail trail footprint will be fully revegetated. Please also see the responses to Comments 16, 20, and 22.

27. Provide a summary of the cumulative impact of wildlife impacts for the entirety of the project site.

An Appendix B: Wildlife Habitat Evaluation ("WHE") was completed for all state and local wetland resource area impacts, including Sudbury RFA and AURA, and was submitted as Attachment J of the NOI. Table 3 within the WHE details all wildlife habitat features that were identified within each individual Wetland Impact Area. The Project will not have a significant adverse site-specific or cumulative impact on wildlife habitat. Adverse effects from the Project will be avoided by substantially restoring important wildlife habitat functions of areas within the Project Locus during construction. The Project also involves removing the tracks and ties from the MBTA ROW, which removes a movement barrier for turtles and amphibians and improves existing conditions. Please see Attachment J for the Wildlife Habitat Evaluation.

28. How do you remove the large amount of soil and rails from the site? Where are these materials being removed to?

General excavation means and methods will be used when removing soils and rails (excavators, dump trucks, etc.). Soils that are not reused on the site will be removed and disposed of or recycled at approved/licensed facilities.

29. How does the project design meet Americans with Disabilities Act requirements?

All DCR rail trails, including this one, are designed to meet all ADA requirements. Specific measures to address ADA requirements include no curbing or steps, all grades along the rail trail are 5 percent or less, trail surface cross slopes are less than 2 percent, and on bridges the gap between the deck boards is ¼ inch or less. At all road crossings, wheelchair ramps will be installed with tactile warning panels, and Hawk or Rectangular Rapid Flashing Beacon lighting with audio will be used with actuator controls set at a height accessible to wheelchairs. Pull off areas have also been designed with benches offset to accommodate wheelchairs.

30. How are proposed impacts to the isolated vegetated wetland addressed under the Bylaw?

Although the Sudbury Regulations do not address isolated wetlands, the Sudbury Bylaw generally references "freshwater wetlands." The Project includes replication for the loss of an isolated vegetated wetland at a ratio of 2:1. The replication is included with the bordering vegetated wetland

replication area and is located on Sheet 68 of the Eversource NOI plans that were included as Attachment B. Details of the wetland replication area are included on Sheets 134 and 135 of the same plan set and a Wetland Replication Report was included as Attachment D of the NOI.

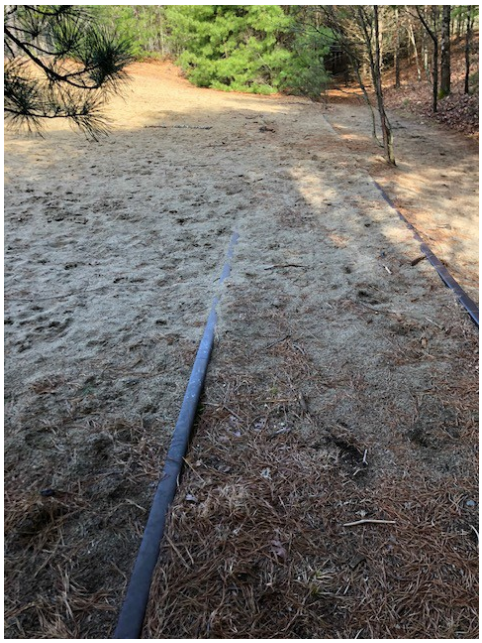
31. **How do you distribute heat emanating from the underground transmission line? If there is heat generation, how much? Describe how the heat will not pose a threat to the public or wildlife.**

    The cables are installed within HDPE/PVC conduits which are encased in thermal concrete and covered with fluidized thermal backfill which act to dissipate any heat emitted from the cables. The amount of heat emitted to the environment surrounding these encasements is negligible and will not pose a threat to the public or wildlife.

Additional Commissioner Comments Following April 13th Hearing:

32. **West of bridge 128 in the ROW one finds several undisturbed nutrient- and water-starved domes of sand called barrens deposited by the glacier that covered New England over 10,000 years ago. The Marlborough Desert Natural Area was created to protect these barrens that are extremely rare in New England. The barrens are so unfertile that they have remained totally free of plant life for over 10,000 years. These barrens can easily be destroyed, never to be seen again, if contaminated with nutrient-rich soil or exposed to non-native seed. It has become its own unique habitat in sharp contrast to the surrounding forest. There are animals that thrive in this habitat simply because their predators stay away. The Pine Barrens in New Jersey is the home to two species: the pine barrens snake and pine barrens frog.**

    In the course of constructing the MCRT, care should be given to these barrens to minimize disturbance so they remain intact for future generations to enjoy.



Although this area is not a resource area within the jurisdiction of the Massachusetts Wetlands Protection Act or the Sudbury Wetlands Administration Bylaw or Wetlands Bylaw Regulations, the Applicants understand the importance of preserving the stability of this area. It is important to note that the vast majority of the sandy barren area is located on Sudbury Valley Trustees property and is outside the project work site, so it will remain in its current condition.

The Applicants met with SVT on Friday, June 5, 2020, to discuss proposed plantings within the Desert Natural Area. Based on that meeting, the Applicants are currently evaluating whether scrub oak and *Baptisia* can be planted within the existing limit of work and are also researching a sandy soil spec to replace the currently proposed loam and seed.

33. **How are cables protected from moisture, gases, liquids (acids, alkalis)?**

Cables are protected from moisture, gases, liquids and other environmental factors via the XLPE insulation that surrounds the conductor. They are then encased in XLPE/PVC conduits and thermal concrete duct banks, all of which protect the cables from environmental factors.

34. Is a substation required along the line?

The Project does not involve construction of a new substation.

35. How is water treeing prevented, if it is deemed an exposure? Acidification impact on cable/conduit.

Please see the response to Question 33. Factory testing is also performed to ensure the integrity of the insulation prior to installation in the field.

36. Does an underground system require the load to convert from AC to DC transmission?

No, the Project does not require a conversion from AC to DC transmission.

