

Board of Water Commissioners  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, August 2, 2021

**AGENDA**

**A. Comments from Citizens**

**B. Approve minutes from meeting of 7/12/2021**

**C. Appoint one Commissioner to approve warrants while conducting meetings virtually**

**D. OLD BUSINESS:**

1. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).
  - Current sample data, if available
  - Any updates or discussion from PFAS Working Group
2. Update on Potential Bedrock Well Source in Acton Center Off Main Street

**E. NEW BUSINESS:**

1. Review and Discuss the Proposed 40B on Massachusetts Avenue Near District Land
2. Proposal of the Town of Acton's Water Resources Advisory Committee's (WRAC) for a Water Study

**F. Executive Session:** To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.

**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

Finance Committee: Bill Guthlein

**Public Attendees:**

Kim Kastens

Alissa Nicol

Ron Parenti

John Cipar

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, August 2, 2021 by Mr. Barry Rosen.

#### **A. Comments from Citizens**

Barry Rosen would like to thank Matt Mostoller on what he wrote and forwarded to the joint committee on the wetlands protection and represented the Acton Water District really well in doing that.

Kim Kastens: interested to know if his testimony on wetlands protection is a public document. Matt will forward to her. It is a public document that is now retained by legislature.

#### **B. Approve Minutes from Meeting of 7/12/2021**

Ms. Amir-Lin motioned to approve the minutes of July 12, 2021. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen.

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

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

#### **E. OLD BUSINESS:**

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

###### ➤ *Current sample data, if available*

Matt Mostoller reported on the samples. He stated that we received half of the data back from July. The Clapp Whitcomb wells continue to be non-detect; good performance from the two carbon vessels; system seems to be holding up well; it's been in service for about 4 months since the media was changed. NAWTP is back at 30.5 Parts Per Trillion (ppt). It is offline since July and continues to be off. Barry Rosen inquired as to whether the weather temperature has any relationship/correlation at all to the amount of PFAS that comes out of NAWTP? Mr. Mostoller stated that there is no relationship, but it is difficult to make that judgement.

###### ➤ *Any updates or discussion from PFAS Working Group*

Chris Allen reported on updates. At the last meeting we did discuss at length the Bottled Water rebate program for customers. The spreadsheet enclosed in the packets this evening was created by Bill Guthlein. The proposal from the group is based on feedback from public and information on what other communities are doing. We filed an application for a grant to state of MA for reimbursement of funds related to the rebate program. Mr. Allen exchanged emails with Jane Pierce, the Grant program Administrator inquiring about if the state had awarded any grants. There is a delay in that announcement. Barry Rosen asked about the two different rebates being offered – a \$32/month/household and a \$15/month/household. Please explain how they were arrived at these two options. Mr. Allen stated that he spoke with Burlington, Wayland and Littleton about their rebate programs. Bill Guthlein stated that the

\$15 came from discussions out of the PFAS working group and Mary Jo had some of the numbers from other communities. The recommendation of \$15/month/household was the group's consensus view.

Erika Amir-Lin stated that \$15 every month and seemed to be a reasonable number.

Barry Rosen inquired as to any discussion about a PFAS free water tap outside the District office where people could fill their own water jugs. Mr. Allen stated that we didn't specifically talk about that but we did talk about vending units. Matt Mostoller is doing some research on those. There are some logistical challenges. One of the vendors that they are speaking with is creating a portable system that is compact and all-encompassing. So, we are still in discussions on this topic.

Ms. Amir-Lin stated that this is a short term response and not a permanent solution. We should do a quarterly evaluation of the rebate program to see how well it's going and is it being utilized. A good way to keep tabs on how the program is going.

Mr. Stuntz stated that he is willing to take the recommendations of the PFAS working group. He likes Erika's comment about reviewing the program quarterly.

