

**From:** William C. Henchy [<mailto:whenchy@family.net>]

**Sent:** Tuesday, August 16, 2016 5:36 PM

**To:** Appeals, Board of <[appeals@sudbury.ma.us](mailto:appeals@sudbury.ma.us)>; Jonathan F.X. O'Brien <[jobrien@murphyking.com](mailto:jobrien@murphyking.com)>

**Cc:** Barbara Saint Andre <[bsaintandre@k-plaw.com](mailto:bsaintandre@k-plaw.com)>; Garber, Glenn <[GarberG@sudbury.ma.us](mailto:GarberG@sudbury.ma.us)>; Chris Claussen <[cgclaussen@gmail.com](mailto:cgclaussen@gmail.com)>; Christopher Kennedy <[chris@northbankandwells.com](mailto:chris@northbankandwells.com)>; Joseph Hakim <[jehakim@optonline.net](mailto:jehakim@optonline.net)>; Bob Engler <[rengler@s-e-b.com](mailto:rengler@s-e-b.com)>; Sudbury Water District <[customerservice@sudburywater.com](mailto:customerservice@sudburywater.com)>; Don Provencher <[DLProven@aol.com](mailto:DLProven@aol.com)>

**Subject:** Sudbury Water District Comments August 11, 2016

Dear Mr. Chairman and Members of the Board:

Please see attached for filing in this matter my response to the comments filed by the Sudbury Water District on August 11, 2016.

Thank you.

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August 16, 2016

Jonathan F.X. O'Brien  
Chairman  
Sudbury Zoning Board of Appeals  
Flynn Building  
Sudbury MA 01776

RE: Village at Sudbury Station; Sudbury Water District Comments dated August 11, 2016

Dear Chairman O'Brien and Members of the Board:

The Sudbury Water District, on August 11, 2016, submitted a comment letter to the Zoning Board of Appeals in which it suggested that the applicant's proposed private irrigation wells be subject to water restrictions as imposed by the Sudbury Water District. Apparently to be consistent with that proposed limitation on irrigation, the Sudbury Water District suggests that landscaping be drought resistant species and that lawn areas requiring watering be minimized.

This proposed limitation on irrigation directly conflicts with Article XVII of the Sudbury Water District's own By-laws which specifically provide that irrigation systems supplied by private irrigation wells, such as those proposed by the applicant here, are not subject to mandatory water restrictions issued by the Sudbury Water District. See <http://sudburywater.com/town-of-sudbury-by-laws-related-to-water-district-issues/>

I suggest that the condition proposed by the Sudbury Water District in this regard would be a blatantly discriminatory provision to place into any Comprehensive Permit issued to my client, where the Water District's own by-laws preclude any such restriction. Any such restriction upon the applicant is plainly not consistent with local needs as that term is defined in 760 CMR 56.02.

Finally, as this office has repeatedly stated, permitting of the wastewater treatment plant is subject to MassDEP permitting. It will fully comply with all MassDEP requirements under the general programmatic permit for small wastewater treatment plants. My client objects to the backdoor attempt by the Sudbury Water District to attempt a permit condition on this wastewater plant not within its jurisdiction, and therefore not within this

Board's jurisdiction either. See Zoning Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748, 756 (2010).

Thank you for your attention to our concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'WCH', with a long, sweeping underline that extends to the right and then curves back down.

William C. Henchy

Wch/

cc. Sudbury Water District  
Robert Engler  
Christopher Claussen  
Christopher Kennedy  
Joseph Hakim  
Barbara Saint Andre Town Counsel