

September 11, 2017

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, September 11, 2017, at 7:00 p.m., at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

Present: Patrick Fasanello, Tom Brown, John Hasenjaeger and William Abbott. Also Rick Mattson, Supt. of Sewer and Water.

Also Present: Margaret Walker, Town Engineer; Don Anderson, Supt. of Building Maintenance, Bob O'Brien, DPW Director; Jim Johnson, Town Administrator; and Justin Mosca, Civil Engineer for the DPW Garage Project.

Absent: John Spillane

The meeting is called to order by the Chairman and then he asks for a moment of silence in honor of the 9-11 attack.

All abatements submitted tonight are reviewed and signed.

It is asked that the 7:30 appointment be taken out of order and there is no one opposed to this.

7:30 DPW GARAGE

Mr. Mattson opens with the fact that the Board had expressed some concerns with the location of the new DPW garage. Therefore the design team has assembled to address these concerns. Mr. Mosca gives an overview of the project and how it relates to Zone 1 of the aquifer protection area. He says the oil will be contained inside the garage. The only work within Zone 1 will be the grading and pavement removal. He then opens up the floor for questions. Mr. Brown asks what the distance is from the construction site to Zone 1 and Mr. Mosca answers 70 feet. Mr. Hasenjaeger asks if they have already dug the foundation and Mr. Johnson responds that this is not the pad, it is for general information of the site. Mr. Brown asks if there are any wetlands. Mr. Mosca says 105 feet and Mr. Johnson adds that Conservation Commission has already approved this. Floor drains and separators are discussed. The Board is told a Notice of Intent was filed and reviewed by Conservation and they are adhering to the Storm water standards. Mr. Anderson says the oil separator will pick up any fluids spilled and he does not store batteries. Mr. Hasenjaeger inquires about it being a passive recreation area. Mr. Johnson says this was reviewed the plan and determined it is an accessory building to the existing use. Mr. Abbott asks if other areas on the site were looked at and Ms. Walker responds that a lot of the area is town forest. Mr. Johnson says this specific site was unanimously approved by town meeting. Mr. Brown says his main concern is the idea of contamination of our aquifer with hazardous materials. He gives the past history of incidents that have occurred in our aquifer area. Mr. Hasenjaeger asks if other plans have shown the other buildings on the site and Mr. Johnson answers that it is a limited site plan and all the building commissioner's questions have been answered. Mr. Hasenjaeger says if someone else was building here they would have to show all buildings. Mr. Johnson shows the Board a plan showing all buildings. Mr. Brown says they are not being confrontational they would just like the information. Mr. Fasanello says he never saw a plan at town meeting and Mr. Johnson responds that it wasn't developed yet. Mr. Fasanello says he did not know where the location was and he is shocked that it is so close and does not see the rationale to this location. Mr. Fasanello speaks on his concern for puddling during a rain storm. Mr. Mattson asks what contaminants he is concerned for and Mr. Fasanello says he does not know. Mr. Mattson says it will be cleaner than it is now. Mr. Fasanello says he cannot understand why it is being put so close to our wells and Mr. Johnson responds that it was the unanimous vote of town meeting. Mr. Fasanello says this is uninformed/misinformed consent. Mr. Brown wonders if there is anything better than a separator to protect our aquifer. Mr. Mosca says they are double walled tanks, the jacks are below grade and they have switched to vegetable oil. Mr. Mattson explains that similar to his bulk chemicals the fluids stored are

