



Town of Sudbury

Historical Commission

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MINUTES

OCTOBER 14, 2021

VIRTUAL MEETING

Present: Chair Chris Hagger, Vice-Chair Diana Warren, Jan Costa, Diana Cebra, Steve Greene, Taryn Trexler, Marjorie Katz, Alternate SHC Members: Chris Durall, Kathryn McGrath

Others Present: Beth Perry, Planning and Community Development Coordinator; Adam Duchesneau, Planning and Community Development Director

At 9:00 A.M. Mr. Hagger called the meeting to order, and requested Historical Commission roll-call; Greene-present, McGrath-present, Costa-present, Warren-present, Cebra-present, Trexler-present, Durall-present, Katz-present, Hagger-present

For the record, Ms. Warren acknowledged that she was also recording the meeting.

Section 106 Consultation Meeting – Sudbury-Hudson Reliability MCRT Project – US Army Corps of Engineers, New England

Present: Beth Gosselin, Chief of Public Affairs - USACE in New England; Tammy Turley, Chief of Regulatory Division – USACE; Paul Manicca, Chief of the MA Branch A– USACE; Alan Anacheka-Naseman, Regulatory Project Manager – USACE; Marc Paiva, District Archeologist and Tribal Liaison – USACE; Brooke Kenline-Nyman, Cultural Resource Specialist – Eversource; Vivian Kimball, VHB for Eversource; Paul Jahnige, Mass DCR

Ms. Gosselin opened the Consultant Party Meeting for the Army Corps for Permit Action – Evaluating a Proposal by Eversource Energy for the Sudbury-Hudson Reliability MCRT Project. Ms. Gosselin detailed that the meeting would address the role of USACENE (United States Army Corps of Engineers – New England) in this process. She noted that all comments made at the meeting would be recorded in order to maintain an accurate record. She confirmed that no decision had been made on this project, and that both oral comments made today, as well as written comments; would be carefully reviewed.

Ms. Turley provided an overview of the USACE regulatory authorities. She reviewed the Section 106 process as related to the project, and Appendix C, regarding work on waters in the US. She detailed work in the permit area and outside of the permit area, and considered the associated effects on known historic properties. Ms. Turley confirmed that USACE was neither a proponent nor opponent of the project. She stressed the USACE was here today to gather related information, in order to help make an informed decision, and noted that comments would be accepted until October 29.

Mr. Maniccia explained that the project being considered was a “General Permit” project. He added Eversource was seeking to discharge fill material into the waters of the US, which had temporary impacts -totaling 1,936 square feet with replacing Bridge #130 over Fort Meadow Brook; temporary impacts -totaling over 1,688 square feet in replacing Bridge #127 over Hopp Brook; and 1,114 square feet of permanent impacts, and 1,269 square feet of temporary impacts over great wetlands, and installation of head walls near Bridge #128. Mr. Maniccia stated that in total, the impacts to waters of the US adds up to 4,647 square feet of fill. He stated that typically, such a project would fall under a self-verification process (because the impacts are under 5,000 square feet); but because of the cultural resources present; a pre-construction notification was required. He stated that all comments related to the Section 106 process, would be reviewed/considered, and could be included in the final MOA (Memorandum of Agreement).

Ms. Kimball presented an Eversource project overview, and referred to the “Sudbury-Hudson Transmission Reliability and Mass. Central Rail Trail Project,” which is the project of MassDCR. She stated that the Eversource interest is known as the “Eversource Sudbury-Hudson Transmission Reliability Project,” and presented a PowerPoint document, dated September 28, 2021. She mentioned that the project reflected a joint filing between MassDCR(Mass Department of Conservation and Recreation) and Eversource.

Ms. Kimball confirmed Eversource Representatives met several times with the Hudson and Sudbury Historical Commissions at their prospective Commission meetings, and participated in written communications and a site walk with the Sudbury Historic Commission on 10/5/2020.

Ms. Kimball stated Eversource Representatives had conducted email, phone, and in-person conversations with the Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah), and the Narragansett Tribe. She added that intense local archeological survey fieldwork had been preformed and monitored by Mashpee Wampanoag Tribe (Mariah Hendricks); and the tribes had no concerns at the time.

