

Water Resources Advisory Committee  
Minutes of Meeting  
April 28, 2010  
Town Hall Room 126

Members present: Ron Beck (chair), Barry Rosen, Helen Probst, Jeff Clymer, Mike Kreuze, Carol Holley (clerk)

Staff present: Justin Snair, Matt Mostoller

Others: Mary Michelman, Janet Adachi (Selectman liaison)

The meeting opened at 6:55 p.m. Mr. Beck stated that there were three main things to discuss – first, what role, if any, the WRAC will have with rules and regulations promulgation now that the by-law is through Town Meeting; second, how do we get started on the second by-law, and what do we need to do, and how do we get departments involved; third, a general discussion of what we need to do during the course of the next year.

Ms Probst moved to accept the minutes of the prior meetings as presented, Mr. Clymer seconded, and all voted in favor. Mr. Beck expressed his appreciation for the IT department and their timely posting of approved minutes on the wet.

Mr. Beck introduced Ms Adachi is the new Selectman liaison to the WRAC, and welcomed her.

Mr. Beck opened up the discussion of rules and regulations promulgation, asking if the Board of Health wanted WRAC to be involved. Mr. Kreuze will take that query back to the Board of Health for discussion at their next meeting. Mr. Snair stated the Board of Health often employed work groups to promulgate rules and regulations, further noted that the Board would not be “word-smithing” the regs. Mr. Snair thought that the WRAC and staff had worked well in developing the by-law and thought that having a WRAC member on the regulations work group would be a good idea. Mr. Beck noted that the committee had received comments and concerns from the public regarding over-regulation before the vote at Town Meeting. Mr. Snair proposed a workgroup of three members – a resident, a Board of Health member, and staff. The work group would be under the Board of health. Mr. Snair will get formal guidance from the Board of Health before moving forward on this project.

It was noted the regulations will need to deal with permitting and sampling. Mr. Snair noted that the by-law does not require development of the regulations, and that the most pressing concern was the permitting process. Internal municipal processes will also require development. Mr. Beck will forward the issues raised to him to the WRAC and staff.

Ms Probst felt that a really valuable activity would be to create a “rolling dog and pony show” regarding the MS4 and related topics – something portable that can be shown to people. Mr. Beck agreed that the WRAC needs to put some effort into that this coming year. Mr. Snair noted that, as he starts to determine residents that will be affected by the by-law, there will be an on-going process of education. He noted that every order letter he writes comes with an informational piece.

It was agreed that, next meeting, time needs to be set aside to talk about public education regarding the stormwater bylaw.

Mr. Beck turned to the topic of the next by-law, noting that the evening's discussion will focus on strategy. Mr. Beck related his thoughts – first, probably the expectation of the Selectmen is to have the next by-law for the next spring town meeting; second, due to the nature of the second by-law, a lot more public education needs to be done – 4-5 months before town meeting, and any new development or redevelopment issues need to be covered. Mr. Snair interjected that there will be people with a vested financial interest in this new by-law. Third, Mr. Beck continued, other departments, including Planning, Engineering and Building, need to be involved in this process.

Mr. Beck felt that Mr. Ledoux will need to call a meeting with staff regarding what departments get involved. Ms Probst thought they should be provided with topics and impacts to the different boards and staff. Mr. Snair opined that the Selectmen need to work with staff regarding who will be involved in this issue. Mr. Rosen felt that the group needs to generate a “skeleton” of the by-law, and figure out which departments need to be involved with fleshing out the skeleton. EPA requires that, if you disturb a parcel of one acre or more, you must have a by-law that describes how to do it. Commercial and larger scale activities are the most important.

Mr. Rosen continued, another issue has to do with residential versus commercial development. Also, some LID practices are clearly prohibited under zoning. LID is a complicated area. What does pervious paving do in terms of recharge – it can introduce pollutants into the groundwater. It would be helpful to have somebody from Engineering. We don't need people assigned full time, but involved ad hoc for technical review and expertise – especially regarding LID and BMPs for post-construction. Mr. Snair thought that if we structure this well, we can phase departments and their expertise – we can have separate by-law sections.

