

The Public Works Commission met at 7:15 p.m. on Wednesday, March 9, 2016, at 141 Keyes Road, Concord, Massachusetts. Pursuant to Chapter 303 of the Acts of 1975, notice of the above meeting was duly filed with the Town Clerk, Town House, and Monument Square, Concord, Massachusetts.

PRESENT:*Commissioners:*

Andrew Boardman
Arthur Fulman
Toby Kramer
Peter W. Wallis

Absent:

Nick Pappas

Staff:

Richard K. Reine, PWLF, Public Works Director
Alan Cathcart, Water/Sewer Superintendent
William Renault, P.E. Town Engineer
Anna R. Trout, Administrative & Special Projects Coordinator

Other:

Carmin Reiss (Select Board Observer)
Triveni Upadhyay (Finance Committee Observer)

A: ACTION ITEMS

A-1 through A-4 - The meeting was convened at 7:15 p.m. by Commissioner Fulman.

The February 3, 2016, meeting minutes were approved.

The next two PWC meetings were scheduled for Wednesday, April 13, 2016 and May 11, 2016 at 7:15 P.M. at 141 Keyes Road. This is in addition to meetings set up prior to Town Meeting dates.

D: DISCUSSION/ACTION ITEMS**D-1: Review PWC Calendar Draft**

The Roads Program Public Hearing will occur at the next Public Works Commission meeting on April 13. Public outreach meetings are being coordinated with notifications being distributed prior to the April 13 meeting.

In May the Water/Sewer Public Rate Hearing will be held. The ADA Transition Plan public meeting will likely occur in the June or September timeframe. A plan is being developed with the West Concord Advisory Committee and West Concord Green Thumbs at the Concord Teacakes area for

a plaza with a brick bump out and realignment of the intersection. This is being coordinated with construction for the Bruce Freeman Rail Trail.

A third design submittal was just received for the Millbrook Tarry. They are going through the process of gaining approvals from the various boards and commissions, after which they will come to the Public Works Commission requesting an appeal of the denial for additional wastewater flows exceeding 1,000 gallons per day (Title V flow) in accordance with the PWC policy as necessary.

D-2: Roads Program Briefing

Director Reine explained that each year the Roads Program is presented as part of a Public Hearing. Prior to that hearing a Commissioner briefing is provided to review the candidate road projects and present an executive summary of the budget plan that will be proposed as part of the Town Meeting debt authorization request. This briefing also provides an opportunity to provide an update on status and timing of road program projects. The request for \$1.350 Million Dollars being requested at this year's annual town meeting includes the phase 1 parking lot improvements and the roadway paving program.

Town Engineer, Bill Renault explained that the Roads Program begins with a Town wide condition inventory that is completed every four years. The last inventory was completed in 2014. All Town wide roadways and parking facilities are inventoried. Each of the structures are assigned a Pavement Condition Index (PCI). As a road degrades it travels down a degradation curve and will fall into various bands indicating the type of maintenance required. Projects are ranked through a combination of criteria such as average daily traffic count and the cost of the project. This is identified as a benefit value index or BVI. This list of potential projects is then coordinated with utility projects through CPW's Water and Sewer Division, the gas company and CMLP along with engineering judgment.

The FY17 Roads Program is comprised of three separate bids. This includes 2.71 miles of roadway rehabilitation, which will include the mill and overlay of Lowell Road from Barrett's Mill to Westford Road, which will also dovetail with the Lowell Road culvert rehabilitation. There will also be rehabilitation of sections of Westford Road, Sudbury Road, Kenny Dunn Square, Shadyside Avenue and Adams Road.

The second bid will be a parking lot rehabilitation bid which will include the Keyes Road Lot, the Walden/Hubbard Lot and the Church Street Lot. Significant storm water upgrades and enhancements are planned along with some parking lot infrastructure improvements coordinated with the Department of Planning and Land Management.

The last part of the program is a strategic patching program, which began last year. This includes about 5.4 miles of the Town's roadway network, involving ORNAC, Main Street (from Sudbury Rd. to Route 2) and Westford Road.

Director Reine explained the FY2016 to FY2021 Capital Outlay – Roads Program plan and pointed out there is a large line item for “Cambridge Turnpike Contingency” which is money that has been set aside towards this project.

Finance Committee Liaison Triveni Upadhyay asked why the Roads Program funding is not put in the budget every year – why is it taken from debt? Director Reine provided a brief explanation relative to favorable interest rates and tax impacts but advised Mr. Upadhyay that this question would be best posed to Finance Director Tony Logalbo. Director Reine also expressed that the funding mechanism is influenced by the levy capacity within the budget and impact.

