

Water Resources Advisory Committee
Minutes of Meeting
September 29, 2010
Town Hall Room 121

Present: Barry Rosen Ron Beck (chair) , Matt Mostoller, Helen Probst, Carol Holley (clerk), Mike Kreuze, Janet Adachi (Selectmen Liaison)

The meeting opened at 6:51 p.m. The minutes of the August meeting were reviewed and corrected. Ms Probst move to accept the minutes as corrected, Mr. Beck seconded, and all voted in favor.

Ms Probst noted that the task (second stormwater bylaw and handbook) was large and would take a long time to accomplish. It was decided that the by-law might take 4-5 months and the manual could take as much as 8 months. Then there would need to be 3-4 months for public information and review. Some of the public information and review sessions will be parallel with the development of the manual. Mr. Rosen noted that it depends on what Acton wants for quality of life, and Ms Probst noted that input from the business community also needs to be obtained.

Mr. Beck brought up the request for a consultant in the presentation. The WRAC will help with the specification for an RFP. Ms Holley noted that you can learn things just from reading proposals. Mr. Rosen and Ms Probst noted that neither WRAC membership nor town hall staff have the background expertise for this job.

Mr. Kreuze asked in the process, what is the consultant for? Mr. Beck replied that the consultant will mainly work with the manual but also work some with the by-law. Ms Probst added that maybe we want them to help with public education. Mr. Kreuze felt that the RFP process needed to be added into the by-law generation timeline. Mr. Mostoller noted that you can do an RFQ, but then you are under greater scrutiny in the decision-making process.

Ms Adachi thought that it was important for the Selectmen to understand the limits of what the WRAC can do on its own. Mr. Mostoller noted the WRAC could put something together to be reviewed by a consultant.

Mr. Beck noted that, at the last meeting, town department assignments were discussed. It's not totally clear that coordination of the effort should be under the Board of Health. Mr. Rosen noted that the group is going to hold off on that issue until further along in the process. Ms Adachi observed that the problem is that there are personnel issues – staff already has a lot of work. Mr. Beck noted that this goes into the issue of the whole process being an unfunded mandates – it is the job of the town to protect its resources. If you look at all the literature, people are putting in stormwater utilities. If that notion is pursued, then the effort is funded. This bylaw is water related but involves a lot of planning and a lot of engineering calculations. Mr. Mostoller felt that funding was a key decision that had to be considered – this effort won't be cheap.

Ms Holley moved to accept the slides as amended. Ms Probst seconded. All voting members voted in favor. Mr. Beck noted that it would be nice if associate members could count towards a quorum; Ms Adachi said she would look into that.

Mr. Beck brought up the new open meeting law and its constraints. He suggested that anybody who wanted to put something on the agenda for a future meeting needed to submit it a week in advance of the meeting date. These items should be submitted via email to Mr. Beck and Ms Holley. Mr. Beck will send out his understanding of the agenda by the Thursday before the meeting date. After some discussion, the group decided to move the meeting date to the third Wednesday of the month, and Ms Holley said she would promptly put in for room reservations. The group also decided to move meeting dates in November and December up one week to avoid the holiday period.

The group decided to spend the next half hour discussing the next phase of bylaw writing, with an eye to adjournment by 8:15 p.m.

Mr. Rosen asked if the group still preferred to use the New York/Vermont model that he had emailed out to everyone, noting that it will have to be customized for Acton, but it looked like it was going in the direction everyone was comfortable with. Ms Probst stated she liked the document, particularly because its language was clear. Mr. Beck noted that at the beginning of the document there is a list of critical decisions that need to be made. He read these to the committee members:

