



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
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December 22, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Bruce Freeman Rail Trail Phase 2D  
PROJECT MUNICIPALITY : Sudbury  
PROJECT WATERSHED : Concord  
EEA NUMBER : 16482  
PROJECT PROPONENT : Massachusetts Department of transportation and Town of  
Sudbury  
DATE NOTICED IN MONITOR : November 22, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project includes construction of Phase 2D of the Bruce Freeman Rail Trail (BFRT). When the completed, the BFRT will follow the 25-mile route of the former Lowell Secondary Track right-of-way (ROW) of Old Colony Railroad through the communities of Lowell, Chelmsford, Westford, Carlisle, Acton, Concord, Sudbury, and Framingham. The BFRT is being designed and constructed in six phases, of which Phases 1 (EEA#12109; 1999), 2A (EEA# 15196; 2014), 2B (EEA# 15819; 2018) and 2C (EEA# 15437, 2015) have completed MEPA review. Thus far, approximately 12 miles of the BRFT have been constructed in Lowell, Chelmsford, Westford, Carlisle, Acton and Concord. Phase 2B is currently under construction. Phase 3, the section south of Phase 2D ending in Framingham, is still in the planning stage.

Phase 2D will extend the BRFT south from the Concord town line for a distance of 4.4 miles, where it will terminate at the east-west Massachusetts Central Rail Trail in southern Sudbury. Construction activities for Phase 2D will include the following:

- A paved 10-foot wide shared-use trail with one- to three-foot wide crushed gravel shoulders on both sides of the path;
- Trailside rest areas with benches and bicycle racks;
- Wayfinding signage and granite mile-marker posts for navigation;
- A 268-ft long connection from the BRFT to an existing parking area at a public recreational area known as the Parkinson Parcel;
- A 15,625-sf parking area with 32 spaces and a restroom and pavilion structure adjacent to Morse Road at the Town-owned recreational area known as Broadacres Farm;
- Conversion of a 750-ft long section of an existing ?? ft wide sidewalk to an eight-ft wide shared use path to provide a connection from the BFRT to the Town's athletics facility at Davis Field;
- Rehabilitation of the existing rail bridge over Hop Brook;
- Replacement of the rail bridge over Pantry Brook with a concrete arch bridge spanning the existing abutment walls;
- Planting of native trees and other vegetation primarily along the trail to provide screening;
- Cedar rail fencing between the trail and steep slopes and adjacent industrial uses;
- Educational signage indicating the location of environmentally-sensitive areas;
- A high-intensity activated crosswalk (HAWK) signal at the intersection of the BFRT and North Street;
- Rectangular Rapid Flashing Beacons (RRFBs) at all other road crossings;
- Replacement of four culverts, repair of one culvert headwall, and cleaning of six culverts;
- One-foot wide grass infiltration swales along 3,395 linear feet of the trails to provide improved drainage conditions; and,
- A wetland replication area at Broadacres Farm.

The trail will cross Hudson Road at the intersection of Hudson Road at Peakham Road. The project includes the signalization of the intersection and the addition of a left-turn lane for the westbound direction Hudson Road of the intersection. The intersection meets Traffic Signal Warrants for the installation of a signal independent of the BFRT project. The signal will include an exclusive pedestrian phase that will allow users of the trail to safely cross Hudson Road.

### Project Site

The railroad ROW is approximately 65-ft wide and contains an approximately 16-ft wide raised earthen embankment covered with crushed ballast stone in which railroad ties are embedded. It runs in a generally north-south direction through the center of the Town of Sudbury (Town) to the Concord town line. The ROW follows a route that is parallel to and west of Union Avenue, and Concord Road and east of Pantry Road and crosses nine roadways or driveways. The ROW travels through a wooded corridor of mixed oak, white pine and red maple, with wetlands, streams and vernal pools located along portions of the route, including a large wetland area east of Pantry Road between Haynes Road and North Road (Route 117). The ROW includes two bridge crossings of streams, including Hop Brook in the southern section and Pantry Brook in the northern section, and 18 culverts conveying streams, intermittent streams and drainage pass under the ROW. Commercial land uses are located adjacent to the southern end, and the central and northern sections of the ROW pass through residential neighborhoods and undeveloped land. No part of the proposed trail to be constructed in Phase 2D is located within one mile of an Environmental Justice (EJ) population.

### Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include alteration of 14.78 acres of land; addition of 5.97 acres of impervious area; and alteration of 2,710 sf of Bordering Vegetated Wetlands (BVW), 485 linear feet (lf) of Bank, 1,821 sf of Land Under Water (LUW), 109,626 sf (2.5 acres) of Riverfront Area and 1,946 sf of Bordering Land Subject to Flooding (BLSF) and up to 1,025 sf of Isolated Vegetated Wetlands (IVW).

The purpose of the project is to provide a trail to encourage walking and bicycling. Measures proposed to avoid, minimize and mitigate impacts include the use of a bridge span to cross Pantry Brook; an approximately 3,000-sf wetland replication area; provisions for wildlife crossings; drainage improvements, including repairs to and replacement of existing culverts and construction of a stormwater management with Best Management Practices (BMPs) that complies with the Massachusetts Stormwater Management Standards (SMS); construction of stream crossings and culverts in conformance with the Stream Crossing Standards (SCS); and restoration of disturbed areas and new plantings using native trees and other vegetation,

### Jurisdiction and Permitting

The project is undergoing review pursuant to 301 CMR 11.03(1)(b)(2) and 301 CMR 11.03(3)(b)(1)(f) of the MEPA regulations because it will create five or more acres of impervious area and alter one-half or more acres of other wetlands. The project requires an Access Permit from the Massachusetts Bay Transportation Authority (MBTA) and may require a 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).<sup>1</sup>

The project requires an Order of Conditions from the Sudbury Conservation Commission (or in the case of an appeal, Superseding Orders of Conditions (SOC) from MassDEP). It requires a Pre-Construction Notification (PCN) to the Army Corps of Engineers (ACOE) pursuant to the General Permits for Massachusetts and a Categorical Exclusion Review by the Federal Highway Administration (FHWA).

Because the project will receive Financial Assistance from the Commonwealth, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

### Review of the ENF

The ENF described the existing conditions within the project area and the proposed project and its programmatic and physical elements. It included site plans depicting wetland resource areas, grading, stormwater improvements, and bridge/culvert improvements and identified environmental impacts and mitigation measures. Consistent with the MEPA Interim Protocol on Climate Change Adaptation and Resiliency, the ENF contained an output report from the Climate Resilience Design Standards Tool

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<sup>1</sup> The ENF indicated that the project required a Chapter 91 License from MassDEP. However, MassDEP issued a Minor Project Modification on September 16, 2021, that administratively authorized the replacement of bridges over Hop Brook and Pantry Brook; therefore no c. 91 License is required for the project.

prepared by the Resilient Massachusetts Action Team (RMAT) (the “RMAT Tool”),<sup>2</sup> together with information on climate resilience strategies to be undertaken by the project.

### *Alternatives Analysis*

According to the ENF, the purpose of the project is to provide a safe, non-motorized shared-use path through the Town of Sudbury to serve as an alternative transportation option and as a recreational trail through some of the Town’s environmental and historical resources. It is also intended as a link in the regional BRFT, which meets the objectives of MassDOT’s Healthy Transportation Policy by providing transportation networks that encourage walking and bicycling.

The ENF reviewed a No Build Alternative and On-Road and Adjacent to Roadway alternative routes for the shared-use path through the Town. The No Build Alternative would not meet the project purpose and would leave the rail ROW in its existing abandoned condition. The On-Road Alternative would generally follow the north-south orientation of the proposed path using existing roadways. It would require the construction a combination of sidewalks, bicycle lanes and/or multi-use path segments on one or both sides of roadways. According to the ENF, this alternative is not feasible because it would require significant acquisition of land or easements, and would result in greater impacts associated with clearing, regrading and paving areas along the route. The Adjacent to Roadway Alternative would use a combination of the rail ROW and existing roadways to avoid the need for modifications to the crossings of Pantry Brook and Hop Brook and associated impacts to wetland resource areas. To avoid the Hop Brook crossing, the shared-use path would be diverted to follow Old Lancaster Road and Union Avenue to the southern terminus near Station Road; a variation of this route would use Town-owned conservation land to construct a path directly from the BRFT to Union Avenue. To avoid the use of the railroad ROW crossing of Pantry Brook, shared-use path would be diverted onto land adjacent to Haynes Road, Concord Road and Morse Road before rejoining the rail ROW. This alternative would avoid impacts to Hop Brook and Pantry Brook by using existing roadway crossings. However, the roadway diversions would significantly increase the length of the trail, would disturb land and add new impervious area along the roadways and require acquisition of land and/or easements to construct bicycle and pedestrian facilities in locations where the roadway ROW is not wide enough.

