

## CWRMP COMMENTS AND RESPONSES

Carol Holley – Pope Road

Ms. Holley requested that additional Phase II copies be made available in the Library, including Phase I report copies which include a lot of important information. She also asked whether irrigation wells were included in the groundwater protection areas.

**R. Phase I and Phase II are available at the Acton Memorial Library and the Acton Health Department. At the time of this meeting, Phase I was available at the Town of Acton's website, and Phase II was available soon after the public meeting. Irrigation wells were not included in the groundwater protection zones.**

She also requested that further public education become a priority, not just that which was included in the Appendix. She indicated that this is a necessity.

**R. Education will be a key component in the implementation of any part of the recommended solutions, although this component was not described in great detail within the report.**

Don Barren – 7 Mallard Road

Mr. Barren stated that he looks forward to his neighborhood connecting to sewers, and is concerned about mounding created by new septic systems going up in his neighborhood. He stated that he wants very much to connect to the sewer that is in such close proximity to this area.

**R. Understood.**

Terra Freidrichs – Massachusetts Avenue

Ms. Freidrichs stated that she supports the study. She questioned the statistical basis for the findings (% of systems impacted, and % of town land area that is unsuitable). She also questioned the statement that 97% of the systems would be fine? Lauren has said 67%.

**R. Tables 6-8 and 6-9 in the Phase 1 report are part of the sensitivity analysis, and are NOT intended to provide the definitive result of the overall analysis. Therefore, they cannot be applied beyond their intended use - to evaluate the sensitivity of the GIS data.**

**Table 6-8 presents the sensitivity analysis on the data for separation to groundwater analysis only. Table 6-9 presents an analysis related to the impact of I/A systems on setbacks to wetlands buffers and floodplains and lot sizes. The tables are not mutually exclusive.**

**Neither table includes the other criteria evaluated by the CAC, nor do they reflect the further information gathered in Phase 2 or the anecdotal evidence provided by the CAC. Both tables evaluate Needs Parcels, not areas; therefore, they do not reflect parcels grouped with Needs Parcels to form contiguous areas. Therefore, the number of lots in the Needs Planning Areas in Phase 2 will be greater than the number of Needs Parcels identified in these two tables.**

She also asked whether the Selectmen had requested a waiver from DEP to construct the Spencer/ Tuttle area sewers prior to finalizing the CWRMP.

**R. The Selectmen have not requested a waiver from DEP to construct sewers for the Spencer/ Tuttle Area. The current Middle Fort Pond Brook Sewer System was constructed through a waiver**

**process on the condition that a CWRMP be completed that defined the wastewater needs of the community.**

Ms. Friedrichs disagreed, said she had talked to DEP and they said that they had not been asked about a waiver, and would entertain a waiver request.

**R. The waiver process is difficult and lengthy. Submittal of a completed CWRMP is the best avenue to ensure expansion of sewers to the Spencer/ Flint neighborhood.**

Ms. Friedrichs asked about the Douglas and Gates Schools, and why, if actual flows are below the 10,000gpd, the requirement to construct a treatment system is not waived.

**R. Further clarification has been received from DEP regarding this issue. Based on current policies utilized by DEP, the Douglas and Gates Schools have a combined water usage representative of 12,000 gallons per day. The schools can seek a waiver from the requirements of treatment, but their actual water usage does not support that request.**

Ms. Friedrich's concern is why is West Acton otherwise a priority, if not for Douglas and Gates School?

**R. A portion of West Acton Center is an independent needs area (Area 12) that needs to be addressed.**

Charlie Kadlec, Paul Revere Road

Mr. Kadlec questioned why this report was being put before Town Meeting?

**R. The report has been submitted to Town Meeting for three reasons; to have as much public input as possible, to gain surety that the plan has broad public acceptance and to provide a legal mechanism for the Board of Health to grant waivers to properties within a proposed sewer expansion area.**

He questioned the financial analysis, and costs for alternatives for each solution. He said financial data in the report was minimal, with no backup, and that it was therefore incomplete.

**R. The report is an environmental plan developed within the required State format. The financial data provided is within that format. As recommendations of the CWRMP are examined appropriate financial analysis will be provided for each particular proposal.**

Mr. Kadlec stated that the report does not meet the requirements for this Study. He questioned the presentation's use of the term "most cost-effective solution" when only the sewer connection (i.e., for West Acton) was evaluated.

**R. Understood.**

Mr. Kadlec questioned the betterment charge, and what it would be in the future? On page 3-13, the average cost per property is \$34,000, so who is going to pay the difference for properties that cost less?

**R. The Town's Sewer Assessment Bylaw does not equally distribute betterments to each property. Properties receive assessments based on their highest potential zoning use or their "avoided cost". Properties with multi-family units or that are zoned at high floor area ratio are generally assessed at higher rates than a single family home. The original sewer area had 760 properties with a construction cost of \$25,100,000 (\$33,026 cost per property), while achieving a single family**

**betterment of \$12,311.52.**

Mr. Kadlec stated that he had reviewed data at Town Hall. He questioned what “scientific analysis” has been done to determine Needs Areas? How did they get from the data to the Needs Areas definition?

