

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, October 18, 2021

**AGENDA**

- A. Comments from the Public
- B. Approve minutes from meeting of 9/27
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

**NEW BUSINESS:**

- 1. Meet with the Developer of Proposed 40B Project at 516 Massachusetts Avenue
- 2. Discussion of Proposed State Legislation--Senate Bill #1348

**OLD BUSINESS:**

- 1. Per- and Poly-Fluoroalkyl Substances (PFAS)
  - Current sample data, if available
  - Any updates or discussion from the PFAS Working Group
- 2. Update on the Central Acton Water Treatment Plant (CAWTP) project
- 3. Update on Bedrock Source in Acton Center
- 4. Update on Solar Project on District Property off Lawsbrook Road

**Present at Tonight's Meeting:**

Commissioners: Erika Amir-Lin, Barry Rosen (Chair), Stephen Stuntz

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Commissioners Secretary: Lynn Protasowicki

Finance Committee: Bill Guthlein

**Public Attendees:**

Ron Parenti

Carolyn Kiley

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 Zoom Webinar. The meeting was called to order at 7:00 PM on Monday, October 18, 2021 by Mr. Barry Rosen.

**A. Comments from the Public**

No comments this evening.

**B. Approve Minutes from Meeting of 9/27**

Mr. Rosen motioned to approve the minutes of September 27, 2021. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Mr. Stuntz, Ms. Amir-Lin, and Mr. Rosen.

**C. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually**

Mr. Rosen motioned to appoint Ms. Amir-Lin as the Commissioner to approve warrants while conducting meetings virtually until the next meeting of the Commissioners. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

#### **NEW BUSINESS:**

##### 1. Meet with the Developer of Proposed 40B Project at 516 Massachusetts Avenue

Mark O'Neil, Developer. He gave some background about the parcel of land. His parents own the lot. His dad is a general contractor. Not professional land developers. Land has been in family for over 40 years. His grandmother, Ethel Davis, took title of the parcel from the Knowlton family. She was going to build a house, but it didn't meet zoning. Now was a good time to try and develop the property. About a year ago spoke to ACHC about doing a small project on the lot. He met with town manager, planning, conservation and natural resources back in spring unfortunately nobody invited AWD and that was an oversight. Getting the letter of September 1<sup>st</sup> was a bit of a surprise. He has questions that he would like to get answers to and get some guidance. The letter mentions that parcel 514, which is owned by District, states that this parcel is a potential source of water for Acton. Would this be where a well would be located? Matt Mostoller responded stating that the actual well site is on the 504 parcels but one of the requirements for the well head is to have a 400-foot protective radius. And the other parcels 508, 508 and 512 which are privately owned we have easement over those to gain the protective radius which goes up to 514 Mass Ave. Mark O'Neil asked if the District already has the easement in place over those three parcels out to Mass Ave? Matt Mostoller stated yes that is correct. Mark O'Neil asked, does 516 fall within that 400 ft radius? Matt: doesn't think it goes onto that property – he believes it falls about 515 feet from that location. Do you know where the well head would be located? Matt Mostoller: it is a particular area, and the exploration work was done in 1986 so the maps aren't as easy to interpret on the fly as opposed to having an aerial overlay. They are all hand drawn maps. Mark: as far as we know today that 516 Mass Ave is outside the 400 ft radius. Matt: yes that is correct.

Mark O'Neil is looking for guidance from District. It's a former developed site. It's the former cigar factory. Trying to do something good and it falls within mixed income housing that the town wants. Are there alternate technologies that would help mitigate and give more comfort as to what they would need to put into the ground? Matt Mostoller stated that if a tight tank is not viable or approved by the BOH then a sewer connection would be the alternative. There are newer septic system technologies that are near zero nitrogen discharge technologies which would help mitigate but not eliminate the risk. That would only be one contaminate of concern which is nitrogen. Not sure the site would be big enough for this technology. Erica Amir-Lin stated that she agrees with Matt that this advanced technology do take up space and does not think that there is enough room on the lot for this type of technology. She also stated that it is important to note that nitrate is one main concern of the septic system but there are other wastewater issues. In Acton we have low levels of PFAS, and septic systems are a low level PFAS contamination in aquifers. There is some hesitancy to introduce more wastewater in an area that we would potentially like to develop as a water supply. We are trying to be more proactive moving forward and it is her concern of introducing more septic this close to parcel that we are trying to safeguard. to it.

Barry Rosen asked Mark if he would consider a tight tank for a residential development. If you might consider a tight tank would you scale down the number of apartments? Mark O'Neil stated that it is less than ideal for a residential development. He asked the Commissioners for a 3- or 4-unit development do you know how often it needs to be pumped out? Erika Amir-Lin suggests that he ask a septic company about that. Mark stated that he will look into the tight tank option.

Matt Mostoller stated that wastewater and storm water combination on such a small parcel you are trying to offload a bunch of water and potential contaminants in such a small area.

Mark O'Neil stated that we are looking to scale back on impervious coverage on the lot. He understands the concerns.

Steve Stuntz stated that it's a good idea that you are trying to work within the town scope of what kinds of needs for this kind of housing. There are some tradeoffs so good luck.

Mark O'Neil stated that the letter from the District was a "gut punch". His family doesn't want to be seen as coming in as doing something bad for the Town. They thought it was something good for the town. Adding more mixed income housing where the town wants it.

Erika Amir-Lin stated that his comment is important to note that you were being proactive about getting feedback from the town and that nobody mentioned you should speak with the District. It would have been helpful for the District to have been included in the initial talks. She is suggesting that he should mention that to those folks with whom he had initial conversations.

