



TOWN OF HOPEDALE

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Board of Water & Sewer
Commissioners

Ed Burt, Chr
James Morin

Hopedale Board of Water & Sewer Commissioners Minutes of February 4, 2021

The Hopedale Board of Water & Sewer Commissioners met on February 4, 2021 at 6:30 P.M. in a combined meeting with the Conservation Commission via Zoom. Members present Draper Room of the Town Hall. Members present were Chairperson Burt, Commissioner Morin, Don Cooper, W&S nominee, Tim Watson, Water and Sewer Manager, Becca Solomon, Conservation Chairperson, Dave Guglielmi, Conservation Board, Marcia Matthews, Conservation Board along with approximately 30 others.

Consent Items

Approval of Executive Minutes of the January 20, 2021 meeting with Board of Selectmen –
Commissioner Morin made a motion to approve the executive minutes of January 20th with 1 correction made prior to approval and made unanimous by Chairperson Burt.

New Business

A. West Street agreement discussion (joint meeting with Conservation Commission) –
See attached

Commissioner Morin made a motion to adjourn at 8:40 P.M. and made unanimous by Chairperson Burt.

I attest to the best of my knowledge that this is a true and accurate recording of the minutes of February 4, 2021.



Ed Burt – Chairperson



James Morin

**Hopedale Water & Sewer
and Conservation Commission
Joint Meeting Minutes
February 4, 2021**

**Call to Order: 6:30pm by Ed Burt
Meeting held virtually via Zoom.**

Attendees on Zoom:

Edward Burt, W&S chair, James Morin, W&S commissioner, Don Cooper, W&S nominee. Becca Solomon, Conservation chair, Dave Guglielmi, member, Marcia Matthews, member. G. Whalan, R. Lima, Carol Hall, Jamie Deppe, Jean Donohoe, Tara Chambers, Jamie Solomon-Zissu, Sean Reilly, Christine Burke, Liz Reilly, Jodi Faath, Carole Mullen, Amy Paquette, Michael Milanoski, President, Grafton Upton Railroad; Jessica Allan; Tim Watson, Manager, Water Dept.; Chris Hodgens, Linda Sarkisian, Mike Brescianl, Michele Lareau-Alves, Rob Fahey, Dona Neely, Marianne Watson. There were over 30 people attending on Zoom; not all are listed.

Items:

Regarding the 364 West Street agreement, Ed Burt said that neither W&S nor the Conservation Commission were involved in the details. This meeting is for W&S to discuss and provide feedback regarding the wells, while the Conservation Commission will address roads and bridges. It will be a parcel by parcel review on oversight, town governance, and approval.

James Morin reviewed his participation in the Water & Sewer Department for 19 years, and said he regrets that the Board of Selectmen didn't include W&S in negotiations. "The land court directive being a mediation screening, protecting all viable land."

Ed Burt added, "We expected any railroad land would be an easement and the town would have the right to the entire property."

Tim Watson spoke of red flags. "I have concerns within the agreement. Section 1, page 3 ¶B 100-foot easement for the bridge. Is easement for the well within Parcel A? ¶D What happens if the bridge goes in prior to the well? Page 4, Section A, Bedrock Wells is a paper study only with a 400-foot radius. Are we going to impact the railroad's Parcel E? Having to look for bedrock wells prior to shallow wells. What happens if it's not completed within 5 years? Good job on the deed restrictions for B and C. They mirror ground water protections but don't incorporate Parcel E. All the unknowns make that difficult. It cannot be completed within 5 years."

Ed Burt said, "The DEP authorizes where to put the well."

Tim Watson reiterated, "I'm not comfortable with the 5-year timeline. We could put in 5-10 shallow wells for the cost of one bedrock well."

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Ed Burt said, "Our priority is to take the current exploration to its conclusion. Then a shallow well."

Tim Watson objected to the time restriction, and questioned whether on Zone 1 and Zone 2, the selectmen will be the oversight.

Jim Morin stated, "We brought those concerns to the attorney. The railroad well would be turned over to the town when public water goes through, but it's not in the agreement."

Tim Watson asked for a formula to share costs for exploration and testing. "The trust will install monitoring wells at their discretion. DEP decides that."