**R. The following criteria were used: screening process, public meetings, consensus of the CAC, groundwater protection zones based upon mapping (GIS) for risks, etc. The planning process was to look at the management of an entire Needs Area, even if specific parcels did not show a need.**

**The specific criteria for needs - soil maps, groundwater maps, septic failures, mounding requirements, areas where soils were poor, high groundwater, septic problems, etc. created the actual Needs Areas.**

Mr. Kadlec stated that he still had a problem with no full evaluation of, or proposed solution options for, each Needs Area.

**R. Solution options are detailed in the Phase 2 report. Solutions for each wastewater management district should only be implemented with the input of the neighborhoods impacted.**

Mr. Kadlec then asked, “Why will it cost \$11 million?”

**R. Page 3-17 table delineates the present worth of costs over a 20 year period, including capital expenses, management, software, consulting, etc. This is a method of comparing alternatives. The system evaluated is one alternative for wastewater management districts.**

**There are over 100 new systems being installed or replaced per year, and the additional wastewater management will have costs associated with them. The centralization of wastewater management will save homeowners costs by bundling services to serve the entire community.**

Mr. Kadlec stated that he hoped that the impacted community members were aware of this Plan.

**R. Understood.**

Andy Munroe - Spencer Road area.

Mr. Munroe requested that the West Acton area receive a letter at Town Meeting that indicates there are other options versus sewer to address groundwater risk issues.

**R. Additional information will be provided to the entire community letting property owners know where the report can be accessed and when comments can be made.**

Andy indicated that his area has problems with high groundwater, and supports the sewer within his Needs Area.

**R. Understood.**

Jim O’Neil - Flint Road.

Mr. O’Neil stated that his backyard has a real problem with high groundwater which he feels could create health issues. He questioned the waiver process, the discrepancy with whether Town Meeting approval is needed or required, and whether DEP could issue a waiver without the Town Meeting approval.

**R. As noted previously the Town is currently within a waiver process that will be complete when the CWRMP is finished. Until MEPA requirements are met, through the completion of the**

**CWRMP, sewer connection permits cannot be issued by the DEP. Once Town Meeting accepts the plan, it can then be submitted to MEPA, ensuring progress of the sewer expansion.**

Allen Nitschelm - Marian Road

Mr. Nitschelm asked why it was important to bring the Plan to Town Meeting?

**R. It would be inappropriate to proceed with this significant plan without agreement by the Town.**

Eric Hilfer followed up by asking whether the Phase 2 report could be separated to meet the MEPA process? By Needs Area perhaps?

**R. The MEPA Special Certificate requires a town-wide assessment which is appropriate under their planning requirements.**

Mr. Nitschelm asked whether Flint Road was included in the initial assessment of Middle Fort Pond Brook treatment plant?

**R. Flint Road was included in the sewer service area prior to the reduction in capacity of the Sewer Treatment Plant by DEP. The Special Certificate requires that the entire Town, including areas deleted from the original sewer service area, be analyzed by their need.**

Mr. Nitschelm questioned the formation of Needs Areas, concerned that his portion of Flagg Hill was included in a wastewater management district by proximity with Ethan Allen Road for a common solution?

**R. Throughout the report Area 14 is described as Colonial Acres/ Flagg Hill. In Figure 2-2 "Needs Planning Areas", Area 14 is shown as Ethan Allen Road and the side streets that access it. However, in Appendix H Table 7 Forest Glen is listed as part of Area 14. Reviewing the data and the full report it is clear that Forest Glen is not in the Area 14 needs area. It was improperly listed in the Appendix. The CAC regrets that this error in the report was not caught prior to the public presentation. The Area 14 Needs Planning Area, as shown on Figure 2-2, includes Ethan Allen Drive, Betsy Ross Circle, Paul Revere Road, Patrick Henry Circle, Black Horse Drive, Flintlock Drive, Powder Horn Lane, Ticonderoga Road and 154 & 158 Summer Street.**

Mr. Nitschelm stated that he did not want to be included in an area that will cost him money unnecessarily.

**R. Understood.**

Mr. Nitschelm questioned the Title V requirements that fail a system?

**R. The criteria for pass/fail is based on whether a system is protective of the environment, even if there are no apparent problems for the homeowner. The most common failure is high liquid levels within the system.**

Mr. Nitschelm questioned the timeline and the need to complete the study within a timeline?

**R. The CWRMP needs to be in place before sewer expansion can occur. Planning for the sewer expansion may take some time, while properties in the expansion area are sold and systems are replaced. Action at Town Meeting will allow homeowners to seek a waiver from replacing their septic system until sewers are available.**

Carol Holley (again)

Ms. Holley asked what happens if Town Meeting does not approve? She stated that she had called Marty Suuberg (DEP), and asked whether or not the worst case scenario will allow for some relief? DEP's verbal response was that there is potential for a waiver of requirements.

**R. Understood.**

Dore Hunter

Mr. Hunter applauded the efforts of the Committee. His comment: pending question of school hookups, he supports this in order to protect the town's groundwater resources, so that money can be used for the schools. The schools should be on sewer if at all practical.