The Preferred Alternative will reuse the rail ROW, which has already been cleared and graded, includes crossings of Hop Brook and Pantry Brook and culverts conveying drainage that can be modified and reused, allows short connections to be made to nearby Town-owned recreational areas and provides the most direct route between the Concord section of the BRFT and the Massachusetts Central Rail Trail. To avoid impacts to adjacent wetlands, shoulders will be one-foot wide where wetlands are present and the multi-use path will be 10 feet wide, rather than 12 feet as constructed in other phases of the BRFT.

### *Wetlands and Stormwater*

#### *Wetlands*

The ENF provided a detailed description of project activities that will impact wetlands. The project’s temporary and permanent impacts to wetland resource areas shown in Table 1. The Sudbury Conservation Commission will review the project to determine its consistency with the provisions of the

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<sup>2</sup> [https://resilientma.org/rmat\\_home/designstandards/](https://resilientma.org/rmat_home/designstandards/)

Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the SMS and SCS. The Proponent should also consult MassDEP's comment letter, which provides recommendations for the design of culverts, stormwater infiltration basins and restoration of Bank and LUW.

Table 1. Temporary and Permanent Impacts to Wetland Resource Areas

Resource Area	Temporary Impacts	Permanent Impacts	Total Impact Area
BVW	1,520 sf	1,190 sf	2,710 sf
IVW	166 sf	859 sf	1,025 sf
LUW	1,347 sf	474 sf	1,821 sf
Bank	336 lf	149 lf	485 lf
Riverfront Area	43,769 sf	65,857 sf	109,626 sf
BLSF	1,946 sf	N/A	1,946 sf

In general, impacts to BVW will occur in the northern section of the path where BVW is located directly adjacent to the rail ROW. To minimize permanent impacts to BVW in this area, the trail has been designed with one-ft shoulders rather than three-ft shoulders as will be constructed along most of the trail. Permanent impacts to BVW will be mitigated by construction of an approximately 3,000-sf replication area at Broadacres Farm. Installation of sedimentation and erosion controls will temporarily impact BVW; these areas will be restored upon completion of construction. Permanent impacts to LUW will occur primarily due to the reconstruction of a collapsed culvert in the southern section of the trail. The culvert is located on an intermittent stream designated as a Cold Water Fishery that is a tributary of Hop Brook. The proposed culvert in this location will consist of a buried pipe with a natural stream bottom consistent with the SCS. Temporary impacts to LUW will occur at work areas for bridge abutments and culvert repairs; these areas will be restored to their original condition.

At the remote MEPA site visit on December 7, 2021, the Proponent disclosed impacts to IVW that were not described in the ENF, and subsequently provided plans of the impacted area. Permanent impacts to approximately 859 sf IVW may occur due to trail and shoulder construction south of the trail crossing of Hudson Road. According to MassDEP, the project will require a WQC if the combined impacts to BVW, IVW and LUW exceed 5,000 sf, and the BVW replication area would have to be expanded to provide mitigation for impacted IVW. As shown in Table 1, impacts to these resource areas total 5,390 sf as the project is currently designed. However, the Proponent believes that the IVW impacts can be reduced by designing the trail in this area with a narrower cross section and steeper slopes to the extent that WQC will not be required. The Proponent should consult with MassDEP as the project design is refined to determine whether a WQC will be required and whether any additional wetlands mitigation should be provided.

Permanent impacts to Bank will occur primarily due to reconstruction of a culvert conveying an unnamed tributary of Hop Brook, regrading of the Bank associated with an intermittent stream near Morse Road and the placement of riprap scour protection associated with the Pantry Brook bridge replacement. According to the ENF, impacts to Bank have been minimized by using steep slopes, narrowing trail shoulders minimizing work areas for culvert replacement. Temporary impacts to Bank are due to installation of sediment and erosion controls during the construction period. Placement of soil associated with regrading of the trail will impact 325 sf of BLSF associated with Hop Brook and 469 sf of BLSF associated with Mineway Brook. A total of three cubic yards of flood storage will be lost from

these activities and will be mitigated by providing compensatory storage at the same elevation in the same area. Reconstruction of the bridge over Pantry Brook will impact 1,152 sf of BLSF by removing approximately 78 cy of floodplain fill beneath the bridge abutments. Significant portions of the project are located within the 200-ft Riverfront Areas associated with Hop Brook, Pantry Brook and a number of unnamed tributaries. Impacts to Riverfront Area are similar to those described above for other resource areas and include construction of the trail and shoulders, regrading, repair and reconstruction of culverts and bridge replacement. According to the ENF, impacts to Riverfront Area will be mitigated by restoring areas after construction and planting of native trees and other vegetation.

