

Attachment D

MassDEP Land Conveyance Approval,  
dated August 30, 2019



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

August 30, 2019

Vincent Roy  
Sudbury Water District  
P.O. Box 111  
Sudbury, MA 01776

**RE:** City/Town: Sudbury  
PWS Name: Sudbury Water District  
PWS-ID No.: 3288000  
Program: Land Acquisition  
Action: Approval— Release of Water Supply  
Land—16 North Road  
Transmittal No.: X284066

Dear Mr. Roy:

Please find attached the following information:

Approval for the Sudbury Water District to convey a 3.7 acre portion of a parcel of land located at 16 North Road in Sudbury, in accordance with Massachusetts General Laws, Chapter 40, Section 15B. The land to be conveyed is within the Zone II wellhead protection area of the Sudbury Water District's Well No. 5. The District intends to subdivide a larger parcel into two lots, and retain the lot that includes some land that is within the Zone I protective radius of Well No. 5.

Please note that the signature on this cover letter indicates formal issuance of the attached document. If you have any questions regarding this letter, please contact James Persky at (978) 694-3227.

Sincerely,

James H. Persky  
Environmental Analyst  
Drinking Water Program

Sincerely,

Rachel Freed  
Deputy Regional Director  
Bureau of Water Resources

cc: DWP/Boston Office (no attachment)  
Catherine Hamilton, MassDEP, Drinking Water, Boston  
Jillian B. Bargar, Esq., Anderson & Kreiger, LLP, 50 Milk Street, 21<sup>st</sup> Floor, Boston, MA 02109

File Name: Y:\DWP Archive\NERO\Sudbury-3288000-Land Acquisition-2019-08-30

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 Massachusetts Department of Environmental Protection (“MassDEP”) has reviewed an August 2, 2019 submittal from the Sudbury Water District (“District”) that requests the approval of MassDEP to convey a parcel of water supply land, as required by Massachusetts General Laws, Chapter 40, Section 15B.

The District owns a parcel 6.87 acres in size, located at 16 North Road in Sudbury, which is referenced by the Town of Sudbury as Parcel C12-0004. A portion of this property is within the Zone I protective radius for the District’s Well No. 5, and the remainder of the property is within the Zone II wellhead protection area for Well No. 5. The 16 North Road property was acquired through a June 29, 1964 Order of Taking, which is recorded with the Middlesex South Registry of Deeds in Book 10585, Page 140. The order states that the land was taken “for public water supply purposes.” The property has been used for mining of sand and gravel, but is not presently being mined. A small portion of the parcel is leased for a cell phone tower, which is located outside the Zone I.

The District proposes to subdivide the 16 North Road property, retaining one of the two resulting lots, which will include all of the Zone I land and the cell phone tower. The other lot, which will consist of approximately 3.7 acres of Zone II land, will be conveyed — this land will be combined with adjacent land for the development of affordable housing units. In connection with this proposed conveyance, the District will be acquiring 8.86 acres of land from the Town of Sudbury that is just outside the Zone I for the District’s Well No. 6; approval for the Town to convey this land to the District was approved at Sudbury’s Town Meeting on May 6, 2019.

Massachusetts Drinking Water Regulations require in 310 CMR 22.21(3)(b) that a public water supplier own or control the land within Zone I of a public supply well. The regulations do not require ownership or control of the Zone II land. In view of the District’s intention to retain all of the Zone I land within Parcel 12-0004, and given that the conveyance will enable the District to acquire the larger parcel near Well No. 6, MassDEP has no objection to the District’s proposal to convey the subject land. Therefore, MassDEP, acting under the authority of Massachusetts General Laws, Chapter 40, Section 15B, **approves** the proposed conveyance of the subject land by the Sudbury Water District.

The application received by MassDEP states that the District has been advised by its counsel that approval under Article 97 of the Massachusetts Declaration of Rights is not required in connection with the proposed land conveyance.

**Please note that the acquisition of the 8.86 acres of land from the Town of Sudbury will require MassDEP approval and a public hearing, in accordance with Massachusetts General Laws, Chapter 40, Section 41.**