

PUBLIC WORKS COMMISSION MEETING MINUTES

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Public Works Commission in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 suspending certain provisions of the Open Meeting Law was held at 4:00 p.m. on Wednesday, April 13, 2022. This meeting has been properly noticed with the Town Clerk and has been recorded.

PRESENT:

Commissioners:

Jef Fasser
Andrea Solomon
James Terry
K.C. Winslow

Absent:

David DeLong

Staff:

Alan H. Cathcart, Director
Steve Dookran, Town Engineer
Jeffrey A. Murawski, Water and Sewer Superintendent
Aaron I. Miklosko, MSFM, Highway and Grounds Superintendent
Nelson Mui, Management Analyst
Bob Hill, Management Analyst
Melissa Simoncini, Environmental Services Program Administrator
Anna R. Trout, Administrative & Special Projects Coordinator

Other:

Robert Hilsinger (League of Women Voters Observer)
Karlen Reed, 83 Whit's End
Rod Riedel
Brooks Read, 366 Estabrook Road
Michael Mercurio
Nancy Nelson, 1695 Lowell Road
Molly Obendorf (Stamski and McNary)
Mark White (Bentley Builders Corporation)

A: ACTION ITEMS

A-1 through A-3 - The meeting was convened at 4:00 PM. by Commissioner Fasser. Attendance roll call of Commissioners was made as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

The meeting minutes from March 1, 2022 were approved with correction provided by roll call: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

Director Cathcart reviewed the PWC meeting calendar. He explained that the next scheduled event is Town Meeting to be held on May 1 at the Concord Carlisle High School. The next Public Works Commission meeting will be held on May 11, at which time the annual Water/Sewer rate hearing is scheduled, along with a Roads Program update. A Solid Waste/Recycling rate hearing is tentatively scheduled on June 8.

Chairman Fasser suggested that an in-person meeting shall be held on May 11. All other commissioners present agreed. A new chair and vice-chair will also be elected on May 11.

D: DISCUSSION/ACTION ITEMS

D-1: Public Hearing – Pond Street – Water Main Extension

Director Cathcart explained the process that is in place for a water main extension, which involves a formal application from an interested party, review from town staff for conformance with department standards and a public hearing. This project proponent is requesting approval for a water main extension along the Pond Street public right-of-way. The extension, if approved, will create necessary water service “frontage” to a residential parcel located at 49 Pond Street. This request is related to a larger project that is being reviewed as part of a formal Definitive Subdivision Review process administered through Concord’s Planning Department.

Staff verified that abutters have been notified of this public hearing via certified mail and that notice of this public hearing has been advertised in the Concord Journal.

Commissioner Terry **MOVED** to open the Public Hearing for a water main extension on Pond Street, Commissioner Solomon **SECONDED**, and it was **UNANIMOUSLY VOTED** by roll call vote as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

Superintendent Murawski explained that the applicant has a parcel on Pond Street, which is a public right-of-way, which requires a water main extension. This extension is for 110 feet of 8 inch class 52 cement lined ductile iron water main, extending the existing dead-end water main along the paved public portion of Pond Street.

This submission was reviewed by the Water/Sewer and Engineering Divisions of Concord Public Works and both divisions recommend approval of the extension as shown on the plan. Director Cathcart added that the design was

developed with specific consideration of minimizing any adverse impact on public shade trees. The property at 49 Pond Street will be served with a private onsite septic system.

Commissioner Winslow **MOVED**, to close the Public Hearing for a water main extension on Pond Street, Commissioner Solomon **SECONDED** and it was **UNANIMOUSLY VOTED** by roll call vote as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

Commissioner Terry **MOVED**, to approve the water main extension along Pond Street as detailed on a plan entitled “Water Main Extension, Phase One, in Concord, Massachusetts” dated May 20, 2021 and revised on April 5, 2022, prepared by George Dimakarakos, PE, of Stamski and McNary, Inc., Commissioner Winslow **SECONDED** and it was **UNANIMOUSLY VOTED** by roll call vote as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

Superintendent Murawski added that a mylar plan will be prepared and provided by the applicant, which will be signed by the Town Engineer and Public Works Commission.

D-2: Snow Maintenance Policy – Private Way – Sunnyside Lane

Director Cathcart explained that a question was recently raised as to how the existing snow and ice removal policy within designated private ways, established back in 1964, would be impacted if a change was made to one of these private ways. Because this policy falls within the purview of the Public Works Commission, it is important to seek their guidance as to how such a change should be administered. The Commission had recently reviewed related maintenance and snow plowing activities of private roads when they had been determined to be in significant disrepair.