**R. Understood.**

Bob Evans – Old Meadow Lane

Mr. Evans was curious as to costs to taxpayers, the costs to homeowners for the school sewer hookups.

**R. The Sewer Assessment Bylaw requires that owners of public land pay a fee based on the avoided cost of construction of sewage disposal facilities.**

Mr. Evans also questioned the approval process of the report, and is concerned that the approval will bind the community to all of the recommendations in the report over 20 years.

**R. The CWRMP is similar to the Town's Master Plan, in that it is a framework to move forward. Town Meeting votes will be required to implement the recommendations. The need for future approval has been clarified by the wording of the warrant article that was passed at Town Meeting.**

Terra Freidrichs – (again)

Ms. Freidrichs is concerned that individuals within a Needs Area will be required to abide by the recommendations, and that Needs Areas people must speak up during the Public Comment period.

**R. Understood. The CWRMP is a plan with recommendations for moving forward to address the need for solutions in order to protect the environment, not a final requirement for specific solutions.**

Allen Nitschelm (again)

Mr. Nitschelm questioned the analogy of the Master Plan, which was also approved at Town meeting. Mr. Nitschelm asked whether the Master Plan was approved by the state?

**R. Yes, since in order to access grant funds, the Master Plan had to be approved and updated every five years. The Master Plan is used in reference to future proposals for planning, and for consistency. The Phase 2 Study can be used in the same way. Ann Chang indicated that for funding requests related to implementing recommendations of this Study, they would have to go back to Town Meeting for 2/3 vote each time a project was proposed.**

Mary Michelman

Ms. Michelman pointed out that the Study was trying to not exclude any potential solution in the future, while protecting the groundwater resource. Specifically the indirect potable re-use option for future wastewater treatment plant effluent disposal is of concern, as this part of a "solution" could itself potentially pose a risk to human health, especially due to "emerging contaminants" such as viruses.

household cleaning chemicals, personal care products, pharmaceuticals, hormonal and endocrine disrupting chemicals, etc. that may not be detected or removed in current testing and treatment processes. She recommended that this be only a last-resort option, and requested clarification of the language in the Phase 2 regarding any potential disposal near a wellfield, either within a zone II area or within close proximity to it, to include the need to be protective (better testing, etc. and the need for information about contaminant persistence, mobility, concentration, hazardous breakdown products, sampling protocols, treatment options, and potential health effects), if this option is even being considered. It should be clarified that the primary motivation for considering disposal near the Assabet wells is due to a need for disposal capacity, and not recharge of these highly productive wells.

**R. Understood. The Citizen Advisory Committee agrees with the concerns expressed by ACES regarding emergent contaminants and therefore made sure to include a representative of the group as both a member of the Citizens Advisory Committee and the Indirect Potable Reuse Working Group. While Indirect Potable Reuse is still considered an option within the 20 year planning period, it is considered, by the CAC, to be the lowest on the list of priorities for options.**

Ms. Michelman asked about the best time to comment?

**R. During and after the public meeting process. An additional comment period will be available after submittal of the CWRMP to MEPA.**

Andy Munroe (again)

Mr. Monroe asked for clarification in the report of consideration of other logical alternatives that may not have been included.

**R. Agreed, consideration of all alternatives will be relevant, including options not necessarily in the report.**

Mr. Monroe also wanted clarification that the Plan is a general direction, and that changes can occur in the 20 year future.

**R. Agreed.**

Mr. Monroe asked if the Town Meeting approval is for the Plan, but not for the financial obligation within it?

**R. Agreed. High-priority items would be addressed very soon afterwards in near-future Town Meetings.**

David Stone - Liberty Road

Expressed appreciation for 5 years of effort by the Committee. Mr. Stone asked whether 25% of Town Area was within a Needs Area?

**R. Yes. The incorporation of proximity parcels increases the Needs Planning Areas to about 40%.**

Mr. Stone asked how did half the town escape from being in a Needs Area?

**R. The proximity inclusion was driven by the anticipated septic replacement need of a particular area, combined with water resource protection. The application of future solutions could reduce the planning areas.**

Andy Magee (again)

Mr. Magee addressed the cost issues raised by others: He stated that this is a planning document, and recognized that it does not have to be a financial management plan. DEP will accept this, because it is a very good wastewater management study. If a waiver was approved by DEP now, DEP would require a wastewater management approval some day. He has experience with this. He felt that the plan was open enough to be able to unbind areas and people if needed. He supports the plan, and it should go forward. He has a problem using the Wetherbee Conservation Land for effluent disposal, but overall wants to see that this gets approved.

**R. Understood.**

Susan Mitchell-Hardt – Pope Road

Ms. Mitchell-Hardt stated that she was disappointed that the Wetherbee Conservation Land was included as a disposal area in the Plan. She'd like to preserve this area as a gateway to Acton and does not want it to be put at risk through this possible use.

**R. The CAC stated that there were 4 possible solutions. One of the choices included the construction of a sewer. There were only 2 sites identified as available for subsurface disposal in the whole town – Wetherbee is great for disposal, but the deed restrictions on the conservation land are being taken very seriously and will be considered only under last, possible solutions.**

Terra Freidrichs (again)

Ms. Freidrichs, indicating Tables 6-8, and 6-9 of the Phase I report, questioned the statistics used in this report.