Ms. Kimball itemized several historic resources in Hudson. Ms. Kimball itemized the Mass Historical Commission (MHC) historical inventory form for Sudbury, which contained some 73 contributing resources or features, including:

- Four archaeological sites
- Two standing structures (the Section Tool House & the S. Sudbury Station)
- Bridges #127 and #128
- 60 railroad features, including whistle posts, rail rests, culverts, rail, ties, telegraph poles, etc.
- Five railroad features that are “anticipated to be in the corridor, but inaccessible or buried.”

Ms. Kimball stated that an “Archeological Site Avoidance and Protection Plan (ASAPP) was submitted to the MHC, dated October 27, 2020, which details that the project would avoid four archeological sites: the East Sudbury Station, The Section Tool House, South Sudbury Station, the Wayside Inn Station.

Ms. Kimball commented Bridges #127 and #128 would be replaced and rehabilitated, respectively; with the major of abutments remaining in place. She stressed that the steel girders on Bridge #128 would be preserved in place.

Within the report summary, Ms. Kimball referenced the 60 railroad features; detailing that 30 resources were entirely outside the limit of work; 18 resources were at the edge of work; and the contractor would avoid, if at all possible, and remove/reset features, if avoidance was not possible. Ms. Kimball acknowledged that nine resources were within the limit of work and needed to be removed and reset, and two would be removed entirely (rails and ties), with some exceptions noted in the MOA. Ms. Kimball commented that one feature had not been found.

Ms. Kimball confirmed the Report documented USACE concluded that the project will have an adverse effect on the Central Massachusetts Railroad Corridor Historic District; and proposed mitigation developed from the 12/18/2019 MHC letter, written requests from the Hudson Historical Commission, and concerns voiced by the SHC. Ms. Kimball acknowledged that Eversource developed a mitigation plan in its 2/2019 letter.

Ms. Kimball reviewed the proposed MOA/Mitigation considerations.

Mr. Hagger presented the SHC's statutory jurisdiction and role, and offered comments regarding the Eversource project. He stated that his presentation would be divided in three areas:

- The process used by USACE to review the project
- Specific SHC comments regarding the more than 66 railroad National Register-Eligible artifacts
- SHC requests and summary of questions

In consideration of process by USACE, Mr. Hagger stressed that SHC did not agree with USACE's use of Appendix C as an alternative to the Section 106 regulations. Appendix C is not recognized by the Advisory Council. He noted that Ms. Brona Simon, Chief Executive Officer of Historical Preservation in MA, ardently agreed that Appendix C was being inappropriately used in this case.

Mr. Hagger stressed the proposed MOA did not consider the full scope of Sudbury's historical features within the rail corridor. Mr. Hagger repeated: "this narrow offering in the draft MOA Agreement, ignores the historic nature of the railroad corridor; its totality and the individual features already identified by cultural resource consultants throughout the right of way; furthermore, the use of Appendix C has created an area of potential effect that excludes the vast majority of the 66 National Register-eligible railroad artifacts, as well as potentially other resources yet to be identified by ACE due to the incompleteness of the resource identification with an incomplete assessment of historic resources. This prevents our commission from conducting a fair and detailed evaluation."

Mr. Hagger detailed USACE used the same initial approach with the Greenbush rail line, and then changed the review from applying Appendix C to applying Section 106; and the Commission would hope the Corps does the same thing with the railroad corridor being considered in Sudbury. He asked that the USACE consider the letter sent by SHC to the Corps, as well as those from the Mass Historical Commission, dated December 10, December 11, December 17, and December 30th of 2020; as well as letters dated May 12, 2021, May 20, 2021, and August 24, 2021. He reiterated SHC expects the USACE to fulfill the obligation under Section 106, and consider effects on the identified 66 National Register-eligible historic railroad artifacts, and throughout the entire area of potential effects; not just the bridges. He asked that the USACE make a good faith effort to fully consult directly with SHC to resolve adverse effects for avoidance, minimization or mitigation to the greatest extent possible.

Mr. Hagger highlighted three railroad feature categories recognized by SHC: those features being removed and reset; those features being removed; and those features being retained, such as those along the edge of work.

