

Water Resources Advisory Committee
Minutes of Meeting
February 3, 2010
Town Hall Room 126

Members present: Barry Rosen, Carol Holley (clerk), Helen Probst, Ron Beck (chair)
Staff present: Matt Mostoller (Acton Water District), Justin Snair (Acton Health Department)
Selectman Liaison present: Lauren Rosenzweig

The meeting started at 4:10 p.m. Minutes of the previous meeting were reviewed. Mr. Rosen moved to accept the minutes as corrected, Mr. Beck seconded, and all voted in favor.

Mr. Beck related that this meeting was primarily called in order to hold a follow-up discussion on the permitting and sampling costs. Mr. Snair handed out new spread sheets, pointing out that the major burden of costs is indicated to be on commercial and multifamily sites, multifamily being defined by our zoning by law as more than two dwelling units. He noted that almost all commercial properties have stormwater that goes into the MS4 via direct or indirect connection. There is a one-to-one relationship between outfalls and the permit that would pay for an adequate number of sampling points. There are about 300 samples taken each year that show a good sampling process. This model takes the renewal off the single homeowner. Multiple homes in an area most likely discharge to the same point in a cluster. It was assumed that fifteen or so homes would yield three sampling points – we can grow the program by three sampling points annual. Provided there is no change in use, flow or ownership we probably don't need to test for each discharge. We can track use of commercial entities as well.

Mr. Snair went over the numbers for the new spreadsheet, noting that language to support the two-tiered system needs to be inserted into the by-law. Non-residential use includes services, hotels, businesses. Single family would be just an initial permit for inventory and initial sampling. That would be it for single family homes. The numbers of permits are based on professional guesses based on Mr. Halley's intuition. Shopping areas would be permitted per area, not individual store in a complex.

Mr. Beck noted two issues. One: do we do it this way? He thought it was a good idea. The second – how do we review the financial model in terms of presenting to the FinCom? By the fifth year, you assume that everybody will be covered. Mr. Beck felt the model for year one was too high; Mr. Snair replied that the 300 was 80% of what's probably out there.

Ms Rosenzweig asked if positive cash flow could be maintained every year in order to pay for the program. Mr. Beck noted that \$18,000 is spent on staff, which goes into the departmental budget. If it's really going to be half of that, then the budget doesn't work. He noted that that is up to staff to figure out.

Mr. Snair explained the relationship between the numbers on the spreadsheet.

Ms Probst questioned limiting to "sewer pumps" and asked about other stormwater issues; Mr. Snair noted that was for the next by-law.

Ms Rosenzweig felt that the fee for commercial and multifamily properties was pretty nominal.

Mr. Beck noted that there is a loophole in the EPA regulations – streams are not a part of the MS4. Mr. Snair noted that people who don't want to get a permit could provide their own sampling results for stream outfalls. Mr. Beck reiterated that he was pretty sure the town can't permit discharges into streams. He discussed total maximum daily load (TMDL) limits and how they apply to streams in the area.

Mr. Rosen wondered if the estimates for initial permits would hold up.

Mr. Beck felt there was a could do three things. The goal is to have a one-time residential permit. We are not going to put in language that isn't too specific. We can write a memo of recommendation regarding permits and fees. Then we don't have to come back to town meeting. Tying this to the EPA permit might be a way to deal with this. We also need to come up with a clause regarding multifamily and commercial discharges into the MS4. Third, we need to agree on financials for submitting to the FinCom. Mr. Snair suggested providing them with the top half of the spreadsheet under review, without the modeling he drafted for this committee.

Mr. Rosen had a concern with leaving it open ended regarding residential permits. He thought that would raise questions at town meeting. The article could go through an amendment period and it could be amended to something the group would not be happy with.

Ms Rosenzweig noted that by-laws come with rules and regulations. Rationales for raising fees need to be shown. No charges outside the program are included.

Mr. Beck asked if there is a requirement for rules and regulations in this by law. Mr. Snair said there was, and the committee would work with the Board of Health regarding the rules that would implement the by-law. Mr. Beck noted that new sections of the bylaw are required for the single family/multifamily/commercial split. Exactly what "discharge" meant was discussed.

Mr. Beck moved that a two clauses be added, 7.2 and 7.3. 7.2 would explain that multifamily complexes need to be renewed annually. 7.3 would cover commercial properties. Mr. Beck will draft the language and forward it to Mr. Snair. This language will be submitted to the other boards and as a draft.

Mr. Beck reworded his motion. He moved to add clauses 7.2 and 7.3 related to commercial and multifamily properties to permit direct and indirect stormwater discharges. Mr. Beck will write initial language to be submitted. Language at the end of 7.5 will be included in 7.1. Ms Probst seconded and all voted in favor.

Mr. Rosen asked if 7.1 were ok as written. Mr. Snair felt that this could help with storm drain obstructions as well.

Mr. Beck asked for a slide with the simplified financials for meetings with other committees and boards. He asked other members to review the presentation given to the Selectmen. It was recommended that the costs and benefits slide be tweaked to show avoidance of fines.

Mr. Beck asked if everyone in the committee had read the letter regarding storm drains from Christine Rubner. He felt that it warranted a response from the WRAC. He would like to write her regarding three points: first, ice on the road is already covered by an existing by-law, and she should go to the Highway Dept. and talk to the Selectmen about that. Second, the WRAC is in the process of permitting

pumps with discharges into storm drains, not all sump pumps. Third, regulating sump pumps may have zero effect on groundwater levels in any given area. Mr. Rosen agreed to draft and send the e-mail.

Mr. Beck asked if there was any other business. Ms Probst asked if there was still a meeting at the end of the month. Yes, there will be one, was the reply. People who are appearing before the different boards noted that they had meetings scheduled.

Ms Rosenzweig asked if a new draft were going to be sent to the boards and committees. It will be. Mr. Snair felt it should be sent to other stakeholders as well – ACES, OAR, SuAsCo, etc.

Ms Rosenzweig noted that, once this goes into the warrant, it's hard but not impossible to change. She asked Mr. Snair if the whole by-law needed to go into the warrant. Mr. Beck felt that town counsel could write the warrant, and others agreed. Mr. Snair will ask about that.

Ms Probst thought it would be important to start compiling public education documents.

Ms Probst moved to adjourn, Mr. Beck seconded, and all voted in favor. Meeting adjourned 5:45 p.m.

Respectfully submitted,

Carol Holley
Clerk