D-3: Nagog Pond Permitting Update – Water Connection Request

Nagog Pond Permitting Update: Director Reine explained that he wanted to give a brief update on the permit. A limited Environmental Impact Report (EIR) was issued. This is an outcome of the required filing of the Environmental Notification Form (ENF) through the Massachusetts Environmental Policy Act (MEPA) process. There are outstanding issues relative to the local permitting with the Board of Selectmen in Acton. The categorization of the solar facility as “accessory use” on the lot is being challenged by an abutter group. The Board of Selectmen hearing is scheduled for April 11. A continuance to May, June or July will likely be requested which will provide adequate time to respond to the issues identified in the limited EIR. CPW and the project team is investigating various options for the provision of electricity to decrease the financial impact of the electrical demand. Solar is one option but based on size constraints does not satisfy more than approximately 25% of total plant demands. The project team is also evaluating other distributed energy options such as Combined Heat and Power (CHP) or Cogeneration which would minimize the amount of land clearing and impacts on the archeological sites.

Water connection Request: During this permitting process in Acton the issue of the policy of providing Concord water to residents and businesses on Route 2A which front the water main was raised by several Acton residents For point of reference, over the last five years or so the average amount of water that Concord provides the Town of Acton on Route 2A is about 14-15 million gallons annually. The authority to provide this water in Acton was provided through the Acts of 1884 C. 201. After it had been developed in 1909, Nagog Pond became a primary water source for Concord. Over the past 50 years, groundwater sources have been developed to keep up with increasing system demands. The frequency of operation of Nagog Pond decreased in the late 1990’s when the Surface Water Treatment Rule went into effect and a filtration avoidance waiver was issued to Concord, greatly restricting our ability to depend on this source. Over the past several decades, for 9 months of the year, water provided to Acton customers is withdrawn exclusively from Concord groundwater wells. Recognizing that the pending Water Management Act permit to be issued to Concord will likely introduce new challenges with respect to source water management, system capacity controls now referred to as “baseline”, and Residential Gallons per Capita Day (RGPCD) limits, it is

important to understand how Acton's water demand needs play into Concord's long-term water allocation strategy. This need is further highlighted based on recent inquiries for increased water demands which are inconsistent with the 1971 1-inch diameter maximum service size connection policy. Based on Water Management Act permitting, if Concord exceeds the 65 RGPCD limit or our baseline withdrawal is exceeded we will be required to develop water demand offsets. While these offsets have not yet been defined, it is expected that they will require some level of investment. These offsets could be stormwater offsets or mandatory non-essential water use bans. Either could have a major impact on our revenues and abilities to invest in essential work. They could also require significant rate increases.

Whenever we get a request for any type of expansion along Rte. 2A in Acton we evaluate it closely to determine alignment with the long-standing policy of limiting any Acton service connection to no greater than 1-inch diameter. It's important to bring this to the Commission for an update since a denial of a request for something outside of our existing policy could result in an appeal to the Commission.

Superintendent Cathcart showed diagrams where he explained service connections by Concord's Water System to certain Acton properties. Providing some historical background, he explained that in 1909 the Town of Concord laid a water main along Rte. 2A primarily to carry water from Nagog to Concord. At the time, as this pipe would provide a potential for water service connections to be made for properties in Acton, legislation was granted authorizing Concord to provide water service to Acton residents and businesses that had frontage along that route. Since that time, it has been questioned if such authority constituted an obligation to provide service. Director Reine confirmed that counsel has advised Concord that this provision to provide water to certain Town of Acton addresses is in fact an authorization and not an obligation.

Counsel has informed us that there have been cases in other parts of the country where when there is an authority granted to provide water or sewer outside of the geographic area of the town, they can contract directly with the entity or individuals and have a separate set of rules, fees and regulations. There are long standing customers along Great Road in Acton. In some cases there are Town of Acton water mains that run alongside the Concord water mains along Route 2A.

In the 1970's there were discussions with Concord's Public Works Commission about connection policies in Acton – based upon drought issues at the time. Director Reine explained that in 1971 a discussion with the PWC resulted in the adoption of a policy that is reflected in the meeting minutes. The minutes state that the Public Works Commission would not provide any connection greater than one inch [diameter] on any of the residential or commercial parcels along this stretch of roadway. At that time approximately two million gallons per day was being pumped from Nagog. At this time Nagog operates approximately three months out of the year as a peaker facility due to the aforementioned limitations imposed by the filtration avoidance waiver.

More recently, development of an East Acton Village is now being encouraged as supported by study that has been put together by Acton residents, staff and elected officials. The study, completed in 2004, resulted in bylaws being passed to support high density development in this area. Concord Public Works was not consulted during this study. We are now seeing some of these projects surfacing and requests for increased water service. When CPW staff reviewed this “East Acton Village Plan” we noted recommendations regarding the extension of the Acton Water main to accommodate this growth. Because of the significant expense associated with this extension plan – we presume it has been deemed more cost effective to assume Concord would provide additional water to meet the new or redeveloped properties.

As mentioned previously, the current policy in place limits Acton service connections to one inch or less. While Concord hasn’t recently connected any new customers requesting one inch or less, fire protection is something that Concord has supplied and which the policy is not entirely clear. This is currently done at no cost. The Acton Water District does charge considerable fees for fire protection. Concord has not supplied many new fire lines since 1971.

