

**PUBLIC WORKS COMMISSION      MEETING MINUTES**

The Public Works Commission met at 7:15 p.m. on Wednesday, September 14, 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  
K.C. Winslow

*Staff:*

Richard K. Reine, PWLF, Public Works Director  
Alan Cathcart, Water/Sewer Superintendent  
Anna R. Trout, Administrative & Special Projects Coordinator

*Other:*

James B. White, President – Millbrook Tarry Condominium Assn., Inc.

**A: ACTION ITEMS**

**A-1 through A-4** - The meeting was convened at 7:15 p.m. by Commissioner Wallis. K.C. Winslow was welcomed as a new Public Works Commissioner.

The May 11, 2016 meeting minutes were approved.

The next two PWC meetings were scheduled for Wednesday, October 19, 2016 at 7:15 P.M. at the Public Hearing Rm. at 22 Monument Square and Wednesday, November 9, 2016 at 7:15 P.M. at 141 Keyes Road.

**D: DISCUSSION/ACTION ITEMS**

**D-1: Review PWC Calendar Draft**

Director Reine mentioned that the Americans with Disabilities Act (ADA) Transition Plan is scheduled for discussion at the October Public Works Commission meeting. This plan was reviewed with the ADA Committee. They were very enthusiastic about the plan. They will likely attend the next PWC meeting on October 19, providing comments. In addition, there is a private utility in a public way request for 21 Liberty Street involving an agricultural irrigation line which will also occur at the October or November meeting.

The Cambridge Turnpike Public Information Meeting will be scheduled in November. The 30% design on the geotechnical aspect is nearing completion. We are moving forward to 50% design completion on the rest of the project.

## **D-2: Millbrook Tarry Wastewater Capacity Appeal**

Director Reine explained that a detailed memo dated Sept. 9, 2016 has been prepared and presented to the Public Works Commission regarding the increased capacity.

Some background on the wastewater capacity process was reviewed. In August of 2013 the sewer improvement fee was updated. That improvement fee was updated based on recognition that in order to deal with the capacity issue at the plant, another option for capacity had to be determined. Another option for capacity was identified for about 155,000 gallons of groundwater discharge at the plant. A preliminary regulatory and hydrogeological process was completed with the DEP. A Hydrogeologic analysis was completed along with load testing in the field. An approval letter on that portion of the project was obtained. The Grace property at 214Y Main Street was also acquired, where some analysis and engineering studies were performed, that indicated that there was the potential for about 400,000 gallons per day of Title 5 flow that could be discharged at that site from a loading and hydrogeological perspective.

With the recognition of the aforementioned 155,000 gallons the sewer improvement fee was updated. It was also determined that the “relief valve” contained within the capacity allowance model, that allowed for certain connections to take place so long as a specific relief valve was provided, in the event that capacity was exceeded, was no longer needed. The Commission voted to still have all the other aspects of the capacity allowance model in place without the relief valve.

Any time we have a request for sewer flow above 1,000 gallons per day of Title 5 flow it comes back to the Commission. The Commission reviews it based upon five different criteria as follows: 1) Is the project in the best interest of the Town – demonstrated by the applicant gaining support from other boards and commissions; 2) Is it consistent with the Comprehensive Wastewater Management Plan; 3) Will the service advance the protection of public health and safety; 4) Is the project in conformance with MGL 83 Section 3 – which essentially is frontage on a sewer; 5) Other factors consistent with MGL 83 Section 10 which provides the authority to the Commissioners to prescribe certain rules and regulations around sewers and drains.

The applicant would come to this Commission with an appeal, after Concord Public Works makes an administrative denial.

The applicant in this case is Millbrook Tarry. Mr. White presented his appeal and highlighted some of the areas that he thinks are important, including some of the conservation measures he has in place and the project itself.