**R. See previous response on issue.**

Jim O'Neil (again)

Mr. O'Neil recognized that MEPA process must happen, but was concerned about the consequences if there was not the Town Meeting support?

**R. If the report is not approved at Town Meeting, then it sends a strong signal that there is not support for the Plan overall.**

David Trudeau- Mallard Road

Mr. Trudeau stated that this Plan must be a priority, but he wanted the Committee to consider the possibility of taking off the Flint/Spencer/Mallard area from the plan, and initiating a waiver process for it.

**R. Without a town-wide plan in place, low-interest loans are unavailable to the Town and they are open to commercial loan options only (more expensive).**

Mr. Trudeau wanted to know how to avoid the risk of failure at Town Meeting.

**R. It is necessary that people come out and approve it.**

David Stone (again)

Mr. Stone indicated concerned that the Plan is all or nothing. What if Town Meeting votes No Action?

**R. If it doesn't get approved at this Town Meeting, the CAC would raise it again (at more**

**incremental cost) at a future meeting. This was a comprehensive effort that would be a waste of time and money if it did not get approved.**

Andy Magee (again)

Mr. Magee's opinion is that DEP will not allow for segmentation of the Plan. They will not issue Sewer Connection Permits before the MEPA Certificate is issued and complete. His experience with MEPA is that it needs to be addressed as a complete project, and that it will be longer and harder to piece it together instead.

**R. Understood.**

Dore Hunter (again)

Mr. Hunter commented regarding project financing: If Acton's bylaw requires self-supporting wastewater funding, the Committee needs to consider how the projects will be funded in upfront costs, about \$500K.

**R. Understood.**

Carol Holley (again)

Ms. Holley asked how 40B projects (proposed or future) would tap into the gallons per day of excess WWTP capacity available?

**R. 40B projects would be limited by the available capacity of the treatment plant. Capacity for users not connected must be set aside before additional allocations can be made.**

Terra Freidrichs (again)

Ms. Freidrichs stated that she'd like to reduce high priority (West Acton) areas to medium priority.

**R. Understood.**

**ACES**  Acton Citizens for Environmental Safety

March 26, 2006

To: Mr. Brent Reagor, Acton Health Department  
From: Mary Michelman, ACES  
Re: ACES Comment for inclusion in CWRMP Phase II Report, March 2006

Please consider adding the following statement to the main text of the CWRMP report, especially where reference is made to IPR (Indirect Potable Reuse). At a minimum please include this statement in the public comment section of the report, before it is submitted to DEP and MEPA.

The Town should fully explore all other wastewater management options and only consider wastewater discharge within close proximity to public wells as a very last resort in any wastewater option; only to be considered if there is an imminent critical threat to public health or the environment that cannot be mitigated in any other way.

If the Town were ever to consider disposing of treated sewage near one of Acton's public drinking water supplies, either within the Zone II or within close proximity to it--the Town should do everything possible to detect and remove all "emerging contaminants" and other pollutants from the treated effluent, before disposal. Disposal should be done as far away from the Town wells as possible, and should maximize travel time to the wells, if possible beyond the currently mandated minimum two year travel time.

"Emerging contaminants" include, but are not limited to: viruses, household cleaning chemicals, personal care products, pharmaceutical waste, and hormonal and endocrine disrupting chemicals. These contaminants, which are not included in current standard detection or treatment programs, and may be part of a complex chemical cocktail in wastewater, have the potential to cause serious health effects. The "Precautionary Principle" should be applied.

For each of these emerging contaminants, full knowledge is needed of their:

- Persistence
- Mobility
- Concentration
- Hazardous breakdown products
- Synergistic effects
- Sampling protocols
- Treatment options
- Potential health effects

Comments by Terra Friedrichs

*CAC Responses in italics*

I was told that the Mass Ave/Spruce St extension would just be along Mass Ave and Spruce St. But in the CWRMP, Figure 3-1 West Acton Conceptual Sewer Layout dated February; it shows a sewer line going up Arlington (towards the High School). Is this Arlington extension included in the \$8.0 to \$10.6 million estimate for design and construction? I know that the figures are preliminary, but it's important to know the scope that was used to develop the estimates. Financial estimates are key in determining the level of need for something. In other words, if something is inexpensive, then you might want to do it anyway, regardless of need.

*R. The proposed gravity sewer line shown in Arlington Street in Figure 3-1, is approximately 600' from the railroad line to the intersection with West Road. This design is proposed to fully address the needs parcels within West Acton Center, which include parcels along the West Road cul-de-sac (7 out of 10 total lots). The proposed construction would end prior to Fort Pond Brook, and also allows for the optimal pump station configuration for minimization of required pump stations. This proposed design also fully addresses the entire eastern section of the West Acton Needs Planning Area.*

*The costs estimated in Table 3-3, which are the 8 - 10.6 million that you reference, do include that 600' length.*

I have heard that the folks on West Road have serious septic issues. Is there any way to go along the stream and up to West Road without going along Spruce St? The residents at the corner of Mass Ave and Spruce tell me that they have no need for sewers.

