

**Drafted but not finalized by Clerk, 2016-2017  
Approved by Board of Selectmen, April 23, 2018**

**BOARD OF SELECTMEN AND SEWER COMMISSIONER'S SPECIAL MEETING**

**January 18, 2017  
Francis Faulkner Room 204  
Regular Meeting 7:00 PM**  
To view the video, please [click here](#)

Present: Peter J. Berry, Janet K. Adachi, Franny Osman, Katie Green, Chingsung Chang, Assistant Town Manager Mark Hald, Lisa Tomyl, Recording Secretary, and Jeffrey Roleoff, Special Town Counsel  
Mr. Berry opened the meeting at 7:05 PM

**Public Hearings**

Site Plan Special Permit/Use Special Permit #11/20/2015 – 459, Nagog Pond Water Treatment Plant  
Concord will present first with their response with the Wildlife study, archeological study and the updated fencing plan. BOS will respond with questions, then public comment limited to only issues that have surfaced since the last public hearing September 12, 2016. Hearing will close then deliberations at another date within 45 days of closing the hearing.

Presenting for Concord is Peter Durning, Special Town Counsel. Representing Concord is the same group as the previous hearing on September 12, 2016. Concord presented a presentation regarding the security fence and review of wildlife habitat issues, update on the archeological study, response to recent public comment, and review of Concord's December 7<sup>th</sup> email to issues identified by AWD.

Concord listed 4 commitments regarding the fence installation and maintenance.

Concord listed 3 commitments for the archeological investigation, and then responded to new issues from public comment. PAL has and will continue to reach out their PAL reach out to Acton Historical Society and Friends of Pine Hawk as requested by the Board.

Ms. Osman asked about the purpose of the eminent domain property , Mr. Durning stated that it may have already sat on a public way or intention to a public way. Mr. Cathcart stated that the taking was 1932 – the pipe extends through a right away down to Great Road.

Ms. Osman inquired about the holders on the intake pipe – requested to be shown the existing intake pipeline and the addition. Mr. Durning stated that the intake pipe is going to draw at the same elevation as the current intake pipe.

Ms. Osman asked about where the fence is proposed; asked about a decision to put the plant in its proposed location and if Concord could live a smaller fenced in area (around the treatment plant). Mr.

Durning explained that the topic of the fence relocation positioning was walked through at the September 12 hearing.

Ms. Adachi inquired where is the easement of the property is now that you have shortened the fence. Ms. Adachi questioned the proposed delivery of service trucks and access roads – AWD has deliveries from 8:30 – 2PM and would Concord consider deliveries similar as AWD to avoid school (bus) times. Mr. Durning stated that deliveries would occur when the facility is staffed anytime from 7AM – 5PM. Limiting it from 8:30 – 2PM would be difficult and at times if there is an urgency there could be a delivery on off hours. Deliveries will be through Hazelnut and not through Skyline Drive. We (Concord Water District) anticipate deliveries from M-F.

Ms. Adachi stated that Hazelnut residents are concerned about the maintenance of the roads and would (Concord Water District) be contributing to some sort of maintenance fund. Other concerns that the address (of the Treatment Plant) has Skyline Drive as an access point on Mapquest and there is concern of that use on a private road. Mr. Durning stated that (Concord Water District) would be sure to communicate with the contractors about which route to use.

Mr. Chang – missed his comment

Concord's position and the use of Nagog Pond – the Town of Concord use of the water rights – Concord is open to a discussion about water rights

Ms. Green – Are you looking for seeking a larger fencing area for a larger area in the future PD – there will be a continuing monitoring regarding what the future needs may be and the vulnerabilities and requirements from regulators may change but do not see any rapid modification in the immediate future.

Ms. Green – been references in PAL content and the AHS vs. AHC – PD it may have been in error.

Ms. Green – asked for clarification of the 2 phases of studies does the final report to the Mass Historical Commission be accepted prior to construction or is it about having phase one completed to begin construction on the building then the phase 2 for the fencing – PD – was unaware when that portion is beginning or to be completed.

Mr. Berry – HDC vs. AHS – Friends from Pine Hawk did a historical archeological study by the AWD finding articles dating back 10,000 years. As of January 6<sup>th</sup> the AHS and Friends of Pine Hawk have yet to be reached out.

