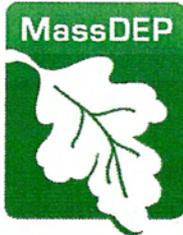


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Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

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CHARLENE M. HINTON

May 14, 2015

Carlisle Board of Health  
66 Westford Street  
Carlisle, MA 01741

Re: Carlisle-100 Long Ridge Road  
Water System Determination

Dear Board Members:

The Massachusetts Department of Environmental Protection ("the Department") confirms receipt of the April 24, 2015 letter sent by Thomas J. Harrington, Town Counsel, on behalf of the Carlisle Board of Health ("Board"), in which the Board requests a written determination from the Department as to whether the drinking water supply wells ("Wells") for the proposed residential condominium development to be known as "The Birches" at 100 Long Ridge Road in Carlisle ("The Birches Condominium") constitute a Public Water System, as such term is defined under 310 CMR 22.02 of the Drinking Water Regulations ("PWS").

The Department met with Board members William Risso and Lee Storrs, Board Agent Linda Fantasia, Attorney Harrington, Jeffrey A. Brem, Manager of the project proponent Lifetime Green Homes, LLC ("Proponent"), and Proponent's counsel, Douglas C. Deschenes, on November 17, 2014. At the meeting, the Department stated that it considers the Wells a PWS until Proponent demonstrates otherwise, and that Proponent will be afforded the opportunity to make such a demonstration. The Department has not changed its opinion on this matter.

The definition of PWS under 310 CMR 22.02 includes the following: "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." Such a determination by the Department is in part based upon whether exclusive ownership and control of the wells, including the right to operate, maintain, upgrade, or replace the wells, and any easements necessary in connection therewith, are held by the owners of the units served by the respective wells. If the condominium documents and plans creating the

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Carlisle Board of Health

May 14, 2015

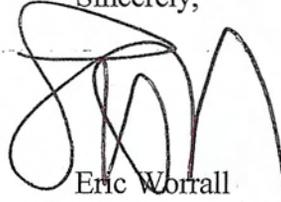
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condominium pursuant to M.G.L. ch. 183A (collectively, "Condominium Documents") establish that exclusive ownership and control of the wells, and any necessary easements in connection therewith, are held by the owners of the units served by the respective wells, then, after taking into account the risk to public health, the Department may determine that the wells are a private water supply system.

Accordingly, in order for the Department to be in a position to make a determination as to whether the Wells constitute a private water supply system, it would be necessary for the Proponent to submit to the Department for its review and consideration the Condominium Documents creating The Birches Condominium.

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

Sincerely,



Eric Worrall  
Regional Director  
Northeast Regional Office

cc: DWP/Boston Office  
Representative Cory Atkins  
Senator Michael J. Barrett  
Carlisle Board of Selectmen  
Carlisle Conservation Commission  
Carlisle Town Administrator  
Carlisle Zoning Board of Appeals  
Jeffrey A. Brem, Lifetime Green Homes, LLC  
Douglas C. Deschenes, Esq.  
Thomas J. Harrington, Esq.  
James Persky, MassDEP/NERO