Mr. White showed some plans indicating what the new market would look like during the day and in the evening. He explained that the project has received the approval of the Historic District Commission, the Planning Board, the Zoning Board of Appeals and the Natural Resources Commission. The only new use for the site is the market. Director Reine explained that a condition

was placed that no parking would be allowed to spill over into the Town's Keyes Road complex. Parking relief for eighty spaces was granted.

Mr. White explained that they will carefully follow the water sense guidelines. Superintendent Cathcart added that Mr. White will work with CPW for a water assessment or impact report and he will be required to complete affidavits stating compliance with the plan.

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

To approve the appeal by the applicant, Millbrook Tarry Condominium Association located at 97-107 Lowell Road, represented by Association President Jim White, of CPW's Water and Sewer Division denial of a sewer review request dated August 29, 2015 for an increase in Title 5 sewer flow of 2,241 gallons per day to accommodate a 15,062 sq. ft. supermarket with a kitchen/food service area at 71-75 Lowell Rd subject to final reconciliation with Concord Public Works and the Board of Health relative to the Request for Title 5 Sewer Review and also subject to the applicant receiving all other necessary permits and approvals and payment of the assessed Sewer Improvement Fee.

This approval shall remain in effect for a period not to exceed one year from the date of approval unless by that time a full building permit has been issued for the project or an extension of the approval has been made in writing to and granted by the Public Works Commission.

### **D-3: State of Water Supply Conservation Declaration – Discussion**

Director Reine explained that a memo dated September 8, 2016 was provided to the Commission providing an update of what has occurred since June 27<sup>th</sup> when the State of Water Supply Conservation went into effect. In the first two motions that will be made we will be formally declaring the retroactive State of Water Supply Conservation and the Outdoor Water Restriction which was implemented on June 27, 2016, along with formalizing the water ban on August 1, 2016. In addition we will be affirming the ability of the chairperson to declare the State of Water Supply Conservation when the Public Works Commission is on recess during the summer. The last motion will provide a relaxation of the existing water ban with an adjustment to one day per week watering. Prior to the Pine Hill Reservoir upset our intention was to recommend that this take effect on September 15, 2016. With the tank now offline and expecting to be offline the motion is being modified to indicate the status of the water ban being decreased to a water restriction to one day per week would take place at a time deemed appropriate by the chair after consultation with the Public Works Director.

On September 11, 2016 there was a second incident that occurred at the Pine Hill Reservoir – the first occurrence being on August 1. Extensive testing was done to assure water quality and investigations have taken place. Measures have been implemented to prevent any future occurrence. Various methods of communications are used in accordance with the urgency of the issue. We have

utilized the Code Red (Reverse 911 System) News/Notices on the Web Site and sign boards.

There has been good compliance with the water ban. The Board of Health does not have any restrictions on volume of private wells unless it gets to the level of 100,000 gallons per day.

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

In accordance with Section 4 of the Town of Concord's Water Use Restriction Bylaw, the PWC hereby votes that as of June 27, 2016, to ensure there remains a safe and reliable supply of water for all customers served by Concord municipal water, a State of Water Supply Conversation and a Seasonal Water Conservation Advisory Outdoor Water Use Restriction shall be imposed in accordance with the Town of Concord Seasonal Water Demand Management Plan.

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

In accordance with Section 4 of the Town of Concord's Water Use Restriction Bylaw, the PWC hereby votes that as of August 1, 2016, to ensure there remains a safe and reliable supply of water for all customers served by Concord municipal water, the "Outdoor Water Use Restriction" shall be elevated to an "Outdoor Water Use Emergency" in accordance with the Town of Concord Seasonal Water Demand Management Plan.

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

In accordance with Section 4 of the Town of Concord's Water Use Restriction Bylaw, the PWC votes to ensure there remains a safe and reliable supply of water for all customers served by Concord municipal water, an "Outdoor Water Use Emergency" will be relaxed to an "Outdoor Water Use Restriction" at a date deemed appropriate by the PWC Chair in consultation with the Public Works Director in accordance with the Town of Concord Seasonal Water Demand Management Plan with the following modification: Lawn watering shall be reduced from a maximum of two days per week to no more than one day per week. Violators will be subject to fines in accordance with the Town of Concord Water Use Restriction Bylaw (1995).

