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Berkshire North District County Registry of Deeds

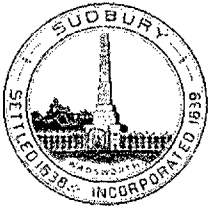
Maria T. Ziemba, Register

65 Park Street

Adams, MA 01220

413-743-0035

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**TOWN OF SUDBURY
EARTH REMOVAL BOARD
NOTICE OF DECISION**

Location of Property:
183 Boston Post Road and the Massachusetts Bay Transportation Authority Corridor
Sudbury, MA 01776

Name and Address of Applicant:
NSTAR Electric Company d/b/a Eversource Energy
247 Station Drive
Westwood, MA 02090

Name and Address of Owner:
Massachusetts Bay Transportation Authority (MBTA)
10 Park Plaza
Boston, MA 02116

2021 MAY 24 PM 2:55
TOWN CLERK
SUDBURY, MASS

DECISION of the Earth Removal Board (the "Board") on the application of NSTAR Electric Company d/b/a Eversource Energy (the "Applicant") under Article V(A) of the Town Bylaws, to allow 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 (the "Property").

DEED REF: BOOK 7734-426
BOOK 11317-113

This Decision is in response to an Application filed with the Board on March 9, 2021. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in the Sudbury Town Crier on April 1 and April 8, 2021, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was conducted on April 26, 2021 and continued to May 17, 2021 when it concluded. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Planning and Community Development office.

Michael Hager, Eversource, Project Manager; 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 appeared at the hearing to represent the Applicant. The Applicant sought approval to remove soil and gravel materials to construct a new 115- kV underground electric transmission line, access driveway, and appurtenances.

Members present and voting at the hearing were Jonathan W. Patch, Chair; David Booth, William Ray, Jeffrey Rose, and Benjamin Stevenson.

The Board, after considering the materials submitted with the application, together with the information developed at the hearing, finds that:

1. The Applicant seeks a Removal Permit under Article V(A) of the Town Bylaws to remove of up to 24,123 CY of soil for construction of a new 115-kV underground electric transmission line at the Massachusetts Bays Transportation Authority Corridor from the Marlborough Hudson Town Line to 183 Boston Post Road.
2. As identified in the Sudbury Soil Removal Table submitted by the Applicant on April 23, 2021, the total quantity of soil permanently removed off-site from the right-of-way (ROW) to the temporary stockpile location and then to a soil receiving facility shall be limited to 10,453 CY, which is the difference between the total proposed quantity of 24,123 CY of in-situ soil to be excavated along the ROW as a "cut" and the 13,670 CY of soil which will be reused along the ROW as a "fill".
3. The proposed activity which is the subject of this application is described in the Application, including revised material submitted to the Board on April 22, 2021, April 23, 2021 and May 10, 2021.
4. Subject to the conditions set forth below, the request is in harmony with the general purpose and intent of the bylaw.
5. Subject to the conditions set forth below, the request will be completed in a way that is not detrimental to the neighborhood.
6. Subject to the conditions set forth below, adequate and appropriate transportation of materials will be provided for the proper operation of the proposed request.
7. The Board has imposed restrictions which are necessary for the general welfare of the Town, noted below.

Therefore, the Board, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **REMOVAL PERMIT** subject, to the following conditions:

1. The proposed activity shall be conducted substantially in accordance with the Application submitted and materials contained in the file.
2. This permit is non-transferable, and pursuant to the Earth Removal Bylaw Section 7, will expire in one year on May 17, 2022. The Board will consider permit renewal upon receipt of proper application on or before that date.
3. Construction activities will be performed between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. No work shall take place on Saturday or Sunday.
4. Vehicular and heavy equipment access shall be minimized on roadways to the maximum extent possible. In particular, the use of tractor/trailer trucks accessing the right-of-way (ROW) on Dutton Road, Peakham Road, and Horse Pond Road shall be minimized. Eversource shall work with the Sudbury Department of Public Works Director, who will coordinate with the Police and Fire Departments to ensure safe passage of vehicles, bicycles, and pedestrians at all points during construction in the Public Ways. Particular care will be given to the safe passage of children to and from schools near the construction in the Public Way. A police detail shall be present as needed and upon request by Town representatives.
5. Appropriate measures shall be taken to prevent tracking of material onto any public way. Soil on outgoing trucks shall be stabilized via the use of covers.
6. Street sweeping of the adjacent streets will be conducted as needed or as directed by Town representatives, but no less frequent than weekly.

