

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton MA
Friday, May 1, 2020

AGENDA

OLD BUSINESS:

1. Discussion of the necessity of input from the District on the Town of Acton's Housing Production Plan (HPP)

2. Postponement of Annual & Special District meetings scheduled for 5/13

➤ Due to the Governor's extension of the Stay-at-home order through May 18th

Present at Today'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: Dave Butler

Commissioners Secretary: Lynn Protasowicki

Citizens:

Kim Kastens

David Martin

Alissa Nicol

Due to the COVID-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was not held at the Acton Water District office instead the meeting was held via a video conference using Zoom. The meeting was called to order at 2:15PM on Friday, May 1, 2020 by Mr. Stephen Stuntz.

OLD BUSINESS:

1. Discussion of the necessity of input from the District on the Town of Acton's Housing Production Plan (HPP)

Mr. Stuntz stated that Mr. Rosen has written a draft statement that he would like to send to the Board of Selectmen commenting on the Town of Acton's Housing Production Plan (HPP) and he wanted to know if the District should comment. Mr. Stuntz stated that the District should

comment only when there is a policy set that impacts the Acton Water District (AWD). The purpose of the HPP is it “identifies the housing needs of the community and it’s goals and strategies it will use to identify and achieve the 40B 10% threshold”. There are things in this plan that the District can think about. If we were to comment could support, correct errors, or not comment. He feels no comments are appropriate to add when there is no purpose to the AWD.

Mr. Stuntz added that as a Commissioner of the AWD, when any of us speak it will be taken as said by the Commissioners and not by a private citizen. Our comments will be taken out of contexts; on issues discussed it will be necessary to say how the other Commissioners have voted; on issues not discussed it will be necessary to say that the Commissioners have not discussed.

Ms. Amir-Lin stated that she agrees with comments as to how we speak we are perceived as one body and need to keep that in mind. She disagrees with first part that there are things in the plan that do affect us because this is the predecessor to what is going to become policy so to wait for it to become an enacted policy is too late because we may deprived an opportunity to be involved. She doesn’t think we need to make a full long memo but if we could agree on a short commentary that would be good. She believes that Mr. Rosen’s comments are very thorough. She stated that Mr. Mostoller pointed out some errors in the plan — the amount of town that is served by the Acton Water District and the reasons and methods that water bans are enacted. She believes that we must correct those factual errors because there are identified errors and we just can’t say nothing.

Ms. Amir-Lin asked Mr. Allen if a property is being rehabbed or reused are we able to assess a mitigation fee. Mr. Allen stated that yes, we can base upon prior and projected use.

Ms. Kastens had a process question – the document that Mr. Rosen wrote and that they are discussing is not available online. Mr. Allen stated it was being edited and was not made available ahead of time. She would like to have a copy while the discussion is taking place. It was emailed to all those on the Zoom meeting.

Mr. Allen did notice the 95 to 98% discrepancy. He also noticed that they did not mention Concord’s service area. That is a huge oversight.

Mr. Rosen mentioned that he sent an email last night to the Commissioners, but it ended up in his SPAM folder, so it did not go out as he thought. The HPP talks about changing zoning and he is thinking it’s a red flag. They discuss developing the Brewster Conant land and as Mr. Rosen points out it’s a Zone II and sensitive to the District and tried to work this into the document. He mentioned that Jon Benson (per their conversation) expects the ACHC and consultants are going to go through all the comments on the document and they’ll be another iteration. Jon Benson’s expectation was that after this next meeting there will be a going through each comment made by ACHC and consultant). Per Mr. Rosen, Mr. Benson was hoping to work in partnership with the District to construct a better document. Mr. Rosen stated that he believes it was an omission/mistake that the District was not included in this. If the District gives specific comments, it will help the ACHC to clarify the HPP.

Ms. Amir-Lin stated that if our general mission is being misrepresented then it requires commentary. This is our opportunity to be involved and to affirm our support for Acton having affordable housing but here is how we see the best way to serve you water. Mr. Mostoller stated that this is an important point — we looked at it as we aren't telling them not what to do but to think about these real issues. Ms. Amir-Lin stated that we aren't telling them how to make policy, but we are giving you help to make it more effective. Mr. Rosen agreed with Ms. Amir-Lin's statement.