Mr. Rosen motioned to accept the recommendation of the PFAS Working Group a bottled water rebate program for qualified Acton water takers according to the qualifications laid out in the agreement. Mr. Stuntz seconded the motion and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen

Kim Kastens: a friend in Carlisle told her today that she is in the program that Mass DEP is testing Carlisle wells and her household is more than 20 PPT and that 25% households in Carlisle are coming in at more than 20 PPT. And, she receives an email newsletter from drinking water program from Mass DEP and they were mentioning that a program for public water suppliers to get a test of their water run through home water filters. Green Acton has been getting many questions from residents about what water filters can be installed in their house. She encourages the District to take part in this program. Mr. Mostoller is aware of the program and is looking into it. He wants to know what MassDEP hopes to get out of this program, if they are going to be making recommendations, or turning the data over to somebody else. He wants to know what comes of this data/program.

## 2. Update on Potential Bedrock Well Source in Acton Center off Main Street

Mr. Allen stated that MassDEP received the pump test report and is currently under review. All indications show that it should be an expeditious process. Mr. Mostoller stated that the MassDEP Central Regional Office's New Source Approval contact has started her technical review. We will have a public comment period that is statutory. Unfortunately we missed the submittal for today to publish notice in the Environmental Monitor. We won't publish until middle of August so that sets us back a couple weeks and kicks off a 20 day public comment period and a 10 day review process through the MEPA office that will push us into the fall before we get the actual approval in hand. We also need to file an amendment to our water act management permit in order to have these water withdrawal points be added to our permit. To expedite the approval process we are not going to request additional water we are just going to look for approval of these two new additional withdrawal points.

Mr. Allen mentioned that the intent of these sources is to supply the Central Acton Water Treatment Plant. The design has been finalized by the consultant and the contractor, Waterline, The General Contractor building the Central Acton Water Treatment Plant, is in the process of working on the change order for the construction of the bedrock sources under the current contract.

Mr. Rosen: did we ask to run one well at a time or option to run simultaneously? Mr. Mostoller stated that we are asking for broad flexibility. We want to be either run individually or combined. During the pumping test what we found out running both combined basically is the same as running the larger producer well on its own. Reason to run both would be to manage water quality as opposed to increasing volume.

Ms. Amir-Lin: what is the timing for the contractor to start and get everything in once we have the permit? Mr. Allen stated that he does not have an answer on that yet. There is a progress meeting for the project on Thursday and he will try and find out the status.

## **E. NEW BUSINESS:**

### *1. Review and Discuss the Proposed 40B on Massachusetts Avenue Near District Land*

Mr. Rosen: the Water District has a number of parcels in this area we own outright because there are potential water sources (Flannery O'Toole lands/purchases). Are those lands still important to us as potential water sources? Do we want to retain those lands for possible use? If so, do we believe the Town's widening along Mass Ave and/or a construction of a 40B which is adjacent from District owned lands is a concern to the District? If so, how should the District react?

Ms. Amir-Lin: where is the area of the proposed widening? Barry: it is on our side of the street. They propose take the sidewalk away, widen Mass Ave and build parallel parking. Ms. Amir-Lin stated that it's currently parking across from True West. Mr. Mostoller stated that under the proposal they were originally going to infiltrate storm water from new area plus some of the existing storm water flow on Mass Ave so not just parking but also proposed storm water management which is a concern for us.

Mr. Rosen: the proposed 40B is being handled as a friendly 40B so he doesn't think the Town will oppose it. If A or B are a concern to the District because we still value the Flannery O'Toole lands then the District needs to speak up about that. He stated that he had a phone conversation with District Counsel, Mary Bassett, who stated that if the District is concerned, then we can't just say that we are concerned but we need to provide proof and present a valid argument. Mr. Rosen asked, "Are we as a Commissioners and Water District concerned with either or both of those changes along Mass Ave?"

Mr. Stuntz: the land back there and did not seem to be a good well field. Do we know anything about that geology of that area? Not a particularly value piece of land for a water supply for us. Mr. Mostoller stated that the official position at the time it did not have good best yield or best water quality. At the time it was not worth pursuing. Our notion of bad water quality and poor yield are different now than they were in the late 80s. Back then if it wasn't 350 GPM nobody wanted to talk about. It is now somewhere in the 175 GPM which now would add value but would require treatment potentially through a revamped treatment facility in West Acton. Mr. Allen stated that if Flannery O'Toole well system ever to be developed would be in concert with a filtration plant in West Acton. It was never slated for abandonment.

