

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton MA  
Monday, February 10, 2020

**AGENDA**

- A. Comments from Citizens
- B. Approve Minutes of January 27th Meeting

C. OLD BUSINESS:

- 1. Discussion of the District's Role in Future Wastewater Treatment Planning
- 2. Land Lease with Baldco, Inc.
  - Lease for 104 Powdermill Road-Rear (Parcel I3-136-1)
- 3. Update on the Central Acton Water Treatment Plant Project

D. NEW BUSINESS:

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

EXECUTIVE SESSION:

To discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position of the District.

**Present at Tonight's Meeting:**

Commissioners: Stephen Stuntz (Chair), Erika Amir-Lin, Barry Rosen  
District Manager: Chris Allen  
District Treasurer: Mary Jo Bates  
District Counsel: Mary Bassett  
Environmental Manager: Matthew Mostoller  
Finance Committee: Bill Guthlein  
Commissioners Secretary: Lynn Protasowicki

WRAC: Ron Parenti  
Green Acton: Lucy Kirshner

Citizens:

Louise Gerhart, 22 Grasshopper Lane  
Jennifer Philion, 24 Grasshopper Lane  
Chester Li, 26 Grasshopper Lane

The Board of Water Commissioners' meeting was called to order at 7:00PM on Monday, February 10, 2020 at the Acton Water District office by Mr. Stephen Stuntz.

**A. Comments from Citizens:**

All 3 citizens attending have a shared interest around the Conant I and II Wells. Ms. Louise Gerhart provided a handout to the Commissioners that outlined the background of the deed restriction and the current status of the proposed plan to build an additional 93 parking spots at Associated Environmental Systems (AES) at 8 & 10 Post Office Square by Peter Central LLC, which would be adjacent to her home at 22 Grasshopper Lane.

Ms. Gerhart mentioned that she purchased her home at 22 Grasshopper Lane prior to the Conant wells being built. There is a deed restriction on the Gerhart Property for Conant II pumping station which is still in effect. The deed restriction states no cutting trees within 100 feet of her property and no constructing of a building behind her lot.

At November 2019 initial Notice of Intent (NOI) hearing with Acton Conservation Commission which they overlooked the original deed restriction on 10 Post Office Square, and she objected to the plan. A revised plan has not been submitted since that hearing.

She mentioned that a Boston attorney representing AES contacted her to renegotiate the deed restriction, but she declined.

There are a number of obstacles about which she and the other abutters have significant concerns; including historical evidence of groundwater contamination; snow removal; pollution of Groundwater Zone District II; and open space exceptions.

In a continued Conservation commission hearing, because it's a continuation, abutters do not need to be notified. There is no requirement to notify.

Mr. Li stated that there would be issues with a revised plan and people would need time to digest what they are proposing. Basically, they want to tear out all these trees and potentially impact an aquifer to put in this parking lot.

Ms. Gerhart stated that the Design Review Board looked at the plan and unanimously recommended against it.

Ms. Phillion states that they haven't come back with their revised plan.

Barry: 175 to 260 spaces - did you determine if it's for employees or renting a quarter of the building?

Jennifer: they have plenty of parking spaces.

Barry: at Town Meeting, as part of the property tax incentive, it was voted such that AES would occupy the entire building. AES was supposed to occupy entire building and offer school district bus parking.

Ms. Gerhart mentioned that in the application it says that they need parking for the CASE Collaborative. Mr. Li doesn't understand why they need more parking as abutters have visited the parking lot during different times of the day and its never full.

Mr. Mostoller mentioned that in the new proposal they will need to lose about a 1/3 of the proposed parking spaces to accommodate deed restriction.

Mr. Allen stated that in October 2019, the District provided comments expressing concerns about what they were proposing. It is not clear as to why they need an additional 93 parking spaces. We are still waiting on the revised plan.

Ms. Gerhart asked if the Water District would write a letter expressing their concerns about this project. Mr. Allen stated that they did express their concerns in October 2019. Mr. Stuntz stated that we have no reason to get involved right now as we expect to be notified when there is a new proposal submitted.

Ms. Phillion stated that it looks like the District has the same concerns as ours.

Mr. Li asked that if a revised plan comes through would the District please notify us. Mr. Allen stated that he will.

**B. Approve Minutes of January 13th Meeting:**

Mr. Stuntz motioned to approve the minutes of February 10, 2020. Ms. Amir-Lin seconded, and it was unanimously approved by all.

**C. OLD BUSINESS:**

*1. Discussion of the District's Role in Future Wastewater Treatment Planning.*

Enclosed in tonight's packets to the Commissioners is an email from Mr. Ron Parenti to the Water Resources Advisory Committee (WRAC) regarding wastewater management in town and the District's role therein. Mr. Parenti stated now that at the fall Special Town Meeting voters opposed funding a new sewer extension into West Acton. However, some citizens are concerned about aging individual septic systems and their potential impact on water quality. The WRAC has decided to take on the task of evaluating a set of wastewater management options that they can then present to the Board of Selectmen.

Mr. Rosen explained that when the pumping company investigates the septic system and doesn't see three layers then he should report to the owner that there is a possible failure.

Mr. Mostoller mentioned that when an owner has a cesspool and it still functions properly, it will pass Title V.

Mr. Parenti mentioned there are citizens who feel that Town should have more restrictions/enforcement on septic pumping than what is currently being done.

Mr. Rosen noted that the septic pumping companies must pay a filing fee with the Town to pump individual septic systems.