*R. Cross-country construction, especially through flood plain and wetlands, can be quite expensive, even more so if it is on private land (as easements must be obtained). These expenses can quickly outpace the equivalent length of construction under a paved road. The construction costs in wetlands/flood plain have to take into account the increased permitting and regulatory filings necessary (ConsCom, DEP, Board of Appeals, MEPA, etc...) along with additional design features that must be included to insure a watertight project that does not negatively impact the wetland area.*

*If a sewer expansion project were to receive approval from a future Town Meeting for design and construction costs, the design process, per the recommended plan in the CWRMP, would take into account the needs areas to be addressed, the available capacity within the current collection and treatment system, and the potential costs/benefits of providing sewer to individual sections of the needs areas. As a potential design process would progress, all feasible alternatives for placement of sewer lines will be evaluated. This process would include input from the residents of potential areas to be sewered. There would be many opportunities both prior to a potential Town Meeting vote, and during the design process for input from those citizens in a proposed sewer area.*

It appears as though the CWRMP recommends sewerage cross-country. In Figure 3-13 of the document it looks like there is a link going directly from Mass Ave to West Rd along the stream. Perhaps it's just a "possible" route, rather than a "recommended" route?

Also...how many failed systems are there along Mass Ave/Spruce St/Arlington/West Rd? I count 67 properties (outside of Spencer/Tuttle) that would connect to the sewer along the proposed route. I am wondering how many of them currently have failed systems. I know only of the one at the corner of West Rd and Arlington.

*R. To answer your first question:*

*Yes, figure 3-1 does show construction connecting Mass Ave. with West Road. Please keep in mind that this schematic is, at best, a 10% design. This work was done using nothing more than the 10' topographic contours available from MassGIS to show potential service areas for the recommended solution in the CWRMP Phase II Report. Actual design work for a full 100% design, which would be a significant portion of the 1.4 - 1.8 million dollar engineering line item (Table 3-3) includes instrument survey of the area, borings and test pits to determine the depths to groundwater and ledge, and an examination of structure placement relative to the road surface elevation. These factors together influence any final design. Of course, all of this cannot occur without a future Town Meeting vote authorizing the Town to seek funding for a potential project. The agreed upon scope between MEPA, DEP, and Acton required a conceptual layout for any recommended sewer expansions as part of the final report, and that is what Figure 3-1 is meant to address.*

*As far as your second question:*

*As this is a 20-year planning document, development of needs parcels does not just take into account currently "failed" systems only. It takes into account all of the necessary environmental (structural) and other factors (non-structural) that were discussed at length during the CAC process. Some of the factors that influenced the decision in West Acton were: small lot sizes that do not allow for installation of regulatory-compliant systems, wetlands, and high groundwater elevations. In the area east of the RR tracks, greater than 50% of the developed parcels are classified as needs parcels. This is the 2nd largest percentage of all of the 15 needs planning areas.*

I am not suggesting that it isn't a 20-year planning document. I am just asking a simple question. On the proposed route, how many failed systems are there?

*R. The report did not identify nor did it try to identify currently failing systems anywhere in town. No information was generated nor were there resources available to identify failed systems. There are two ways to define a "failed" system under the regulations, one requires that the owner conduct an Official Title 5 Inspection, and submit those results to the Board of Health, this is only done in the case of a property transfer. Normally, if a system is determined to be in "failure" at the time of a Title 5 Inspection, the system replacement process is commenced. In any event, a "failed" Title 5 Inspection must be corrected within two (2) years. The second means of determining failure is the investigation of a situation injurious to the public health ". This is*

*accomplished through the official complaint investigation process in the Board of Health office, which is set forth in M.G.L. Ch. 111, Sect 122. This process necessitates a legal enforcement order to the owner of the property, requiring the abatement of the injurious situation within a set period of time.*

The report assumes that sewers are the solution for West Acton. It is a report that starts with the conclusion. It does not start with the need, show the options and then analyze the options for each area, and then show why sewers are actually needed.

*R. Phase I of the CWRMP identified West Acton as a needs area through the criteria mentioned in above (small lot sizes that do not allow for installation of regulatory-compliant systems, wetlands, and high groundwater elevations) Four options were considered for each needs area, including extension of the existing sewers. Due to its location, its wastewater capacity and density, the eastern portion of West Acton Center was prioritized as a viable area for the sewer extension.*

If you really, truly feel that this is a planning document rather than a concrete plan, then your language should reflect so.

*R. Noted.*

We do not know yet, whether the plans recommended in the report are viable.

*R. Viability of each recommendation will be tested as they are further analyzed prior to finalization.*

We do not see that there is an actual need along the Mass Ave Extension (beyond Spencer/Tuttle).

*R. West Acton Center has been identified as a needs area.*

We do not see that the schools have an actual need.

*R. Existing state regulations have been identified that show the schools as a need. Further investigation will be done with DEP to confirm the options available to the schools.*

We do not know if the majority of the properties along the Mass Ave extension have a need. We know that a few places are in need in West Acton Center. But is it more fiscally sound to buy those properties from the owners? Or it is more fiscally sound to spend millions of dollars to sewer them? We don't know yet. As a result, we need to amend this report to truly reflect the state of the analysis, and make it clear to the reader that the recommendations are recommendations for further study, and not suggest that the recommendations are firm.