(Paul Environmental Partners Group) No idea who the man is stating he reached out to Bill Klauer and made a good faith effort and did not hear back from him.

Mr. Berry - Acton Historical Society is a private organization and it should be HDC and Friends of Pine Hawk should be contacted as well.

Mr. Berry – what are the procedures for protecting the Pond bed – what about if artifacts turn up during the pumping – how are you going to protect that. PD - Conditions from MEPA and ConsCom are very

specific. Concord would utilize a coffer dam and brace the pond the work is explicitly conditioned to be performed in September the procedure will be to pump the water from the cove side to the coffer dam. Mr. Berry – question about fencing and placement plans – questioned about reinforcement of the conditions – Mr. Cathcart – we have a commitment for protection of the water, facility is fully staffed and work very well with Acton Staff and would welcome any suggestions regarding enforcement. Mr. Berry – AWD conditions – when did concord stop hooking up new lines on Great Road in Acton – Mr. Cathcart – policy relates to the size of the service connection – in the 70's there was a understanding the Public Works Commission would limit the size of the control

Mr. Berry – plans about short term long term and emergency and the WR Grace plume – there has been some contact from Concord and AWD and if the well goes out because of the pollution. AC – AWD through Planning and regulatory review did due diligence regarding access water we would have conversations with Acton regarding providing service and that there could be services that benefit both communities. The greater the flexibility between the two towns the better the benefits for both.

Ms. Osman – what is the total volume at full capacity – Mr. Cathcart – 800 million

Barry Elkin, Quail Ridge – something about the public entrance

James Engel, Breezy Point – reiterated regarding a letter that was submitted to the BOS regarding the fence placement. Read from a statement. PD – it is more complex than simply saying concord will agree to that access. If Concord is going to grant an easement the path, but it is committed access to the trails leading up to the Nagog Hill Conversation Land

James Engel – thanked PD and Town of Concord, upset that the Town of Concord about not having the commitment in writing regarding the access path

Terra Friedrichs, Wright Hill – do they recognize that Acton and Littleton have rights to the water – PD – the 1884 addresses rights to Nagog Pond for Acton and Littleton

Bob – if we could get update regarding the PAL and still have not received any update as of 11 AM. Deeply concerned about archeological sensitivity of the region.

Someone who spoke without a name and address – requested to have Concord admit that Acton and Littleton have rights to Nagog Pond PB – is striking it from the record due to its legal implications

Ralph, 68 Skyline Drive – what rational is approving this plan

Carolyn Kiely, Parkland Lane – requesting a per vehicle fine for trucks utilizing Skyline Drive

Kim Kastens 294 Pope Road – gave a brief presentation regarding water withdrawals

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Robert Sekuler, Parkland Lane – Citizen Organizations in Carlisle – Concord's submission of January 6, 2017 that make many assurances – refer to his letter 2

Jeff Clymer, 5 Walnut Street – limits from deliveries in Acorn Park

Terra Freidrichs, Wright Hill – federal upgrades forced the facility upgrade

Don McIver, Friends of Pine Hawk – concerned that Friends of Pine Hawk had not had contact from PAL until just after noon today

Barry Elkin, Parkland Drive – has concerns regarding the fence how a fence is open at both ends, but should be protecting the facility instead.

Lynne 168 Skyline Drive – was unaware of any plans and is the closest abutter to proposed fence installation

Renee Roberts – wanted to clarify how you take a comment at the end to put in monitoring in and water withdrawl

Terra Freidrichs, Wright Hill – if Board votes to close will it be accepting any more comments Mr. Roelofs – if the board close the hearing they cannot accept any more material or questions from the public and from Concord, and then will deliberate at a later meeting date.

Ron Beck - recommends for Concord withdraw their application and have a further discussion. Following the previous hearing

Rob Sekular – deliberations are public – yes

Ms. Green moved to close hearing, Ms. Adachi seconded. 4-1 Ms. Osman Nay.

Ms. Green moved to adjourn, Ms. Adachi second, all ayes.

Respectfully Submitted,

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Lisa Tomyl, Recording Secretary

Franny Osman, Clerk