Becca Solomon took the floor to speak about the concerns of the Conservation Commission. She explained how a watershed works. "On the proposed parcels, the Mass. DEP contour lines show Parcel B is a hillside and Parcel E has a slope. Parcel B flows to Parcel A. Parcel E flows to Parcel A and to Upton, the Upton State Forest, the Mill River, and Hopedale Pond." She said soil and vegetation matter because water absorbency of soil depends on coarse grain soil percolation. "Compacted soil cannot absorb or hold water." Regarding flood control, she said, "Prime forest land has more roots in the soil. Parcel E has more resistance against flood and drought. Removing vegetation and replacing with roads and parking lots will lead to flooding and drought. Pavement leads to faster surface flow and less groundwater."

She addressed conservation concerns about the proposed bridge and road across the Mill River and wetlands. "The railroad wants two-way tractor trailer traffic. They would culvert the water flow. The Army Corps of Engineers and Mass. DEP have jurisdiction. They left out state regulations." Regarding Carpenter Road, David Sarkisian's property, "It's a very wet area. Water flows through it. Paving would increase the surface flow. Are they going to remediate with ditches, culvers, water bars?"

Ed Burt added, "What about the Upton State Forest and Carpenter Road abutters' rights?"

Becca Solomon said, "If anything were to happen to the water quality, we would have liability."

Ed Burt followed up, "Downstream communities?"

Becca Solomon replied, "Mill Pond goes into three town borders, and was turned over to Upton and Milford Conservation Commissions. It should be Hopedale Conservation Commission, not the Board of Selectmen. Mill Pond is covered with algae. It could be a liability to the town. Clean-up may cost millions and would need the cooperation of two other towns."

Ed Burt pointed out a clause in the agreement, "The town will support railroad grants. This needs analysis." He read a letter from W&S asking the Board of Selectmen to cease and desist negotiations regarding water rights. "This issue should go back to Town Meeting."

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Tim Watson asked, "What if it impacts another property? The property value."

Becca Solomon said, "The railroad would file for a permit with the Army Corps of Engineers and Mass. DEP. With the railroad exemption, could they relocate wetlands? I emailed the DEP about whether it's legal with abutter notifications."

Tim Watson said, "If wetlands are relocated, wouldn't it affect property value?"

A resident of a neighboring town said, "Shout out from abutters in Mendon and Upton."

Becca Solomon said that with an easement on town land, some replicated wetlands would be public, and some might be on private land.

Dona Neely asked if future costs to the town could be quantified.

Becca Solomon replied that the town would be held liable if they failed to notify abutters.

Tim Watson explained, "A bedrock well is made with a drill going down hundreds of feet. A shallow well can be done with a rig. Shallow wells are easier to clean and maintain. With a bedrock well, you don't know where the water is coming from. It makes more sense to look for shallow wells first."

Dona Neely said, "It seems to me with these requirements, we're being set up for future costs."

Tim Watson added, "The railroad wants us to search for bedrock wells first so they can move forward developing Parcel E."

Dona Neely replied, "I'm not sure a dollar value has been set for that."

Ed Burt said, "That's why Town Meeting approval is important for operating costs."

Becca Solomon added, "We (Con Com) were never reach out to, to have input in to this document."

Ed Burt said, "We were not involved in the mediation."

Mike Bresciani stated, "You should have been."

Mike Milanoski of Grafton Upton Railroad said, "The three-year process started with a DPU eminent domain filing and the Water Commission submitted a study that bedrock wells were a priority. We negotiated with the owner of the property and Chapter 61 was tried. The agreement has been settled. It's just drafting the final document. The Water Commission has had an active role in the mediation. A compromise was done. The railroad gave up land for

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easements. We will follow the Federal Clean Water Act. We're following all the regulations required by law. The mediation is closed."

Ed Burt read a letter from a resident regarding the settlement term sheet. "The Board of Selectmen will bind the town to obligations. It negates the vote of Town Meeting." (Letter attached to the recording.)

Mike Milanoski questioned how Becca Solomon could give legal advice. She replied that she had an extensive and in-depth education on environmental law policy, both Federal and state.

Ed Burt repeated that the ultimate approval should be made at Town Meeting.

Rob Fahey expressed concern about the handling of hazardous materials in Parcel E uphill from the watershed.

Becca Solomon said, "They would be required to follow Federal laws. This document seems to pull off state regulations."

Ed Burt asked about an existing pipeline in Parcel E. Tim Watson replied, "I believe it's natural gas."

Mike Milanoski agreed. "The gas pipeline goes through two properties we own."

Ed Burt adjourned the Water & Sewer meeting and Becca Solomon adjourned the Conservation Commission meeting at 8:40 p.m.