37. Are the installation of pipe sleeves a part of the work being completed? Do they provide for easier access for maintenance?

Pipe sleeves are used in trenchless crossing locations. There are no trenchless crossings proposed for this Project, therefore, pipe sleeves will not be used.

38. Are any structures or devices needed to prevent sub-draining or groundwater movement?

No structures/devices are proposed to be used to prevent sub-draining/groundwater movement.

39. Will dewatering basins be built? Are they used in addition to other storage methods?

Please see the response to Comment 8.

40. When do you anticipate conducting construction within streams/wetlands, particularly as it relates to MESA Time of Year restrictions?

All TOY restrictions will be adhered to during construction. As discussed within Section 5.1.9 of the NOI and the NHESP letter included as Attachment G, the only MESA TOYR is for whip-poor-will nesting habitat and is from May 1 to July 31. Whip-poor-wills do not nest within streams or wetlands and there are no impacts to BVW or LUWW within this TOY restriction area.

As discussed within Section 5.1.10 of the NOI, the only TOY restriction that specifically relates to streams is for cold water fishery resources, which prohibits active in-stream work from October 1 to June 30. Crane mats will be installed and removed outside of this TOY restriction and no work will be completed at Bridge 127 during this timeframe. All Sudbury Bylaw cold water fishery resources are currently culverted beneath the railroad embankment and no in-water work is proposed.

In addition, the NOI included a TOY restriction of Mar 1 – May 15, which is a recommended management practice from the document developed by the Massachusetts Natural Heritage and Endangered Species Program in collaboration with the Division of Water Supply Protection and Bureau of Forestry and the Department of Conservation and Recreation entitled, "Massachusetts Forestry Conservation Management Practices for MESA-Listed Mole Salamanders" (Verson 2007.1, revised December 2016). This TOY restriction was included in the MESA Checklist that was submitted to Natural Heritage for their review and comment. However, the Applicants are willing to extend the Vernal Pool TOY restriction for the Project to June 1 to provide additional assurance that vernal pool species are not adversely affected by construction of the Project. Typically, vernal pool species migrate to and from vernal pool areas during the evening and night time hours, when active construction or construction vehicle traffic along the corridor will not be occurring. Therefore, the TOY restriction prohibits the contractors from conducting any clearing/grading/excavating activities within 450 feet of these three vernal pools but allows construction vehicles to traverse these areas.

41. **Will stock pile areas be completely replanted within jurisdictional areas?**

    Yes, except for the paved rail trail any stock pile areas within the Project Locus will be revegetated with native species.

42. **Is there separation of excavated soil and subsoil to allow for the potential of easier and accurate pipe installation?**

    No specific separation is proposed. Eversource will manage soils/subsoils to enable the duct bank to be installed as easily as possible and in accordance with the construction plans.

43. **Aside from trenching/horizontal drill, are other methods available when crossing a body of water?**

    Yes, the Project is using another method because the duct bank is designed to be attached to the bridge at each water crossing. Attaching the duct bank to the bridge reduces the Project's impacts because it eliminates the need for open trenching if using the trenching method or eliminating entry/exit pits if using horizontal directional drilling.

44. **What is the minimum depth of horizontal drilling under a body of water?**

    Please see the response to Question 43.

45. What are the maintenance and restoration designs?

See the responses to Question 6 for invasive species and long-term vegetation management, Question 22 for revegetation/restoration, and Question 27 for wildlife habitat restoration. In addition, Sections 3.1.10, 3.2.3, and Section 5 of the NOI discuss the proposed restoration.

46. Could drilling be bypassed while adhering pipe to preexisting structures i.e. bridges?

Please see the response to Question 43.

47. Have Cold Water habitats and potential impacts to banks been addressed/mitigated?

Yes. Please refer to Sections 5.2.2 of the NOI narrative for the full discussion of how the Project has addressed Cold Water Fishery Resources ("CFRs") per the Sudbury Bylaw Regulations. The two Massachusetts designed CFRs include both Hop Brook crossings (Bridge 128 and Bridge 127). The restoration plan proposed near Bridge 128 includes the planting of 85 individual tree specimens that are 3 to 6 feet in height, and 60 woody shrub specimens that are 3 to 4 feet in height, combined with the application of a seed mix and aquatic plant plugs. The restoration plan proposed near Bridge 127 includes the planting of 78 individual tree specimens that are 3 to 6 feet in height and 135 woody shrub specimens that are 3 to 4 feet in height, combined with the application of a seed mix and aquatic plant plugs. As stated within Section 5.2.2 of the NOI, there are six crossings throughout the Project in Sudbury that are considered CFRs under the Sudbury Bylaw only. All of these crossings are culverted beneath the railroad embankment and are therefore currently impacted. In addition, all of the crossings except for Dudley Brook are intermittent streams with dry stream beds during parts of the year, which do not provide fisheries habitat. Each crossing for the Bylaw-only CFRs was evaluated for potential impacts regarding removal of vegetation that could impact shading. All of the culverts extend beyond the proposed limit of work, and the limit of work within 80 feet of the crossings is primarily limited to the construction platform so vegetation on the side slopes will not be removed. Therefore, vegetation that is currently providing shading outside of the limit of work will be retained and no shading impacts to the Bylaw-only CFRs are anticipated. In addition, all areas except for the 10-foot-wide paved MCRT and bike path shoulders will be restored with the native seed mix shown on Sheet 131 of the Eversource plans, which includes both woody shrubs and herbaceous species.