7. General precautionary measures shall be taken to prevent erosion on the site into adjacent wetlands.
8. A copy of the SWPPP will be prepared and submitted to the Town with documentation of receipt by the EPA.
9. Proposed off-site stockpile locations in the Town of Sudbury shall be submitted to the Board for review and approval.
10. Any stockpiled soil must be surrounded by siltation fencing to minimize sedimentation during construction. The contractor shall take appropriate measures to minimize dust impacts to abutters and vehicular traffic, including wetting of stockpiles, temporarily covering them, or seeding them, as required.
11. At least two weeks prior to any blasting, if proposed, a blasting plan shall be submitted to the Board for record. Blasting Permits are issued by the Sudbury Fire Department.
12. At least two weeks prior to any land disturbance, a Soil and Groundwater Management Plan (SGMP) prepared in conjunction with the selected contractor shall be submitted to the Board for review and approval. The Applicant shall give due consideration to address comments received from the Board to minimize potential impacts to project abutters and the Town as a whole. The SGMP will develop means and methods to manage soils and groundwater encountered during project construction activities including soil excavation, groundwater dewatering, soil stockpiling, soil hauling, dust management, and railroad tie and track removal to avoid and minimize the risk of exposure to potential contaminants. If conditions are encountered that suggest soil may require additional evaluation or special handling based on visual, olfactory, or field screening results, excavation activities in that area will be immediately stopped and Eversource, their Licensed Site Professional (LSP), and the Board will be contacted immediately to evaluate the observations and review and comment on their proposed procedures for proper handling. Furthermore, as part of the SGMP, Eversource shall implement a tracking system to document the approximate origin of soil along the ROW that is hauled to the off-site temporary stockpile location. The Board shall be copied on all related correspondence.
13. The Applicant shall, at a minimum, perform additional chemical testing of soil and groundwater samples from the ROW and surrounding properties a minimum of four weeks prior to significant disturbance of the soil. This shall include, at a minimum, the following scope of sampling and testing:
 - a. Performing chemical testing of in-situ shallow soil samples along the former track bed for the presence of total arsenic in Segment 3 of the project (defined herein as the residential, rural, undeveloped corridor located approximately between the Sudbury-Hudson border to near the northwest corner of the Meadow Walk Sudbury) at every approximately 500 linear feet prior to commencing excavation of soil, after the railroad ties are removed and the erosion controls are in place. This is anticipated to require approximate 30 total samples.
 - b. Furthermore, at a minimum, testing of soil and/or groundwater shall be performed at seven (7) of the properties of potential environmental concern located in Sudbury where soil and/or groundwater testing was previously not performed on behalf of Eversource which are listed in the table entitled "Summary of Properties of Concern, MBTA ROW, Transmission Line Project, Sudbury to Hudson, Massachusetts" contained in a memorandum entitled "Summary of Hazardous Materials Assessment, Proposed Transmission Line Project, Sudbury to Hudson, Massachusetts prepared by VHB dated September 29, 2017.

