

Water Resources Advisory Committee
Minutes of Meeting
December 16, 2009
Library Meeting Room

Members present: Helen Probst, Barry Rosen, Ron Beck (chair), Carol Holley (clerk), Mike Kreuze (Board of Health liaison)

Staff present: Justin Snair

The meeting opened at 7:07 p.m. Mr. Beck explained the history of the committee and its work to Mr. Kreuze.

Minutes of prior meetings were reviewed. Ms Probst moved to approve the minutes of the November 18 public meeting as corrected, Mr. Rosen seconded, and all voted in favor. Mr. Rosen moved to approve the minutes of the October 28 meeting, Mr. Beck seconded, and all voted in favor.

Mr. Beck presented the agenda for the rest of the current meeting. Town Counsel's comments and amendments to the proposed new by-law section U were reviewed. Mr. Snair noted that most of the changes were in formatting, but there were a few substantial changes:

1. The removal of the limit of exempted irrigation to residential landscaping, thereby allowing commercial landscape irrigation. Not all were happy with this amendment.
2. The removal of the allowance of fund-raising car-washes. Mr. Snair had discussed this change with Ms Rosenzweig, who is very concerned about political implications, as car-washes are important fundraisers for many school activities. Mr. Snair had found some language of other bylaws on the EPA website that he thought was a good workaround for this situation.
3. Changing the word "shall", which is a directive, to the word "may", which allows for staff discretion.
4. Changes in reporting deadline and records retention. This change was fine with the committee.

Counsel's recommendations were reviewed one at a time.

Mr. Beck agreed with the language Mr. Snair had drafted for the opening of section 9.2, which should address the EPA's concerns. It was from an EPA-approved by-law and read "discharges from the following activities will not be considered a source of pollutants to the storm drain system and to the waters of the United States when properly managed to ensure that no potential pollutions are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act or this ordinance."

The language about Board of Health permits can be added to the non-commercial car wash provision.

Mr. Beck asked Mr. Snair to contact Town Counsel and Mr. Halley regarding the fund-raising car wash issue. Mr. Snair thought it would be good to have "car wash kits" available for loan at the Health Dept. when fundraisers picked up their permits – these could include barriers to keep runoff out of catch basins, etc. in order to make the even compliant with regulations.

Mr. Beck proposed that the committee agree with the changes that had been reviewed and that the committee take the amended version out to other town boards for input, with the understanding that the language is still a draft and therefore subject to more change. Ms Probst seconded this motion, and all were in favor of taking this existing draft to appropriate boards and committees for review and comment.

Mr. Snair stated that he would like to have some kind of a checklist or survey to send out with the draft by-law to town departments so staff could review the language before the committee went before other groups. The Committee agreed that this was a reasonable idea. The first appearance was scheduled, before the Board of Health, on January 4 at a time to be determined. Other appearances will be scheduled for later in January and February. Mr. Beck will present briefly to the Board of Health.

It was noted that the Planning Board, Conservation Commission, Finance Committee, and Selectmen should be visited, with Planning and Conservation coming before Finance and Selectmen.

Ms Probst asked if there was a financial impact analysis available for this by-law. Mr. Snair noted that it's being worked out. Mr. Halley has some kind of formula or master matrix he uses that will generate a permit fee that will cover costs. Mr. Snair also found and read a Center for Watershed Protection/EPA document that discusses the cost of detecting illicit discharges. Our by-law will streamline the process by providing access to information for locating outfalls.

The basic plan was reiterated: presentation at January 4 Board of Health meeting, then distribution to other departments with a reaction paper due later in January. Then the committee will figure out what can be done about the other boards as Mr. Snair works on the financial impacts. It is expected that Planning, Health, and Conservation will want presentations. Mr. Beck moved the progression of events as described, Ms Probst seconded, and all voted in favor.

The next round of committee meetings was discussed, and it was agreed to stick with the 4th Wednesday of the month for full committee meetings, with the time being moved up to 6:45 from 7 p.m. as default start. The group will try to get Room 126 at Town Hall.

The by-law subcommittee will meet next on January 13, also in Town Hall, from 4-6 p.m.

Committee membership was discussed. Ms Probst suggested that a Planning Board member be appointed as an Associate Member of the group. It was suggested that Mr. Kreuze become a full member, to replace Ms Bissetta.

At 8:57 p.m., Ms Holley moved to adjourn, Ms Probst seconded, and all voted in favor. Meeting adjourned.

Respectfully submitted,

Carol Holley
Clerk