Mr. Hagger commented about those features where avoidance was not-possible, sites of special interest to the SHC (Bridge 127, Bridge 128, the Section House, the Diamond, the distance approach signals/signal towers). He outlined features of special interest:

- Bridge 127 – should be subject to all considered options (modification of rail trail, or elevation of plate girders over the water) to prevent demolition of the bridge. Expressed concern about removal of some of the granite abutment blocks.
- Bridge 128 – proposal should be presented in order to save the entire head wall, and to provide a view point from the sides of the bridge. Expressed concern about removal of some of the granite blocks.
- Railroad Section House – recommended that some of the rails in the Section House vicinity should be left intact. He noted that similar features were preserved along the rail trail in Weston, by going around the cattle crossings and leaving track across them; viewable from the rail trail.
- The Railroad Diamond to stay intact, with expressed concern about the diamond being moved during construction. Recommended that protection and mitigation plan specify that the Diamond would return to its original location. Ms. Spies, the SHC historic preservation consultant, recommended that pictures/video should be taken of the diamond being removed and put back, as part of the historical record.
- Two Signal Towers, with battery cases being reset must be recorded as being in the same context with each other, and stabilized when being removed and reset. Mr. Hagger emphasized that project renovation plans first be discussed with SHC. Plans for restoration/stabilization should be created in consultation with both the SHC and the B&M Railroad Historical Society. He asked that the removal and repositioning process be monitored by the SHC, or a designee at project proponent's expense.
- Rail Rests – Mr. Hagger recommended language to re-attach rail sections in one group of three, with Historical Commission consultation.

Mr. Hagger addressed features being considered for removal

- Loss of Rails at the Section Tool House
- Retention of rails along the rail corridor
- Telegraph Polls – request that three replica telegraph polls with insulators and wires be installed at the Station Tool House, at the expense of the proponents. Three telegraph polls be installed at the South Sudbury Station in order to provide context for both those buildings
- Culverts – SHC is requesting clarification on how the culverts will be impacted by the project undertaking. Mr. Hagger asked if excavation would further damage the culverts, and could the culverts be retained and reused?
- Features – If designated to be removed and reset, the five candle stick relay boxes must retain their concrete bases. They must be protected prior to moving, with restoration by the project

proponent, if damaged during moving and resetting. Removal and reinstallation should be monitored by SHC or a designee of the project proponent, at their expense. Such monitoring will be recorded by video and still photography. SHC requests information regarding the method of removal for the signal relay boxes, and how artifacts will be transported to storage. SHC requests that removed items be secured in a locked and weather-tight container on site, and that the SHC will be provided access to the containers.

Mr. Hagger relayed specific requests from the SHC:

- Mr. Hagger acknowledged that the SHC request to be included as consulting party to the MOA (Memorandum of Agreement) was approved.
- Request a post-discovery plan and a discovery plan during construction for both phases of work.
- Request a listing from the USACE to include the National historic register of eligible resources along the 4.6-mile railroad corridor in Sudbury.
- Request USACE engage in a full-good faith consultation with the Narragansett tribe THPO (Tribal Heritage Protection Officer), as native resources are located within the boundaries of Sudbury.
- In regard to the Central MA Railroad corridor, SHC Requests submission of Level 2 photographic and written documentation standards. The photographic documentation should include prospective from 10 locations in Sudbury, to be chosen by the SHC.
- Request documentation of the Central MA Railroad Bridges #127 and #128 to Level 2 Photographic and written documentation.
- Request development and installation of interpretive signage at 10 locations within the Central MA Railroad Corridor in Sudbury. Request that sign-off on interpretive text, historic photographs and graphics, be provided by the SHC.
- Request the development and installation of interpretive signage at 15 locations within the Central MA Railroad Corridor, regarding features to be removed comparable to other Rail Trail Interpretive signage. Sign-off of interpretive text, historic photographs and graphics to be approved by SHC.
- Request development and installation of interpretive signage for Bridges #127 and #128; sign-off for interpretive text, historic photographs and graphics to be approved by SHC.
- Request that video documentation of the “dig” operation be included in order to document the railbed build components are being conducted by a professional videographer, and that this be a 30-minute video, with funding provided by the proponent.
- Request inclusion of an educational video outlining the history of the Central MA Railroad line be developed by a professional videographer chosen by SHC, and that this be a 30-minute video; with funding provided by the proponent.

Mr. Hagger asked:

- What historic resources within the area, have been evaluated as eligible for listing on the National Register?
- Has the MA Historical commission been informed by the USACE regarding what historic resources are National Register-eligible?