### *Stormwater*

According to the ENF, existing sheet-flow drainage patterns will be maintained within the rail ROW. New one-foot-wide grass infiltration swales will be constructed along a total of 3,395 lf of the trail. In addition, two new catch basins and one replacement catch basin will be installed at the intersection of Hudson Road and Peakham Road and two infiltration basins will be constructed at the Morse Road parking area at Broadacres Farm to address increased runoff from the addition of 0.36 acres of impervious area.

### *Climate Change*

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The urgent need to address climate change was again recognized by Governor Baker and the Massachusetts Legislature with the recent passage of St. 2021, c. 8, An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy, which sets a goal of Net Zero emissions by 2050. I note that the MEPA statute directs all Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

Additionally, the Town of Sudbury is a participant in the Commonwealth's Municipal Vulnerability Preparedness (MVP) program. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources, and vulnerable populations, and develop, prioritize and implement specific actions the Town can take to reduce risk and build resilience. Through the MVP program, the Town received funding to conduct a planning process for climate change resiliency and implementing priority projects. The Town completed the "Sudbury Municipal Vulnerability Preparedness- Summary of Findings" report in June 2019 ("the Report"). The Report identified severe storms, drought, extreme temperatures and increased precipitation and associated flooding as the most significant climate hazards facing the Town.

The ENF included an evaluation of the design of the project with respect to its climate change resiliency using the RMA Tool. Based on the output of the RMA Tool provided in the ENF, the project is rated high risk for riverine flooding and extreme heat and moderate risk for urban flooding due to extreme precipitation. Based on a 30 to 40-year useful life of the trail, the RMA Tool recommends a planning horizon of 2050 and a return period associated with a 10-year (ten percent

chance) storm event. According to the ENF, the trail is on an elevated embankment within the ROW and nearly the entire trail is at least 1.9 ft above the current 100-year flood elevation.

### *Construction Period*

All construction activities should be managed in accordance with applicable MassDEP regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10) and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). Consistent with the GreenDOT policy directive, MassDOT requires that contractors install emission control devices in all off-road vehicles. MassDOT's Revised Diesel Retrofit Specification also requires that emissions control standards must be met, or technology must be used, for non-road, diesel-powered construction equipment in excess of 50 horsepower. Contractors will be instructed to limit engine idling and use ultra-low sulfur diesel fuel. If oil and/or hazardous materials are found during construction, including any excavation necessary for the construction of the bio-retention basin, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits. I encourage the Proponent to reuse or recycle construction and demolition (C&D) debris to the maximum extent.

### Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.



December 22, 2021

Date

Kathleen A. Theoharides

### Comments received:

12/01/2021	Alison Boland
12/07/2021	Glenn Pransky
12/07/2021	Natural Heritage and Endangered Species Program (NHESP)
12/13/2021	Massachusetts Department of Environmental Protection (MassDEP)/ Northeast Regional Office (NERO)
12/13/2021	John Drobinski

KAT/AJS/ajs

**Strysky, Alexander (EEA)**

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**From:** Alison Boland <aboland1776@icloud.com>  
**Sent:** Wednesday, December 1, 2021 10:40 AM  
**To:** Strysky, Alexander (EEA)  
**Subject:** Sudbury Bruce Freeman Rail trail

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Sent from my iPhone

Are they planning on using the existing stones when they rehab the existing rail trail at hot Brook and what are they replacing the existing rail bridge at pantry Brook with ? Are you using the stones that are there or is it going to be new concrete. What type of material are they using?

Regards Alison Boland



## **Strysky, Alexander (EEA)**

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**From:** Glenn Pransky <glenn.pransky@gmail.com>  
**Sent:** Tuesday, December 7, 2021 8:13 PM  
**To:** Strysky, Alexander (EEA)  
**Cc:** Suedmeyer, Beth; john.drobinski@erm.com  
**Subject:** Comments for EEA 16482, Bruce Freeman Rail Trail, Sudbury

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I am a 36-year resident of Sudbury and a member of the Bruce Freeman Rail Trail Advisory Task Force. IN this capacity, I have carefully reviewed the 25% and 75% design plans, related studies and documentation, the full ENF, and have visited the entire length of this corridor several times. I am also very familiar with watershed-related environmental issues in Sudbury, as I serve as the scientific consultant for the Hop Brook Protection Association of Sudbury. Im writing these remarks as a private citizen, not in my capacity as a member or representative of either of these groups. My relevant background is over 30 years practice, consultation and research in environmental and occupational health, and I am an Associate Professor at the University of Massachusetts Medical School.