contained in a dike that holds 110% of the storage quantity. Drainage is then discussed and the Board is told it will go into the sewer system. The architect of the project Kevin Uniacke arrives at this time. Mr. Brown asks if any vehicle repair will be done outside and the answer is no, there are no accommodations for that. Mr. Hasenjaeger asks who has the Order of Conditions and Mr. Mattson says he will get him a copy. Mr. Mattson then says ideally this not the most ideal spot but it logistically the right place. Mr. Fasanello says we are Sewer & Water Commissioners, elected officials, charged to protect the town's water supply. Mr. Mattson feels being that the town and their staff has exclusive control of the site, if it were private we would not be able to control the goings on. Mr. Brown asks what was required of Chris' Automotive, as they too are adding a building were they required to meet the same standards. Mr. Fasanello says we are volunteers with a professional staff, if there is no input then this Board is left in a lurch and if administration is looking for approval from us, he feels we do not have enough information. Mr. Brown wonders if there is more protection besides the standard protection available. There is discussion on utilizing the waste oil for heating and Mr. Anderson responds that there is not enough waste and it would require a special designed boiler. Mr. Fasanello says he does not have enough faith in containment. Mr. Mosca says we have the technology, a sensor, double wall protection and 110% containment. Mr. Brown asks Mr. Mosca if he is willing to say there will never be a spill and Mr. Mosca responds that he could never say that. Mr. Fasanello says we are in an earthquake zone and if the concrete snapped the worst will happen. There is then discussion on the life expectancy of the tank and the grave that is in the DPW yard. Mr. Brown asks if the relatives of the gravesite were contacted regarding what would be built by the tomb and the answer is no. Mr. Hasenjaeger says a lot of effort has been made to make this a sound site and we need to give it some consideration. Mr. Fasanello says we are supposed to protect the water supply and Mr. Mattson says you are by requiring the safeguards. Mr. Hasenjaeger agrees with Mr. Mattson that is better used and owned by the Town. Mr. Uniacke says this is much sounder than the 60 year old building that is in place now. Mr. Fasanello asks if the existing stuff is jeopardizing our water system and if there is a project in place to remediate them. He is told the old building will only be used for vehicle storage. Mr. Abbott speaks about the Aquifer Protection Act and the fact that it is an accessory to the existing use and under 15% impervious. Mr. Fasanello asks if there any observation wells on the property and Mr. Mattson answers no. Mr. Fasanello wonders why not and says we require this for others that build. Mr. Johnson says he is not being sarcastic however if the Board is willing to help pay for it and it would make the Board feel more comfortable, he would be happy to put an observation well in. Mr. Mattson is asked for an approximate cost and he guesses about \$12,000 but it depends on how deep they are. . Mr. Brown thanks all in attendance for this discussion and says his concerns were answered regarding the safety of our aquifer area and assured that the best practice is being applied. Mr. Hasenjaeger agrees with Mr. Brown. There is discussion on how and when the observation well would be checked and they are told it would be a private entity. Mr. Mattson suggests that if there is concern over the waste oil then they could mandate that it be pumped more frequently. Mr. Fasanello says administration should know enough to do this. Mr. Hasenjaeger says the DPW is responsible for the garage so this Board would not have any authority to mandate the pumping. Mr. Johnson says it will be done. Mr. Brown asks if he would put that in writing and the answer is yes. **Motion Made** by Patrick Fasanello to require and observation well be installed on this site and a monitoring plan be established. Second by John Hasenjaeger. Vote 4-0-0. **Motion Made** by Patrick Fasanello that all other structures at this site be surveyed to see if there is any need for remediation or threat of contaminants and report back to this Board. Second by John Hasenjaeger. Vote 4-0-0. Mr. Uniacke reminds that the old DPW garage will be for storage of vehicles only. Mr. Mattson adds that this is a good thing as they are being stored outside now. Mr. Mosca asks for more detail in what they would like surveyed and Mr. Mattson says the existing 1385 Washington Street, to look for environmental deficiencies and fix any found. **Motion Made** by William Abbott that this Board is satisfied with the results of the presentation tonight and to accept the DPW garage with the stipulations previously voted. Second by John Hasenjaeger. Vote 4-0-0.