Please refer to Section 5.1.4 of the NOI narrative for the full discussion of how the Project has addressed the performance standards for Bank. As described in Section 5.1.4 of the NOI, the only location where Bank impacts will occur is at Bridge 127 due to temporary placement of crane mats. The Bank here is located outside of the limits of grading and as such the bank will not be excavated in any manner. The installation and removal of timber mats on the bank will be completed in a manner

to ensure that maintains the physical stability of the Bank. Prior to the placement of timber mats on the Bank, existing vegetation will be cut by hand or using mechanical methods, but the existing root systems will not be removed or disturbed. Timber mats will then be placed on the bank. Construction of bridge abutments will take place behind the existing abutments and will not result in Bank impacts. Crane mats will be in place for the minimum duration necessary and will be removed immediately upon completion of activities (or outside of TOYR, as applicable) where the use of a crane is required, and once the mats are removed the Bank will be restored to existing elevations (if necessary) then stabilized with jute mesh and coconut fiber erosion control blankets and seeded with a woody seed mix. The root systems of the vegetation that was in the Bank and which was trimmed prior to the placement of timber mats will provide natural recruitment for revegetation. In addition, the area will be planted with woody shrubs and trees (see sheets 130 and 131 in Attachment B of the NOI). All of these measures will ensure the physical stability of the bank is maintained throughout the Project.

48. **Construction equipment can transport invasive seeds to wetland habitat. What mitigation methods have been considered to minimize this exposure?**

    Please see the response to Question 6.

49. **Are any temporary crossings being considered?**

    There are no temporary crossings proposed. Temporary decking will be placed on the existing bridges during construction to support construction vehicles. Once construction is complete, the temporary decking will be removed and the final timber decking for the MCRT will be installed.

50. **Would construction mats be introduced, as needed, during the growing season?**

    Construction (timber) mats are proposed at the bridges to facilitate construction and provide a safe, level surface for the cranes. There are no other areas where timber mats are proposed to be used. The mats may need to remain in place during the growing season. Once the bridge is either rehabilitated (Bridge 128) or reconstructed (Bridge 127), the mats will be removed, and the area will be restored.

51. **Should shrubs/trees be permitted to grow 12/15 feet within the ROW?**

    The heights of shrubs and trees growing within the ROW have no bearing on the function of the bike path or transmission line. The bike path shoulders and the area over the duct bank will be mowed to maintain low growing vegetation with shallower root systems compatible with these uses.

52. **Will there be the use of back fill? If so, what materials are anticipated?**

    Yes. The duct bank will be covered with fluidized thermal fill. Where the duct bank is located underneath the rail trail, the fluidized thermal backfill will be covered with eight-inches of gravel and four-inches of the paved rail trail. When it is on the side of the rail trail, the fluidized thermal backfill will be covered with four inches of loam.

53. **What are the dimensions of the duct banks that run between each manhole? Will concrete be poured at the construction site as the duct bank is "assembled inside the trench? How are the transmission lines protected to ensure the public is protected from exposure? What is the risk for electrical transmission outside the duct bank or to the surface of trail?**

    Concrete will be placed as the duct bank is constructed. The "typical" duct bank arrangement along the route is a 2x2 arrangement which is 3'-5" wide by 2'-8" tall. In locations where a horizontal arrangement is utilized the duct bank will be 5'-8" wide by 1'-8" tall. At manhole entrances and exit transitions, the duct bank is in a vertical arrangement which is 3'-1" wide by 7'-8" tall.

    The transmission lines are located within HDPE/PVC conduits which are then encased in concrete within the duct bank which is then covered with fluidized thermal backfill and compacted soil. The system is grounded and protected by circuit breakers at each end of the line to prevent transmission outside the duct bank to the surrounding environment including the surface of the trail.

54. **Will there or should there be any fencing along the trail?**

    Yes, when required to protect path users from adjacent drop-offs, DCR will install safety rail fencing. In some locations a line of shrubs is used in lieu of safety rail fencing. The proposed fence locations are shown on the DCR plans that were included as Attachment C of the NOI

55. **Currently, this ROW is used by horses. Will this still be a permittable use in the ROW?**

    The rail trail is not designed for equestrian use.

56. **Please provide the Eastern Box Turtle Protection Plan approved by the Natural Heritage and Endangered Species Program.**

    The Eastern Box Turtle Protection Plan is included as an attachment to this submission.

57. **Please provide the Corridor Management Plan for Mass Central Rail Trail and Sudbury Hudson Transmission Reliability Project approved by the Natural Heritage and Endangered Species Program.**

The Corridor Management Plan is included as an attachment to this submission.

Public Comments Raised and/or provided in writing at April 13th Hearing:

58. What is the opinion of the Conservation Commission on appropriateness of Joint project application for two very different projects spaced an unspecified time apart?

This question is directed to the Commission and does not require a response from the Applicants. However, a brief response is provided to explain the appropriateness of a joint Project filing.

The basic regulatory requirement for filing a Notice of Intent is to address "activity" and "work" within specific protected resource areas on a project site and does not distinguish different project purposes. The Project co-locates two compatible uses that both have authorization from the landowner (MBTA) to be established within the same corridor (i.e., the inactive railroad ROW). In an April 13, 2018, meeting with MassDEP CERO and NERO, MassDEP recommended that the Project be filed as a joint project with Eversource and DCR as co-applicants because it is a multiple-phased project within the same corridor. In addition, the Massachusetts Natural Heritage and Endangered Species Program ("NHESP") requested that the Project be filed jointly so the potential impacts to rare species habitat from both phases could be evaluated as one single project. Although DCR submitted a separate checklist for its portion of the work, the Project was reviewed by NHESP under one NHESP File Number.

59. How does this transmission project approach 'avoid' impacts, when there are project alternatives which actually do avoid cutting any trees?

The petition for the transmission line project, which included a detailed alternatives analysis, was reviewed by the Energy Facilities Siting Board ("EFSB"). The EFSB approved the Preferred Alternative, which is constructing the underground transmission line within the MBTA ROW. This alternative is the subject of the NOI that was submitted to the Sudbury Conservation Commission and MassDEP, and it was in the context of advancing the design of that alternative that decisions were made to avoid impacts to wetland resource areas where feasible through specific routing and construction methods. See Section 4 of the NOI for avoidance and minimization measures that were incorporated into the Project.

60. Explain to the Commission how the size and shape of the Mapped Priority Habitat near the Sudbury Substation was modified in 2017 after the Project was submitted to the Energy Facilities Siting Board, and how this changes the quantified impacts.

