

BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

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November 20, 2017

Francis Faulkner Room 204

Special Meeting 7:00 PM

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DEC 19 2017

TOWN CLERK
ACTON

Present: Janet K. Adachi, Katie Green, Joan Gardner, Chingsung Chang, Peter J. Berry, Assistant Town Manager Mark Hald, Special Counsel Jeff Roelofs. and Lisa Tomyl, Recording Secretary

Remand Hearing on the Concord Water Treatment Plant Decision

Ms. Adachi gave an overview of the meeting's order of events and guidelines. Mr. Roelofs presented a brief history of how the draft decision was worked on in both sessions with Concord. Land Court has remanded back to the board on the draft decision to work out an agreement. Explained the hearing is just on the modification in the language of the decision. He noted that some of the previous language may have been omitted. Noted that the subject of water withdrawal is not part of the original application – only the proposed building. Outlined some of the conditions brought up in the negotiations regarding land access and water supply to rt. 2A and the legal authority required in the zoning enforcement. This is a zoning bylaw decision.

Representing the Town of Concord is Special Counsel Peter Durning, some members of the Concord Selectboard, and Concord Water Commissioners. Mr., Durning gave the presentation and also gave a background of the previous 9 meetings of some members of Concord, and also of Acton over the past 4 months. Went over points of zoning, providing water to 2A, and that the BOS take into consideration when making a decision regarding the treatment facility. Discussed the conditions restricting the water withdrawal amounts and how Acton does not have the legal status to enforce such a decision. Summarized separate sections and the agreement on the language and requirements by Concord.

Representing Acton Water District is Matt Mosteller, Chris Allen, and Commissioner Steve Stunz and other various members of Acton Water District. Mr. Stunz gave a presentation with AWD's position and recommendation for the Board of Selectmen. Mr. Allen gave an overview regarding Acton's current water capacity and practices and supply and demand both current and also future projection. Reviewed all of Acton's currently operating wells. Matt Mosteller – Environmental Control gave a presentation and overview about hydrology relative to the town wells. Explained that AWD does not believe that there is a connection between Nagog Pond, Nagog Brook and the current wells due to the porosity in a sand and gravel aquifer. AWD recommendation is for Concord to not have a monitoring program but a data sharing program and that would be a prudent compromise in the future. Talked about what the plan is for a catastrophic event that one of the wells goes down and what the contingency program in place – stated that they have conversations with neighboring towns about what to do in that event. Explained that a restriction is about conserving for the future – not over drawing issues have occurred. Ms. Green questioned about a statement in the beginning of the presentation – wanted to expand on

the Planning/building/zoning and AWD role – Mr. Stunz stated that they don't have anything to do with zoning. Also questioned if there is a formal system on the data on the current water level withdrawal that is available for the public – Mr. Mosteller stated he didn't know of any formal data, but more so in conversation with Concord. Mr. Berry asked about the withdrawal for Quail Ridge and is it still a 100 MGD or has it reduced. Mr. Mostellar stated he believes that it has reduced since the reduction of the golf course. Mr. Berry asked about Mr. Mostellar worked for Concord water and there are 2 intake pipes and if Concord intends to WD 1.2 MGD

Mr. Chang asked where the location of the USGS and how that may impacted by its location – located north of Nagog Brook and has no bearing. Senator Jamie Eldridge, 264 Arlington St. spoke as a resident of Acton regarding the amended decision. Concerned regarding climate change and drought conditions. Frustrated about water management act from the 1980's. Hope BOS and residents understand the water districts are working to oppose the water management act. Hopes the BOS consider the current condition and the state of the state.

Carolyn Kiely, Quail Ridge, gave an oral presentation regarding the amended decision, urging the BOS to consider denial of the decision and SPSP application. Mentioned how it is a zoning permit. Suggested that Concord choose the 100% green renewable energy as in Acton Power Choice and made suggestions to the Board about amending the provisions of the decision. Ask Carolyn for a copy of her written testimony.

Robert Sekuler, 17 Parkland Lane – spoke on procedural points – mentioned paragraph 3.2.16 states that after the hearing the Board can change the decision can there be change without a public hearing – feels that is very disturbing and hopes that language is incorrect. Is requesting that the Board follows the December 15th deadline instead of the November 27th deadline.