SUPERINTENDENT'S STATUS REPORT

Mr. Mattson reports that the company they hired found 10 leaks; 2 mains, 8 services and 3 of the services were on private property. One of them has asked for time to repair. There is discussion on the Town doing

the repair and billing the homeowner. All agree that this is the way to go. He then reports that on September 25 they will begin the water main replacements on Barstow, Williams, Thornell, Cascade and Shufelt. The antennas will be removed within two weeks at the Old Post Road tank. It will be drained, blasted and painted and it should be back on by winter. There may be a pressure difference in the area may be noticed. The dioxane pilot proposal is receiving finishing touches for the DEP. There should be a report sometime in November. The average water demand in August was at 2.95 mgd and to date. Mr. Brown talks of a geyser by the landfill over the weekend, he called our technician who said he knew nothing about it. He would like a number to call when he encounters such a situation. Additionally, there was a discussion he had with a resident 4 doors down from the landfill who is experiencing brown water only on weekends. Mr. Mattson says he has received similar complaints from West St. and Warren La. Mr. Mattson then reports that pigging will start November 15th on West. St.

8:00/8:15 APPTS. ISAAC'S PATH & NICHOLS POND LA, DAVID WAKEFIELD

Mr. Wakefield and his engineer, Rob Truax, are present. These two subdivisions are taken at the same time as they have the same applicant. Mr. Truax gives an overview of what they intend to do. Isaac's Path is a 2 lot subdivision and the water main will dead end. Mr. Fasanella asks about bringing the main over to Lafayette from the cul de sac and Mr. Wakefield says he is not sure there is physical access to S. Lewis Park Dr. Mr. Truax says they are looking for several waivers in an effort to keep the property around the castle in its current state and historic. Mr. Truax then speaks about Nichols Pond La. which is an 11 lot subdivision. He says he will bring the water line from East St., to Barachiah La. through to Lafayette Dr. Mr. Mattson asks what the size the mains would be and Mr. Truax says they will both be 8 inch. **Motion Made** by William Abbott to concur with the comments of the Town Engineer with regard to Nichols Pond Lane and state that the applicant has agreed to extend the water main from East Street to Barachiah Land and then through to Lafayette Drive. Second by John Hasenjaeger. Vote 4-0-0. **Motion Made** by William Abbott to concur with the comments of the Town Engineer regarding Isaac's Path. Second by John Hasenjaeger. Vote 4-0-0.

8:30 APPT. PINE ACRES, 388 NORTH ST., 4 LOT SUBDIVISION, JOSEPH VERDERBER

Mr. Truax and Mr. Verderber are present for this discussion. Mr. Truax provides an overview of the project. Mr. Brown asks about looping the water main. Mr. Verderber says he is trying to work with the neighbor to obtain an easement so he can loop it. **Motion Made** by Tom Brown to table this until the proposed easement is obtained. Second by William Abbott. Vote 4-0-0.

Motion Made by William Abbott to accept the minutes of August 14, 2017 with the recommended corrections. Second by Tom Brown. Vote 4-0-0

JARVIS FARM USE REQUEST (OBSTACLE CHALLENGE)

Motion Made by William Abbott to accept this application and sign it. Second by John Hasenjaeger. Vote 4-0-0. Mr. Brown says he would like an update on Jarvis Farm. Mr. Mattson says there will be a year-end report and he can invite Mr. Shields in at that time. Mr. Brown asks if swimming was successful and Mr. Mattson there was no issue with the pond and it was tested regularly. Mr. Hasenjaeger asks if the gate gets locked and Mr. Mattson says it is hit or miss. Mr. Fasanella says it should be locked at sunset.

NEWLY VOTED REGULATIONS

The regulations are reviewed and discussed. There are 5 regulations that were voted at the last meeting. Mr. Hasenjaeger talks of #1 which states that water services connected to dead end lines shall not exceed 100 feet. He feels there are driveways that are more than 100 feet. This is discussed and all agree that this regulation should be deleted. The other regulation discussed is #3. All agree that the word licensed should be changed to certified. **Motion Made** by Tom Brown to delete #1 of the newly voted regulations and to change the wording in #3 to certified rather than licensed. Second by Patrick Fasanella. Vote 4-0-0.