The NHESP reviews and updates their Estimated and Priority Habitat mapping every four years. The most recent map was released on August 1, 2017 (the 14th Edition Natural Heritage Atlas) and this map was required to be used in the NOI.

61. How many feet within the Sudbury part of the project would require fill to create a level platform for your utility project?

See response to Question 62. The Project has been designed to utilize the existing topography to create the level platform to the maximum extent possible, which means that existing material from on-site will be reused in order to balance earthwork throughout the Project and to limit the need to bring additional fill to the site or to remove material from the Project limits for off-site management.

62. How much fill will be required and how will this amount of fill affect the natural surroundings of the environment?

Within Sudbury, approximately 14,000 cubic yards of excavated soil is being reused as fill material to achieve the proposed grading shown on the Typical Sections, Profiles, and Cross Sections in the plans provided as Attachment B of the NOI. An additional volume of approximately 2,400 cubic yards of clean material is proposed to be used as the top eight inches of fill material, as shown in the Typical Sections as "Ordinary Borrow." Although minor grade changes are proposed in certain locations, there are no areas of significant fill associated with the Project.

63. How has the NOI provided for any re-initiation of rail service during the life of the proposed transmission line?

The MBTA's lease agreement with the DCR is for a period of 99 years. Eversource's easement agreement will be for a period of 99 years. The DCR's lease agreement may be terminated by the MBTA with two years' written notice to the DCR if the ROW is to be used for railroad or other transportation purposes. If the MBTA decides to construct a new transportation rail line through the corridor it can relocate Eversource's improvements within the easement area (if such relocation is required to construct the new transportation rail line); however, this cannot occur for 20 years. At the expiration of 20 years should the MBTA require relocation of Eversource's facilities to operate a transportation rail line, the MBTA will provide Eversource with five years' notice so Eversource can commence and complete permitting and construction to ensure no interruption of the operation of the transmission line.

64. **If you end up detecting contamination in water along the mass rail line, especially at places that historically have reported spills like Landham Road, Station Road, Union Ave and the old raytheon site, how do you plan on mitigating this pollution, and wouldn't this result in making this an unconstructable site for your utility project?**

    The desktop environmental review and subsurface investigation conducted by Eversource included an evaluation of the potential for groundwater impacts from industrial sites along the ROW, including those mentioned. Impacted groundwater was not encountered and is not anticipated to be encountered during construction activities within the Project Site in Sudbury. However, if unanticipated impacts in groundwater are encountered and/or identified during work by visual or olfactory evidence (sheen, odor, etc.), the dewatering will not proceed or will immediately cease and Eversource and their LSP will be contacted to investigate. Eversource and its LSP will then develop a plan to address such impacts in accordance with the applicable environmental regulations while protecting workers and the environment.

65. **Do you plan to blast/remove/alter the 10-15-foot tall granite ledge that is present on both side of the rail between Dutton Road and Peakham Road?**

    No. The Project has been designed to avoid the need for any alterations to the granite ledge in this area.

The Friends of the Assabet River National Wildlife Refuge expressed concern with:

66. **Impacts from the use of the rail trail by dogs, both from harassment of wildlife and negative impacts from dog waste.**

    The DCR does not prohibit dogs on its rail trails. However, dogs are required to be on a leash at all times and under the control of their owners. As with any public facility, dog owners are required to pick up dog waste and properly dispose of it in the trash.

    In addition, the Town of Sudbury Bylaw (Article V, Section 3 – Regulation of Dogs) addresses dogs at-large, which includes dogs on the rail trail:

    Section 3-12 CONTROL OF DOGS

    (A) All dogs in the Town of Sudbury shall be restrained, kept on a leash or under the direct and complete control of a responsible person at all times. The owner or keeper of a dog who violates this bylaw shall be subject to a penalty as set forth in Section 3-24(A) of this bylaw.

Section 3-14 DOG WASTE DISPOSAL

Each person who owns, possesses or controls a dog walking in any area within the Town other than their own private property is responsible for the removal and disposal of any feces left by the dog. Persons walking dogs must carry with them a device designed to dispose of dog feces. Such devices include but are not limited to plastic bags or "pooper-scoopers." Exempt from the requirements of this bylaw are assistance dogs in the service of their handlers. The owner or keeper of a dog that violates this section shall be subject to a penalty as set forth in Section 3-24(B) of this bylaw.

67. **That the land clearing will lead to the proliferation of invasive species.**

    See response to Question 6.

68. **That the lack of sufficient restoration will lead to the permanent loss of species.**

    See response to Question 27.

69. **They request DCR consider not paving the section of the trail to runs through the Assabet River National Wildlife Refuge.**

    DCR has considered alternatives to an asphalt path along the corridor, including this specific section, but has determined that to best balance use, accessibility, and resource protection, the current design is appropriate.

Protect Sudbury Submitted:

70. **Question for Eversource - Why is there no rehabilitation work proposed for the six 100+ year old culverts that are noted in Section 5.1.2?**

    Section 3.1.9.1 of the NOI discusses culverts and drain pipes. VHB structural engineers evaluated all of the culverts within the Project Site in 2017. No rehabilitation work is proposed for these culverts because the Project has been designed to allow for a sufficient amount of cover between the estimated top of the culverts and the bottom of the proposed duct bank. Thus, the culverts will not be impacted during construction. Furthermore, the headwalls of the culverts are outside of the proposed limits of grading for the project and thus will not be impacted by construction activities.

    a. **If the existing culverts are damaged during construction, and the damage is only uncovered sometime after the conclusion of construction, who is responsible for the repair of the culverts and any damage due to flooding?**

Eversource would be responsible if any damage were identified, but as indicated, the construction methods and the work limits are designed to prevent any damage.

