

## **BOARD OF SELECTMEN AND SEWER COMMISIONER'S SPECIAL MEETING**

**April 26, 2018, 2017**  
**Francis Faulkner Room 204**  
**Special Meeting 7:00 PM**

Present: Katie Green, Janet Joan Gardner, Jon Benson, Peter J. Berry, Janet K. Adachi, Special Counsel Jeff Roelofs, Town Manager Steve Ledoux, Recording Secretary Lisa Tomyl  
Ms. Green opened the meeting at 7:05 PM.

### **Remand Modified Decision of Site Plan Special Permit #11/12/15 – 459, Nagog Pond Water Treatment Facility**

Ms. Green read the hearing notice and gave an overview on how the hearing will proceed.

Mr. Roelofs began with a history of the proceedings and summarized changes in the modified decision compared to the previous modified decision from November 2017. Mr. Roelofs reiterated that the hearing is not being re-opened but only for the Board to vote on the additional modifications. Mr. Roelofs went over the 4 documents to explain the changes that have been made.

Mr. Benson explained his preparation in getting up to speed with all hearings and additional materials. Mr. Durning, representing Town of Concord, read from a prepared statement and presented a presentation. Mr. Durning highlighted the areas of the modified decision that Concord negotiated with as an alternative such as water withdrawal notification.

Kim Kastins, Pope Road – presented a presentation on power point, noted Mackie and Shea's comments about her credibility. Ms. Kastens believes that Concord Water District should sign a promissory note that they will not draw down below the spillway. Suggests forming a regional water treatment facility.  
Carolyn Keily, Parkland Lane – read from a prepared statement. Discussion focused on Littleton and what their actions are as moving forward exercising their rights to withdraw from Nagog Pond in a letter to Concord. Discussed changes to the modified decision conditions.

Robert Sekuler, Parkland Drive – read from a prepared statement.

Ralph Lawrey, Skyline Drive – involved with the hearings for the past 2 years, should be obvious the objective of Concord is to obtain the exclusive rights of Nagog Pond. Commented on the IMA article from Town Meeting. Proposal not beneficial for Acton. Suggested some additional language in the conditions regarding water withdrawal. Urges to reject proposal.

Jim Snyder-Grant, Half Moon Hill – have heard many different arguments from both Concord, and from citizens. Urges Board to vote no and let it go to the courts – give the brook more time to grow.

Todd Picken, Skyline Drive – water engineer. Read from a prepared statement. Commented on the amount of capacity of water withdrawal per day.

Ainsley Brennan, Breezy Point – thanks Concord for mentioning the Bald Eagles. Noted that Concord will monitor the Eagles. Thanks for entertaining the idea of residents of Breezy Point to allow access to the conservation area.

Lillian Stokes, Skyline Drive – thanks Ainsley regarding the Eagle documentation. Likes that Eagles have chosen Nagog Pond for nesting. Eagles are protected by the Bald Eagle Protection Act. Make sure Concord coordinates with the Fish and Game Wildlife.

Peter Shanahan, 128 Nonset Path – works with OARS. Questioned about damage in or adjacent to Nagog Pond. Questioned if Nagog Brook is considered adjacent. JR – it was left vague in the conditions in case something came up. Concerned about the deep (pipe) intake in the pond.

MaryLynn Miller – confused about legal language. Concerned about the future withdrawl from Nagog Pond. Feels the Board should be concerned about securing water rights.

Virginia Harris, 13 Orchard Drive – as constituent the Board should vote no on decision.

Terra Freidrichs, West Acton – questioned if document was drafted by Concord – mentioned about injurious portion. Urges board to go on record to not permit.

Barry Rosen – read from a prepared statement. Noted Concord Water District as being non-responsive to meeting requests with Acton Water District. Disagrees that Concord is a good steward of the environment.

Ms. Adachi – has not heard any new information that would change her mind to support the decision. Commented on the comments from emails, and public comments.

Mr. Berry – inappropriate for a submittal (from Mackie Shea) to attack a single person and allow the (Concord) Selectmen to applaud the attack. Mentioned the Zoning Bylaw from 1988. Under some constraint regarding following what is allowed under the zoning bylaw whether people like it or not. Supports the revised agreement.

Mr. Benson – The issue is not about Concord's right to withdraw from Nagog Pond. We are here as a permitting board. The decision is whether the plan fits the zoning bylaw. Cannot exceed our authority to impose conditions outside the scope. Will support in favor of the modified decision.

Ms. Gardner – Continues to vote against the decision. Feels there are some issues that are not resolved.

Ms. Green thanked residents for their active engagement for the past 2.5 years. Stresses that the Selectmen have been listening to concerns and comments from the public and take it into consideration regarding making difficult decisions. Supporting modified decision.

Ms. Adachi moves to close the hearing of Site Plan Special Permit / Use Special Permit #11/20/2015 – 459, 180 & 182 Skyline Drive (Nagog Pond Water Treatment Plant), Mr. Berry seconds. All Ayes.

Ms. Adachi moves to approve the modified decision, Mr. Benson seconds. 4 ayes, 1 nay (Ms. Gardner).

Ms. Gardner moves to adjourn, Ms. Adachi seconds. All Ayes. Meeting adjourn at 9:45 PM.

### Meeting Schedule for John Mangiaratti

\*meeting times are approximate\*

#### June 5, 2018

8:00 Eva Szkaradek (Town Hall)  
8:30 Lisa Wojick (Town Hall)  
9:00 Mark Hald (Town Hall)  
9:30 Corey York / Paul Campbell (rm. 46 – here for budget meeting with DPW and Engineering)  
10:00 Chief Rich Burrows (PSF 371 Main Street)  
10:30 Chief Robert Hart (PSF 371 Main Street)

#### June 12, 2018

8:00 Marianne Fleckner (HR Orientation – rm. 121)  
9:00 Andrea Ristine (Red House)  
9:30 Brian McMullen (Town Hall)  
10:00 Steve Barrett (Town Hall)  
10:30 Jennifer Friedman (Citizen's Library 21 Windsor Ave)

#### June 19, 2018

8:00 Frank Ramsbottom (Town Hall)  
8:30 Tom Tidman (Town Hall)  
9:00 Sheryl Ball (Town Hall)  
9:30 Roland Bartl (Town Hall)  
10:00 Selby (Town Hall)  
10:30 Cathy Fochtman (50 Audubon Drive)  
11:00 Heather York (30 Sudbury Road)  
11:30 Sharon Mercurio (30 Sudbury Road)  
12:00 James MacRae / Laura Ducharme/ Doug Halley (30 Sudbury Road)

Respectfully Submitted,

Lisa Tomyl  
Lisa Tomyl, Recording Secretary

Jon Benson  
Jon Benson, Clerk