

## **White Pond Advisory Committee Meeting held September 28, 2022**

Attn:

Mr. William Henchy

Concord, MA ZBA c/o Ms. Elizabeth Hughes

This letter is written as a response to Mr. William Henchy's email and letter dated September 12, 2022, submitted on behalf of the applicant for permission to develop six additional dwellings at the proposed Rookery Lane development along the Concord-Sudbury border. That letter was forwarded to the White Pond Advisory Committee (WPAC) by Ms. Elizabeth Hughes of the Concord Zoning Board per Mr. Henchy's request. (See Attachment A).

WPAC sees no reason to have a septic system disposing untreated waste when the developer has installed a modern wastewater system nearby. Both properties were acquired by the developer in a single consolidated purchase which is very close to the proposed Rookery Lane Development. Additionally, WPAC believes that it is necessary and requests that additional essential data is needed before Concord can render a decision on the application:

William Henchy in his September 12, 2022, letter response to the Concord Zoning Board supplied three documents; below we highlight two of those documents.

1. Document One -Titled "Working Figure. Sudbury Wells and White Pond Wells Zone IIs." This shows that the property proposed for development is within the Zone II protection areas for both the Sudbury and the Concord water supply wells. The Concord Zone II well protection area actually bisects the property proposed to be developed, with the leach fields placed adjacent to/outside the Zone II line on this document the current Concord Zone II protection zone shown on that map submitted by Mr. Henchy.

This map was prepared more than three years ago. We note that these 2019 lines on the map may not reflect current issues during the last 3.5 years during which there is a shortage of well fresh water supply from the Concord wells.

2. Document Two – is a Groundwater Contour Elevations map also created more than three years ago. Accurately understanding the precise groundwater flow on this and adjacent properties to the north is critical before Concord Boards can make an accurate decision based on a sufficient record. For this map, there are issues with both the admitted lack of accuracy stated in writing by the consultant preparing this map, as well as its failure to map the groundwater contours into the critical wetlands both on the proposed development property itself and on the adjacent property to the north that is in the Zone II wetlands and adjacent wetlands.

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Regarding the accuracy of the map attached to Mr. Henchy's letter: It shows that six test wells were advanced to estimate the groundwater contours beneath the property east to west, but not to the northern extent, of the applicant's parcel proposed for development. The document, on its face, states a limitation on its accuracy:

*"Groundwater contours are based on widely spaced well locations and may not reflect actual groundwater elevations."*

In other words, the consultant states that it takes no responsibility to have accurately shown groundwater flows even in the areas where it sank six test wells. Moreover these wells do not cover the key wetlands areas on the property or the wetlands between the property and the Concord drinking water well.

Additionally, what was submitted by Mr. Henchy shows the applicant's failure to map groundwater flow into and beyond the wetlands areas that are on the applicant's property and adjacent to the north toward the Concord White Pond water supply well and White Pond. These extensive wetland areas are protected by the Concord Conservation Commission. Accurate information displayed on a complete map showing groundwater flows is needed for Concord to make any decision based on reliable evidence on the record.

The developer's maps sent by Mr. Henchy stop estimating or illustrating the groundwater contours outside the narrow area of the proposed new houses, not even extending onto other parts of the property parcel to be developed as part of the application. This is a major omission that does not meet the applicant's obligation to provide sufficient information for Concord Boards to make any determination on reliable evidence. The groundwater flow contours show a very slight change in elevation to the east over an exceptionally large area. The elevation change is so slight over a large area that even though the Mr. Henchy's letter highlights that this must mean that wastewater discharge will move to the east, this is not clear, and the applicant's map states that it may not be accurate.

A key focus must be on the wetland's areas in Concord, for which no groundwater contours are mapped. There is not enough information on this document to know whether the consultant did not obtain this information or whether it was obtained but for some reason was not shown. Neither the key development parcel wetlands nor the adjacent wetlands within the Concord Zone II drinking water protection area are shown in terms of flow. In not showing any contours in the wetland's areas to the north, this avoids providing information as the contours shown on the document bend as to whether the groundwater flow also may be moving into the wetlands which are within the Concord Zone II protection zone and adjacent to the Concord White Pond drinking water well.

The groundwater contours need to be mapped for the entire portion of the property and into the marked wetlands property to the north on the map to show groundwater contours on all adjacent properties and the wetlands for Concord to have enough of a record on which to determine precisely how groundwater is moving in the vicinity of the proposed

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wastewater disposal associated with the proposed new Concord dwelling units. The wetlands property to the north are within the Zone II groundwater protection zone for the Concord White Pond wells. This required, reliable evidence is omitted from inclusion in Mr. Henchy's letter.

Given the Concord multi-year water shortage at the current time, Concord needs to have plans for protecting its water supply going forward. Concord needs to have a Wellhead Protection Plan for the Concord White Pond well and an up-to-date Contingency Plan for providing adequate water service for Concord. The maps attached to Mr. Henchy's letter on behalf of the developer do not show any Zone I groundwater areas designated to protect the Concord White Pond well. More information is needed on these matters before any decision can be based on evidence. We urge that Concord work with the applicant to get this information from an independent consultant acceptable to the Town of Concord. This will enable Concord Boards to make informed, supportable decisions based on data that is accurate and in which all parties have confidence.

**In Summary, we believe the above information be collected so Concord can make decisions on current and independent data. Irrespective of this requested data, WPAC sees no reason the additional six proposed homes would not also be served by the same state of the art wastewater treatment system that was put in place for the 274 other new dwelling units in the development. "Best practices" in this situation where the developer is already constructing a wastewater treatment system for 274 units it is developing at this project, to include handling the wastewater of these six additional proposed units.**

Respectfully,

White Pond Advisory Committee (WPAC)

Beth Kelly Co-Chair  
Josh Galper Co-Chair  
Cheryl Baggen  
Jim Ricker  
Jeff Parker

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## Attachment A: Email sent September 13, 2022 from Mr. Bill Henchy

**From:** Bill Henchy <[whenchy@henchylaw.com](mailto:whenchy@henchylaw.com)>

**Sent:** Monday, September 12, 2022 3:01 PM

**To:** Elizabeth Hughes <[ehughes@concordma.gov](mailto:ehughes@concordma.gov)>; Delia Kaye <[dkaye@concordma.gov](mailto:dkaye@concordma.gov)>

**Cc:** Christopher Claussen <[cgclaussen@gmail.com](mailto:cgclaussen@gmail.com)>; Matthew Leidner P.E. <[matt.leidner@cdgengineering.com](mailto:matt.leidner@cdgengineering.com)>;  
Christopher Kennedy <[chris@northbankandwells.com](mailto:chris@northbankandwells.com)>; Joseph 2021 Hakim <[josephehakim@gmail.com](mailto:josephehakim@gmail.com)>

**Subject:** Quarry North Road LLC--PRD Application for Special Permit

Dear Elizabeth—

Please find attached correspondence for the Planning Board and the ZBA regarding this matter. The correspondence is responsive to the public comments regarding potential impacts to White Pond and the White Pond wells from the proposed six Title-V compliant septic systems proposed.

As detailed in the attachments to the letter- the direction of groundwater flow across the site is to the East and Southeast, away from the wells and White Pond, which are both well over 1,000 feet to the North and Northwest.

Do you have an address where I might email a copy to the White Pond Advisory Committee or its Chair?

Thank you,

Bill Henchy