

SUDBURY EARTH REMOVAL BOARD  
MINUTES  
April 26, 2022

MEETING OF THE EARTH REMOVAL BOARD  
MEETING HELD VIRTUALLY

The Board consisted of Chair Jonathan Patch, Michael Hershberg, William Ray, Jeffrey Rose, and Benjamin Stevenson

Members Bryan Gammons was absent due to a conflict of interest. Staff attending included Adam Duchesneau, Planning and Community Development Director and Beth Suedmeyer, Environmental Planner.

The meeting was called to order at 8:02 PM by Mr. Patch.

Mike Hager, Dean Bebis, and Marc Richards from Eversource, and Paul McKinlay from Weston & Sampson were in attendance to discuss the matter with the Earth Removal Board.

In compliance with a condition of the Earth Removal Board Decision of September 21, 2021 (Case 21-2), the Applicant had submitted for the Board's review and approval, a Soil & Groundwater Management Plan. Also provided were soil test results. Mr. Hager also stated their Earth Removal Permit will expire next month in May of 2022 and they would be filing a request to extend that permit in the next week or two. Mr. Hager noted they were required to submit stockpiled locations, but the proposed locations will all be outside of the Town of Sudbury, so no additional submission for stockpile locations is planned.

Mr. Richards then summarized the results of the supplemental sampling that was conducted. He noted everything was very typical compared to other former railroad corridors with no surprises. Sampling was conducted at 7 sites and no results indicated a need for any premium issues for treatment or handling protocols. Arsenic levels were as expected within a railroad right of way. As part of the final condition, new clean fill will be brought in and placed on top of the older soils currently on the site. The "capping" of the disturbed areas of the corridor result in an improved site condition so that users are less likely to come into contact with contaminated soils.

(Ms. Suedmeyer joined the meeting at approximately 8:20 pm)

The Board asked a number of questions related to soil test results and practices to avoid distribution of contaminated soils and ensure community and worker safety. The Applicant's consultants and representatives replied with clarification about expectations of mitigation, removal of rail ties and some soil removed during this process, keeping soils close to source, and providing a cap to reduce the potential exposure to the contaminants. These practices meet the MCP and create an improvement in the corridor.

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It was stated Arsenic is generally within first 2 feet of soil. Anticipated rail tie removal process will remove about 1 foot of material. The Applicant seeks to avoid disturbance and removal of any material they do not need to remove (beyond what is needed for project) to avoid additional soil disturbance and additional airborne soil and truck traffic. They will not be able to remove all Arsenic from the ROW. The barrier of clean soil and pavement is the safety benefit reducing exposure to trail users.

Chair Patch requested anyone from public who would like to speak to raise their virtual hand. No public comments were made.

The Board's previous Conditions of Approval indicated the Board would review and approve the Soil and Groundwater Management Plan, as well as any proposed stock pile locations. No stockpile locations are proposed in Sudbury.

The Board discussed whether they were ready to approve the Soil and Groundwater Management Plan. The Plan the Board reviewed was developed before soil test results were received, the Board therefore requested a memo to clarify the acknowledgement of the soil test results and confirm no revision to the plan is warranted. The memo should clarify where mitigation measures are included in the plan to address the contaminants found in the soil test results.

The Board deferred their vote to approve the Plan until next meeting prior to which the applicant will provide a memo identifying there is no need to revise the Soil and Groundwater Management Plan following the soil testing results and identify the appropriate mitigation steps within the Plan. This will be submitted for the Board's review for the next meeting.

There will also be consideration of a request for extension at the next meeting, as the Permit is set to expire on May 17.

The meeting was adjourned at 9pm.

Respectfully submitted,  
Beth Suedmeyer,  
Environmental Planner