

SUDBURY EARTH REMOVAL BOARD
MINUTES
April 26, 2021

MEETING OF THE EARTH REMOVAL BOARD

MEETING HELD VIRTUALLY

The Board consisted of Jonathan W. Patch, Chair; David Booth, William Ray, Jeffrey Rose, and Benjamin D. Stevenson.

Earth Removal Board Chairman Jonathan Patch called the meeting to order at 7:01 p.m. and a roll call of the members was taken. The meeting was held virtually via Zoom and recorded for viewing on demand at Sudbury TV. The Chair reminded participants of the requirements of the Earth Removal Board Permit process and read the hearing notice. On the agenda was a discussion and vote on a request to allow under Article V(A) of the Town Bylaws, removal of 24,123 cubic yards (“CY”) of soil for construction of a construct a new 115- kilovolt (“kV”) underground electric transmission line, access driveway, and appurtenances at Massachusetts Bay Transportation Authority Corridor from the Marlborough Hudson Town Line up to and including 183 Boston Post Road, Sudbury, Massachusetts and identified as Assessors Map p K10-0014, K11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000 and H03-5000.

Michael Hager, Eversource, Project Manager presented an overview of the project. Also present on behalf of the applicant were Denise Bartone, Eversource, Manager Licensing & Permitting; Mike Shamon, VHB; Paul McKinley, Weston and Sampson, LSP; Dean Bebis, Eversource, Licensing & Permitting Specialist; and Barry Fogel, Keegan Werlin, Applicant’s Counsel.

Michael Hager described the history of the project, the site, the material to be removed and where removed material will be placed. The project has received an Order of Conditions from the Sudbury Conservation Commission and a Stormwater Management Permit from the Planning Board.

The project will involve two phases, the Eversource Sudbury to Hudson Transmission Reliability Project, and the Massachusetts Department of Conservation and Recreation (DCR) Mass Central Rail Trail (MCRT). The proposed rail trail will coexist with a buried transmission line in the same former rail corridor. The entire transmission line Project in Sudbury, Marlborough, Stow, and Hudson is approximately 9 miles long, with the Project within Sudbury at 4.3 miles. The final condition is the 10-foot-wide paved bike path with a buried transmission line and a 5-foot-wide trench and 2 foot shoulders. Additional disturbed areas will be restored and revegetated.

Michael Hager discussed the earth removal /relocation and soil management practices that would be employed. Soil testing has been performed for the corridor. Proposed are at total of 24,123 cubic yards of materials (11,154 for the access road and 12, 969 for the trench) and 13,670 cubic yards of this will be used on site resulting in the removal of 10,453 cubic yards from the site.

Board questions were offered and responded to by the Applicant’s team.

Chair Patch inquired about the location of the laydown/stockpile yard, which the Applicant indicated would be determined by the site contractor. There was a request that soil characterization be made prior to the soil being relocated. The Applicant indicated soil testing has already been performed and the plan is to additionally characterize the soil at the laydown yard prior to disposal off site to determine the appropriate destination of the soil.

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Ben Stevenson elaborated on the request to see if soil can be tested on site so that any contaminated soil will not be relocated and reused. The Applicant elaborated on the soil testing that has been performed and indicated no reportable contamination levels had been found. The soil management measures that will be employed were described. MassDEP's "Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails" was indicated as the guiding framework in use. Ben Stevenson asked if pesticides and herbicides will be used in the corridor. There will be no use of such chemicals by Eversource. DCR may manage invasives with herbicides as a last resort. These activities are subject to other Town permits. The question of the number of truck trips and frequency/timing was asked.

Jeffrey Rose requested clarification on drainage and that the maintenance requirements be described. The Stormwater Management Permit covered the drainage questions. Annual inspections of the electrical line will be needed.

It was stated that the lifetime of the transmission line is anticipated to be 60-80 years.

Chair Patch inquired about the schedule for the project and whether any time will lapse between Phase 1 and Phase 2. The project is still pursuing the final steps in permitting. They plan to begin construction in the fall and complete it in 2023.

Additional questions by members of the Board were raised regarding the due diligence of the soil testing and it was described that the project will separate soil from industrial areas versus residential areas and keep soil deposition in the same category as where it originated. The soil sampling was concentrated in the industrial areas and areas adjacent to known contaminated sites. The Board was interested in understanding the opportunity for additional soil testing prior to soil transport.

The hours of operation were discussed and it was indicated the Energy Facilities Siting Board determined approved hours, but these may be subject to reasonable revision by local permit requirements.

Also discussed were the monitoring of dust and roadway clean up procedures. Additional mitigation measures will be found in the soil management plan.

The applicant had proposed the performance bond requirement be waived and it was clarified that the Stormwater Management Permit requires a performance bond to guarantee the site will be fully stabilized prior to project permit compliance being issued.

Public comments were taken and the Applicant's team provided brief responses at the direction of the Chair.

John Riordan (Pendleton Road) inquired about railroad tie removal and disposal and drainage.

Bill Schneller (37 Jarman Road) commented as an individual resident that the Town of Sudbury is still engaged in ongoing appeals and litigation for the project.

Charlie Russo (Juniper Road) commented as an individual resident about potential dust, noise, vibration, site security concerns.

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Dan De Pompei (35 Haynes Road) inquired whether the road/trench was in the center of the rail bed and how deep the duct banks will be. He also asked if the trench/duct would be able to support vehicles or rail service, mentioning the lease with the MBTA.

Pat Brown (Whispering Pine Road) asked about vibrations and blasting as well as the details of the DCR involvement in the project and timing of trail construction, as well as the MOU between Eversource and DCR which has been conditioned in other permits issued by the Town.

Rachel Goodrich (10 Maple Avenue) inquired about stormwater, wetlands/vernal pools/stream, and potential groundwater contamination.

Rebecca Cutting (Maynard Road) inquired about locations of lay down areas, what kind of trucks will be used, what the truck routes and hours of operations will be, whether DPW and Police were involved. For soil sampling, she suggests the Board see the comments from the LSP engaged by Protect Sudbury and see the recommended areas for additional soil testing. She seeks additional information on the area containing ledge between Peakham and Dutton Roads. She discussed the differences she sees between the rail trail projects MassDEP intends the BMPs for railroads and the nature of the excavation associated with this project.

Nicholas Pernice (Peakham Road) stated concerns with soil movement, wanted more information on the soil testing and to understand the extent of experience the contractor and team has with a project of this scale where contaminated soil exists.

A unanimous vote was taken by roll call to close the hearing and public comments and to continue the deliberations.

The Board deliberated on their outstanding concerns and found the Applicant's answers insufficient at this time to warrant a Decision.

The Board sought more information on the sampling options for soils in the corridor prior to relocation and details on the laydown area, the soil and groundwater management plan, the number of trucks that will be used and number of trips generated.

A unanimous vote was taken by roll call to continue the hearing until May 17, 2021, 7pm. It is anticipated this will be a virtual meeting.

The meeting was adjourned.

Respectfully submitted,
Beth Suedmeyer,
Environmental Planner