Ms. Turley responded that USACE uses Appendix C to determine the extent of considerations inside USACE permit areas to determine any effects on historic properties, in particular looking at all historic information to be provided by the SHC and the Hudson Historic Commission (HHC); and making sure USACE has included everything. She acknowledged that USACE was not fully aware of all known resources when the project commenced two or three years ago. She confirmed USACE was hoping to make the appropriate eligibility determinations, which have not been fully determined at this time. She confirmed that Mr. Paiva was doing a very thorough review at this time of the historic properties, and a detailed communication would be provided to the MHC. She stressed the importance of the many resources being considered.

Ms. Turley stated a consulting party meeting with the Narragansett was being scheduled to take place in the very near future.

Mr. Hagger inquired about DCR project funding aspects, with focus on Bridges #127 and #128. He asked if there was assurance that the project could be constructed as presented. SHC did not want to see features removed, such as Bridge #127, potentially to discover that the second part of the project, did not advance for any reason.

Mr. Hagger asked for clarification concerning how the DCR Rail Trail project fits into this review; only information about the Eversource project was included in the July 2020 Pre-construction Notification. Ms. Turley responded that USACE is not reviewing/approving how the DCR rail trail proceeds, and are considering effects to known historic properties throughout the corridor.

Mr. Jahnige stated Phase 2 of this construction project involves DCR, and is within DCR's five-year major rail trail capital spending plan, confirming that the funding was secured. He stated the State does its final approval of funding on an annual basis, and did expect that such funding would be allocated immediately after Phase 1 was completed.

Ms. Kimball stated that the project being constructed did incorporate components of both project phasing, and the grading and bridge work was being done with the rail trail in mind; therefore could not be totally separated.

Mr. Hagger said the MOA is lacking mitigation/protection or avoidance aspects regarding the vast majority of the historical features. He asked that USACE take a serious look at the draft MOA, and consider the statements made by the MHC at the last consultation meeting a couple of weeks ago.

Mr. Hagger affirmed SHC would be submitting additional comments by October 29, and would be happy to continue any related dialogue. Mr. Hagger confirmed that members of the Sudbury community provided related written comment as well, and requested that those letters be part of the consultation meeting record. Ms. Gosselin confirmed those letters would be part of the recording meeting.

Chat Box Questions:

Resident James Gish, 35 Rolling Lane, asked what was entailed in the removing and resetting of a railroad feature. Ms. Kimball responded that it was dependent on the resource in question, and the majority of the resources were outside the line of construction; or close to the edge of the line of

construction and therefore; could be put back or close to the edge of the line of construction and can be put back where they were, or as close as possible.

Mr. Gish asked if a link to today's meeting could be provided including a list of attendees, so that all community members know how to comment and respond? Ms. Gosselin responded they would work with Mr. Hagger to do so.

Mr. Gish asked what level 2 documentation was, and recommended that any features significantly altered or removed, be documented with Lidar, which was superior to photographic documentation.

Mr. Paiva noted that he had been put on the project fairly recently, and was "getting up to speed" on all of the documentation. He stated that he would put all the documentation together and attempt to answer the related questions. He stated that photographic imaging was the standard for this type of documentation, and would explore lidar further.

Resident Rebecca Cutting, 381 Maynard Road, confirmed that she asked repeatedly to keep the rails in place at the Section Tool House. She noted that the Tool House had been restored with private funding, and the trolley associated with the pump car was located inside the Tool House, to be pulled out for demonstration of use. She suggested that VHB and USACE look closely at the Tool House feature. She acknowledged that she wrote a letter to the SHC and distributed the letter to all parties present at today's meeting, which discusses pre-historic archeological resources which may or may not be known in that area. Ms. Cutting detailed the Tool House significance in the King Philip War, and historical significance of Bridge #127 where historical artifacts have been discovered. She mentioned other artifacts discovered in the surrounding waterway area of Sudbury. Ms. Cutting indicated that additional artifacts would be discovered, and was pleased to hear that the Narragansetts were consulted. She asked that her descriptive letter be included in the record for the past SHC meeting and today's consultation meeting as well.