146/150 COMMON ST., WATER SERVICE OMISSION, CUQUA

Mr. Mattson says the Board had previously voted that Mr. Cuqua was to put in a separate water service and this has not been done. Mr. Hasenjaeger asks if it is an inlaw apartment and Mr. Mattson responds that it is a carriage house. Mr. Fasanello asks about the sewer line and Mr. Mattson informs that it is common sewer line. Mr. Fasanello says this can't be and Mr. Mattson says he believes the Board allowed him to keep a common sewer line and he was to put in separate water lines. Mr. Fasanello says this is a big mistake, both should be separate. Mr. Hasenjaeger asks if they had to go through zoning and Mr. Mattson says yes. Mr. Brown says Mr. Mattson is correct in saying we made comments prior to construction. Mr. Brown continues that he went to the Board of Appeals and got their decision. He reads it and says that the only item addressed stated the owner is required to connect to the municipal sewer prior to occupancy. He adds if he is reading it correctly after the issuance of the decision which is what the homeowner was waiting for there is an appeal period. Mr. Brown says says water was not addressed in this decision and the owner was told that individual decisions are not provided. Mr. Fasanello says having one common sewer line is crazy and we should learn from our previous mistakes. Mr. Brown continues that whether accidentally omitted from the zoning decision or not, the homeowner leans on that decision for construction. Mr. Mattson says independent of what zoning says, this Board told the applicant at our meeting so for him to say he did not know anything about and Mr. Brown interrupts and asks if he received anything in writing. Mr. Brown continues he has the zoning decision document and the way he interprets it all boards should have reviewed the decision and within 20 days appealed if they did not agree per Massachusetts General Laws. Mr. Mattson says the MGL is for zoning. Mr. Brown says he constructed based on the zoning decision and Mr. Mattson says he does not believe he is being truthful. Mr. Brown says this is the decision and someone omitted the water line. Mr. Hasenjaeger talks on whether or not it is an in law apartment as they are normally attached. Mr. Fasanello says he has created another dwelling. There is discussion on whose water to shut off if there is a violation and Mr. Mattson says there is only one curb stop. Mr. Hasenjaeger says there is only one owner and Mr. Fasanello explains how he could write a deed for his property. Mr. Mattson says if he is going by the zoning decision then occupancy will not be issued until the sewer service is split. **Motion Made** by Tom Brown to tell the property owner shall provide legal written recorded documentation to the Board that encumbers said owner, upon sale or other transfer of ownership of the property; install a separate dedicated water service connection to the out building that has been designated in the Attorney Michael Cuqua's correspondence. Second by Patrick Fasanello. Vote 3-0-1, Abbott abstained.

REQUEST FOR PUBLIC DOCUMENTS –UNION SQUARE VILLAGE

This is read and noted.

Mr. Mattson reports that he told them that they would need to take \$72,000 from retained earnings to lower the rate and he was wrong it should have been \$74,000 which is what will be on the FATM article.

He also says if they have any questions for the MWRA who are coming to the next meeting let him know.

PULTE HOMES

Mr. Mattson says they are proposing an age qualified village and are looking for special consideration for water, sewer and I/I fees. There is discussion and Mr. Brown asks what kind of money are they looking at for these fees and the answer is nearly \$1 million. The Board is in agreement that they should not be asking for fee reductions or they will be building a 40B. It is determined that until Pulte approaches this Board no action is needed.

WATER CONSERVATION

Mr. Mattson is waiting for an opinion as to whether they can use I/I money towards water conservation.

Mr. Brown says moving forward with this Commission if you feel you have somewhere to go before the meeting is over and it is anticipated please let them know rather than getting up and just walking out. He

did not appreciate Mr. Spillane just leaving the last meeting before it was over. Going forward he would like to run the meeting so that everyone gets their say and doesn't care how long it takes.

Motion Made by William Abbott to adjourn. Second by John Hasenjaeger. Vote 4-0-0. Meeting adjourned at 9:50 p.m.

Accepted September 25, 2017