71. **Question for Eversource - Please refer to Table 12 Permanent and Temporary Disturbance to MWPA RFA in the NOI. Please describe the nature of the construction activity at Dudley Brook that will result in 17,621 sq. feet of disturbance? What is the proposed mitigation?**

Temporary disturbances within this RFA at Dudley Brook will occur from vegetation clearing, installation of the transmission line, and construction of the rail trail gravel base. All temporarily disturbed areas will be revegetated with native species (see response to Comment 22 for details).

b. **On page-53, the NOI points to 'plan sheet 54 in Attachment B', however, Attachment B is 'under separate cover'. Please supply a copy of Attachment B and any other attachment that was listed 'under separate cover' to the Sudbury Conservation Commission.**

Hard copies of all the documents and attachments were submitted to the Commission and are available for review at their office. In addition, an electronic version of the entire application, including all attachments, was provided to the Commission and is available on the Commission's website.

72. **Question for DCR - How many nine plus mile rail trails has the DCR constructed that first involved the placement of an underground transmission line in a greenfield right of way prior to the construction of a rail trail?**

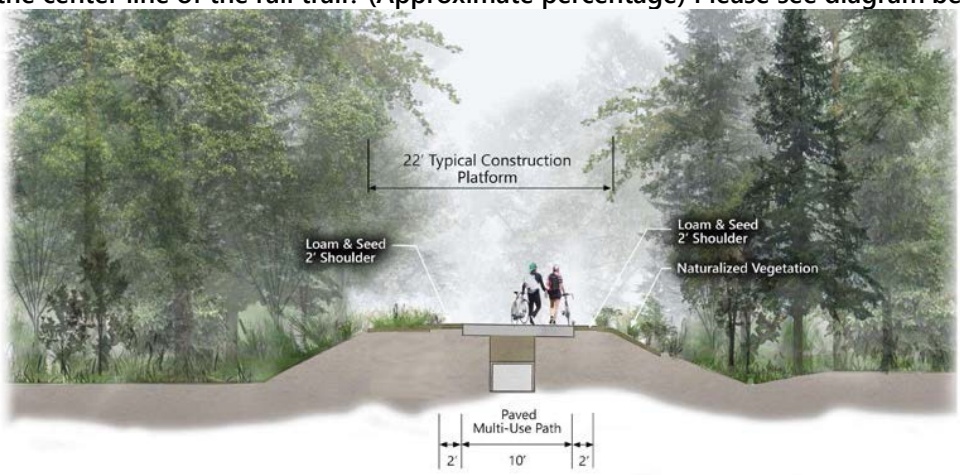
The 5-mile portion of the Mass Central Rail Trail in Wayland and Weston, which was recently completed, is co-located with an Eversource overhead transmission line. DCR has constructed rail trails along other corridors where there are overhead transmission lines as well as under-ground water and sewer lines, but this is the first major DCR project being co-located with an underground transmission line. Also, there are some municipal bike trails in the state co-located with underground utility lines. In addition, the Project Site is a transportation corridor with a long history of railroad use, not a "greenfield." The landowner (MBTA) recognizes the proposed electric transmission line and rail trail are compatible for reuse of this former transportation corridor.

c. **If there are any such projects, were these joint permitted and were they determined to be limited projects? If so, please provide appropriate reference materials to the Conservation Commission.**

Yes, the recently completed section of the MCRT Wayside in Weston and Wayland was permitted as a limited project by both the Weston and Wayland Conservation Commissions. The

commenter can obtain any materials desired from those proceedings through a public records request directed to those two towns.

73. **Question for Eversource. How much of the transmission line has been designed to be located under the center line of the rail trail? (Approximate percentage) Please see diagram below.**



The transmission line is under the center of the rail trail for approximately 29% of the portion of the Project located within the Sudbury Conservation Commission's jurisdiction.

74. **Question for Eversource - At the Stow Conservation Commission meeting on March 4th, 2020, Attorney Fogel stated that Eversource has the right, at their own risk, to begin construction of the underground transmission line once all required permits have been obtained.**

    d. **Is Eversource, in fact, planning to start construction once all permits have been obtained. If so when is the estimated start date and where would construction begin?**

    For planning purposes Eversource assumes that construction will begin in early 2021 and will be completed by the end of 2022. Construction start could begin as early as late 2020 If permits are received and a construction contract has been awarded. Specific work zones/locations will be developed at a later date.

    e. **Could you elaborate on what is meant by "at their own risk"?**

        i. **For example, if the EFSB decision was ultimately overturned by the SJC, would Eversource still be entitled to ratepayer funded reimbursement through ISO New England/DPU for all**

such construction activities or would those construction cost to build and then remove and restore the right of way be borne by Eversource Energy Inc?

As a general matter, if a permit is appealed to a court, the applicant may commence work while the appeal is pending unless the court has issued a stay.

75. **Question for Eversource - In a meeting with Sudbury Selectmen in February 2016 discussing this project, Beverly Schultz, Eversource Project Manager stated that Eversource was "not building a rail trail". She went on to say that any of the required access for maintenance activities could be accommodated via intersecting streets and that there was no need to modify or demolish the two existing historic bridges structures that are located in Sudbury as well as the ones located in Hudson. In testimony before the EFSB Eversource stated that the bridge reconstruction was being done primarily for the benefit of the DCR rail trail, but that horizontal directional drilling was an alternative for crossing the two waterways in Sudbury.**

    f. **Is the DCR providing the funding for all bridge reconstruction? If not, will this cost be passed on to ratepayers as a 'reliability improvement'?**

    This question is beyond the scope of issues that the Commission is responsible for in this proceeding.

76. **Question for Eversource – Please provide a detailed comparison of the potential wetland impact between the bridge construction work as currently proposed and the alternative of placing the transmission line under the both waterways using (HDD) hydraulic directional drilling techniques.**

    Using HDD to install the transmission line would not avoid the bridge work; the bridge rehabilitation and construction would still need to be performed to complete the MCRT and any attendant impacts would still be incurred. Thus, total impacts would be significantly greater if the transmission line was not co-located on the bridges.