*R. In keeping with the financial analysis completed for past projects proposed by the Town a financial analysis will be done for each recommendation as they are brought forth to Town Meeting.*

Lauren Rosenzweig has stated in a recent email:

"Many of the "plans" in the report are conceptual they represent a best guess of how things might proceed, but do not necessarily reflect what might happen in real life. Committees will be developed to make decisions on how best to proceed once the planning and implementation stages are begun. "

*R. Noted*

Here are my detailed comments:

If this is truly a planning document, then it should use words like, "potential needs area", and, "recommended areas of study" and it should use phrases which do not indicate that the analysis is done and the recommendations and plans are firm. It should indicate that the recommendations and plans are preliminary and subject to change once the analysis is complete. Until the technical and fiscal analysis is complete and presented to the public and the public has an opportunity to challenge that analysis, then the designation of "high priority" should really be considered to be "high priority areas of study".

*R. Noted.*

By saying that the Committee recommends sewerage is to suggest that the actual needs of the entire area have been studied and alternatives have been analyzed from a technical and a financial perspective. If this has been done, why can't we get the information? It seems that the analysis has been done, but only a very cursory level. And primarily during meetings around a table, rather than analysis which is technical in nature and is backed up by numbers, and committed to paper.

*R. Noted.*

Either you, as a committee, have the analysis and can show justifications for your recommendations. Or the report should be re-worded to reflect the reality of the situation...that these are "suggestions" for further study.

*R. Noted.*

The report assumes that sewers are the solution. It is a report that starts with the conclusion. It does not start with the need, show the options and then analyze the options for each area, and then show why sewers are actually needed.

*R. The report has identified expansion of the existing sewer system as one of four solutions. The solutions were not discussed nor explored until Phase II began. Phase I documented the needs areas, Phase II analyzed the options.*

If you really, truly feel that this is a planning document rather than a concrete plan, then your language should reflect so.

These are examples of statements in the report that indicate the analysis is complete and sewers are the solution.

\* 'The Middle Fort Pond Brook sewer system \*should\* be extended to serve the following areas:

- High Street to Powdermill Plaza (Area 7),
- Spencer/Tuttle/Flint neighborhood (Area 10), and
- West Acton Center (Area 12) including the Gates and Douglas Schools."

This statement implies that the analysis is complete, when the analysis is just beginning. As a result, the statement might be more appropriate if it said something like, "potentially could be extended".

*R. The Massachusetts Department of Environmental Protection's Guide to Comprehensive Wastewater Management Planning (which is part of the required scope of this project) requires that a "Reccomended Plan" be developed. The analysis of needs related to the protection of Acton's water resources was completed in Phase I of the CWRMP and was accepted by MEPA on August 26, 2004.*

\* "Recommendations; Expansion of the Middle Fort Pond Brook sewer system with treatment and disposal at the Adams Street treatment facility to address high priority areas and optimize the operation of system;

This statement clearly recommends sewerage to what are called "high priority" areas. The reader should be reminded that the areas that have been designated "high priority" have not been shown to actually \*be\* high priority. So references to areas being high priority and repeated reference to a recommended plan to sewer these areas because they are high priority is very misleading.

*R. The determination of priority status for the 15 needs planning areas was made by the Citizens Advisory Committee during a number of meetings in 2004-2005. These determinations can be followed by reviewing the minutes and associated figures in Appendix B. In determining the priority status for each needs planning area, the CAC took into account the results of the environmental analysis from Phase I, along with many other factors, including implementability, and relationship to the Master Plan/Village Plans.*

\* "As the Town makes the decisions on the menu of recommendations of the Comprehensive Water Resources Management Plan it will be well served by the unique flexibility of the Septage Management Enterprise Fund."

There is only one recommendation for West Acton Center. It's to sewer it. There is no menu of options. As a result, we the residents of West Acton Center are not very well served by this implied flexibility. If the report was not so strongly committed to West Acton Center being sewerred, and did not suggest that the work has already been done to analyze both its needs and the fiscal viability of the options, then this comment could clearly be taken to mean that at the town level the plan has flexibility. But given the many, many places in the report that imply that sewerred is the only recommended solution for West Acton Center, and given that the analysis is so very preliminary regarding the needs for West Acton Center, the quoted statement seems in appropriate.

*R. On page 2-32, a chart (Table 2-8), prepared by the CAC ranks each of the four (4) solutions: 1) Connect to Existing Sewers, 2) Construct New Sewers, 3) Cluster System, 4) Wastewater Management District; for each of the 15 needs planning areas. This chart was developed as "the" menu to guide the Town through the next 20 years of water resources decision making. In the chart, the solution ranked first is the "preferred" solution, while the additional solutions are ranked for each area from 2-4. In the section for West Acton Village (Area 12), "Connect to Existing Sewers" is ranked first, followed by "Cluster/Neighborhood System", then by "Wastewater Management District. Section 2 of the CWRMP Phase II report is titled "Assessment of Alternatives", as such, that is where this information is presented. Section 3 of the report is entitled "Development of the Recommended Plan" and takes into account the preferred solutions from Table 2-8 and implementability issues to develop the recommended plan, which is required by the scope of this report.*

\* "The Phase 2 report scope of work is to:  
Assess potential disposal site locations  
Evaluate wastewater techniques and technologies  
Pair candidate technologies/solutions with Needs Areas to create a recommended plan  
Prepare conceptual-level designs and program outlines for the recommended plan"

The scope of work assumes that off-site solutions/sewers are THE solution by using the phrase, "assess potential disposal site locations." Again, I state that starting with a conclusion is a dangerous proposition.

