

September 13, 2007

Zoning Board of Appeals
Town of Southampton
P.O. Box 276
Southampton, MA 01073

Reference: Gilbert Road "Common Driveway"

Dear Chairman:

I am writing you on behalf of the Barnes Aquifer Protection Advisory Committee (BAPAC) to provide our comments regarding the "common driveway" constructed off Gilbert Road in Southampton on the property of Edward H. Gwinner Jr. BAPAC is composed of representatives from the four jurisdictions in which the Barnes Aquifer is located. The committee was created in 1989 to address developments of regional impact that are proposed within the aquifer to ensure that drinking water resources remain safe for the more-than 60,000 people that it serves.

Mr. Gwinner and his son attended the September 11, 2007 BAPAC meeting and presented a plan of the 1,300' long so-called common driveway constructed to access 12 lots planned for residential development. Mark Girard of the Southampton Planning Board presented a copy of the July 16, 2007 Zoning Board of Appeals decision regarding Mr. Gwinner's request for a variance.

BAPAC is an advisory committee whose role is to review proposed design plans and provide comments geared toward seeking maximum protection of the Barnes Aquifer in terms of water quality and quantity. The plan presented by Mr. Gwinner did not include any systems for stormwater treatment or infiltration. Therefore, BAPAC has the following general recommendations for consideration:

- Best Management Practices (BMPs) should be constructed to capture runoff from the road, remove contaminants such as petroleum, salts, and heavy metals, and infiltrate clean recharge to the ground.
- A gate valve should be installed prior to the recharging BMP so that in the event of a release of a hazardous material, the recharge BMP can be separated from the system to prevent the hazardous material from contaminating groundwater.
- Roadways should be bermed so that all road runoff is directed to the treatment BMPs and does not sheet flow onto open areas where it can infiltrate untreated.
- Alternatives to sodium chloride should be used for ice and snow removal to prevent salt contamination of the aquifer.
- An Operation and Maintenance Plan should be developed and adopted by the homeowner's association for the BMPs. Annual reporting should be submitted to the Southampton Highway Department for review.

Additionally, the project should adhere to all applicable provisions of Southampton's Water Supply Protection District Bylaw and the recently adopted Erosion and Sediment Control Bylaw.

It also appears that this project should have sought a Construction General Permit from EPA under the federal regulation popularly known as NPDES Phase II Stormwater. All projects, private, public or other, that disturb one acre or more of land during construction must seek a NPDES Construction Permit from DEP/EPA. The Southampton Highway Department should be able to instruct Mr. Gwinner on how to file a Notice of Intent with DEP/EPA for a Construction Permit. Please be advised, this project is already in violation of this federal regulation and should seek compliance immediately. The primary requirement of the Construction Permit is a Stormwater Management Plan. This same Stormwater Management Plan should be sufficient for submittal to the ZBA, Conservation Commission, Planning Board, BAPAC and DEP/EPA for all permitting needs having to do with stormwater management.

In addition to the Southampton Highway Department providing guidance about seeking a NPDES Construction Permit, Mr. Gwinner's engineer Mark Reed at Heritage Survey should also be knowledgeable about the requirements of the NPDES Construction Permit. BAPAC has reviewed plans developed by Mr. Reed on several projects. Given his past interactions with BAPAC, Mr. Reed should also be very knowledgeable about BAPAC's recommendations for protecting the aquifer.

Please feel free to contact our BAPAC facilitator Anne Capra at the Pioneer Valley Planning Commission at (413) 781-6045 if you have any further questions.

Sincerely,

Charles Darling, Chair

cc: Edward H. Gwinner, Jr.
Mark Reed, Heritage Survey
Mark Girard, Southampton Planning Board
Edward Cauley, Southampton Highway Department