Mr. Rosen: was the testing done on the properties a shallow well or bedrock well test? Mr. Mostoller stated that they had advanced multiple well heads and the final configuration was not determined. One well stood out but given the gradual encroachment on this land over the years it would probably be a single well. Mr. Rosen asked, "could it be bedrock well?" Mr. Mostoller stated that a bedrock well has never been explored in that area. Mr. Rosen stated that it sounds like we are not going to abandon the Flannery O'Toole site and still can add value. Erika: the District owning land, the land has more than one value including and potential source of water is only one value but other values is it is a recharge area for the aquifer and it's a buffer for a large wetland. Those are things that enhance the health of our aquifer and watershed and still serve as the overall health of the system. Very hesitant to let land go that is in proximity to wetlands. Mr. Rosen mentioned that the Town owns conservation land around this area and would most likely want to keep that as such. Mr. Stuntz stated that we buy the land to protect our aquifer and we are not giving up any land. The question is the development of a parcel is problematic. The two issues are widening the road by taking away the sidewalk so less of a problem but it's the 40B that he has a problem with as there would be paving put on the land. Mr. Rosen stated that the 40B is 4 units to be built. Mr. Stuntz would not want the 40B there but not sure if our say will sway them from building. Mr. Mostoller stated that one of the challenges is it's not just drainage but waste water so a septic system is going to be installed there. Not sure what kind of potential contaminants the fill could bring when they put in the septic system.

Mr. Rosen stated that he is not overjoyed with more development getting closer to our properties and to wetlands. If the District wants to discourage it, being that it is a 40B, it would be difficult to discourage it. Do we as a District want to make a case to say that putting 4 units on this lot will have impact on maintaining that 100-foot buffer from the wetlands.

Mr. Mostoller stated that he hasn't spoken to Conservation yet as it has not started its formal review process yet. But he did reach out to them about the parking and expressed his concerns. The Town engineer did reach out to him stating that the grant they were hoping to pay for this project was not received so they are on pause.

Ms. Amir-Lin stated that there are two separate threats. Her issue with the 40B isn't so much the housing or the parking as it is the septic system. And the issue with parking is that we don't know what the storm water changes will be or what we will be asking the ground to take as we weren't asking for before. Both are problematic but in different ways. Mr. Stuntz agrees with Erika that neither one is desirable but not sure there is anything that we can do. We need to make sure we have a good handle on the review process if the 40B goes ahead.

Mr. Mostoller stated that currently this site isn't afforded any protections as a potential well site as it is a Zone 3 protection just for being a sand and gravel aquifer. He has begun to look into any interim protections for this land if we want to continue to maintain this as a viable well source. Commissioners are all in agreement to do this.

Mr. Stuntz wonders if that land is for sale. Maybe we should consider purchasing it. Mr. Mostoller stated that the town attempted to purchase it but at the town meeting and it was denied.

Alissa Nicol: wanted to add to Barry said about the two boards being involved, ZBA and Conservation Commission, before they get to that point they will go in front the Acton Community Housing

Corporation and are on the September 13<sup>th</sup> agenda. They also go before the Selectboard. We are in Safe Harbor which means that in order for this 40B project to move forward it does have to get approval of Selectboard and Acton Community Corporation. She also put a link to the site plan on the Zoom Q&A. The goal of a Local Initiative Project (LIP) to get a nod of approval from ACHC and Selectboard is that it needs to meet a unique need in town and there might be some argument that this is a moderate income (80% AMI) so it's not meeting a low or extremely low-income household, it's not a rental, it's not for seniors and those are the identifiers for Acton's affordable housing.

Bill Guthlein: a marginal potential future source for water and also protects these wetlands. Wouldn't we be better off to invest in lands which buffer our current water sources then wouldn't selling this parcel give us proceeds to do more of that. Maybe consider selling this parcel to help protect our current water situation. Chris: certainly an interesting alternative perspective.