*R. One of the priorities of this plan was to not discount any option for any area as this is a 20 year planning document upon which to build future water resources decisions. This includes the evaluation both on paper, and in person, of the potential of property within the Town to receive large quantities of treated wastewater. This evaluation identified four parcels for which further investigation was warranted. That investigation, which was performed as part of Phase II, demonstrated the immediate unavailability of any of those four parcels. Therefore, construct of new sewers (which would require a disposal location) was not part of the Recommended Plan in Section 3.*

This statement clearly references "the recommended plan". This *is* the Phase 2 document. Because the document will not change, according to the first paragraph of this memo, then we can only assume that the recommended plan is that which is included *in* the report. I refer back to my original comment, that there is no analysis which shows that there is an actual need in West Acton Center. And until there is analysis which shows this and which examines the technical and financial alternatives, then there *should be no plan*. There should only be recommended courses of study.

*R. As stated previously, the needs analysis was completed as part of the Phase I Report, which was approved by MEPA on August 26, 2004.*

\* "The CWRMP continues the Town's proactive efforts throughout the development of the recommended plan..."

This statement also seems to indicate that there is a single plan already... "the recommended plan".

*R. The Recommended Plan charts a course for the Town, while still leaving other options available (Table 2-8). Again, as stated previously, the development of a Recommended Plan is required as part of the scope of this project by the MADEP Guidance for the Development of Comprehensive Wastewater Management Plans.*

\* "The CAC concluded that implementability meant the ability to convince Town Meeting that the recommended plan is the correct plan, especially considering that residents who were included in the initial plans for an expanded sewer district may not be served under the CWRMPs framework."

This statement implies that the committee will decide ahead of time that there is only one option. Democracy is best served when TM is brought a series of good, reasonable options. Not a single option, which the committee then tries to "sell" us. The nature of committing to a single option sets the committee up to have to tell us the benefits, while not necessarily tell us about all of the drawbacks. We, as voters seem to get better information about proposals when the committees come to us with several options, and are not so invested in one single option.

This statement quoted above implies that the committee can not possibly make any mistakes. It implies that the committee will have the "correct plan", which does not leave any room for movement.

*R. As the Town moves forward with the implementation of projects to protect Acton's water resources, using the CWRMP as a guide, it is imperative the citizens get involved in those areas where solutions are proposed to ensure that the plan brought to Town Meeting truly benefits the targeted area while still protecting water resources.*

\* "A final recommended solution for each Area was developed and coupled with a menu of other feasible solutions to give the Town flexibility over the 20-year planning period."

This statement clearly suggests that there *is* a solution, and that it *was* developed. This also does not leave much room for movement based on the analysis which is yet to be done. The "menu of other feasible options" does not appear to be offered for West Acton. The committee, as suggested in the statement about "convincing" us of the "correct plan", the committee is pretty invested in a single solution...sewering.

*R. As stated previously, Table 2-8 presents the menu of options available for each of the 15 Needs Planning Areas.*

\* "Acton has used and will continue to use a variety of mechanisms to finance the recommendations of the Comprehensive Water Resources Management Plan."

This statement clearly states that Acton "will" finance the recommendations laid out in this report. If one believes that the voters actually have a say in this, it seems very preliminary to be so certain that Acton will do anything with the recommendations in the subject report.

*R. Noted*

\* "Therefore, as the CAC discussed and evaluated the needs criteria and potential solutions, the table underwent several revisions. Table 2-7 represents the final version."

Again, much analysis remains to be done. These statements should indicate that the evaluation was done as a preliminary indication of where further study is warranted. The evaluation has been done before the technical analysis of the actual need in the specific areas of question. And before a detailed fiscal analysis of alternatives has been completed. It should be noted that the recommended solutions are "suggested" areas for further study, rather than the results of the analysis. Unless the analysis can be presented, in writing, which leads the reader to see why these solutions are appropriate, the tables and references to all recommendations in the tables should be labeled as "preliminary" and a note indicating that the work, while valuable thinking, has been concluded before the analysis was been presented.

*R. Detailed financial analyses are required when the Town selects an option for each Needs Planning Area. At that time, the proper costs can be calculated based upon actual numbers, not predicted results utilizing inflation calculations.*

\* "An additional example of the Enterprise Funds flexibility will be shown in 2006 when Acton *will* commit its first betterments to onsite wastewater system reconstruction."

This statement does not indicate that the sewer extension is an option. It does not indicate that the report is a suggested plan of action where the voters get to decide.