This current policy needs to be reviewed by the Public Works Commission. The policy will be implicated by our success at Nagog Pond and whether the capacity there can be obtained. At this point the uncertainty of additional supply based on the challenges to the Town of Concord’s rights around Nagog Pond create a great deal of concern. This concern is not only related to the question of getting the current Nagog Pond project permitted and operational but also the Water Management Act permitting process.

Superintendent Cathcart went on to explain the two projects that have been identified. They both have generated requests that he could not administratively approve. The “First Village” development is comprised of 7, 9, 19 and 29 Great Road in Acton which currently consist of low density residential and mixed use activities. The new development consists of approximately 14 residential units with several thousand square feet of mixed use commercial. This project has already been approved by the Planning Board in Acton. Over the past several years, CPW’s Water Division has received several general inquiries regarding potential redevelopment of this site. Each time, the interested party has been cautioned as to the long-standing 1-inch diameter policy. The development approved by Acton is silent as to where their water supply will come from simply stating that sufficient water is nearby. There are options for the developer for the provision of water including a water main extension to be served by the Acton Water District. As of today, no formal application has been requested. The individual residential units are current Concord water customers with less than 1” service connections.

If Concord water is requested – Superintendent Cathcart would be in the position of administratively denying that request. At that point the Public Works Commission could potentially become involved through an appeal process.

There is another property at 75 Great Road which presently is being served by Concord water. Mixed use residential construction is being investigated for this site as well. A request for fire connection has been received. This property presently received water from Concord through a potable service line. Acton water also fronts this property.

Director Reine indicated that it would be advisable to put a pause on any expansion outside of the Town of Concord until the uncertainty of the current Nagog Pond permitting activities and Water Management Act permitting implications are better identified.

Commissioner Kramer **MOVED** and Commissioner Wallis **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

That Concord Public Works develop policy options related to Town of Acton water connections for review by the Commission at a future date. Effective immediately the Commission will put a hold on any further water connections to the Town of Concord water system of any kind in the Town of Acton, excluding emergency interconnections, until the policy options have been reviewed and approved. As we go forward with those options notice should be provided to Acton.

Director Reine provided a brief update regarding the municipal wells in Acton adjacent to the W.R. Grace property relative to the 1,4 Dioxane issue. We do not believe there is support by the Water District Commissioners at the Acton Water District annual meeting for the article developed at the request of the Town of Concord to provide approximately 355 gallons of water per day to serve the new bus transportation facility at 214Y Main Street Concord. We have developed an on-site solution for water that is favorable from a cost standpoint as well as an overall water quality standpoint. There is the opportunity to put in a deep bedrock well which can be grouted or sealed with the ability of closely monitoring it through a prescribed testing program. This would be used for grey water and bus wash water. Drinking water would be provided through a commercial bulk bottled water option.

D-4: Comprehensive Plan Committee Charge

This is a process that is undertaken once every ten years for the Comprehensive Long Range Plan. It serves as a blue print for such items as town planning and infrastructure.

Commissioner Boardman volunteered to be a member of this committee.

D-5: Town Meeting Coordination

Commissioner Fulman volunteered to present Article 28 (Nagog Pond Water Treatment Facility, Intake Piping and Reservoir improvements) at the upcoming Town Meeting.

The Roads Program will be presented by Commissioner Pappas in the event it is pulled from the consent calendar.

Commissioner Boardman **MOVED** and Commissioner Wallis **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

To support Article 20 (Community Preservation Committee Appropriation Recommendations) , Article 23(Land Acquisition – Ball’s Hill Road) and Article 25(Cemetery Roadway Infrastructure and Drainage Improvements) at the upcoming Town Meeting.

Commissioner Pappas was nominated to represent the Public Works Commission in its position to urge no action on Article 30 (Snow Removal from Sidewalks); in the event he is unavailable, Commissioner Boardman will convey the Public Works Commission’s position.

Commissioner Boardman **MOVED** and Commissioner Kramer **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

To urge no action on Article 30 (Snow Removal from Sidewalks) at the upcoming Town Meeting.

D-6: Director’s Report

- **Department of Labor Standards – Safety Inspection** – This was a very favorable inspection. The inspector walked around the site inspecting various equipment – including the Aerial Bucket Truck used for tree work. A corrective action to acquire the appropriate tree harness was requested. This harness was obtained immediately.
- **Community Service Fair** – CPW was able to enlist more than a dozen students to help with DropOff SwapOff this coming spring.
- **Assabet Avenue** – CPW is pursuing methods of improving drainage in this area.
- **Sleepy Hollow Culvert** – The culvert is actually flowing naturally at this time. Work to proceed with this project was supported by over 70 abutters at the NRC hearing. An Order of Conditions will be issued soon.
- **Reformatory Branch Trail Culvert Repair** – CPW is in the process of creating a Notice of Intent for this project.
- **Cambridge Turnpike Dam Breach** – This is an ongoing problem which should be corrected when the Cambridge Turnpike Project is completed.

D-7: Commissioner’s Comments

None.

D-8: Public Comments

None.

ADJOURNED: 9:05 P.M.

Respectfully submitted,

Approved,

Anna R. Trout

Administrative & Special Projects Coordinator
Concord Public Works

Arthur Fulman

Public Works Commission