Town Engineer, Steve Dookran, explained where the Sunnyside Lane extension will be created. The road will be extended about 108 feet to the north, with a hammerhead configuration at the end of the way to allow for a vehicle to turnaround. The question was raised as to whether the Town would be required to plow this new section of road, as it would technically result in a “change” to the way that had been configured back in 1964. Upon researching this issue, it was determined that plowing services had been provided to this narrow gravel private way. The developer is proposing to make the entire stretch of road more uniform in width while paving the entire length as part of a subdivision project. The Engineering Division recommends that this altered street should continue to receive services from the Town for snow and ice removal as the extension length was relatively limited, the condition of the paved way would be easier on Town plow equipment than the gravel way and the hammerhead located at the end of the way could allow for a reasonable accommodation of snow banks and equipment maneuverability. This recommendation was offered with

consideration of a few conditions that could be put in place. One is that all owners along this private way commit to keeping the road in a well-maintained condition and second would be that owners sign a hold harmless agreement. Both of these conditions were stated in the 1964 policy and these conditions can also be made as a Planning Board approval stipulation.

Commissioner Winslow asked if there was a timeframe for this or if it would be in perpetuity. Director Cathcart responded that he was not aware of any sunset to this obligation (outside of the conditions established within the existing Policy). Upkeep and repair of the private roadway would continue to be the responsibility of the abutters.

Commissioner Fasser asked about current road treatment, Highway and Grounds Superintendent Miklosko responded that the road is salted and plowed. When asked about increased runoff as a result of paving the road, Ms. Obendorf of Stamski and McNary replied that there is a drainage design for the road with an infiltration basin for significant treatment. Mr. White added that there will be a homeowner's association with an agreement put in place to maintain the road.

Commissioner Terry **MOVED** that the changes in the aggregate to Sunnyside Lane proposed by AWMW, LLC in its subdivision application are not material enough to render the extended Sunnyside Lane ineligible for snow and ice removal under the 1964 policy. In addition, property owners are to keep the road in a well-maintained condition and sign a hold harmless agreement stipulated in Criteria #7 of the policy, Commissioner Winslow **SECONDED** and it was **UNANIMOUSLY VOTED** by roll call vote as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

D-3: Town Meeting Preparation

Director Cathcart reminded the Commission that there are a number of articles that directly relate to Public Works, which are generally annual actions that are fairly routine. While recommended by public works, they are technically sponsored through the Town Manager's office. As all have been deemed to be non-controversial, they have been placed on the consent calendar. These include the following articles:

- Article 28: Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws C. 44, § 53e ½
 - This is money collected through Street Opening Permits dedicated to expenses to support Engineering programs.
- Article 40: Solid Waste Disposal Fund Expenditures
 - Trash/Recycling program – monies received utilized to support that program.
- Article 41: Sewer System Expenditures

- User and Special Service fees collected by Sewer Division used for related operating capital expenditures.
- Article 42: Sewer Improvement Fund Expenditures
 - Funds collected through expansion of sewer capacity to be used for expansion and I/I.
- Article 43: Water System Expenditures
 - User and Special Service fees collected are used for the support of these programs.

Director Cathcart reminded the commission that if ten participants at Town Meeting request that any one of these articles be pulled from the consent calendar, a Commissioner will be assigned to present a brief overview of the associated program, with supporting materials and input offered by staff. If this would occur, the current schedule of articles would indicate this presentation would probably happen on the second day of Town Meeting. Commissioner Fasser and Terry both agreed to accept the responsibility of making such a presentation, if needed.

In addition to these routine articles, other articles of interest to Public Works also required some discussion and consideration in the event questions arise or formal positions may be warranted.

Article 30 – Scenic Roads Bylaw

This bylaw is sponsored by the Historical Commission and Planning Board. As this bylaw introduces some cross-over in authority of interests within the public way, it is likely that the Town Meeting participants might want to know the Public Works Commission position on this bylaw. The Commission was informed that as a matter of process, it could opt to take any one of the following actions:

- Affirmative Action (i.e., support the passage of the Article as presented),
- No Action (i.e., oppose the passage of the Article as presented),
- No Position (effectively not offering support or opposition to Article as presented).

In addition to or an alternative to the above positions, a statement could also be provided as well, representing the Commission’s collective position. Such statement could be presented on the Town’s website, or in person on the floor of town meeting. The above procedure is applicable to any articles that the Public Works Commission decides to take a position on.

