

**From:** [Roland Bartl](#)  
**To:** [Chris Allen](#)  
**Cc:** [Planning Department](#)  
**Subject:** RE: Proposal for amendment to the GWPD bylaw  
**Date:** Thursday, March 13, 2014 2:14:00 PM  
**Attachments:** [AWD GWP proposed bylaws. final draft - 03-13.docx](#)

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Chris:

Okay. With this, I see no guidance or suggestion to make any substantive changes to the article as it goes into the warrant. I have consolidated the two articles into one and re-formatted the article presentation to be more conforming with how we would normally submit articles of this kind:

1. Refer to the amendment target as table 4.3.7.2 rather than section 4.3.7.2.
2. Present the proposed amendments as close as possible in the table format in which they will appear in the bylaw if adopted.
3. Use the N and Y nomenclature that is used in the table as opposed to No and Yes.
4. Renumber the inserted sections to be more thematically connected; less chance of missing something later.

Also, I inserted you as the contact information. I think you can better answer inquiries to this article than I can, or you can at least refer to the best person to answer questions; not that we every get much inquiries except from other committees who are prompted in the warrant to opine on articles – FinCom and Selectmen.

The only thing that the drafters may want to think about between now and the public hearing is that the table in the bylaw has no special permit options – it is either N or Y. We used to have special permit options, but deleted them after the Haz. Mat. Bylaw was fully up and running, which includes review and oversight and, as I understand it, annual permits from the Board of Health. So, when the article drafters refer to special permit review and oversight for certain uses or circumstances, they should recognize that this option does not exist when the table says N, not even through the Haz. Mat. Bylaw. The Board of Health can only permit and regulate under the Haz. Mat. Bylaw what the zoning bylaw allows by showing a Y in the pertinent column.

I have attached the reformatted article in final draft form for your information. This is being submitted into the warrant. Any changes will have to be amendments on TM floor. That said, please feel free to look it over quickly to make sure I didn't change something in error that changes the intent. I don't think I did, but a second set of eyes is always good. I have a couple more hours wiggle room.

Thanks -

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**From:** Chris Allen [mailto:Chris@actonwater.com]  
**Sent:** Thursday, March 13, 2014 9:22 AM  
**To:** Roland Bartl  
**Subject:** Proposal for amendment to the GWPD bylaw

Roland,

Some explanation of the framework of the DRAFT from the author, Paul Malchodi of the Water & Land Management Advisory Committee (WLMAC). Please let me know if you require any additional clarification.

Some background and goals first.

*Our goal in these bylaws is to close what we perceive to be gaps in the ground water protection bylaw.*

*The 4 gaps that we are addressing are*

*the storage of significant quantities of potentially contaminating liquids on zone 3 areas*

*the storage of pesticides/fertilizers in zone 3 areas*

*the storage, when potentially exposed to weathering, of deicing chemicals in zones 1, 2 and 3.*

*Storage, when potentially exposed to weathering, of large quantities soil amendment materials, including compost, in zone 1 and 2 areas.*

These are not “anti-Concord DPW yard/Bus Depot” changes. As we reviewed our thoughts about the potential for Concord to build a fueling and maintenance facility for buses and trucks, and also to use the site as a DPW service and storage yard, we realized that there are specific hazards associated with this proposed use which are a concern to us for any occupant of any site in these zones. Having buses or trucks in a parking lot is not in and of itself a risk,

- *. the Town’s HazMat bylaw addresses lbs of material as well as gallons. wondered if our intent would be better covered by the same inclusion?*

Our concerns in the “liquids” change are with protection from potential spills which would be identified quickly would enter the soil before they could be cleaned up. I believe that solids could be cleaned up before contaminating the soil. I regard this as layered broader protection which may overlap with HazMat bylaws, but deserved independent consideration in any special use permit application.

- *the aggregate volume of 90-gallons, what is based on?*

The basis for this was to regulate and control storage of larger quantities because such storage brings with it concomitant greater potential for spillage through more frequent materials movement activities and assumed greater frequency of use in service. The implication of the 90 gallon is that a business or individual that handles and processes potentially contaminating liquids on a daily basis will have more than 90 gallons around and should have specific permit conditions. See greater explanation below.

But at the same time, to allow, without special permitting, incidental storage of these materials, assuming that 1 55 gallon drum and 6 5 gallon containers would be “incidental”, with the implications both of infrequent usage and of reduced risk to the water supply from any one spill

- *Since Zone III covers a very large area, addressed the potential of retail stores, i.e., Stop-n-Shop, exceeding this pretty rapidly with what is on the shelves.*

Yes, and while stop and shop would be grandfathered, as would several other businesses that we discussed; we believe that the handling of these potentially contaminating chemicals in such close proximity to our water supply (directly above it in Stop and Shop’s case) deserves significant additional special permit conditions as to personnel training, Material handling, material storage, spill procedures and spill containment facilities and supplies. If a retail business dropped or accidentally pushed a pallet load of detergents and window cleaners off the loading dock on a rainy day (this is always a possibility) there is significant potential for soil contamination which should be addressed with mechanical controls, spill handling equipment and employee training, all of which should be addressed in a special permitting process.

In addition, we recognize the some

- *Combine the two articles in one, Part A & B, to consolidate presentation, explanation, and Q&A all to one article.*

This is a sensible suggestion. We separated into 2 because we perceive that the “liquids storage” and potential contamination from fertilizers/pesticides/herbicides are 2 separate issues by the nature of the potential problems. But there is no magic in that separation and having one proposed warrant article simplifies the discussion. I like it.

Thanks, again for your consideration and support.

Best regards,  
Chris

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***“When the well’s dry, we know the worth of water”***—Benjamin Franklin 1776

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