Barry Elkin, Skyline Drive – agree with Carolyn Kiely – section 3.3.6 prohibits delivery – limits Concord's responsibility for its vendors being informed about the delivery restriction requirements. Concerned that Concord will not follow through with the decision requirement and recommends the section be restored back to the original wording of the decision. Also section 3.3.10.

Dr. Peter Shanahan, OARS, 128 Nonset Path – summarized a letter from the Director of OARS. Gave a summary about water temp in stream and rivers – talked about ground water that hits warm pavements runs off into the river and streams affecting many different fish species. Also about lowering elevation for the pond will result in less cold water flowing into the pond. OARS recommends the BOS to include the requirement of water/stream monitoring into the language of the decision. Mr. Berry questioned about his suggestion about monitoring the streams and brooks vs. what is listed in the decision. Asked if he reviewed the environmental impact report related to this permit -

Ms. Adachi wanted clarification on the actual daily withdrawal amounts and what the lower level intake is. Alan Cathcart gave a brief explanation that the whole purpose of the project is to improve the quality of drinking water – that is the main goal. Dewatering does not serve any purpose. Peak withdrawals is 1.5 MGD per day – average day is about the quality and quantity available. Only intention is the 1.5 on a max not to be utilized for a daily draw amount. More like 800 K GPD.

Kim Kastens – gave a presentation listing documentation against the construction of a new water treatment plant. Presented historic water withdrawal records from the Town of Concord. Ms. Adachi questioned about the finding of the scientist about the projections at 1.5 MGD – she stated that in the

drought record a draw rate of 1.5 MGD the data was based on the drought of the 1960's the reservoir would have failed but only temporarily. No other projections that were done based on other withdrawal rates (.86-1.0). Alan Cathcart – asked about the date of the document (2011) he summarized and followed up Kim's presentation.

Lucy Kerchner, Barker Pond – gave a presentation regarding the double intake pipe.

Jim Snyder-Grant, 16 Half Moon Hill – Spoke on behalf Green Acton – urges BOS to vote no on the treatment facility citing that it does not follow the 2020 Master Plan. Read from a statement and urged the BOS get into conversations with Littleton and Concord for future usage.

Steve Long – works at the state level on water management act.

Ron Beck, - submitted a written statement and hopes that the Board will have time to review it prior to making a decision. Gave background of his credentials and a summary of his written statement.

Requests to put in a requirement to have access to the land (owned by the Town of Concord).

Alan Fierce, Stow MA – requests to require monitoring

Malcolm something Parker Street – made a comment about Concord getting rights to Lincoln's Sandy Pond and that it took 10 years for Lincoln to be able to draw from Sandy Pond after a severe drought in the early 1900's.

Judy Gromwell, Parker Street – concerned about 1-4 dioxane and the threat to Acton's wells and would like to see Acton withdrawing from Nagog Pond

Kim Kastens – made comments about the Fairhaven case and the water management act.

Terra Friedrichs – commented on the pollution about the plume and our wells are overworked and stressed and need to know what the rate and the risk and how Acton needs Nagog Pond.

Chris Allen – addressed the dioxane issue – they have engaged other parts of town and the best access for Nagog pond is to purchase it from Concord after it was treated than build a large water treatment facility.

53 Skyline Drive – commented on the presentation of Concord. Every comments heard about environmental impact has come from Acton residents and not from Concord.

Norm from Alcott Street –

Peter Durning, Concord Special Counsel – commented that there have been many other hearings that covered many aspects of environmental impact studies and have conformed to such requests.

Mr. Roelofs described to the BOS of 3 options – continue the hearing, keep it open and start deliberations, set a date later to deliberate while keeping the hearing open to have questions answered. Ms. Adachi approves to keep the hearing open and accept any more information.

Ms. Green agrees to continue hearing only for information requested by BOS member and seek information as needed be but no additional public comment.

Mr. Chang needed clarification if the vote is to accept the new modifications or all modifications in the decision.

Ms. Green move to continue to November 29, 2017 at 7:00 PM in 204 limiting comments for the BOS, Mr. Chang second, all Ayes (5-0)

Mr. Chang move to adjourn, Ms. Green second all Ayes (5-0))

Respectfully submitted,

Lisa Tomyl
Lisa Tomyl, Recording Secretary

Joan Gardner
Joan Gardner, Clerk