

NEPONSET RIVER WATERSHED ASSOCIATION

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February 27, 2006

Sharon Board of Selectmen
c/o Ben Puritz
Town Hall
90 South Main Street
Sharon, MA 02067

Dear Ben,

I am writing on behalf of the Neponset River Watershed Association (the “Association”) to comment on your negotiations as Water Commissioners with Avalon Bay Communities, Inc regarding their proposed 156 unit development.

As you may know the proposed development is located in the Traphole Brook Subwatershed. Traphole Brook is well documented by DEP and DFG as a healthy cold water fishery, and home to a robust trout population, a very rare resource in eastern Massachusetts. In recognition of the statewide significance of this resource, the Massachusetts Natural Heritage Program has listed Traphole Brook as core habitat under its “Living Waters” inventory. In light of this special status, the Association is particularly concerned with any development proposal which would modify the hydrology, water balance and/or temperature regime in Traphole Brook.

I understand that the Avalon Bay project is in the process of evaluating a number of wastewater management alternatives, including an onsite groundwater discharge system and a sewer connection to the MWRA via the Norwood municipal collection system. I would urge you to give very careful consideration to advanced onsite wastewater treatment and groundwater discharge as the most environmentally preferable wastewater management option for this site.

In light of the degree of hydrologic stress which already exists in the Neponset River Watershed, and the unique sensitivity of Traphole Brook, I would urge the Selectmen and the project proponent to take all practical steps to conserve water and minimize the loss of groundwater recharge caused by the project. This can be accomplished in part by incorporating water saving fixtures into the design of the facility, requiring drought tolerant landscaping practices and/or limiting the use of water for outdoor irrigation, and incorporating low impact development principles into the site design and stormwater management system.

In addition, I would like to point out several lesser known permitting considerations which would apply to any proposal which draws water from the Sharon municipal supply and disposes of wastewater via the Norwood municipal collection system.

Under the Interbasin Transfer Act, any transfer of water from the Sharon municipal water supply to the MWRA sewer system would constitute an interbasin transfer. Before such an interbasin transfer can be implemented, either an Interbasin Transfer Act Permit or a Negative Determination of Applicability under the Interbasin Transfer Act must be obtained from the Massachusetts Water Resource Commission. The Interbasin Transfer Act has no minimum permitting threshold and so any action which meets the definition of an interbasin transfer must obtain either a permit or a negative determination.

The essential requirements of the Interbasin Transfer Act are that “all practicable steps shall have been taken to conserve water” and “adequate flow has been maintained in the donor basin” before a permit may be issued. In cases involving interbasin transfers by means of wastewater infrastructure, Inter Basin Transfer Act guidance specifically calls for an evaluation of the feasibility of onsite wastewater treatment as a “practical measure to conserve water.” Given the level of expense associated with installing a sewer line of this length and the added challenge of crossing under route 95, it may be difficult to make the case that onsite treatment is impractical.

Furthermore, in situations where the donor basin is already under a degree of hydrologic stress (as is the case with Beaver Brook specifically and the Neponset River generally), it has become somewhat common for the Water Resources Commission to require mitigation measures to offset the volume of water transferred out of basin. Such measures might include water supply conservation and/or stormwater recharge projects at a ratio of up to 4:1 to be constructed in the subwatersheds from which the water is drawn.

In addition, I expect that a sewer connection via the Norwood municipal system would also require a Sewer Extension Permit from the Department of Environmental Protection. Over the last decade, it has become common practice for DEP to require mitigation by inflow and infiltration reduction at a 4:1 ratio for any increased flows to municipal collection systems which experience sanitary sewer overflows, as the Norwood collection system does.

Consistent with our standard practice, if the proponent decides to pursue sewer service rather than onsite treatment, we would expect to participate in the Interbasin Transfer Act and Sewer Extension Permitting processes, and argue for measures that would provide the greatest degree of protection for natural resources in the Neponset River Watershed.

If I can be of further assistance in this matter, please do not hesitate to contact me at the address above.

Sincerely,

Ian Cooke
Executive Director

Cc: Scott Dale, Avalon Bay Communities, Inc
Kathy Baskin, EOE
Michael Gildesgame, DCR
Michele Drury, DCR
Mark Tisa, DFG
Robert Zimmerman, Charles River Watershed Association
Richard Chalpin, DEP
John Zajack, DEP
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