77. **Question for Eversource - How are you addressing the potential for pre, in progress, and post construction impacts on the public water supply; i.e. the migration of existing and newly introduced contaminants? For example, are you installing monitoring wells at regular intervals within that portion of the right of way that runs through the Sudbury Zone 2 aquifer? Do you intend to test the water pre-construction to establish a baseline condition? Will you test again**

during construction? Will you test at the completion of construction and then for five-year intervals until such time that your lease with the MBTA is no longer in effect?

The desktop environmental review and subsurface investigation conducted by Eversource included an evaluation of the potential for groundwater impacts from industrial sites along the ROW. Impacted groundwater was not encountered and is not anticipated to be encountered during construction activities within the Project Site in Sudbury. The Project will not install additional monitoring wells for testing during or after construction nor will the Project collect additional groundwater samples from the existing monitoring wells, which will be removed prior to construction.

78. **Question for Eversource - In the event that the MBTA exercised their right to reclaim the right of way for transportation purposes, approximately how long would it take under a Federal or Massachusetts state of emergency to remove the power line and restore it to usable condition for emergency transportation purposes? What would be the approximate time under non-emergency conditions?**

    See the response to Question 63.

    g. **Would federal, state and local permitting typically be required for such removal?**

        This question is beyond the scope of issues that the Commission is responsible for in this proceeding.

79. **Question for Eversource/DCR - For the purposes of determining whether joint permitting is appropriate for this application, could the petitioner(s) indicate the month and year when discussions about a combined transmission line and a rail trail began and whom was the initiating party?**

    This question is beyond the scope of issues that the Commission is responsible for in this proceeding.

Additional Public Comments Received Following April 13, 2020 Meeting

80. **How are the two "phases" of this "project"—Eversource (phase 1) and DCR (phase 2) logically connected? The two uses are distinct and separate. These seem to be two independent projects constructed on the same piece of land. It appears to just continue into "phase 2" rather than completing the phase 1 construction fully, and without committing to a timeframe to complete "phase 2". This implies that the site will be left unfinished for an arbitrary and unknowable period of time, depending on when phase 2 construction can be taken over by DCR, continued and ultimately completed. Given the disjoint nature of the "project(s)", what will protect the**

environment during this interim period—and who is responsible for detecting, repairing, and remediating any damage during that period? How and by whom will this be enforced?

See response to Question 58 for a discussion of the joint project.

Eversource shall be responsible for installing and maintaining erosion controls on the Project Site during the performance of all Phase 1 construction activities. After completion of the Phase 1 work, Eversource shall continue to maintain the erosion controls until DCR commences Phase 2, provided that Eversource may remove erosion controls from areas restored and revegetated as part of the Phase I work if the Commission's representative has inspected those areas and confirmed they are stabilized sufficiently.

DCR shall be responsible for installing and maintaining erosion controls on the Project Site during the performance of all Phase 2 construction activities, which may include utilizing erosion controls that were installed and maintained by Eversource if those erosion controls remain in proper condition and demarcate the limit of Phase 2 work. Otherwise, DCR shall install new erosion controls as required for Phase 2, including in any restored and revegetated areas where Eversource was authorized by the Commission's representative to remove erosion controls. DCR shall remove erosion controls when all Phase 2 work activities are complete, and the Commission's representative has confirmed that restored and revegetated areas are stabilized sufficiently.

81. **The proposed twenty-two-foot-wide construction platform will require either excavation of the existing rail corridor (disturbing and moving soil with the customary rail-related contaminants) or importing fill to fill in the area adjacent to the current track and ties to create the desired width. The duct bank will require further excavation, and the manholes yet more. The diagram (Figure 6-2) seems to indicate that the volume above the duct bank will be filled with "backfill". Where will the soil to create the construction platform come from, and how will the release of contaminants into the surrounding lowlands be prevented? Where (and when) will excess any be taken. What standards will any proposed fill have to meet? Again, how and by whom is this to be monitored and enforced? If there is a delay between phase 1 and phase 2, how will the "temporarily disturbed" soil be stabilized?**

See responses to Questions 22 and 80 for a discussion regarding stabilizing temporarily disturbed areas and management of erosion controls, responses to Questions 61 and 62 for using soil for the construction platform and backfilling, and responses to Questions 5 and 64 for disposal of excess soil.

82. **The project runs within a WPA Zone II for approximately 1.5 miles (roughly the Rolling Lane/Jarman intersection to the Maple Avenue/Route 20 intersection.) This will have all the issues**

described in the question above, with the added complexity that this is an aquifer recharge zone leading directly to the main town water wells. How will this particularly sensitive stretch be monitored for compromised water quality, and who will pay for any necessary remediation?

See response to Questions 64 and 77.

83. **What are the plans for construction in the narrow area behind Amanda and Bulkley Roads where the rail line runs through steep rock walls and is by no means twenty-two feet wide in this area? The equipment described will not fit within the available corridor, and the ground is rock—not amenable to duct bank. While there is no wetland resource here, this is a concern not addressed in the proposal.**

Please see the response to Question 65.

84. **There is a question if the proposed design and NOI addressed the Owner's title encumbrances and the Owner's unilateral rights within the tenants leases. The MCRT ROW is an inactive Rail Corridor owned by the State (MBTA). This status is validated in the MBTA lease to Eversource and in the MBTA lease to DCR. As an inactive Rail Corridor (under Federal Statutes) the corridor must remain available for re-activation of rail service. This is why other State owned rail trail ROWs are leased to the Municipality hosting said rail trail, with a 30 day, unilateral, reversionary clause favoring the State. The proposed Eversource/DCR joint project basically sacrifices the existing rail bed for a high voltage transmission line and a paved multi use path. (In the writer's opinion, removal of the rails and ties, installation of the proposed transmission line and construction of the proposed multiuse path on the railbed invalidate re-activation of rail service.) The MBTA Lease for the Eversource easement refers to said easement as "in perpetuity"; however, in the Easement Agreement (Attachment C: pages 2,3 & 5), the proposed Easement is secondary to MBTA right to install and operate a transportation system. In fact, after 20 years, at the MBTA's sole discretion, the MBTA can direct installation and operation of a transportation system and Eversource must move their improvements at their own expense. DCR lease, Paragraph 4: The term of this lease shall be for a period of 99 years beginning on the date hereof except that the MBTA may terminate this lease upon 2 years written notice to DCR for the greater public good. DCR acknowledges that the premises or a major portion thereof may be necessary for active railroad or other transportation uses in the future.**

a. **Question is for the MBTA:**

   Can rail service be reactivated on this ROW without removal of the proposed transmission line and multi-use path as aligned and designed in their proposal?