*R. This statement references the Town of Acton Community Septic Loan Program, which was approved by the voters (Article 21, 1997 Annual Town Meeting). This program, funded by \$200,000 of state money, in a revolving account, allows the Town to make loans to homeowners to replace/repair "failed" septic systems.*

\* "Figure 3-4 presents the visual guide to the final recommendations. It includes West Acton Center in the recommendations for sewer extension."

Again, the analysis has not been presented to show that West Acton Center has a need at all. And the fiscal analysis comparing viable options has not been shown. As a result, it is preliminary to be "presenting" "final recommendations" regarding West Acton Center.

*R. See above responses in regards to the analyses.*

\* "Short Term Recommendations; Submit an application for State Revolving Funds for construction of the West Acton sewer extension."

Because the West Acton Center needs analysis has not been presented to the public, this statement of action is very inappropriate.

*R. This analysis was presented as part of the Phase I Report, which was accepted by MEPA on August 26, 2004.*

\* "The five high priority areas are all addressed through viable and implementable plans. The Project Team and CAC recommend extension of the Middle Fort Pond Brook sewer along High Street to Powdermill Plaza (Area 7), Spencer Road/Tuttle/Flint neighborhood (Area 10), and West Acton Center (Area 12)."

Just because a plan is viable and implementable, does not mean that it is appropriate, affordable, or needed. Again, the reader should be reminded that the designation of high priority is preliminary in nature and has not been fully justified yet. We do not know yet, whether the plans are viable at all. We do not see that there is an actual need along the Mass Ave Extension. We do not see that the schools have an actual need. We do not know if the majority of the properties along the extension have a need.

We know that a few places are in dire need in West Acton Center. But is it more fiscally sound to buy those properties from the owners? Or it is more fiscally sound to spend millions of dollars to sewer them? We don't know yet. As a result, we need to amend this report to truly reflect the state of the analysis, and make it clear to the reader that the recommendations are recommendations for further study, and not suggest that the recommendations are firm.

*R. Noted.*

Comments by David Stone

*CAC Responses in italics*

I am concerned that Figure 1-2, Maximum Needs Areas Delineation, may be misinterpreted in ways that could harm the interests of property owners and unnecessarily alarm the public. Numerous parcels throughout the Town are coded red, “Off Site Solution Required”, leading the reader to believe that either the current system is failing, or that a replacement on-site system cannot be legally constructed in the future. Yet, for the majority of these code-red parcels, an off-site solution is unlikely to be available. Indeed, the CAC recommends continued use of on-site systems as the preferred solution (Wastewater Management Districts) for 6 of the 15 Needs Planning Areas, and some of the code-red parcels are not even included in a Needs Planning Area.

What should a reader of this document conclude about the re-sale value of a house located on a parcel that “requires” an off-site solution, but for which no off-site solution is available? Will this also affect the value of neighboring properties? And what should citizens assume about the protection of Acton’s groundwater if numerous parcels throughout the Town “require” an off-site solution that will never be provided? I respectfully request that the CAC modify the report to more clearly explain the purpose and limitations of Figure 1-2.

As you explained during a meeting with the Finance Committee, this figure was prepared by merging several different data sets, many of which are not parcel-specific. These data were extrapolated (or perhaps interpolated), by a process not described in the report, to yield the parcel-specific color coding in Figure 1-2. The purpose of this analysis was to enable the CAC to see clusters of potential needs that would lend themselves to the creation of Needs Planning Areas. In response to my questions, you explained that the actual requirements for any particular solution on a specific parcel could not be determined without an on-site investigation, including digging test holes, marking wetlands boundaries, etc. When a system actually requires replacement, these activities enable the Town staff, the Board of Health and the Conservation Commission to work with the property owner to design the best available solution, which may involve numerous variances from the preferred specifications embodied in our by-laws. Thus, while a septic system replacement may be complicated and expensive, an off-site solution is rarely, if ever, “required”.

To address these concerns, the CAC should make two changes to the report. First, the text of Section 1.2.2 should acknowledge that while the analysis of needs was performed on a parcel-by-parcel basis, some of the underlying data are not parcel specific, the conclusions are only intended to assist in identifying potential needs areas, and an actual determination of the needs for a specific parcel would require an on-site investigation. Second, the text and the legend for Figure 1-2 should use the phrase “Off-Site Solution Preferred” rather than “Off Site Solution Required”. If something like this change is not made, the report must explain what is meant by “required”. What I think it means is that a

mound higher than 3.25 feet, and/or one or more variances may be needed to build an on-site system, but this is not the same as actually “requiring” an off-site solution.

*The Citizen’s Advisory Committee has reviewed the concern expressed regarding the text for Section 1.2.2 and agrees the text should be changed with a note that states “Although the analysis of needs was performed on a parcel-by-parcel basis, some of the underlying data is not parcel specific. The conclusions are only intended to assist in identifying potential needs areas.”*

*The Citizen’s Advisory Committee has also reviewed the concern expressed regarding the legend for Figure 1-2 and agrees the legend should be changed from “Off Site Solution Required” to “Alternative Solution Required”. This change would be consistent with the language used in Phase I of the CWRMP.*