Mr. Beck felt there should be a couple of fundamental discussions, like with LID. Mr. Kreuze thought it important for the Selectmen to understand the commitments – we need to be careful about this. If there is a draft by-law, then we could just require a review commitment. Mr. Beck noted that there are two different model by-laws, one from the EPA and one from an NGO, and then there are towns with by-laws ranging from Sudbury to Andover. The group can take a quick run through those. Last time, we took a model by-law and went through a line by line review but in this case, there are some basic issues we need to deal with. How specific do we want to get with LID? Once we get a model, we can give it to departments for review. Planning needs to be involved early on.

Mr. Snair thought that there will be impact on Planning. He noted that the last by-law took 8-10 hours per month of his time. Planning should be the custodial department for the next by-law. The Building Department makes the most on-site inspections of construction. The WRAC would have to consult with Building regarding training and administration, etc.

Mr. Beck asked Selectman Adachi to talk to Selectman Rosenzweig – does the WRAC come before the Selectmen regarding departments that need to be involved, or does a staff level meeting happen? Clearly, we need somebody from Planning. Selectman Adachi noted that people need to understand the downside of not doing this.

Mr. Clymer felt that Mr. Bartl will ask why we are doing this and what do we have to do to be in compliance – do we want to get minimum standards or more? Mr. Snair added, do we enforce it? If we

don't hash things out, we will have a by-law we won't know what to do with. Mr. Beck felt that the answer was – we don't know yet. The towns that have put this in place already don't look like each other. The minimum might or might not be good for our town. Mr. Snair noted that the language has to be enforceable. Mr. Clymer asked, don't you have to start with the minimum standards – here they are and here is where that meets Acton's needs? Mr. Rosen agreed – the by-law has to meet minimum standards. Mr. Clymer noted that you also need a by-law that will pass town meeting. Mr. Rosen thought that this by-law has to do with quality of life in Acton; Mr. Snair added, it could impact development – what you see from the curb.

Mr. Beck reiterated that this by-law has to be a cooperative effort.

Mr. Kreuze thought that the group should start with the minimum requirements and then figure out who needs to be part of the by-law's development and review. Mr. Snair agreed with starting with the EPA document, noting to the Selectmen who will be affected and who will need to sit in on the development of the by-law.

Selectman Adachi noted, what would be helpful would be to look at the model and talk with Selectman Rosenzweig about what she knows, and who has input on these decisions. Mr. Beck suggested, why don't we go through the model by-law next time, not in terms of word smithing, but in terms of what is involved.

Action items were generated:

1. Selectman Adachi will get up to speed.
2. The group will read the model with who should be involved in mind
3. The group will review the Sudbury and Andover by-laws

Mr. Rosen asked, how do we identify how far the people in the town want us to go? It's not up to Planning or us to make the final decision. Ms Probst noted, we have to find where the floor is and where we want to go above that, and why. Ms Probst suggested letters to the Beacon regarding how far to take this by-law. Mr. Snair suggested putting the EPA by-law up on the WRAC website. Mr. Clymer noted that there are a lot of moving parts to this.

Mr. Beck turned the topic to the water forum Green Acton is sponsoring on May 11. Their goal is just to educate people more about water. The format of this in three presentations – Mary Michelman talk about general pollution issues, Matt Mostoller will talk about water supply, and Mr. Beck will talk about wastewater and stormwater. Since they are advertising Mr. Beck as a member of the WRAC, he wanted the group to be aware.

Mr. Beck observed, in planning for the coming year's activities, the next by-law is most important. However, we were originally going to do water management in general, including wastewater management. Mr. Beck would like to get permission for the WRAC to work on this during the next year as well, maybe 20-30% of the time, looking at public education and water management. He also wanted to look at the similarities between stormwater utilities and wastewater management districts. Mr. Mostoller agreed that they were similar concepts.

Ms Probst recapped the proposal – go back to the Selectmen, noting we will spend most of our time on the by-law. Mr. Rosen noted, we want to start looking at water as a resource. Mr. Kreuze will bring the idea of the WRAC doing wastewater management districts to the Board of Health. Mr. Beck will write a

paragraph for group review before submittal to the Selectmen. The consensus of the group was that wastewater management will take part of the group's attention for the coming year.

The next meeting will focus on the new by-law and education.

Mr. Kreuze moved to adjourn, Mr. Clymer seconded, and all voted in favor. Meeting adjourned 8:50 p.m.

Respectfully submitted,

Carol Holley  
Clerk