

Board of Water Commissioners

Meeting Agenda

Monday, April 28, 2025 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meeting of 3/31
- Appoint one Commissioner to sign warrants while conducting meetings virtually

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
- Current sample data, if available
- Discussion of Additional PFAS Upgrades
- NAWTP PFAS System Operation
- Discussion of Proposed Town of Acton Zoning Bylaw Changes
- 2025 Water Use Restrictions

NEW BUSINESS:

- 3rd Quarter Financial Update
- Town of Acton Water Resources Advisory Committee (WRAC) Representative
- Discussion of North Acton Source Protection Issues

EXECUTIVE SESSION: -- To discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the District.

Present at Tonight's Meeting:

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

Finance Committee: Ron Parenti

District Manager: Matt Mostoller

District Treasurer/Collector: Christine McCarthy

Deputy District Manager: Corey Godfrey

Members of the Public: Bill Guthlein, Allison Jones, Kim Kastens, John Petersen

START OF MINUTES

Mr. Rosen opened the meeting at 7:00 pm.

Comments from the public

None at this time.

Approve minutes from the meeting of 3/31

Mr. Stuntz motioned to approve the minutes of 3/31. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Appoint one Commissioner to sign warrants while conducting meetings virtually

Mr. Rosen motioned to appoint Ms. Amir Lin to sign warrants until the next regularly scheduled meeting. Mr. Stuntz seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller reported that there is no data available at this time. April sampling was collected today.

Discussion of Additional PFAS Upgrades

Mr. Mostoller reported to the board the good news that the filtration vessels for Center and South arrived last week except for some small parts and connecting pieces that are being tracked down. On Wednesday and Thursday, the majority of equipment was delivered. The building contractor has mobilized to South Acton. Over the next 2 weeks they will be putting up the metal structure and building the insulated covering, after they will focus on final electrical work in the structure. They are awaiting an updated schedule for the project now that the vessels have arrived, the General Contractor will provide a firm start-up date for the facility. The original start-up date was in June, given the delays, it will likely be in the late summer or fall.

NAWTP PFAS System Operation

Mr. Mostoller reminded the board that the North Acton Water Treatment Plant was offline for annual maintenance, however due to demand it was put back into operation. They are

working with Veolia to replace the carbon in the first treatment train which may happen in Mid-May. The plant will likely remain offline for 3-4 weeks for this replacement. Mr. Mostoller explained that this means our production capabilities will be limited.

Mr. Stuntz asked how much carbon will be trucked in. Mr. Mostoller replied it's about 20 thousand pounds of carbon total; it will come in a trailer truck, then a slurry flow will move the media to the container while old media is sucked out and then taken offsite for either regeneration or disposal.

Mr. Mostoller shared with the board an announcement from the EPA. The announcement affirms that the current administration will keep PFAS as a focus at the EPA and seems to signal some favor to shielding public water systems from undue liability. Mr. Mostoller said this is promising but the announcement said nothing about MCL, which has an approaching decision deadline on May 2nd.

Discussion of Proposed Town of Acton Zoning Bylaw Changes

Mr. Mostoller reminded the board that they spoke about this at length at their last meeting. Mr. Mostoller has found out more about the bylaw from his role on the Town of Acton Open Space Committee, and from the town planner. Mr. Mostoller still has some reservations about the proposed changes and believes that the Planning Board wanted to present this at the town meeting to gather input from the voters. The town planner confirmed that under these changes there would still be some opportunity to provide comments via the rules and regulations set by the planning board and staff. Mr. Mostoller noted that if it passes at the town meeting, these rules and regulations are an opportunity for the District to provide guidance to the planning staff to better protect groundwater resources.

It is Mr. Mostoller's opinion that the environmental benefits have been touted, yet the proposal has a pro-development tilt. It is Mr. Mostoller's sense that others are concerned about the proposed changes, and he recommended to the board that they let it play out to see what happens. If it passes, he sees an opportunity to weigh in on the rules and regulations. However, Mr. Mostoller recommended that like last year, the District have some prepared comments if during town meeting it becomes necessary for someone to speak on behalf of the District.

