

Patrick Deschenes

From: Reardon, Sean <sean.reardon@tetrattech.com>
Sent: Tuesday, March 5, 2024 8:44 AM
To: Patrick Deschenes
Cc: George Pucci
Subject: Darwin Commons

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Patrick, I had a chance to review the materials provided by the applicant justifying their proposed exceedance of the allowed impervious coverage within the Zone II watershed protection area.

As you know, municipalities are required to adopt regulations limiting activity within Zone II recharge areas (310 CMR 22) including a general prohibition of more than 15% impervious lot coverage within a Zone II. Accordingly, the Towns Water Resource Protection Overlay District (WRPOD) regulations incorporate that prohibition.

The WRPOD regulations and 310 CMR 22 provide for some relief from the 15% impervious coverage limit but only after demonstrating measures proposed to protect the water supply are sufficient and that will result in no degradation of the water supply.

Based on what I've reviewed the Applicant has provided no justification or additional mitigation other than compliance with Massachusetts Stormwater Standards. In our opinion simple compliance with the Stormwater Standards is not sufficient to support a 3X exceedance of the impervious coverage allowed under local and state regulations and particularly not in a situation where the proposed project is within 10 feet of the Zone I in which no development is allowed.

Most development in Walpole is subject to compliance with the Stormwater Standards. If the Board were to approve such a gross exceedance of the impervious coverage limit so close to the Zone I without any additional consideration, mitigation or supporting analysis it would effectively nullify the requirement and in our opinion would be inconsistent with the clear intent of the WRPOD bylaw and 310 CMR 22. Please note, the Drinking Water Regulations impose similar 15% limits under the surface water protection section and allows only an increase to 20% if artificial recharge is provided suggesting approving a 3X exceedance so close to the Zone I of a wellhead is well beyond the intended range of acceptable relief. In addition, concerns related to PFAS contamination of public water supplies has grown exponentially over the last decade in recognition of its known and unknown risks and its near ubiquitous presence in the environment and in many consumer products. At a minimum the Board should consider the potential increased PFAS risk a 3X exceedance of allowed density so close to a Zone 1 that could allow.

In our opinion the Project has not provided reasonable justification for the Board to grant the relief requested. If you have any questions please don't hesitate to reach out.

Sean

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