



November 23, 2020

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Joint NOI filed by Eversource for Sudbury-Hudson Transmission Reliability Project and
MassDCR for Mass Central Rail Trail in Sudbury

Dear Sudbury Conservation Commission:

Sudbury Valley Trustees (SVT) submits these comments on the proponents' most recent submittals that were posted to the Sudbury Conservation web page for the November 23rd hearing as well as some issues that remain unresolved. SVT's Memorial Forest Reservation abuts the project, from the Hudson/Marlborough town line east to just past Hop Brook. SVT's comments apply primarily to the extent of the proposed utility corridor/rail trail that is located between the Marlborough-Hudson town line and Dutton Rd in Sudbury. However, as a regional land trust we are concerned about the impacts to vernal pools, other wetlands, and habitat along the entire length of the project.

SVT requests the use of a gravel or stone dust trail rather than paved, at least in those sections that are going through the more pristine natural areas and high priority habitat such as the Desert Natural Area and Memorial Forest. The proponent's response as to why they are proposing pavement for this section of the Mass Central Rail Trail (MCRT) of August 7, 2020 was the following:

"DCR evaluated various surface options for the MCRT – Wayside and determined that asphalt is the best choice for balancing accessibility, recreational use, environmental protection, alternative transportation, and long-term maintenance. Asphalt is the recommended standard by AASHTO for meeting full accessibility. It also performs best over time and serves the greatest number of users, especially less mobile users and users with devices with narrow wheels. Other potential surfaces, such as "stone dust," do not meet accessibility requirements or serve the full range of users. Surfaces such as "stabilized aggregate," while meeting accessibility requirements, do not serve as many users, do not hold up as well over time, and do not provide any additional permeability or other environmental benefit or cost savings."

And yet, there are a multitude of DCR maintained rail trails with gravel or stone dust surfaces that, **in fact, provide full accessibility**. These gravel surface trails are very popular with walkers, strollers, wheel chairs, and bikers. **This section of the MCRT is not in an area that will serve commuters** and does not require a speedy smooth surface. To the contrary, it is the perfect place for recreationists to slow down and enjoy nature.

SVT is in complete agreement that Rail Trails are an extremely popular recreational resource; however, that does not mean that they come without environmental impacts. The DCR's publication on the Benefits of Rail Trails illustrates that the only trails that serve the commuter population are those that connect a large population to dense commercial areas (like the City of Boston and the Minuteman Trail) or train stations and commercial town centers (like the Assabet Rail Trail in Maynard). The DCR publication illustrates that the vast majority of Rail Trails are utilized for recreation and not transportation.

The benefits of unpaved surfaces are the following:

1. Provide an aesthetic that is in keeping with the natural surroundings and enhances the visitor experience.
2. While infiltration through the packed gravel surface may be limited, it does provide for some infiltration. While the Sudbury Bylaw considers gravel surfaces to be impervious, they are considered pervious under the Massachusetts stormwater standards. Additionally, the proposed new Master Plan for Sudbury encourages the use of pervious surfaces wherever possible.¹
3. Gravel or stone dust surfaces are safer and more suitable for horseback riding. The trails at the Desert Natural Area, Memorial Forest and Hop Brook have been used regularly for decades by horseback riders.
4. Less impact on microclimate. Black pavement gets hot and radiates heat, increasing the microclimate along and around the pavement. Additionally, the hot pavement is likely to attract reptiles and result in mortality when sunning snakes get run over.

SVT strongly urges the Commission to require the proponents to **implement results-based mitigation** rather than abdicating their responsibility for that mitigation by giving the town a sum of money. At a meeting on November 6th, the proponents met with SVT to share their proposal of mitigation on two SVT properties. The proposal included the treatment/control of two patches of phragmites on Hop Brook and one patch of Japanese knotweed to the southeast of Route 20. SVT supports the proponents' implementation of the two mitigation measures above AND requests the following additional mitigation:

1. To treat the third large patch of phragmites that is located further upstream on Hop Brook, behind the land owned by the Women's Federation. This is critically

¹ The proposed new Master Plan for Sudbury includes an Action Item under the category of Natural Environment to "Revise all local regulations (E.g. Zoning, Board of Health, Conservation, Subdivision) to encourage the use of porous/pervious materials to take the place of traditional impervious cover where appropriate." The entities charged with implementing this include the Planning Board and the Conservation Commission. See Sudbury Master Plan Volume 3, pg 7.

important to include so that the control of the other phragmites patches will be successful.