Mr. Allen inquired as to whether the expectation is to have ACHC take the District's memo/comments and incorporate them into the HPP. Mr. Stuntz stated that the expectation is that this will be a guideline for the Selectmen to ask more questions to the ACHC. Ms. Amir-Lin stated that we are submitting comments in an advisory committee; this is a comment document to get their document better. Mr. Rosen agrees with Ms. Amir-Lin. He asked that if the Board wants to move forward on this, can we have an action item that he and Mr. Mostoller work on this over the weekend; the District has until May 4th to get these comments to them. He would rather not rewrite the letter on his own. Mr. Stuntz would like Ms. Amir-Lin to write it as she will add more balance to the document. She will work on it and get Mr. Mostoller's comments on the amended draft but would want Board approval before we send out to Selectmen.

Counselor Bassett asked if you have determined what the substance is then it can all go through Mr. Allen.

Mr. Stuntz suggested that if the memo states that in the spirit of partnership here are our comments to help make your HPP have more clarification with respect to water.

Mr. Rosen agrees that most organizations don't like comments; the Board of Selectmen would not have extended the opportunity to make comments if they didn't want them. If they extended the deadline for comments to May 4th then apparently there are some things that the Selectboard feels may still merit comment.

David Martin stated that this is the right time to comment on the document that affects the Water District. It is up to the BOS and Planning Board to filter/understand/merge-in the comments. He wants to hear the comments versus not hear them.

Ms. Amir-Lin inquired as to whether there is anything in Mr. Rosen's memo that he doesn't want in. Mr. Stuntz stated no. Ms. Amir-Lin asked Mr. Rosen if he is comfortable with a streamlined version of what he had proposed. He stated that he is fine with that.

Mr. Rosen motioned that the Board of Commissioners ask Ms. Erika Amir-Lin take the approved substance of the last memo dated April 30, 2020 and write a letter to the Acton Planning Board and Board of Selectmen on behalf of Commissioners to comment on the ACHC Housing Production Plan. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote

Citizen Alissa Nicol – she noted that the housing production plan is a 5 year plan not a 2 year plan.

Counselor Bassett stated that the final draft should be sent to the District.

2. Postponement of Annual & Special District meetings scheduled for 5/13

➤Due to the Governor's extension of the Stay-at-home order through May 18th

Mr. Allen provided an update regarding the postponement of the Annual and Special District meetings which are scheduled for May 13th. Due to the Governor's stay-at-home order now extended through May 18th, these meetings will need to be postponed. Will be required to postpone those 30 days per statute. Should we move the meetings to June 13th or another date?

He mentioned that the best case is to do both meetings the same day. Unfortunately, the Town of Acton Municipal Properties (MP) is not scheduling venues right now. He has spoken to Kim Gorman of MP and he can't get a venue for the District meeting.

Mr. Stuntz inquired as to where we are with Waterline. Mr. Allen stated that they plan to stay with us; they are very excited about the project. He has not communicated with Waterline since the new stay-at-home order. After bidding, Waterline submitted a letter holding their bid price through May 15th. That is now in jeopardy.

Mr. Stuntz suggested that we figure out if we can hold the District meeting in the District garage. Mr. Allen stated that we are still limited on gatherings of greater than 10 people, per the Governor's order.

Counselor Bassett inquired about if Wednesday May 20th is a date that we can do? Mr. Allen stated that we just need to hear from Governor Baker on May 18th about the stay-at-home order.

Ms. Amir-Lin suggested June 8th. Mr. Allen will attempt to get public safety facility again for this date for the Annual Meeting.

The plan will be to hold the Special District Meeting on May 20th at the District's office and the Annual Meeting on June 8th at the Public Safety Facility.

New Business:

Mr. Allen updated the Commissioners on 960 Main Street on an abutting property to our North Acton treatment plant. We have been contacted by a broker that is representing the owner of one of the abutting properties. We are in discussion with the broker and attorney that is filing objections to Dirt Doctor's material processing operation there. The District did notify the Massachusetts MA Department of Environmental Protection (MADEP) last year and they conducted an inspection and put some requirements on that company. The Town of Acton reacted as well, but classified it as an existing use, and thus grandfathered. The broker and owner are objecting to the filing. In association with this group, the District is providing information to support the appeal of that classification by Town of Acton. The District, along with the landowner, believe that classification is incorrect. The application for appeal is due by Monday, May 4th and, thereafter, the Town of Acton has 65 days to schedule the hearing.

Mr. Rosen moved to adjourn the open meeting at 3:06 PM. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote.