

BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

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November 29, 2017

Francis Faulkner Room 204

Special Meeting 7:00 PM

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DEC 19 2017

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

Remand Hearing on the Concord Water Treatment Plant Decision – Ms. Adachi read the public hearing notice of continuation. Ms. Adachi reminded the audience that there would be no public comment accepted and gave the order of the hearing. Mr. Roelofs went over some components of the public hearing. Focus on modified decision. Each BOS member must either vote yes to modification or no. Will need 4 yes votes out of 5. If no, the 2 options can end the proceedings and everything goes back to land court, or continue deliberation and alter the language at another hearing. In the end, need a vote to motion to close hearing and discuss notice of decision – reminding we are under a decision deadline and if needed an extension agreement. Ms. Adachi went right into the modified decision page by page. Ms. Green went over the 3.3.4 archeological resources and feels the Board accepted the modifications. Mr. Berry stated the HS has their own person with section 106 and contacted the Mass Historical Commission and discussing these issues and will be discussion and communicating with MHC regarding the dewatering period if there are any significant artifact findings. Mr. Berry returned to page 14 on 3.2.4 regarding a foot path – we cannot require Concord to have access on their property. Ms. Adachi continued going over the deletions and the modifications. Commented on the deletion of the 3.3.7 monitoring program and how the BOS has no legal strength on enforcing the monitoring and that it is more a zoning issue.

Ms. Green summarized the draft decision and would like to thank everyone who has been involved through the entire process. Input has not gone unheard throughout the hearings and that this is about the SPSP and is a zoning issue. Summarized about the points about outside of the zoning issue. Comments from the previous hearing about impact of Concord's increase use of Nagog Pond and the downstream impact. Encouraged those involved to stay as activists moving forward. Encouraged communication with town staff and its officials. Feels we would not prevail in a denial of the permit. Feels comfortable to what the Board has agreed to and would vote to approve the modified changes.

Mr. Chang commented the modified decision is better as a zoning decision and would like to have 2 votes one for approving the modified decision, a second on the whole the decision with the proposed decision.

Mr. Berry requested to hear from OARS and suggested some monitoring that could be put in Nagog Brook.

Peter Shanahan, Nonset Path and a member of OARS was invited to the microphone for clarification of the proposed monitoring to Nagog Brook. Many of the monitoring station have been done for monitoring the temperature (of the brook) and suggested that there should be monitoring about how much water is released over the dam. This would help understand what is happening to the brook. That information can be used for the future.

Ms. Adachi asked about the monitoring to Concord and their response. Peter During acknowledged all the time and energy on the hearings. There is a limit to what the Board can do to control the withdrawal levels. Thinks there are avenues for public groups to monitor but to impose the terms for Concord to monitor they (Concord) would not accept it.

Mr. Berry commented that residents will be disappointed that he will vote to approve the modified decision. Feels the SPSP is in line with the Master Plan.

Ms. Gardner commented on that she was not involved with the public hearings – concerned about impact in the neighborhood. Recognizes it is a zoning decision and not a water withdrawal issue. Feels there are many unknown of the impact of the facility.

Ms. Adachi commented that she was prepared to approve the modified decision. Appreciate the amount of engagement this has brought to the town with water issues.

Mr. Chang explained his view of his request for the 2 votes and about the original decision and the modified decision. Acknowledges that this is a zoning issue. Discussed his views and feelings regarding 3 issues – one that the site is appropriate for a water treatment plant, that when it was permitted in 1995 it was built in a remote area, and now there are substantial (housing) developments in the area. Trying to keep up with him is very difficult – he is against the large facility is appropriate for the neighborhood. Is the facility injurious to the neighborhood – elaborated that the neighborhood that abuts the property clearly uses the surrounding area with passive recreation. Feels the decision does not in line with the master plan.

Ms. Green moved to close hearing, Mr. Berry second, all ayes (5-0) Ms. Green moves to approve modified decision SPSP #11/20/15—459, Mr. Berry second, (3-2) (Chang, Gardner).

Ms. Green moves to adjourn, Mr. Berry second. Meeting adjourned at 9:30 PM.

Respectfully submitted,



Lisa Tomyl, Recording Secretary
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Joan Gardner, Clerk