   The MBTA is not a party to the proceeding before the Commission. The question is beyond the scope of issues that the Commission is responsible for in this proceeding.

b. **Questions are for the applicants:**

   What provisions have you provided in your design(s) and alignment(s) to minimize the risk of relocation?

   See response to Question 63. The Project has not been designed with any special features to address rail reactivation.

   What provisions have you provided to minimize environmental damage in removal/relocation of your improvements?

   See response to Question 63.

c. **Questions for the ConCom:**

   It is the responsibility of the applicant(s) to justify the project(s) as proposed. Given the owners right to unilaterally relocate all improvements have the applicants justified the alignment and design of their improvements?

   Please see the response to 84a.

   Is a 20-year life for the joint project (or either project on its' own) sufficient to consider said project for approval?

   The Applicants understand that this question was directed to the Conservation Commission and no response is required. However, neither the MassDEP WPA nor the Sudbury Bylaw requires a specified lifespan for project approval.

85. **There is question as to the appropriateness of filing one NOI for two distinctly different projects that are owned and managed by two separate entities whereas the projects differ greatly in their purpose, the extent of their wetland and environmental impacts, and timelines.**

    Please see the responses to Comments 19, 58, 72c, and 79.

86. There is question of the appropriateness of applying DEP's rail trail standards to the Eversource transmission line project.

MassDEP suggested that its Rail Trail guidance is relevant and should be used for the entirety of this Project (2017 ENF Comment Letter) because the Project Site is an inactive railroad ROW and agreed with VHB's outlined approach to do so (October 2017 meeting). Although this guidance was developed by MassDEP in response to the growing number of rail trail projects being proposed along unused or abandoned railroad corridors, MassDEP has indicated that the best management practices outlined in the guidance are relevant for any proposed activity along former railroad corridors, including the installation of linear utilities.

Following the receipt of MassDEP's comment on the ENF, the Joint Applicant team met with representatives from the MassDEP Bureau of Waste Site Cleanup to discuss the Project in more detail. During this meeting, MassDEP confirmed that the DEP Guidance does not provide relief from any applicable requirements under the MCP, but rather provides a structured approach to ensure proper best management practices are developed to assess and mitigate any potential risks to human health and the environment associated with the former use of the railroad corridor.

In summary, the MassDEP Guidance for Rail Trails is not a lesser standard but rather provides specific protocols for redevelopment along railroad corridors. Both DCR and Eversource have extensive expertise in working in areas that may contain contaminated soils and groundwater subject to the 21E Program requirements and this Project will be performed in accordance with all applicable site cleanup regulations and protocols, including the DEP Rail Trail Guidance.

87. How will the Eversource/DCR MOU relate to the Order of Conditions. Will the MOU be drafted to include those Orders? What will be the content of the MOU? The MOU has tremendous bearing on the implementation of this project and requires review by the Conservation Commission and abutters.

The MOU will likely make no specific reference to any Order and has no bearing on these proceedings or the issuance of an Order of Conditions ("OoC"). The Project will be subject to the OoC, as any other project would be under the WPA.

88. If the project qualifies as a Limited Project, does this reduce the level of protection to our wetlands and wildlife resources?

Please see the responses to Comments 11 and 25.

89. **What will happen to the one and only population of wild lupine that is located directly on the abandoned rail line at the junction of Hudson, Marlborough and Sudbury? While this is not a listed species, it is well-documented as declining in our region.**

    The Project will avoid the majority of this population. The population located along the gas pipeline will be fenced off (along with the tri-town marker) to protect them during construction.

Sudbury Conservation Commission May 7, 2020 Site Walk Questions and Comments

1. **Can native soils be maintained within the Desert Natural Area instead of loaming and seeding? Can pitch pine be planted because Sudbury Valley Trustees is trying to establish pitch pines in the area?**

    a. See response to Comment 32.

2. **Why are we filling the isolated vegetated wetland?**

    Filling is being proposed at the isolated vegetated wetland located at approximately Station 732+50 because of the profile elevation needed to create an 18' construction platform and drainage swale up-station of this area (Stations 733+50 to 735+50) without cutting into the hill to the north of the project limits. The construction platform cannot be shifted to the south to avoid the isolated vegetated wetland without incurring Bank/LUW impacts.

3. **Questions for Bridge 128:**

    a. **Why is a crane needed for Bridge 128?**

    A crane is needed to lift and remove heavy timbers from the span and load them into a truck and will also be needed to lift and position the new cross beams into place along the girders.

    b. **Why does the platform need to be so large? Can it be reduced in length or width, or both?**

    The size of the platform is based upon evaluation by a construction contractor who was consulting with the project team on how the project could be constructed most effectively while avoiding and minimizing impacts to resource areas. The project team cannot identify specific equipment, means or methods that must be utilized by the contractor that is awarded the work, but Eversource will require the contractor to work within the limits of work that are

identified on the plans. Heavy equipment will be needed to demolish the existing bridge deck, construct the proposed floor beams and bridge deck/railing system, and install the sheet piling for the retaining walls on the four corners of the bridge. Furthermore, it is anticipated that the contractor will locate such equipment on two or more of the corners in order to swing between the product supplies (e.g., sheet piling, deck timbers, etc.) or truck bed and the bridge, as well as to install sheeting in the opposite corners.

c. **How will the mats be stacked/installed?**

   This would be subject to contractor means and methods and depends on what suitable materials they have to support the crane. One method that is often used is to stack heavy timbers to serve as the matting. We expect that many contractors would choose this option.

d. **How will the transmission line transition from under the path to the bridge? Is it going through the abutment and if so, how?**

   Yes, the transmission line and communication cables will transition vertically and horizontally (upward and outward) from the typical buried location as detailed on the transmission line drawings to the position on the bridge (south fascia, below deck). The buried line will penetrate through the newly constructed concrete backwall portion of the abutment at each end of the bridge. The existing stone masonry abutment walls below the bridge seat will not be impacted.

e. **How is vegetation being disposed of?**

   Vegetation will be chipped or shredded directly into a truck or container for offsite disposal immediately after it is cut.