Mr. Stuntz commented there are a lot of concerns about what 'by right as default' means. Currently the planning board retains discretion but in other zoning instances the town has interpreted 'by right' as 'entitled to build if it meets standards.' It remains to be seen if negotiation can occur outside of strict guidance, and if rules and regulations are an opportunity to work with the developer.

Mr. Rosen commented that his interpretation is that if the proposed development ticks the correct boxes, then it's a done deal. Mr. Rosen has some doubts about whether the planning board has the power to intervene on a proposal if all the standards are met.

Ms. Amir Lin agreed with Mr. Mostoller's recommendation not to make a statement at the town meeting but to have prepared comments in case they need to and agreed it would be good to be involved in the rules and planning.

Mr. Mostoller responded to the board's comments. He noted that others are concerned about leach fields in the resource area because they tend to be physically large, which means more clear cutting. Mr. Mostoller had heard other arguments about putting limits on the size and configuration of leach fields if they are going to be in the resource area. Mr. Mostoller added that he would like to see the numbers of how much land the Habitat for All Bylaw would impact, as he has concerns that this bylaw change doesn't enhance the environmental protections as promised.

Ms. Amir Lin volunteered to attend the town meeting on behalf of the District again and offered to work with Mr. Mostoller on preparing some comments.

Mr. Mostoller noted a comment from the town that the groundwater protection bylaw would support the District's concerns with Habitat for All, but Mr. Mostoller noted that the groundwater protection bylaw is not always fully implemented or enforced.

Mr. Petersen commented that he agrees with many of the statements from the board and Mr. Mostoller. He added that having their key concerns outlined in the minutes will be helpful if they wish to take these concerns to the planning board in the future.

Mr. Stuntz motioned to deputize Ms. Amir Lin to speak for the board at the Acton Town Meeting starting on May 5th, 2025. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

2025 Water Use Restrictions

Mr. Mostoller let the board know that they started the roll out of the one day per week outdoor non-essential water use restriction. There has been a slight change, as the date for implementation was supposed to be April 1st, but the State drought management task force met right after the board voted and changed the drought designation in Acton, so rollout was delayed until April 10th to accommodate that updated designation. The District continues to see deficits in ground water levels despite recent precipitation. Mr. Mostoller expects operational constraints with the North Acton carbon change out and South Acton only being halfway through the well rehabilitation cycle. The first 2 wells were completed

today. Mr. Mostoller expects these use restrictions to stay in place until the start of summer when we will revisit conditions.

Mr. Rosen asked what the drought status was, Mr. Mostoller confirmed their area improved from level 3 to level 2, but much of the guidance for these levels remains the same.

Mr. Petersen asked if the District has pursued promoting meadows over lawns for water conservation. Mr. Mostoller affirmed that the District has supported that for 20 years but has not incentivized converting lawns to meadows, this is something that they can revisit. The District has pushed for development and redevelopment to have financial incentives to limit lawn and landscaping that requires irrigation, but they are not asking people to convert their lawns at this time.

NEW BUSINESS:

3rd Quarter Financial Update

Ms. McCarthy presented the 3rd quarter financial update. Overall, the District is in good shape, the only area of concern is lights, power, and fuel which may run tight. They are about 76% through the budget, revenue is in good shape and is helped by demand fees.

Mr. Stuntz asked about new hook-ups and their demand fees, how many units have been added. Ms. McCarthy responded that the McManus Manor from Acton Housing Authority supports 41 units which is the largest add on to date.

Mr. Rosen asked about development on Willow Street. Mr. Mostoller affirmed that a condemned duplex was torn down, and replaced with 2 duplexes, so the demand fee is for only 1 additional unit. There are several other single-family homes going up. Overall, the end of the FY going into next FY will be good for connection fees. The Powder Mill Place mitigation fee is expected in the next few weeks.

Mr. Rosen asked if the relining by Powder Mill has happened yet. Mr. Mostoller replied that they are finalizing contract details and will mobilize in the next 3 weeks while preliminary sewer extension work has begun.