## 2. Discussion of Proposed State Legislation--Senate Bill #1348

Barry Rosen stated that Senate Bill #1348 was proposed to regulate non private sewer and water districts by Mass DPU. Introduced by Senator Michael Moore from 2<sup>nd</sup> Worcester district. It appears to be in response to Cherry Valley Sewer District in Leicester. The bill seeks to amend Mass General Law 165 which currently does regulate private and some public water providers, but not water districts. The Mass Water Works Association (MWWA) will not take a position on this bill. They represent both public and private water suppliers. They provided members with the information to take a position during a Zoom meeting held last Thursday. Barry attended the meeting. He followed up with Jen Pederson of the MWWA. He asked her if a written letter would be acceptable. She thought the letter would be possible but also mentioned that contact in our Districts case with a Representatives would be useful. She would email out a boiler plate and would be good for district to speak with legal representatives. If Chapter 165 was the right place for the bill to be addressed.

Barry Rosen: does the AWD want to take a position on the proposed bill #1348?

Erika Amir-Lin: reviewed the material and if we were to take a position it would be against this bill. She has read the articles on the Cherry Valley Sewer District. That is one district that was mismanaged as opposed to a systematic flaw that needs to be fixed by a broad piece of legislation.

Steve Stuntz: surprised that any water district that is run by a town is excluded from this process. It is a poorly worded legislation, and we should not support it. The draft letter written is a good letter stating all the pieces of the puzzle that bother us.

Barry Rosen: he is against the bill as well.

Ron Parenti: question to Mary Bassett about Cherry Valley – they expended money to expand a sewer system 20 years ago. They assessed the homeowners \$12K each to pay off the loan and didn't spend it. Was that a violation of the law? Mary Bassett stated that water commissioners have an obligation to the rate payers to pay down a debt. Not sure if there are any investigations. Ron Parenti suggestion is that if they violated the law that something would already be in place that you wouldn't need to add in the letter since it's in place should have been enacted at the time the loan was initially taken out. Mary Bassett stated that it probably does require some special legislation.

Carolyn Kiley: she worked for the Mass Legislature...she was a senior staffer for the joint committee on natural resources and agriculture. This bill was filed at the end of March and is just being heard now and only has one bill sponsor so it will probably not happen this year. It will happen next year. Important to

be proactive this year. Generally, the committees vote at the hearing. She is suggesting that they get the letter to Senator Jamie Eldridge and have him go to the hearing and present it.

Mr. Stuntz motioned to approve the letter from the Commissioners not in support of the legislation. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

#### **OLD BUSINESS:**

##### 1. Per- and Poly-Fluoroalkyl Substances (PFAS)

- Current sample data, if available
- Any updates or discussion from the PFAS Working Group

Mr. Allen provided update. Current table for October – everything is less than 20 Parts Per Trillion (ppt). Clapp-Whitcomb continues to be non-detect; Conant I sample was invalidated (late in month), and resampled. The well has been turned over to Waterline to be repurposed for raw water supply to the Central Acton Water Treatment Plant. South Acton continues to be in 16 PPT range. North Acton - the last two samples were less than 20 PPT; currently providing water to customers. Matt Mostoller mentioned that North Acton will be sampled on Tuesday, 10/19.

Erika Amir-Lin mentioned that today EPA released their PFAS road map for 2021-2024. She would encourage everyone to peruse that information on their website.

Barry Rosen mentioned that the Town Selectboard is discussing the final ARPA awards and how they are thinking of awarding it. But they are looking at paying for what the District asked for as which was the design costs for the North Acton PFAS remediation system. (\$400K).

Mr. Allen mentioned that customers received the public notice during the first week of October via bill stuffer and email; and we currently have received 40 bottled water rebate applications.

##### 2. Update on the Central Acton Water Treatment Plant (CAWTP) Project

Mr. Allen mentioned that as of last Friday EverSource was onsite. Electrical inspector on site today and passed the new circuit to treatment plant, thus it can now be fully energized.

Waterline requested a Substantial Completion Date to be extended to 12/31/21 and submitted a letter to the engineer requesting such. This delay is largely due to EverSource, and some supply chain interruptions from the ongoing Pandemic.

##### 3. Update on Bedrock Source in Acton Center

Mr. Allen provided an update. The Massachusetts Environmental Policy Act (MEPA) Letter enclosed in Commissioners packets. Does not require an Environmental Impact Report. Needed in order to move forward. Matt Mostoller mentioned that we are awaiting the approval on pumping test submittal and awaiting the amendment to the Water Management Act permit in addition to the final approval on the Bureau of Resource Protection Water Supply (BRP WS) 20, permission to construct.

##### 4. Update on Solar Construction Project on District Property off Lawsbrook Road

Mr. Allen provided an update. Progress report from EDF Renewables included in Commissioners packets. Construction is coming along very well. Most of construction is completed. Planned to be commissioned at the end of this year or beginning of 2022, at the latest, and that seems realistic. In speaking with investors, the developer will be looking for an additional 5-year extension increments on the leases for both Lawsbrook and Knox Trail. We voted initially at 20 years and then we added two 5 years extensions thereafter. They are looking for a 35-year potential commitment now which will need to

go back to a District vote and be sponsored the Board and approved by the voters. The equipment they are using now has extended longevity and actually functions more efficiently and has a higher output for a longer period of time (up to 40 years) which is the basic reasoning behind the additional 5-year increments. Counselor Bassett stated that the request is not only an additional 5 years for the Knox Trail lease which has not be executed, but also for an additional five-year term as an amendment to the Lawsbrook lease.

Steve Stuntz: when do they start making lease payments? Chris Allen: We anticipate that they'll start paying, probably some pro-rated amount, in January 2022 and then it is an annual payment thereafter.

*Mr. Rosen motioned to adjourn the open meeting at 8:25 PM. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.*