2. To treat and control the glossy buckthorn along the shoreline of Hop Brook both up and downstream of Bridge 128. Glossy buckthorn is the most common invasive plant in these natural areas. SVT and the City of Marlborough have been working steadily to remove and control glossy buckthorn in the Desert Natural Area since 2010. SVT had conducted one series of cut-stem treatments of buckthorn along Cranberry Brook and Hop Brook just upstream of Bridge 128 (about 5 years ago); however, additional work is needed as that one treatment was not enough for full control.

The proponents' wildlife evaluations and mitigation actions should not rely on the excellent conservation land surrounding their project in order to justify their project – they are essentially implying that the abundance of nearby excellent habitat allows some to be destroyed. The proposed project is significantly and permanently altering the quality and character of hundreds of acres of protected conservation land that contains a globally rare natural community and priority habitat for numerous rare and state-listed species. SVT has been commenting on these adverse impacts since the projects were initially proposed.

A prime example of this is that the proposed utility line and rail trail will result in the loss of the only remaining population of wild lupine (*Lupinus perennis*) at the Desert Natural Area. Wild lupine is a watch-listed species and the [Frosted Elfin](#), a state-listed butterfly requires either wild lupine or wild indigo (*Baptisia tinctoria*) to survive. The proposed project is located directly next to and partially over the lupine population. We request that the proponents mitigate this loss by establishing a new population by seeding or planting lupine from regionally local sources to the barrens habitat abutting the project. Additionally, the proponents had said that they would investigate sources of wild indigo, but they have since been silent on this. We would like to see wild indigo also added as mitigation for the overall permanent impacts to habitat at this site.

Another unresolved issue is the soils that will be used in the restoration along the project site. The proponents continue to propose to lay down 4" loam for reseeding and planting areas. This is not consistent with the sandy soil types of this site and habitat. Therefore, this is a permanent alteration, not temporary – in spite of plantings. VHB claims it is appropriate to use loam where the area is forested even though the natural soils are sandy. They do not provide an explanation for this judgment. We disagree and do not follow their line of reasoning.

The proponents should seek to save existing non-contaminated soils from the site and provide specific information on the source of any fill used, and its appropriateness for the geology and habitat at this site. It should be assured that no other habitats are being destroyed to obtain the fill. In the November 2nd materials, the proponents state that subsoil and topsoil will be segregated and saved but then goes on to say that soil will not be stockpiled and then also says that they will bring in man-made soils (pg. 39-40). This is confusing. What are "man-made" soils? Will they reuse soils from the site or replace them? We note that they say that some soils

that are considered to contain invasive plant seeds will be replaced. In general, again, we consider this to be permanent alteration.

At the last hearing there was a brief discussion of canopy loss that was inconclusive. SVT's understanding thus far is that the proponents will not remove canopy over the entirety of the 18-20 foot utility road/bike trail and shoulders as well as the larger splice vault/manhole clearings and instead seek to preserve a maximum of existing shade. This is an important factor for wildlife as it will somewhat reduce the anticipated removal of 24 acres of mature trees along the entire ROW. The thermal impacts of canopy removal will be exacerbated if the bike trail is paved. Every effort should be made in forested areas to reduce these and other impacts affecting the nearby vernal pools, cold water fisheries, other wetland resource areas and passage of wildlife including most importantly protected species.

As the stormwater standards are clarified and applied, SVT is also concerned that it remains unclear where stormwater management discharges and structures will be located and whether wetland resource areas will be receiving such discharges. In its latest presentation to the Planning Board the proponents are now adding additional structures and discharge points. The Commission and SVT should be able to evaluate these additions prior the issuance of any final decision on whether the stormwater standards (state and local) have been met.

The most current, revised plans still do not meet the performance standards of the Sudbury Wetlands By-Law. SVT strongly encourages the Commission to require that the proponents address the many shortcomings of their plan before developing any final conditions. SVT would expect that any Order of Conditions would contain mechanisms that ensure that the proponents adhere to the regulatory requirements, both during and after construction. It appears more and more useful to consider separate conditions for each phase of the project as each has its own standards and its own set of construction goals.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Laura Mattei".

Laura Mattei
Director of Stewardship