Ms. Amir-Lin: regardless of whether how much or how strong of a comment we want to make the District should comment. We have talked many times on this Board about wanting to be more proactive, making our voice heard with the Town, wanting to remind people that we exist so taking the opportunity to comment accomplishes some of that even if it's just putting our name in front of them reminding them of our mission and concerns. A comment from the Board is appropriate on this project.

Mr. Mostoller agrees that the Board should write a letter stating that we have an interest here but make them aware that we are an abutter and we have some concerns.

Alissa Nicol: the District always comments on 40B projects and thinks it is appropriate and encourages them write that letter. The driveway runs directly over the septic tank so that could be one talking point. She does believe that they should send comments before the ACHC so that they are aware of the Districts properties and concerns.

Mr. Rosen: action item to prepare some comments to present to the ACHC meeting on September 13<sup>th</sup> that expresses our concerns with the potential friendly LIP 40B being proposed for that particular site. Barry will work with Matt to prepare this letter. Matt is happy to help write the letter but it should come from the Board. Mr. Allen is in agreement that all Commissioners should co-sign the letter.

## 2. Proposal of the Town of Acton's Water Resources Advisory Committee's (WRAC) for a Water Study

Ron Parenti presented to the Board an outline of 2050 Water Needs Report. Would the WLMAC be available to provide the information which is outlined in the first part of this study? He knows that WLMAC is not fully staffed and is asking that this committee be reestablished and put the work to provide the work in the first part of this outline. Mr. Stuntz stated that we can look for volunteers for WLMAC and hopefully have them help with this information. The big piece in this report that he notices is the state imposed withdrawal limitations which seems to be the real rate limited factor what the district sources are. I don't know if you end up hooking up to MWRA if we can use as much water as we want to because it comes from outside the limitations. WLMAC can put together a model to do this once we have the volunteers in place. Ron stated that the limit may be what the state imposes. It would still be useful if we could quantify what the District could provide if there were no state limits. These are questions that have been asked repeatedly to the Commissioners over the years. The District has never written down or outlined what new sources might be developed. It would be useful to do this at this point.

Ms. Amir-Lin: the way it's been laid out on the slide is it meant to be sequential or concurrent? What is the order to obtaining a consultant and working with the WLMAC? What is the timeline? Mr. Parenti stated that the first two parts to be worked on by WLMAC in parallel and the last part for WRAC would be at the data collection period at the completion of the first two parts by WLMAC. Then WRAC would provide recommendations.

Barry Rosen: regarding the WLMAC – he had to step down because he became Commissioner; John Cipar was interested in remaining on the WLMAC; the Board would have to fill one position, the Town would have to appoint a person; and the Moderator would have to appoint two new members. Basically of the 5 slots, four potentially would need to be new people.

John Cipar: still interested in being on the WLMAC. The first two segments of this 2050 water needs report would have to be done together. WLMAC did a small version of this study looking at the Nagog Hill area many years ago and it was the same idea at looking at the growth/population and the required water needs of that area. This is a town wide version of that model. It would be very useful. He would need to be reappointed but is pleased to see this come down the road.

Mr. Rosen: will speak with Paul Malchodi to see if he would be interested in rejoining the WLMAC and try and get in touch with Greta Eckhardt to see if she would be interested in rejoining as well.

Mr. Stuntz: we are willing to reinstate WLMAC and willing to look for the volunteers so that WLMAC can provide support to WRAC. He suggests putting something in the water bills asking for WLMAC volunteers.

Ron: stated that he is interested in filling the position on the Finance Committee if he is qualified. Chris stated that he'd forwarded Ron's email over to Bill Mullin, District Moderator, as he'd make the appointment of the new Finance Committee member.

*Mr. Stuntz motioned to adjourn open meeting at 9:00 PM. Ms. Amir-Lin seconded the motion and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Stuntz, and Mr. Rosen. Mr. Rosen moved to enter into Executive Session at 9:00 PM to discuss strategy with respect to the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.*