

To: Rockport Planning Board

Re: Questions about the Richardson, LLC subdivision application submitted for Planning Board consideration on 6/24/21

We have the following questions:

1. **What is the Planning Board's assessment of the legal agreement stated in the *Warranty Deed with Covenants between Richard Nightingale and the Bavassos (found in R_Richardson_LLC_Applicant Submission.1.pdf, 7th section)*.** It states "*Use of the above-described access and utility easement is appurtenant to and is limited to a maximum of four lots that may in the future be located northeasterly of the premises being conveyed.*"? This would indicate that only 2 lots could be developed with access from Terrier Circle since there were 2 lots northeast of the easement, now accessed from Lexington Lane (now combined into one, referred to as lot 4 or lot A) that would have been included in the total of 4, at the time that the legal agreement was drawn up in 2005 (see map in R_Richardson_LLC_Applicant Submission.1.pdf).

As stated during the May 27th planning board meeting, we are concerned about any potential negative impact on the ground water supply to our wells by further development in the vicinity of Terrier Circle. This is especially true given the recent years of drought. Items 2 and 3 below pertain to this.

2. The Rockport Land Use ordinance, section 6.3.D.7.C, states "*When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a hydrogeologist familiar with the area and/or evidence from wells on a minimum of three adjacent properties*". The letters submitted regarding well water appear to be inadequate. The Munroe letter gives recollections from the year 2000 by the former business partner of Richard Nightingale, and the statements from the Wongs and Bauschs are from distant, non-adjacent properties (1/4 and 1/2 mile away, respectively). Richard Nightingale's letter is obviously compromised by a conflict of interest. Importantly, none of the letters provide evidence, only unsubstantiated claims. This also applies to the letter from Hatch Well Drillers. **What is the standard for evidence concerning well water quality and supply, and do the above letters meet that standard?**
3. The Rockport Land Use ordinance, section 11.12.A.1, p 11-7, in the section titled *The Proposed Subdivision will not, alone or in conjunction with Existing Activities, Adversely Affect the Quality or Quantity of Ground Water* states "*When a hydrogeologic assessment is submitted the assessment shall contain at least the following information.*
 - a. *Map showing basic soil types*
 - b. *The depth to the water table at representative points throughout the subdivision*
 - c. *Drainage conditions*
 - d. *Data on existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties*
 - e. *An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate nitrogen concentrations at any wells within the*

subdivision; or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

- f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.*

The ordinance further states that *“Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual precipitation).*

Please tell us where the information for parts b, d, e, & f is in the application. The document from Gilchrist shows soil types but not water table depth, ground water quality data, or any information about the rest of the above.

4. The Rockport Land Use Ordinance states in section 5.7, p.5-2 *“Caution. Developers are cautioned that the following activities are prohibited until a proposed subdivision has been reviewed and approved by the Board: Construction of streets; cutting of trees (other than thinning); grading of land or lots; offering or advertising lots for sale.”*

A great deal of grading of land and clear-cutting of trees has been done in this parcel of land.

What is the position of the Board on whether these activities are in compliance or in violation of this ordinance?