With regard to Article 30, Commissioner Solomon explained that she had learned a lot by watching how this article has been discussed in a number of venues leading up to Town Meeting and was surprised by how little of it was shared with Public Works. Commissioner Winslow expressed that the trees are well protected, but remains concerned that more should be done to protect the stone walls. Commissioner Terry added that he did not see that regular

maintenance by the public works crews would seem to be affected by the Scenic Roads Bylaw. He didn't see that there were many situations where stone walls might be affected. A concern he did express is that a number of the roads were laid out a long time ago, and there is not a good determination of whether a stone wall is within a public way or not. Commissioner Fasser is not opposed to the Scenic Road Bylaw, but felt that Public Works should have been more engaged in this process. Regardless of the position taken he felt it would be important to make a statement about what we already have in place and how we would like to proceed cooperatively.

Commissioner Solomon suggested making a statement about what policies are currently in place by Public Works might be of value. She would have liked more time to be spent with dialogue with Town Departments and Commissions working together to make a clear decision about the best way to handle these issues.

Commissioner Winslow mentioned that there would be a planning committee to draw up the language, and perhaps Public Works could request higher representation in this process.

Nancy Nelson, 1695 Lowell Road, explained that she felt the Historical Commission sent representatives out to various committees in the hope of providing increased collaboration.

Brooks Read, 366 Estabrook Road explained that he tried to find out where the bounds of the roads were to determine the location of the stone walls on his property and did not receive a favorable response from Town Counsel.

Commissioner Fasser expressed that if this bylaw passes, it would be important that the determination of right-of-way limits and boundaries be discussed. Commissioner Solomon added that the Scenic Roads Bylaw might delay work by instigating extra meetings for approval.

Commissioner Solomon **MOVED** to take no action on Article 30, The Scenic Roads Bylaw, Commissioner Terry **SECONDED** and there was a roll call vote as follows:

Andrea Solomon, Aye
James Terry, Aye
KC Winslow, Nay
Jeff Fasser, Nay

Commissioner Fasser **MOVED** that Commissioner Solomon draft a statement regarding the Scenic Roads Bylaw, to be offered on behalf of the Public Works Commission, which will be finalized and made available at the upcoming Town Meeting. Commissioner Terry **SECONDED** and there was a roll call vote as follows:

Andrea Solomon, Aye
James Terry, Aye
KC Winslow, Aye
Jeff Fasser, Aye

Article 31 – Zoning Bylaw Amendment Additional Dwelling Unit

This article is sponsored by the Planning Board. Director Cathcart noted that there are indirect implications that these additional dwelling units (ADU's) may have on Public Works, primarily when addressing private utility service layouts as well as increased wastewater capacity impacts. As you increase density and infill you inevitably increase demands on wastewater capacity and potable water. These issues are managed closely by the Public Works Commission. No position was taken on this article by the Commission.

Article 33 – Zoning Bylaw Amendment – Zoning Map & Thoreau Depot Business District

This article is sponsored by the Planning Board. This relates to the interest in changing the zoning within the Thoreau Depot District to entice mixed use of commercial and residential near public transportation. Again, such a re-development will drive a need to draw upon water and wastewater services.

Each building change or addition would likely occur at a scale that would require a water (use) impact assessment, in accordance with the water rules and regulations. The comprehensive wastewater master plan includes some potential expansion areas that we've identified in the future to serve existing environmental needs. It's likely that we would need to revisit this comprehensive plan and if the demand is unmitigated, run the risk of being issued a consent order from EPA if we exceed our permitted flow limit included in our NPDES permit. We continue to need to manage and address pressures for new and increased wastewater flow into our system. The commission was reminded that we are finalizing comments to be made to EPA as part of our NPDES renewal efforts and will be re-stating our interest in obtaining an increase in our existing flow limit. Regardless of where such development occurs, the Public Works Commission is responsible for reviewing and approving projects that would increase wastewater flow over 1,000 gallons per day.

No position was taken on this article by the Commission.

Article 16 – Five-Year Moratorium on the Installation of Synthetic Turf on Town Land.

This article is a citizen petition. This is a moratorium on new synthetic turf in areas where it does not exist. There are concerns about environmental impacts of synthetic turf as well as health implications to the users of these turf fields and has recently been expanded to include concern about PFAs. A lot of athletic programs in Concord enjoy the benefits and flexibility of utilizing

synthetic turf fields. While there is a planned replacement of the Doug White Field within the next several years, the Doug White Field will not be affected by this article.

No position was taken on this article by the Commission.

Article 37 – Authorize Select Board to Petition to Impose a Checkout Bag Charge.