Decision	Rationale
Should post-construction ordinance be combined with erosion and sediment control (construction stormwater) and/or illicit discharge detection and elimination ordinances	Creates a comprehensive code, but can end up being a massive overwhelming document
Develop a separate Stormwater Design Manual to keep technical details and specifications out of the ordinance	Having a separate manual is the recommended approach, and there are likely state and local manuals to reference
Include credits for Low-Impact Development, non-structural measures, and Smart Growth techniques	These are recommended program tools. The program should develop the technical and program capabilities to include these as the program matures.
Include special stormwater criteria for important resources, such as drinking water supplies, coastal areas, wetlands, cold-water fisheries, impaired streams	Special criteria can provide extra protection for locally-important resources. The technical criteria for meeting the standards should be in the Design Manual.
Determine the number and types of sites that will be subject to stormwater requirements, plan review, and site inspections	The ordinance can apply to nearly all development and redevelopment sites, or only those of a certain size, disturbed area, or impervious threshold. Applicability is a critical program decision

(Above excerpted from “Tool 3: Post-Construction Guidance Manual”, published by the Center for Watershed Protection, Ellicott City, MD, page 3.)

Mr. Beck noted that the first decision had been made – the WRAC split out the illicit discharge piece and that has already been enacted as a by-law. The second decision – to separate out the bylaw and manual – had also been made. The third issue had yet to be addressed, but was acknowledged as something that needed to be done. The fourth item, regarding special stormwater criteria, was of particular

concern because Acton's public drinking water supply comes from groundwater. It was felt that standards would be different for zones I and II than zone III's.

The fifth issue, being the types and number of sites subject to stormwater requirements, opened the discussion to ratios of impervious surfaces, etc. Mr. Rosen noted that this is about thresholds; Sudbury does a sliding scale based on slope, and they begin regulating at 200 square feet with a 10 degree slope. The faster the threshold comes in, the more your regulations kick in and the more money it costs to enforce the regulations.

Ms Probst noted that we would not be asking people to spend tons and tons of money, but they should be aware of what happens to the water.

Mr. Beck noted that in Kelley's Corner we definitely want to do something. How do we define that? How does Kelley's Corner fall into a particular definition? Is this because there are a lot of impervious surfaces? Ms Probst felt there had to be consideration of impervious surface, slope, and zone.

Mr. Beck noted that Kelley's Corner is one place, and East Acton Village another with similar characteristics. We don't have a lot of slope in Acton in general. Mr. Rosen thought there are a lot of slopes along the brooks – how do you decide these issues? Mr. Mostoller replied, that is what your consultant is for – to figure these questions out.

Ms Probst noted that maybe there could be two sets of parameters – pre-existing versus new construction. Mr. Beck discussed the Charles River Watershed situation, where they are trying to reduce impervious surface. Mr. Kreuze observed that Acton is mostly residential in character. Most of this area isn't industrial. Mr. Rosen replied that the Avalon apartments created a huge area of impervious surface.

Mr. Beck observed that the group needed to know the total area that already is impervious, and felt the town already had a lot. Ms Probst stated that relative sensitivities of different areas also have to be considered. Ms Adachi felt the group needed to look at all the related factors – slope, proximity to surface water, percentage of impervious surface, etc. Mr. Mostoller wanted a general sense of how much of the universe the group wanted to regulate. Mr. Rosen felt the group needed to deal with impervious and minimize additional impervious surface. He noted that the group wanted to inhibit deterioration and control quality and value but we haven't defined what those are – that might be in the handbook with enforcement standards, and this gets down to the quality of life that the people of Acton want. Developers will want less regulation because there are probably lower costs that way. This could fold into the issues that could be raised in the community plan. Mr. Rosen thought that this group could be a vehicle for helping to understand the quality of life desired by the town.

Mr. Beck recapped: it sounds like we need to come up with some specific ideas on how to handle the impervious surface concept. Ms Holley said she would contact the Organization for the Assabet River to see if they had any data on impervious surface in Acton. Mr. Kreuze thought that it would be helpful, for discussion purposes, to find out what a minimum would be.

Ms Probst noted that at town meeting, when we are asked why we are doing this, we need to be able to say what's the minimum and what's extra.

Mr. Kreuze moved to adjourn, Ms Probst seconded and all voted in favor. The next meeting date was announced as October 27, 2010. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Carol Holley
Clerk