**D-4: Middlesex School Drainage Easement – Lowell Road**

**D-5: 75 Shadyside Ave. Drainage Easement**

Director Reine explained that these two items are fairly straightforward. They include two separate 400 square foot drainage easements being provided to the Town by two property owners. One is on Shady Side Lane and the other on Middlesex School property. Chapter 83 Section 1 authorizes the Commissioners to acquire lands for the purpose of constructing drains. This is

somewhat unusual – usually the acquisition of an easement for anything other than constructing drains would need to go through the Board of Selectmen or even Town Meeting depending on the level of the acquisition. Chapter 83 Section 1 was rewritten recently to provide this authority to Commissioners. Both owners are cooperating and have agreed to donate their land to construct the improvements that are proposed.

Commissioner Winslow **MOVED** and Commissioner Fulman **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

To approve the drainage easement, which grants the Town a non-exclusive and perpetual 400 square foot easement over and across property owned by the Middlesex School on Lowell Rd. for the purpose to construct, maintain and repair a drainage system as shown on the plan prepared by Stantec Engineering dated 9/2/16 and included in the 9/14/16 Public Works Commission agenda.

Commissioner Winslow **MOVED** and Commissioner Fulman **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

To approve the drainage easement, which grants the Town a non-exclusive and perpetual 400 square foot easement over and across property owned by Boynton Builders LLC on Shadyside Ave. for the purpose to construct, maintain and repair a drainage system as shown on the plan prepared by Concord Public Works dated July 21, 2016 and included in the 9/14/16 Public Works Commission agenda.

Commissioner Wallis asked the Commissioners if they had any issue with Director Reine taking measures necessary to protect our water resources. Director Reine explained that a vote is not necessary as these actions are within his purview and within budget guidelines.

#### **D-6: Polystyrene Education and Outreach Committee – PWC Appointment**

This committee was established by the Select Board following the Attorney General's approval of the Town Meeting Article for the Ban on Polystyrene. It has been established to implement the ban as well as to review any hardship requests submitted by individuals affected by the ban. The hardship requests would also be filed with the Board of Health. The committee would then act in an advisory role to the Board of Health providing guidance relative to the criteria for a hardship being met.

The Public Works Commission has been asked to nominate an individual to serve on the Committee. To assist the PWC in this nomination CPW approached REUSIT to inquire if any of their members might be interested in serving on this Committee with an understanding that the final decision would be the PWC's. Two individuals have expressed interest. Nancy Kerr has been on the REUSIT Board of Directors for over 15 years and she has expressed a sincere interest in participating on this Committee. After a review of her background and expertise, Director Reine has provided a recommendation to the PWC for her nomination by the Public Works Commission. A second

person, Stephan Bader, is also interested. There are two “at large” positions that are available, so Stephan could be recommended for one of these positions if the PWC chooses to do so. Concord Public Works will be enforcing any violations of this bylaw with the understanding that the outreach and education would be completed by the Committee prior to the enforcement date in January of 2017.

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

To recommend Nancy Kerr as a member of the Polystyrene Education and Outreach Committee.

Commissioner Wallis suggested that Stephan Bader’s name be passed along to the Select Board as a person interested in being a member at large of the Committee.