Town of Sudbury
Earth Removal Board
Case #: 21-1
May 17, 2021

- i. The testing of soil and/or groundwater samples at each of these specific sites shall be performed for the constituents of concern within the proposed depth of excavation for the project.
 - c. The results of all testing shall be submitted to the Board, along with all documentation prepared by their LSP, for its record.
14. Conditions number 9, 12 and 13 above may require the Board to hold a public meeting with the Applicant to review and discuss the proposed plan and stockpile location(s) and results of chemical testing. The public meeting will not require abutter notification or a public hearing but will be an open public meeting. The Town will endeavor to convene a quorum of members for a meeting to be scheduled within 10 days of the soil test results, proposed plan and stockpile location being submitted to the Board.
 15. At least two weeks prior to the loading and hauling of stockpiled soil to a licensed soil receiving facility, Eversource shall submit to the Board for its records the results of the chemical testing performed on the stockpiled soils along with all documentation prepared by their LSP and the soil receiving facility.
 16. The applicant shall submit to the Board monthly the total quantity of soil that has been loaded and hauled from the temporary stockpile location to licensed soil receiving facilities.
 17. The total quantity of soil permanently removed off-site from the ROW to the temporary stockpile location and then to a soil receiving facility shall be limited to 10,453 CY, which is the difference between the total proposed quantity of 24,123 CY of in-situ soil to be excavated along the ROW as a "cut" and the 13,670 CY of soil which will be reused along the ROW as a "fill". The Board shall be notified of any changes to the earth removal plan and quantities to be removed.
 18. Prior to commencing the work, the Town shall be given the name of a contact person who will be available should problems arise associated with construction.
 19. The requirement for a performance guarantee is waived given that the project has received a Stormwater Management Permit approval from the Sudbury Planning Board and subject to the Stormwater Management Permit Decision, prior to occupancy any conditions unfulfilled will be subject to a performance guarantee.
 20. Clearing shall only be allowed upon review by and to the extent approved by the Sudbury Conservation Commission and Planning Board.
 21. This Removal Permit shall not take effect until a copy of the Decision has been recorded in Middlesex County South District Registry of Deeds.
 22. The Decision rendered herein is concerned only with the Town Bylaw noted above, and not with the Building Code or any other Town Bylaw. The Applicant is responsible for determining and complying with Town, State, and Federal regulations in using the authorization granted.

2021 MAY 24 2:55 PM
TOWN CLERK
SUDBURY, MASS

TOWN OF SUDBURY EARTH REMOVAL BOARD

By: Jonathan N. LeBlond, Chair

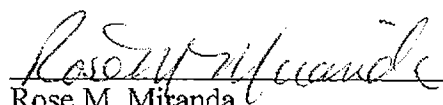
I certify that copies of this Decision have been filed with the Sudbury Town Clerk and Planning Board on

Bob Reilly
May 24, 2021

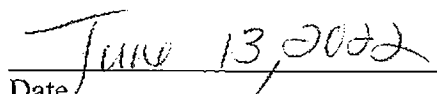
183 Boston Post Road and the Massachusetts Bay Transportation Authority Corridor
Sudbury, MA 01776
Earth Removal Permit Decision

This is to certify that no notice of an appeal against this Decision was filed in the Town Clerk's Office during the appeal period after such Decision was filed on May 24, 2021.

A True Copy Attest:

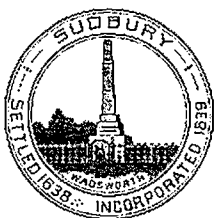


Rose M. Miranda
Assistant Town Clerk



Date

cc: Applicant
Town Clerk
Building Inspector
Conservation Commission
DPW Director



Town of Sudbury

Earth Removal Board

erb@sudbury.ma.us

<http://www.sudbury.ma.us/services/planning>

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3389
Fax: 978-443-0756

June 13, 2022

Beth Klein
Town Clerk
322 Concord Road
Sudbury, MA 01776

Re: Earth Removal Permit Case#: 21-1-Eversource Project, 183 Boston Post Road and the Massachusetts Bay Transportation Authority Corridor

At its meeting of May 12, 2022, the Earth Removal Board voted to grant an extension to allow removal of up to 24,123 cubic yards of existing soil for construction of a 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 K 10-0014, K 11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000 and H03-5000, until May 17, 2024.

If there are any questions, please contact this office.

On behalf of the Earth Removal Board,

Beth Suedmeyer
Planning & Community Development

2022 JUN 13 PM 4:11
TOWN CLERK
SUBBURY, MASS