



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



October 31, 2019

Wrentham Conservation Commission
79 South Street
Wrentham, MA 02093

Re: Installation of Water Main

Dear Commissioners,

The Massachusetts Department of Transportation (MassDOT) proposes to install a water main to connect residences on Bennett Street in Wrentham to the town's public water supply. This action was a result of private well contamination by salt used on I-495 for winter maintenance of the interstate highway. The new water main will be constructed under existing roads, driveways, and developed areas. MassDOT's subconsultant, TRC Companies, Inc., has flagged and surveyed jurisdictional wetlands between I-495 and Bennett Street, north of Bennett Street, and west of the north/south portion of Bennett Street. The proposed work entails the installation of approximately 4,600 linear feet of a new 8-inch ductile iron water main within areas either covered by impervious surface (driveways/roadways) or lawn. Approximately 960 feet of the new water main will be installed within 100 feet of wetland resource areas. Prior to any ground disturbing activity adjacent to wetland resource areas, erosion controls will be implemented to prevent sediment from reaching wetland areas. Immediately following construction, all disturbed areas will be restored to their prior condition. See the attached site plan.

A 100-foot buffer zone extends from the delineated wetland line. The proposed work will occur within this buffer zone. However, it is considered exempt activity. According to Massachusetts Wetlands Protection Act regulations, 310 CMR 10.02 2.b., certain activities are exempt from requiring a permit, including the following:

"310 CMR (b)(2)(i) Installation of underground utilities (e.g., electric, gas, water) within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway and that all trenches are closed at the completion of each workday;"

The Town of Wrentham requires a permit to conduct certain activities within 100 feet of jurisdictional wetlands under the Wetlands Protection Bylaw (Article 7.31 in the Wrentham General Bylaws). Portions of the proposed water main fall within the town of Wrentham's jurisdiction, as they are within the 100-foot regulated buffer, though there are no direct impacts to wetland resource areas. However, the MassDOT Highway Division, as an agency of the Commonwealth, is exempt from local authority or regulation pursuant to the doctrine of sovereign immunity. The imposition of local bylaws and fees fall under this general principle, the support of which may be found in state statutes, opinions of the Attorney General, and case law. As such, MassDOT is not subject to the requirement to obtain a permit from the town under the town bylaw. Please contact me if you have any questions or concerns about the proposed project.

Respectfully yours,

Susan McArthur
Wetland Supervisor, MassDOT

Cc: Laurene Poland, MassDOT
Vicki Chase, TRC Companies, Inc.

Attachments: Site Plan