#### **D-7: Director’s Report**

- **Public Works Week Celebration** – This event was very successful with 230 eighth grade students participating in six different educational segments designed to illustrate the workings of Concord Public Works. This year there was one student with some physical challenges and accessibility issues. Everyone was happy to accommodate this student who was able to enjoy the experience with his classmates.
- **Concord “Re-CYCLE” Bike Giveaway Update** – The bicycles collected at the May 14 DropOff-SwapOff were reused – and given a new home at this pilot program on June 22. Any bikes remaining after the event were donated to the Boys and Girls Club of Worcester. Due to the success of the program it will be continued in the future.
- **Roads Program** – Phase I, II and III of our Roads Program are essentially completed.
- **Irrigation System Repairs and Maintenance** – Staff were able to perform repairs to make the irrigation systems more efficient.
- **Doug White Field Maintenance** – A special process was used to complete cleaning, decompaction and leveling of the infill material on both of the turf field surfaces.
- **Tornado Response** – CPW’s Grounds Division provided initial response at this event reported at 3:30 AM on the morning of August 22. Several contracted crews were also employed to assist with the cleanup effort.

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

To commend the Town staff and vendors engaged by the Town for their extraordinary efforts in cleaning up the damage caused by the tornado, and also addressing the issues that arose over the summer at the Pine Hill Reservoir.

- **Route 2A Pumpstation Suction Main Relay** – Great effort was put forth by CPW crews working with contractors to complete this work.

Commissioner Wallis asked why there have been so many water main breaks lately. Director Reine noted his agreement in the unusually high number of breaks experienced since April and offered a potential explanation relating to the groundwater levels having dropped so low due to the historic drought causing the soil to subside resulting in forces being exerted on water mains which had not been experienced before. Director Reine indicated he has spoken to other Directors and Water System Managers who are also reporting similar experiences in an unusually high number of water main breaks.

Dan Rowley is attended the Community Preservation Committee (CPC) meeting on September 14, 2016 to request additional funding for the balance of the Sleepy Hollow Cemetery infrastructure money. There will be a \$150,000 debt request as part of Town Meeting in FY18. We are seeking \$450,000. The total cost to do the balance of the work at Sleepy Hollow Cemetery is about \$760,000.

#### **D-8: Commissioner's Comments**

Commissioner Fulman mentioned that the Nagog Meeting was very lengthy. This was the second public hearing and it is still not closed. There is another meeting on November 1. The Department had a substantial number of people including engineers, the attorney presenting on the zoning issue, and a person who addressed the sound issues. There was also someone there who spoke about the Co-Gen equipment. The Board was more receptive than they were at the last meeting. There were concerns about having more deliveries with large trucks and questions about the level of noise. Two other issues were the fence and the issue of power, which originally was going to be solar and now has moved to Co-Gen. Concern was expressed about natural gas. The findings that the Board has to make is very strict.

Director Reine said that we are on pretty firm ground with regard to most of the items including the plant itself and the fence. Co-Gen was selected because of the push back to solar. The problem is the amount of CO<sub>2</sub> that is generated as compared to grid power. The benefit of the Co-Gen Unit is that if you can use the waste heat you are able to decrease your footprint by a significant amount over grid power. Distributed energy is one of the things that the State is leaning towards. We may not be successful with the alternative energy strategy.

Commissioner Fulman asked that because of the amount of energy that would be consumed are we able to go to markets other than Eversource. Director Reine said that a study needed to be done when we looked at the interconnection agreement with Eversource. There were three other projects that participated in that. We had to pay for the study to determine what upgrades may be necessary for the interconnection agreement. Ours was 450 KW. Another building off of Main Street was 750 KW. When this study was done our interconnection was going to feed to the Maynard substation and it was about a \$10,000 upgrade to do that. The complete impact study duration was approximately 12 months. The entity proposing the 750 KW system is required to connect through the Lexington substation due to capacity and load issues, which would be much more expensive for them. If we are ultimately unsuccessful with our alternative energy strategy including solar and CHP we

may have an opportunity to utilize a virtual net metering strategy to increase the sustainability of the project and economic benefit potentially by partnering with one of the other group study solar developers.

**D-9: Public Comments**

None.

**ADJOURNED:** 9:25 P.M.

Respectfully submitted,



Anna R. Trout

Administrative & Special Projects Coordinator  
Concord Public Works

Approved,



~~Peter W. Wallis~~

Andrew Boardman

Public Works Commission