The proposed project does have permanent impacts, but these are consistent with impacts that have been evaluated and approved in the sections of the BFRT north of Sudbury, and the proposed plan does include extensive mitigations that appear to be more than adequate to minimize the overall impact on waterways, wetlands and other habitats. Significant positive environmental impacts of trail construction include removal of creosote-impregnated ties, removal of rail barriers to turtle crossings, and provision of attractive alternatives to motorized travel in Sudbury. Based on stormwater analyses that we've conducted elsewhere on Hop Brook, we don't anticipate that the addition of impervious surface and alteration of stream crossings will have a significant impact on water quality.

I encourage approval of this project, and would be happy to answer any questions you have about my responses.

- Glenn

## Strysky, Alexander (EEA)

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**From:** Paulson, David (FWE)  
**Sent:** Tuesday, December 7, 2021 8:06 AM  
**To:** Strysky, Alexander (EEA)  
**Cc:** Cheeseman, Melany (FWE)  
**Subject:** Bruce Freeman Rail Trail ENF (16482/07-23727)

December 7, 2021

Kathleen A. Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: Alex Strysky, MEPA Office  
100 Cambridge St.  
Boston, Massachusetts 02114

*Project Name:* Bruce Freeman Rail Trail  
*Proponent:* MassDOT and Town of Sudbury  
*Location:* Sudbury  
*Document Reviewed:* Environmental Notification Form  
*EEA No.:* 16482  
*NHESP No.:* 07-23727

Dear Secretary Theoharides:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the Environmental Notification Form for the proposed Bruce Freeman Rail Trail Project and would like to offer the following comments regarding state-listed rare species and their habitats.

Based on a review of the plan that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, occurs ***near but not within*** Estimated Habitat of Rare Wildlife or Priority Habitat as indicated in the Massachusetts Natural Heritage Atlas (15th Edition).

The project is not required to be reviewed for compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37, 10.59 & 10.58(4)(b)) or the MA Endangered Species Act Regulations (321 CMR 10.18). Any additional work beyond that shown on the submitted plan may require a filing with the Division.

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact David Paulson, Senior Endangered Species Review Biologist, at (508) 389-6366 or [david.paulson@state.ma.us](mailto:david.paulson@state.ma.us).

### David Paulson

Senior Endangered Species Review Biologist  
Massachusetts Division of Fisheries & Wildlife  
1 Rabbit Hill Road, Westborough, MA 01581  
Temporary Phone: (845)-262-0481 | e: [david.paulson@state.ma.us](mailto:david.paulson@state.ma.us)  
[mass.gov/masswildlife](http://mass.gov/masswildlife) | [facebook.com/masswildlife](https://facebook.com/masswildlife)

*Important: Our offices are currently closed and all non-essential state employees, including Environmental Review staff, are working remotely. We will respond to your inquiry as quickly as possible. Thank you for your patience. Please visit our website ([www.mass.gov/nhesp](http://www.mass.gov/nhesp)) for updates.*



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

December 13, 2021

Kathleen A. Theoharides, Secretary  
Executive Office of  
Energy & Environmental Affairs  
100 Cambridge Street  
Boston MA, 02114

RE: Sudbury  
Bruce Freeman Rail Trail  
EEA # 16482

Attn: MEPA Unit

Dear Secretary Theoharides:

The Massachusetts Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Environmental Notification Form (ENF) for the proposed Bruce Freeman Rail Trail in Sudbury. MassDEP provides the following comments.

### **Wetlands**

An Environmental Notification Form (ENF) has been filed with the Executive Office of Energy and Environmental Affairs by the Massachusetts Department of Transportation (MassDOT) for the construction of a non-motorized, ADA-accessible, shared-use path through the Town of Sudbury.

The project proposes impacts to Bank, Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), Bordering Land Subject to Flooding (BLSF) and Riverfront Area associated with Hopp Brook, Pantry Brook and two unnamed perennial streams.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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The project proposes approximately 1,190 square feet of permanent impacts and approximately 1,520 square feet of temporary impacts to BVW associated with construction of the proposed path. The permanent impacts are proposed mainly along the path where the path shoulders will encroach on BVW along the alignment. In areas where the path will impact wetlands, the path has been designed to be narrower to minimize impacts. An approximately 85 sf area of BVW will also be altered for the reconstruction of a bridge over Pantry Brook.