Ms. Cutting echoed the remarks of Chair Hagger, and those of Ms. Simon, emphasizing that the USACE scope was far too narrow. She noted that Bettina Washington, the Tribal Historic Preservation Officer for the Gay Head Wampanoag made an important point at the September 28th consultation meeting, regarding that precedent-setting by using Appendix C to determine the fate of important features.

Ms. Cutting opined that the MOA was premature, and several fact points listed within the MOA, were inaccurate.

Mr. Jahnige mentioned he did not receive Ms. Cutting's letter. Ms. Cutting said she would send the letter along.

Mr. Paiva stated that the Greenbush project reflected additional information being found, and was a completely different type of project in consideration of wetland impacts over a much greater area. He added that USACE entered into an MOA with the MA Historical Commission that referenced both sets of regulations; and Ms. Simon's office signed off on the work done at Greenbush. Ms. Cutting stated that this project also involves a great area of wetlands, and over the five-mile section, there are 21 vernal pools (anywhere from two to five feet from the slope), and extensive wetlands through conservation lands at and around Hopp Brook.

Renata Elward, 119 Wilder Road, Bolton, MA; member of the non-profit group, Protect Sudbury; expressed her gratitude to the SHC for all their efforts supporting the historical aspects in Sudbury, as well as residents who have been involved in this process as well. She explained that she walked the Sudbury rail corridor with Doug Harris, the Tribal Preservation Officer for the Narragansett Tribe and Petina Washington. She noted that Mr. Harris asserted there were historic resources and historic artifacts, and she echoed all comments made by Ms. Cutting, Ms. Simon, and Chair Hagger.

Resident Nick Pernice, 255 Peakham Road, asked VHB why MA DCR was part of the project, especially if they would not consider the restoration of Bridge #127. He added that State funding for the bike path was not a sure thing. Mr. Jahnige responded the statement made by Mr. Pernice was inaccurate, as all expectations indicate that the BFRT will be constructed immediately following Phase 1 of the project.

Resident Rachael Goodrich, 10 Maple Avenue, commented that Bridges #127 and #128, were under consideration for listing under the National Register of Historic Places. She asked how USACE would consider such Historic designations. Mr. Paiva responded if both bridges are eligible for the Register, USACE would consider such status; and would examine all measures to avoid, minimize or mitigate any impacts upon those bridges; which is standard procedure for the Section 106 National Register Preservation Act.

Select Board Member Janie Dretler, 286 Goodman's Hill Road, spoke on her own behalf, and thanked the SHC for their work on Sudbury's historic resources; and encouraged the USACE and VRB to incorporate the historic resources identified in the HCs report within the MOA. She was pleased to hear that further consultations would take place with the Narragansett tribe.

Ms. Warren, noted that Ms. Turley indicated the record would close on October 29th, and asked Ms. Turley to explain what that means. She queried if closure meant that no further questions/comments could be provided after that time; and queried if there would be no further consultation meetings after October 29. Ms. Turley responded that information from consulting parties would still be received in order to consider appropriate eligibility determinations, and USACE would be looking for anything that might be added to the MOA. She stressed that October 29th was absolutely not the deadline for consultation and discussions.

Ms. Warren stated that she concurred with the Advisory Council's letter and comments, as well as the comments made by Ms. Simon at the September 28, 2021 Army Corps meeting, highlighting steps in the Section 106 process, including identification of resources, assessment of adverse effects that have not been completed, to date. Ms. Warren stated that under Section 106, it is the responsibility of the USACE to identify historical and archeological resources, and not just review information provided from consulting parties, and other sources. She stressed the necessity for USACE to reach out to the Narragansett Tribe for such input; and noted that there were historical artifacts listed on the Town of Hudson surveys, which had not been identified in the list being reviewed by USACE.

Ms. Warren detailed that approximately six months ago, the Narragansett Tribe requested a joint consultation meeting with the USACE and to conduct a site walk along the right of way corridor.

Ms. Warren hoped that the USACE would consider the cultural properties associated with the Tribe.

In addition to the rail road corridor in Sudbury being National Register-eligible as a historic district, Ms. Warren added there were three individual structures within the right of way, which have been evaluated to be “individually eligible,” for the National Register; those being the Section Tool House, and Bridges #127 and #128.