Mr. Petersen asked if cash flow has a month or quarter when the position varies greatly. Ms. McCarthy said she updates projected cash flow monthly, and it's pretty consistent when revenue comes in. Mr. Petersen asked when in the year expenses pile up, Ms. McCarthy replied that the biggest expenses are the debt services which are split between the summer and winter depending on the loan principal and interest split.

Mr. Petersen asked why funds are split between Santander and Enterprise accounts, and if there is any benefit in reconciliation. Ms. McCarthy responded that one is the operating

expense account, and the other is for payroll, and they could possibly be combined. Mr. Petersen asked if the District will be able to go with Constellation as an electricity provider. Mr. Mostoller replied they will revisit that in the coming weeks.

Town of Acton Water Resources Advisory Committee (WRAC) Representative

Mr. Mostoller reminded the board that he has been serving as the District's representative for the WRAC since 2009. While Mr. Mostoller has enjoyed his participation in WRAC he would like to pass the torch to Mr. Godfrey at the end of his term. Mr. Godfrey has been getting acquainted with WRAC and the work they do. Mr. Mostoller stressed the importance of having District representation on the committee and asked that the board recommend Mr. Godfrey to the position.

Mr. Stuntz motioned to recommend Corey Godfrey to replace Matthew Mostoller on the Town of Acton Water Resources Advisory Committee as the District's representative at the end of Mr. Mostoller's term. Mr. Rosen seconded, and the motion passed unanimously via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

The board thanked Mr. Mostoller for his service on WRAC.

Discussion of North Acton Source Protection Issues

Mr. Mostoller reminded the board that several years ago the District appeared before the Zoning Board of Appeals (ZBA) over a proposed landscape company on the Kennedy property adjacent to the District's wells. Recent source protection issues have arisen in this area from an increase in activity. Mr. Mostoller shared his screen to share aerial photographs of the area.

On the aerial photo Mr. Mostoller pointed out to the board the location of the four Kennedy Wells, the Marshall Well Field, and their proximity to the Kennedy property. This aerial photo was taken in 2019. Mr. Mostoller then labeled the Zone 1 and Zone 2 Ground Water Protection Zones in the photo. Mr. Mostoller highlighted that this area is a critical supply for the North Acton Water Treatment Plant.

Mr. Mostoller then presented the concerns regarding the area. At the previous ZBA meeting about the Kennedy property and the proposed landscape company, the ZBA sided with the Kennedy's and the proposed landscape company as they determined that the proposal qualified as a pre-existing use. Since that time, an additional area was cleared, and the landscape company often brings in plant material, leaf clippings, woody debris onto the property.

Over the recent Easter Weekend, there was a large mulch fire which spread to the surrounding woods causing a brush fire on the property. There was noxious smoke from the fire, and it created a public safety hazard. The District was in close contact with Acton Fire because there are abandoned tire piles in the woods, and had the fire gotten closer to the tire piles it would have been a bigger health emergency on hand. Acton Fire did utilize water from the District to manage the fire, fortunately North Acton was online so there was no impact to overall distribution, however these events highlight some of the District's concerns with having this kind of activity so close to the District's property. It also serves as a reminder for having adequate storage capacity for fighting large fires and how that relates to non-essential water use restrictions.

Returning to the aerial photo from 2019, Mr. Mostoller highlighted in yellow a nearby undeveloped parcel. This parcel has been undeveloped for the past 40 years, there was some minor logging activity, but the parcel was never actively used for sand and gravel extraction or materials management.

Mr. Mostoller shared a new aerial photo of the same area from 2023. In the previously outlined undeveloped parcel, Mr. Mostoller pointed out that now the parcel's trees have been cleared, and it seems that sand and gravel extraction is happening on the parcel. Mr. Mostoller showed another more recent aerial photo of the area and even more of the parcel has been cleared, and there are dark areas that Mr. Mostoller believes could be ground up pavement and processing areas.