The project proposes approximately 149 linear feet (lf) of permanent impacts to Bank associated with work to improve scour protection and for the replacement of an existing culvert located on an unnamed tributary to Hopp Brook. Also proposed is approximately 1,821 sf of impacts to Land Under Water associated with culvert replacements and grading.

There are approximately 65,857 sf of permanent impacts and 43,769 sf of temporary impacts proposed within the 200-foot Riverfront associated with the construction of the trail.

In addition to the wetland impacts described above, the ENF states that there will be unquantified impacts to Isolated Vegetated Wetlands (IVW). In accordance with 314 CMR 9.04(1), combined impacts to BVW, LUW, and IVW greater than 5,000 sf requires a 401 Water Quality Certification. The applicant should identify the amount of necessary IVW impact to determine if a Water Quality Certification is required. The ENF also describes approximately 3,000 sf of BVW replication as mitigation for the impacts to BVW. If IVW impacts cannot be avoided, the replication area will need to incorporate the square footage of the impacts to IVW pursuant to 314 CMR 9.06(2)(a).

The fourth bullet on page 11 out of 625 of the ENF states, “4 failing culverts beneath the trail are proposed to be replaced.” The fifth bullet on the same page states, “Damaged or failing culvert headwalls are proposed to be replaced or rehabilitated.” Further explanation of these project elements should be provided, including whether these elements are related to each other, or if they are repetitions of the same work.

MassDEP recommends that where BVW is present on or near both sides of the proposed trail, equalizers or alternative culvert options should be evaluated to potentially improve hydrologic connection and wildlife passage. Proposed elevation contours should be shown on plan sheets depicting proposed conditions and natural Bank stabilization techniques should be evaluated for the Pantry Brook crossing.

Regarding the stormwater management design, the bottom of the infiltration basin is proposed at elevation 171 feet. The estimated seasonal high groundwater elevation is 170 feet. Per Table RR in Volume 1, Chapter 1 of the Stormwater Management Standards, there should be a minimum two-foot separation between bottom of structure and seasonal high groundwater. To meet the groundwater recharge requirements to the maximum extent practicable, it must be demonstrated that these two feet of separation cannot be met. Methods for restoring LUW and Bank, damming/redirecting streams to create dry work areas at bridge crossings and preventing erosion and turbidity in waterways should be prescribed during the permitting process rather than determined by the contractor.

The project will require an Order of Conditions from the Sudbury Conservation Commission and the applicant needs to finalize the area of wetland impacts to determine if the project requires a 401 Water Quality Certification.

The MassDEP appreciates the opportunity to comment on this proposed project. Please contact [Rachel.Freed@mass.gov](mailto:Rachel.Freed@mass.gov) at (978) 694-3258 for further information on wetlands issues. If you have any general questions regarding these comments, please contact me at [John.D.Viola@mass.gov](mailto:John.D.Viola@mass.gov) or at (978) 694-3304.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

John D. Viola  
Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission  
Eric Worrall, Rachel Freed, Jill Provencal, Kyle Lally, MassDEP-NERO

## **Strysky, Alexander (EEA)**

---

**From:** John Drobinski <John.Drobinski@erm.com>  
**Sent:** Monday, December 13, 2021 1:20 PM  
**To:** Strysky, Alexander (EEA)  
**Cc:** Suedmeyer, Beth; glenn.pransky@gmail.com  
**Subject:** RE: Comments for EEA 16482, Bruce Freeman Rail Trail, Sudbury

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Dear Mr. Strysky.

I am writing in support of the Bruce Freeman Rail Trail Project in Sudbury.

I am a member of the Bruce Freeman Rail Trail Advisory Task Force. I am a former selectman from Sudbury (27 years) and have been involved with this project from the beginning.

However, my comments are as a private citizen.

As a former selectman and environmental consultant I am familiar with both the public involvement and environmental issues associated with the Sudbury portion of this important project.

I support this project as it will provide a safe and sustainable access for trail users to numerous recreational, historic and commercial amenities in Sudbury while reducing green house gas emissions.

In addition, the project has been designed to protect sensitive receptors and to preserve key archeological artifacts/elements.

Please reach out if you any questions.

Cheers

John

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