Mr. Parenti stated that WRAC wants to know what will happen in the future now that the proposed expansion of the current sewer district has been voted down in Town. Would it be wise to have a higher level of management to enforce pumping every year? He proposed at the last WRAC meeting making it voluntary, but then have an incentive. Pay into an "Insurance fund" and when it comes time to have their septic system replaced the town could help. WRAC plans to put together a proposal to address with Selectmen; some kind of management system. Unless the District thinks it's important, then it probably would never pass. In Mr. Parenti's opinion, any strategy that is proposed would need the backing of the District to have any chance of passing. He's asking the District to join in the discussion, and to provide more input than is currently being offered.

Ms. Amir-Lin stated that without a policy or enforcement from the top down, people will keep managing their wastewater the way it's always been done. Hope that whatever WRAC compiles for information that it will be sold to homeowners as to what the advantages are to them. She suggested that if it is sold from an environmental preservation aspect, she thinks people would be willing to comply with it.

Mr. Mostoller stated that the District potentially would most likely recommend that it not be a voluntary program, but more of a targeted trial. And that the District's role would be to get involved in managing a subset of the system that the District could benefit from. The belief is that the more targeted, the more buy-in. If the program is nebulous without cause and effect, you will lose buy-in. Mr. Stuntz agrees.

Mr. Parenti stated that in closing WRAC will investigate additional restrictions on what is being done on individual septic systems. This is something that Ron Beck has been thinking about for a long time. The

WRAC will investigate what other towns are doing. WRAC will compile information on what there are for managed systems and the costs associated with them. WRAC requests that the District be involved early in the process.

*2. Land Lease with Baldco, Inc.*

Mr. Allen reminded the Commissioners that at the last meeting the Commissioners agreed to delete Article 17 from the proposed Annual Meeting Warrant, which was for the long-term land lease extension for Baldco at 104 Powdermill Road-Rear. Mr. Stuntz moved to extend the current lease for one year with Baldco, Inc. Mr. Rosen seconded the motion and it was unanimously approved.

Enclosed in tonight's packets to the Commissioners is a proposal for an appraisal at this property. Mr. Rosen moved to go forward with the appraisal. Mr. Stuntz seconded, and it was unanimously approved.

*3. Update on the Central Acton Water Treatment Plant Project.*

Mr. Allen provided an update to the Commissioners on the Central Acton Water Treatment Plant project. He stated that the bids for Contract I (Treatment Plant) and Contract II (associated water main work) will be publicly opened on March 5th. The pre-bid site visit was held on January 29th. The survey for easements needed from AES were done on January 30th by Hancock Associates. Mr. Allen is awaiting a formal plan to present to the owner of AES for his review.

Other Old Business:

1. Mr. Allen provided an update regarding the Article 97 legislation related to the proposed solar arrays. The bill was sent to Senator Eldridge today along with a letter of support submitted by the District and an update - EDF Attorney re: Article 97 bill.

2. The appraisal of property at Knox Trail came in at \$340,000 fair market value for the entire 60-acres of 16 Knox Trail and 284 High Street.

**D. NEW BUSINESS:**

1. Mr. Allen informed the Commissioners that an Operator, Josh Richard, is leaving the District to go work for the North Chelmsford Water District. Josh has been with the District for five years.

**E. EXECUTIVE SESSION:**

*Mr. Stuntz moved to adjourn the open meeting at 8:22 PM and motioned to move into Executive Session at 8:22 PM to discuss strategy with respect to litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have a detrimental effect on the litigating position of the District and to reconvene in open session. Ms. Amir-Lin seconded the motion and it was unanimously approved by a roll call vote.*

Board of Water Commissioners  
693 Massachusetts Avenue  
Acton, MA 01720  
EXECUTIVE SESSION MINUTES  
February 10, 2020

Mr. Stuntz moved that the Commissioners enter into executive session at 8:22 pm, pursuant to MGL, Ch. 30A, sec. 21A (3) to discuss strategy with respect to potential litigation in the case of Town of Concord vs. Town of Littleton, as an open meeting may have detrimental effect on the litigating position of the District. It was seconded by Ms. Amir-Lin.

Roll call vote: Mr. Stuntz, aye, Ms. Amir-Lin, aye, Mr. Rosen, aye.

Mr. Stuntz also moved that after the executive session that the Board reconvene in open session.

Roll call vote: Mr. Stuntz, aye, Ms. Amir-Lin, aye, Mr. Rosen, aye.

Present:

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen

District Manager: Chris Allen

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Attorney Bassett informed the Commissioners that the purpose of this discussion was to provide an update on the January 27, 2020 Executive Session of the Board of Selectmen as summarized by Attorney Roelofs. The parties are waiting for the assembly of record which will then be followed by the remaining court schedule. Acton and Littleton met, and the Littleton Water Department is going to ask for a direct appellate review due to the Statewide import of the case. Both towns agree with this approach and do not feel that settlement talks with Concord are worthwhile at this time. The District will remain involved as a partner to the Town of Acton. Attorney Bassett is already reviewing additional relevant case material including the case forwarded to Acton by Terra Friedrichs.

Mr. Stuntz made a motion to adjourn the Executive Session and enter into open session at 8:40 pm. It was seconded by Ms. Amir-Lin.

Roll call vote: Mr. Stuntz, aye, Ms. Amir-Lin, aye, Mr. Rosen, aye.

Ms. Amir-Lin made a motion to adjourn the meeting at 8:40 pm. It was seconded by Mr. Rosen and unanimously approved.