

Note regarding the meeting with SC Judge Goodwin

Tue, Feb 8, 12:32 PM
(3 days ago)

Ed Burt <eburt.hd@gmail.com>

to Brian, Peter, David

Hi Brian,

While representing the Town of Hopedale at tomorrow's meeting with Judge Goodwin, please ensure that the Water & Sewer Commissions concern related to the current water supply is properly understood.

Attorney Durning's recent letter to the Land Court included two bullet points to this effect, copied below. Also attached are two W&S Commission documents; one from early in the Right of First Refusal process and the other a more recent letter regarding the impact of land clearing within the watershed.

The W&S Commission has been consistent in the position that the best way to protect the current, and future, water supply is for the Town of Hopedale to own the 364 West St property.

If you have any questions, or need any further information, please do not hesitate to contact me.

Thank you,
Ed Burt
Hopedale Water & Sewer Commission

(4) The Town has a significant public interest in protecting its municipal water supply. The Chapter 61 Land is hydraulically-upgradient of all of Hopedale's public water supply sources and provides an important buffer for protection of the Town's public water supply wells. It is also the only optimal location for siting a new public water supply source in the Town, and ownership of the Chapter 61 Land would ensure that future land uses on the parcel are consistent with water supply protection and would not adversely impact groundwater quality. See also *New England Forestry Found., Inc. v. Bd. of Assessors of Hawley*, 468 Mass. 138, 151 (2014) (“[P]roperly preserved and managed conservation land can provide a tangible benefit to a community even if few people enter the land ... [F]orest land ... regulates and purifies the fresh water supply by stabilizing soils that store water over time and filter contaminants.”).

(5) Development of any part of the Chapter 61 Land requires site work and tree clearing activities that would irreparably alter the Chapter 61 Land and impair the benefits it provides for protection of the municipal water supply.