Ms. Warren mentioned the lack of distinction between the DCR part of the project and the Eversource part. She asked if USACE could substantiate what activities DCR would direct, which would result in fill discharge into the waters of the US. Ms. Turley responded that the goal of USACE was to respond to facts as presented, which is what was being done now, to ensure that all available information has been reviewed. She asserted that the Corps was looking forward to receiving such information from the Narragansett, and any other tribes that would provide information.

Regarding Ms. Warren’s inquiries about pieces of the project that DCR would construct, Ms. Kimball confirmed that those pieces would be combined with the Eversource project because such coordination would be necessary in order to minimize construction impacts. Ms. Kimball reiterated a comment made by Ms. Turley, indicating that certain tasks would have been completed by DCR alone, if the project involved the BFRT only; and for that reason cannot be considered separately.

Ms. Warren emphasized that under the Clear Water Act, it is the party who is conducting an activity that will result in discharge of fill into the US waterways that is subject to the CWA, and DCR activity (based on information at hand) is not going to be engaged in an activity that will result in fill discharge being released into US waterways.

Ms. Warren asked who was requesting the (#9 and #10) General Permit, and asked if both DCR and Eversource were both applying for those general permits. Mr. Jahnige responded that DCR and Eversource were joint applicants for the project. Mr. Anacheka-Naseman stated that #9 referred to a pipeline, and its temporary impact as the pipe will be put through wetlands, and that particular part of the bridge involves a temporary impact to those wetlands. He detailed that #10 involves road-crossing; in this case the road-crossing reflects the abutments going down into the waterway that the applicant will be looking at. Ms. Warren asked to whom the permits for #9 and #10 be issued to. Mr. Anacheka-Naseman responded probably to Eversource. Ms. Warren asked if DCR would be receiving a General Permit under said Clean Water Act. Mr. Anacheka-Naseman responded DCR was a co-applicant in this case, and probably would. Mr. Maniccia suggested that Ms. Warren e-mail her question in further detail, if desired.

Ms. Warren indicated that despite Ms. Turley’s comments regarding USACE’s impartiality – being neither a proponent or opponent of the project - in this 106 case - Ms. Warren referenced a USACE E-106 Form document filed with the Advisory Council, dated January 20, 2021, which states: “we (USACE) believe this project to be a net positive usage of this rail corridor...”

Ms. Warren stated she would like to hear from the consulting parties regarding the potential impacts of the provisions related to the 2010 MBTA – DCR Lease Agreement, and that DCR and the MBTA have the right to remove all railroad infrastructure features in the right of way corridor. She queried how Eversource had the right to remove track and other railroad features and what, if any, railroad features will be removed and disposed of by DCR. She asked if DCR knew at this time, what, if any, railroad artifacts would be removed by the MBTA; if they exercise the right to do so under the Lease Agreement.

SHC Member Steven Greene, asked that the record for this meeting show, that the SHC took the initiative to identify the cultural resources on this corridor; and there was no evidence that either of the applicants had made any effort to completely identify such cultural resources. He indicated that he was not convinced that the applicants want to take ownership of what all the historic resources are. He noted that Ms. Simon stated at the consultation meeting of September 28, 2021; “the Corps needs to own this particular inventory.” He asked if Eversource would restore and reset the historical artifacts before turning over this project to DCR.

Ms. Brooke Kenline-Nyman, Cultural Resource Specialist for Eversource Energy, provided information about the form Ms. Warren referenced. She noted that form was typical in language, and that Eversource would be performing phase B survey, which is typical when a tribe requests, they would like to be present for cultural resource monitoring in the field as part of the survey. Ms. Kenline-Nyman maintained that after the survey, the Mashpee tribe indicated they had no further issues with any of the field work that took place. She offered that if members of the SHC would like to be present for such survey, that would be arranged.

Ms. Turley thanked everyone for their time today, and asked that related comments be submitted by October 29, in order to proceed with next steps in the process; including consideration of all aspects, and amending the MOA. She suggested that another consultation meeting could be scheduled.

Mr. Hagger motioned to adjourn the meeting. Mr. Green seconded the motion. The vote was unanimous 7-0; Greene-aye, Costa-aye, McGrath-aye, Cebra-aye, Trexler-aye, Durall-aye, Katz-aye, Warren-aye, Hagger-aye

VOTED: To adjourn the meeting

The meeting was adjourned at 11:49 AM