4. **Why do the platforms need to be so wide at the manhole locations?**

   Platforms at manhole locations are wider due to the size of the manholes vs. the duct bank. The typical duct bank in cross section is 3′ - 5″ in width and 2′ - 8″ in height; whereas, manholes are 7′ wide, 8′ tall, and 22′ long. These areas will obviously require larger excavations. In addition, heavier construction equipment will be needed to excavate, shore and then lift the precast manholes into place. All of these activities require a larger platform from within which to work.

5. **Will any stabilization of the steep slope be required at culvert 127I? Can the discarded woody vegetation be removed on the southern end of the culvert?**

No stabilization measures are proposed outside of the limit of work at this location. Any discarded woody vegetation within the limits of work will be removed; any vegetation outside of the limits of work will be retained.

6. **How much space will be created under Bridge 127?**

   The new bridge spans over the existing abutment walls, which will remain partially in place below the new span. The existing wood piers will be cut at the mud line and removed, leaving no intermediate supports between abutments. The bridge low chord (bottom of steel) will be raised from being submerged below the ordinary high-water line so it clears the design flood elevation, which is a +/- three-foot rise in elevation.

MassDEP Northeast Region June 8, 2020 Comments

1. **The NOI does not include calculations demonstrating compliance with Stormwater Standard 2, Standard 3, or Standard 4.**

   Stormwater calculations demonstrating compliance to the maximum extent practicable for Standards 2, 3, and 4, as required by the DEP regulations, were previously provided in the Stormwater Report submitted with the Project's Notice of Intent.

2. **MassDEP notes that while water quality swales may be utilized to manage post peak discharge rates, they cannot be utilized to meet recharge as they are normally designed with a sloped bottom to induce drainage and not retention for infiltration.**

   The Stormwater Report will be updated to assume conservatively that there is no infiltration from the swales, and this update will be filed with the Sudbury Conservation Commission.

3. **It is unclear from the review of the project plans how stormwater discharge from the sections of the bike path located within WPA jurisdiction will be treated, as a majority if not all of the proposed water quality swales are located outside areas of jurisdiction.**

   As required by 310 CMR 10.05(6)(o), all reasonable efforts were made to meet Standards 2, 3, 4, 5, and 6. A complete evaluation was made of possible stormwater management measures including environmentally sensitive site design and low impact development techniques that minimize land disturbance and impervious surfaces, structural stormwater best management practices, pollution prevention, erosion and sedimentation control and proper operation and maintenance of

stormwater best management practices; and the highest practicable level of stormwater management is being implemented.

The stormwater management system was designed for the final condition of the Project, which is a 10-foot-wide paved bike path and incorporates areas of increased infiltration and swales to promote recharge. Stormwater from the bike path discharging to critical areas is conveyed to areas of increased infiltration to the extent possible. The areas of increased infiltration characteristics most closely match an infiltration basin BMP because they detain, treat, and infiltrate stormwater. Areas of increased infiltration within WPA jurisdiction were incorporated into the stormwater design from stations 405+00 to 407+50, 515+00 to 516+10, 576+20 to 576+65, 579+25 to 579+90, 585+40 to 588+30, 730+00 to 732+00, and 735+00 to 738+30. In addition to areas of increased infiltration, swales were placed within WPA jurisdiction from stations 395+80 to 397+00, 515+00 to 516+00, and 576+20 to 576+75. In practice, these swales will provide stormwater detention, infiltration, and treatment.

In other areas, stormwater from the bike path will discharge to the abutting vegetation and forested area where stormwater will naturally infiltrate under the majority of storm events. In stormwater management planning, this approach is referred to as an "impervious area disconnection," which is the redirection of stormwater from impervious cover (i.e., paved bike path) to an area of pervious cover (i.e., vegetated and forested area) to provide filtering and infiltration.

The stormwater management design selected for the Project allowed the Project to provide stormwater treatment and recharge throughout the Project area while reducing disturbance to existing vegetation, limiting impacts to buffer zones and resource areas, providing a manageable system for the long-term operator to maintain, and targeting additional treatment at critical areas. The stormwater management design also considered the key fact that stormwater runoff from bike paths is a very limited source of pollutants such as total suspended solids and phosphorus. The proposed measures also exceed what is typically incorporated into rail trail projects. For example, the Assabet River Rail Trail has long stretches with limited or no stormwater management from areas that discharge directly into wetlands.

4. **There is a comment in the NOI that the 10' path will have 2' shoulders on either side to help with stormwater treatment. Please be aware that in order to claim treatment for side shoulders the total width of the shoulders must equal the width of the path.**

The Stormwater Report will be updated to assume conservatively that there is no TSS removal from the vegetated filter strip in the shoulders of the bike path.

Should you have any questions concerning this submittal or require additional information, please contact Katie Kinsella at 617.607.2157 or kkinsella@vhb.com, or Gene Crouch at 617.607.2783 or gcrouch@vhb.com.

Sincerely,

Katie Kinsella, PWS / Gene Crouch

CC: Denise Bartone – Eversource
Paul Jahnige - DCR
MassDEP – Northeast Regional Office

Attachments:

- July 7, 2017 MassDEP CERO Comment Letter
- Eastern Box Turtle Protection Plan
- Corridor Management Plan
- Soil and Groundwater Analytical Memo