

Dear Chair Slavin and members of the Commission,

Please include these public comments in the administrative record for the above matter.

These comments are submitted on behalf of Community Land & Water Coalition (CLWC) and its members who live, work and recreate in Wareham.

For the reasons stated by me on behalf of CLWC at the last public hearing on this matter on October 4, 2023, CLWC urges the Commission to deny the Notice of Intent. Those comments are incorporated by reference herein.

First and foremost, at the October 4, 2023 public hearing on this NOI Commission has received credible eye witness testimony that the Project locus is a potential Superfund - [Chapter 21E](#) site. This testimony can be viewed on the recording of the hearing.

On October 4, 2023, the Commission heard testimony about the disposal of "barrels", vehicles and of dumping on this site. One witness testified that vehicles were driven into the gravel pit pond for disposal. The witness reported to you that this pond is estimated to be 100 feet deep. Other witnesses testified that equipment was abandoned on site. The testimony presented to the Commission established that there is a release or threat of release of hazardous materials that mandates notification under the state Superfund law. A landowner must notify MassDEP of such [a release under state law](#).

CLWC requests that the Commission immediately notify MassDEP of the testimony it received at the last hearing regarding the potential threat to the public health, safety and welfare at this site. This includes threats to the drinking water supply for the Plymouth Carver Aquifer area. The Aquifer is protected under Federal Law by the Safe Drinking Water Act. The state's drinking water regulations are at 310 CMR 11.00. **The Wetlands Protection Act and the Town's Wetlands Bylaw require the Commission to protect private, public and groundwater supplies.**

This project requires a complete hydrological investigation, Chapter 21E investigation by a licensed site professional and an investigation into whether the decades long sand mining operation deprived the Town of Wareham of Earth Removal Fees.

The Commission should order the applicant and the landowner to fulfill any and all obligations under the state Superfund law before proceeding any further with this "cluster development" for residential housing on the shores of an unstable gravel pit pond. Current and future residents should not be put at risk by exposure to potentially contaminated groundwater. The project is proposed to use private on site wells.

Margaret E. Sheehan, Esq.