

Water Resources Advisory Committee  
Minutes of Meeting  
June 23, 2010  
Town Hall Room 126

Present: Ron Beck (Chair), Helen Probst, Carol Holley (Clerk), Justin Snair (Staff), Janet Adachi (Selectman Liaison)

Documents referenced/reviewed: Sudbury Draft Stormwater Management By-law and Regulations, EPA Model Stormwater Bylaw

The meeting opened at 6:50 p.m. It was noted that Mr. Rosen had informed the group earlier that could not be present at this meeting.

The minutes of the prior meeting were reviewed. Ms Probst moved to approve as submitted, Ms Holley seconded, and all voted in favor.

Changes to the Open Meeting Law were discussed. It was noted that the Committee now has to officially post its agenda 48 hours prior to the meeting. Ms Adachi noted that postings may also be required to be placed in a physical spot where they can be viewed 24/7, such as on a bulletin board outside a public building.

Mr. Snair stated that regulation generation pursuant to the stormwater by-law passed at last town meeting, will be performed by a staff workgroup with input permitted from others. This process was decided upon due to Open Meeting Law constraints and the amount of time it would take to generate the by-law in this manner.

Mr. Beck suggested discussion of a calendar or plan of action for the development of the next by-law, noting that he felt like the group was already behind schedule (the May meeting having been cancelled due to a Town Hall power outage). Mr. Snair believed that the first task was to determine what enforcement Board would be in charge of this. Mr. Beck noted that the initial version of last year's by-law had been given to town counsel, then the boards, in December. He felt that in July the group needed to determine the custodial board(s) and get staff dedication from those departments. Ms Probst felt that the plan could be based around chunks of discussion, noting that this process goes through several departments – Planning, Engineering, Health and Building. She asked, is there a department that inspects facilities both pre- and post-construction?

Mr. Beck stated that there were some basic parameters that need to be determined. Some of the things the group might want to do are not currently allowed. Also, there is the mechanics of the application process, review, and inspection procedures.

Mr. Snair noted some of the planning parameters – site size, what you need to include in a development plan, conditions for implementation. Mr. Beck noted that the final part will be determining the overlaps – we want to do this, but the by-laws for subdivisions say otherwise.

Regarding pervious paving, Mr. Snair related that the UNH study has been completed and is available on line. He noted in particular that pervious paving does not remediate nitrates.

Mr. Beck observed that multiple topics will need to be addressed simultaneously. If the group can sort out the board and staff issues in July and then look at the rest from August to November, then look at overlaps and other by-laws. Mr. Snair observed that this might not be a one-year project, and Mr. Beck agreed that it could take longer.

Ms Probst asked, what is the exact minimum that needs to be done to ensure NPDES compliance, and is that what we want to do? Mr. Snair noted that this was a stormwater quality issue, because it's runoff. Do we do technology, development restrictions? You can't increase run-off. Do we want to restrict or encourage development, or not change anything in that regard?

Mr. Beck noted that looking at low impact development and best management practices, the minimum by-law just says that you need to have a stormwater management plan and not increase runoff. Different towns are coming down with LID. Mr. Beck cited the WAVE project site as an example – LID isn't that effective there. Off-site mitigation possibilities were discussed. Mr. Beck noted that the group needs to go through the whole thing to say what is the minimum that can be done.

Mr. Snair noted that all projects now go through multiple board review, but they come in through one department.

Ms Probst stated that she knew that beyond staff members, there will be issues of why we are going this far. Some people will be happy because it could stop development and others will be unhappy. We are five people in a room making a global decision about the town. At one level we decide whether to be pro-development or not. Mr. Snair felt nothing should be done that either restricts or encourages development. Mr. Beck said he tended to agree, but noted that if you go back to the CWRMP and compare Concord and Acton, Concord has a specific section on goals right at the beginning, and a stated goal is to be development neutral in that document. This is in a sense a technical by-law. Mr. Beck thought the group needed to, early on, try to actively engage the public, especially commercial property owners, just to have a discussion – so maybe we can try to do that in September. The other thing the group needs to have is a big public thing – maybe one early on and one later on. Ms Probst suggested having a discussion at a Town Meeting before the by-law comes before town meeting formally. Mr. Beck noted that the Kelley's Corner project presentation had been well-attended. Ms Adachi suggested using the Stretch Code public education process as a model for getting the buzz going, and multiple meetings, noting that you need to keep the public involved.

Mr. Beck observed that there are a couple of big pieces to the by-law that will have an impact, giving the flooding behind Roche Brothers as an example. There, the stormwater removal does not work.

Mr. Snair raised two issues – flow and quality. Can we identify what would affect or not affect development and avoid those things? How do you develop a site? You decide the results you don't want and let them decide how to go about it. Mr. Beck noted that measuring is an issue – how do you judge? They use water balancing software called Hydrocad now; it's basically garbage in, garbage out. How do you define the current levels? All sorts of assumptions are made. Mr. Beck felt that the town needs to be supplied with the model. Ms Probst compared water balancing to cap-and-trade. Mr. Snair noted that septic systems recharge with wastewater and that is accounted for in the stormwater balance calculations – this is an existing design practice.

Ms Probst noted that the regulations will have to be written very carefully. Mr. Beck thought that unless we get people to see what the regulations look like, there will be questions. Draft regulations will need to be available for people to see.

Mr. Snair offered to talk to an engineer at Stamski & McNary about attending the meetings in an “of counsel” capacity.

Mr. Beck felt that the Board of Selectmen liaison needs to talk to the town manager about talking to all the department heads regarding getting involved in a substantive way. Mr. Snair felt that the Board of Selectmen needed to charge the Planning Board with the project as a priority.

Mr. Beck asked, if this is going to the Health Department, who has the time to do it? Mr. Snair noted that it could be costed out to the Health Department because the Board of Health is doing it right now – they already do part of it.

Ms Adachi thought that identifying probable conflicts with the different Planning regulations should be done before talking to staff. Ms Holley offered to review the Zoning Bylaw and Subdivision Regulations with an eye to stormwater management.

Ms Probst felt that if the by-law was about quality and flow, the Health Department was the logical choice.

Mr. Beck noted that if you look at the EPA model regulation, there are a couple of key sections. Section 5 is general performance and lays out what you have to achieve. It gives a number of options. What will we require? Section six of the model is basic stormwater management design criteria. In the Sudbury regulations, there are standard permit conditions which are pretty detailed. Mr. Beck suggested starting with sections five and six of the model and Sudbury’s standard conditions, and how they reference each other. If you start from the beginning of the model by-law from the EPA you can get lost. Mr. Beck recommended starting with section five at the next meeting. What does this mean in terms of implementation? Ms Adachi felt that the Sudbury regulations would be useful in fleshing the bylaw out.

The next meeting’s focus was agreed upon – start with the purpose and then jump to section five in the model. Most definitions have been established. The next scheduled meeting was noted to be July 28. The Planning Department will be contacted.

Mr. Snair noted that he has reported to the Board of Health regarding the status of regulations to be drafted under the recently passed by-law.

Ms Probst moved to adjourn, Ms Holley seconded and all voted in favor. Meeting adjourned 8:45 p.m.

Respectfully submitted,

Carol Holley