This article is a citizen petition. There is a Statewide movement to incentivize the use of reusable bags or totes when shopping. This is in support of Statewide legislation that has not yet been passed. The article calls for retail establishments to charge a fee for the use of bags. The proponent originally identified the Board of Health as the municipal entity that would be tasked with enforcement. As such, public works had not been particularly engaged in vetting this Article. A few weeks ago, Public Works was approached by the proponent to find out if we would be willing to take on developing regulations for implementation and enforcement. The reason for this request was that Planning and Land Management determined they did not have the resources to commit to this effort. As public works has not been given sufficient time to understand what level of effort would be required, such a commitment has not been made. In the interest of moving the article forward, the Select Board has suggested the proponent revise the language to state that the Town Manager or his/her designee to be responsible for regulations and enforcement.

No position was taken on this article by the Commission.

Article 46 - Reformatory Branch Trail Feasibility Study

Article 47 – Preserve Concord’s Reformatory Branch Trail

Both articles are citizen petitions. Article 46 is proposing a feasibility study which would call for \$75,000 to be allocated for a needs assessment to be performed by an engineering firm to determine potential use of and improvements to the reformatory branch trail. Article 47 calls for the trail to be maintained in its present condition allowing for only modest improvements and maintenance needs.

Public Works currently provides occasional maintenance support to the Natural Resources Commission, as needed, to keep the trail open, partly because there is a sewer line that runs from Lowell Road towards the Wastewater Treatment Plant.

Commissioner Fasser suggested that if Article 46 were to pass we would want to make sure we are included in the process from the start. Commissioner Terry suggested that the Select Board should appoint a committee to evaluate the situation. He feels the community and not a consultant should do the review to determine what should be done. No position was taken on these articles by the Commission

D-4: Director's Report

- **Engineering (Presented by Steve Dookran, Town Engineer) –**
 - **Stow Street Parking Lot** – Within the next few weeks, this parking lot is scheduled to be rebuilt and striped with ten new spaces, including one handicap space added. Underground infrastructure for future electric car charging is also being installed.
 - **Town Wide Culvert Plan** – This project evaluates all 176 culverts and eight bridges that are located in Town.

- **Highway, Grounds and Cemetery (Presented by Aaron Miklosko, Highway and Grounds Superintendent) -**
 - **Baker Ave. Water Main Break Trench Repair** – We worked together with the Water/Sewer division to complete a repair and reconstructed the road to make it safe for passing vehicles.
 - **Compost Site** – A lot of work was undertaken to prepare for the opening of the compost site at 755 Walden Street. This area is used as a snow dump for snow and ice operations, and then is prepared to allow residents to bring leaves and grass clippings that are used for compost.
 - **Emerson Field Project** – We are wrapping up work, preparing for summer use. The irrigation system was activated and tested. A lot of work was done by Eric Shaw and the Highway and Grounds Team.
 - **Fuel Depot at Keyes Road Facility** – A new dispenser was installed at this facility last week.
 - **Bruce Freeman Rail Trail Guardrail Repair** – The Grounds Division repaired a post and rail fence along the trail.
 - **War Memorial** – New flags were installed at this memorial in Concord Center in advance of the Patriots' Day parade.
 - **Business Recycling Event** - This event was held at the Keyes Road facility on April 1.

- **Water/Sewer (Presented by Jeffrey Murawski, Water/Sewer Superintendent)-**
 - **Hydrant Flushing** – Unilateral hydrant flushing is provided twice yearly, each time taking care of one third of the total hydrants. This results in improved water quality. This work occurred over the last two weeks.
 - **Water Event at Worcester's Polar Park** – A pH demonstration project was set up for a regional STEM fair event.
 - **CDL Licensing** – The Water/Sewer Division was registered as a training agency facility and performed this entry level driver training for a new employee.

D-5: Commissioner's Comments

Commissioner Terry suggested that communication be made to the library and Emerson Umbrella about parking lot work in advance, since this is such a heavily used parking lot. He also suggested that sewerage construction on Commonwealth Avenue be performed prior to roadway work. He also commented that the PFAS reports look like they are doing well. Director Cathcart mentioned that reduced monitoring has been requested at Hugh Cargill because of the positive trend.

D-6: Public Comments

Robert Hilsinger (League of Women Voters Observer), reminded the Police Dept. that studded snow tires need to be removed from vehicles by the end of the month to reduce damage to our roadways. He also expressed hope that Concord Public Works could receive at least one million dollars from the Federal Government towards the Roads Program.

Commissioner Winslow **MOVED** to adjourn the meeting at 6:11 PM, Commissioner Solomon **SECONDED**, and it was **VOTED** by roll call vote as follows: KC Winslow, Aye, Andrea Solomon, Aye, and James Terry, Aye.

ADJOURNED: 6:11 PM

Respectfully submitted,

Approved,

Anna R. Trout
Administrative & Special Projects Coordinator
Concord Public Works

Jef Fasser
Public Works Commission