



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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October 13, 2016

Alan B. Rubenstein, Chairman  
Town of Sherborn Zoning Board of Appeals  
Town Hall  
19 Washington Street  
Sherborn, MA 01770

RE: The Fields at Sherborn  
Proposed 40B Condominium Development  
Sherborn, MA

Dear Chairman Rubenstein:

The Massachusetts Department of Environmental Protection (“MassDEP” or the “Department”) is in receipt of your letter with four attachments dated June 6, 2016 regarding the 40B condominium development proposed by The Fields at Sherborn, LLC (the “Proponent”) that is commonly referred to as “The Fields at Sherborn” and is located at 247A Washington Street in Sherborn, MA.

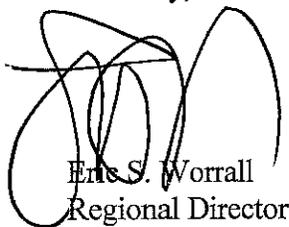
The definition of a “Public Water System” in the Massachusetts Drinking Water Regulations, 310 CMR 22.02, includes the sentence, “The Department reserves the right to evaluate and determine whether two or more wells located on commonly owned property, that individually may serve less than 25 people, but collectively serve more than 25 people for more than 60 days of the year should not be regulated as a Public Water System, taking into account the risk to public health.” MassDEP interprets this regulation to mean that such a water system is a Public Water System until MassDEP makes a determination that it is not. A determination would require review of condominium documents and deeds so that MassDEP could evaluate whether the individual wells could function as private wells independent of control by a development-wide entity such as a condominium association or realty management company.

To date, the Proponent for The Fields at Sherborn development has not submitted the documentation for MassDEP to make a determination as to whether the water supply should be considered to be individual private wells, rather than a Public Water System. Your letter requested

that MassDEP make a pre-emptive determination that The Fields at Sherborn must be a Public Water System, without a submittal from the Proponent requesting a determination on the matter. It is not appropriate for MassDEP to make pre-emptive determinations on projects for which MassDEP has not received a proponent's submittal for an approval or determination. Until such time as MassDEP receives such a submittal, MassDEP considers the proposed The Fields at Sherborn condominium development to be a Public Water System as that term is defined and used in the Drinking Water Regulations at 310 CMR 22.02.

Should you have any questions regarding this letter, please feel free to contact me at (978) 694-3225.

Sincerely,



Eric S. Worrall  
Regional Director

cc: Y. DePeiza, MassDEP-BWR-DW-Bos  
R. Freed, MassDEP-BWR-NERO  
J. Persky, MassDEP-BWR-NERO  
H. Zisch, MassDEP-OGC-NERO  
D. Beardsley, Chair, Sherborn Board of Health  
B. Stevens, Trask Incorporated  
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