Mr. Mostoller brought these concerns to the Acton Zoning Enforcement Officer in early 2022, and the Town has been speaking with the property owner, the Kennedy family. To Mr. Mostoller's knowledge, the site is currently being reviewed for possible wetlands violations and zoning violations. Mr. Mostoller believes that there may also be some land disturbance issues as it's possible this was done without permitting, and no one in the town has had clear knowledge of these activities or the intended ongoing use of the land.

Mr. Mostoller noted that the Acton Conservation Commission has demanded that the property owner appear before the Commission on May 7th to speak about these issues. Mr. Mostoller again outlined how much of the area in question is in Zone 1 ground water protection, and that it's likely to him that these activities will impact the wells.

Separately, Mr. Godfrey wrote a letter to the Acton Health Department about 979 Main St, which has a failing septic system. The letter asked if a better septic system could be installed and if ground water monitoring could be extended to cover additional contaminants of concern.

Mr. Godfrey asked the Board of Health what kind of chemical processes are happening at 979 Main Street, because the property is 800 ft from the Marshall Wellfield. They are also engaging with the Town and property owner at the Kennedy property, however there are some negative views of the District going back to the 1980's when the District acquired the property from the family. Mr. Mostoller stated that the District wants activities to be vetted, permitted, and for best management practices to be used.

During these threats to ground water, the District uses the tools available to them, including reaching out to the Town to express their concerns. Mr. Mostoller noted that as the District approaches long-term planning decisions to join the MWRA or purchase land, or make public statements, these decisions should all tie back to these events. Before the PFAS treatment update the North Acton plant had the highest concentration of PFAS out of the three, with 90 ppt. It is currently unclear if these activities near these wells affected these sampling results, however other places in Massachusetts have linked soil-related businesses as precursors to PFAS.

Mr. Stuntz thanked Mr. Mostoller for his work on this. Mr. Rosen asked what the business at 979 Main St does. Mr. Godfrey answered that he believes they work with insulation for HVAC and plumbing.

Ms. Amir Lin asked if the state might get involved in this issue. Mr. Mostoller answered that the state has already been involved with a different issue on this property. About 20 years ago MassDEP cited the property for solid waste violations and set a monetary fine and clean up goals. Unfortunately, the clean-up did not begin until a year and a half ago, and the fines were levied about 12 years ago. The Kennedy family did come before the District because they wanted frontage for development purposes, and the District owned the frontage land on Main Street. Mary Bassett at the time reminded them that easements are not frontage. MassDEP has been informed of the recent concerns, however Mr. Mostoller does not think MassDEP will get involved again based on current resource limitations that he observes relative to other properties with environmental concerns.

Ms. Amir Lin expressed concern over this issue, and asked how the District has been documenting this. Mr. Mostoller responded that the District has a drone that it uses to fly above District property to view changes, and they have documentation of how the area has been altered over the years.

Mr. Petersen commented that there may be an address discrepancy because at 989 Main Street is a business that makes high tech medical devices. Mr. Petersen asked how adjacent systems are viewed or worked into the Master Plan. Mr. Mostoller responded that they review land use in the vicinity of wells on an on-going basis, certain high activity areas

of town may be viewed weekly, while other low activity areas are viewed less frequently. Mr. Mostoller added that when looking at land acquisition, which gives the District the most control and protection of resources, they have gone through most of the town and labeled areas that would be an asset to the District. The District's participation with the Open Space Committee also keeps them informed of any changes and opportunities.

Mr. Petersen asked what percentage of the town is in the Zone 1 area. Mr. Mostoller did not have the exact figure on hand but estimated that the District owns some 480 acres. Additional land that the District would like to own is about 200-250 acres.

Mr. Rosen motioned for the board to close the open meeting currently in session and enter executive session pursuant to General Law chapter 30A section 21 9 to discuss strategy with respects to litigation if an open meeting may have a detrimental effect on litigating position of the district; and to not reconvene in open session. Mr. Stuntz seconded, and the motion was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Open Meeting Closed at 8:08 pm.