

**MEETING NOTES OF
BARNES AQUIFER PROTECTION ADVISORY COMMITTEE**

DATE: 12/5/17 **LOCATION:** Easthampton Municipal Offices, Easthampton, MA

MEMBERS AND DESIGNEES PRESENT:

<u>X</u> M. Czerwiec, Easthampton	C. Seklecki, Easthampton	
D. Conti, Holyoke	J. Burkott, Holyoke	A. Smith, Holyoke
<u>X</u> T. Gaughan, Southamptn	<u>X</u> M. Hanc, Southamptn	Paul Diemand, Southamptn
<u>X</u> Heather Miller, Westfield	K. Leigh, Westfield	Jay Vinskey, Westfield
<u>X</u> R. Newton, Smith College	<u>X</u> P. Gambarini, PVPC	<u>X</u> L. Sullivan, PVPC

Others present: Mary Ann Babinski, Westfield City Council; Ann Shea, Southamptn resident; Kristen Mello, Westfield Residents Advocating For Themselves (WRAFT); Dolores Chrobak, Southamptn Resident; James J. Cyr, Manager Cyr Realty; Peter McAvoy, Attorney; Mary Serez, Reporter for *Springfield Republican*

TIME OF CALL TO ORDER: 3:32 p.m. **TIME OF ADJOURNMENT:** 5:13p.m.

Action Items from Meeting:

PVPC

- Prepare 12/5 meeting minutes and distribute for review
- Prepare agenda for 1/2/18 meeting and distribute
- Follow up with Southamptn Planning or ZBA re: 77 Pequot Road
- Post K-12 Resources
- Refine geothermal guidance
- Review Westfield Water Resource Protection District Ordinance

BAPAC members

- Follow up on exploring USGS interest in Barnes Aquifer study (Bob)

1. Adoption of November 7th meeting notes

Patty asked for a discussion of the pipe mentioned in the third paragraph on page 7, of the November 7th meeting notes. She asked for its location and Tom Gaughan replied that he thought it might be located on Medeiros Way on the south side of the property owned by Development Associates in Westfield. Mike Czerwiec asked for a motion to approve the November 7th meeting notes conditionally with the understanding that that pipe location hasn't yet been confirmed.

Bob Newton made a motion to approve the November 7th meeting notes conditionally with the understanding that the location of the pipe described on page 7, paragraph 3, will be confirmed and noted in the meeting minutes, seconded by Tom Gaughan, and unanimously approved.

2. Citizen Speak

Mary Ann Babinski reported a delay on the zoning ordinance for water protection and said she will send copies to the BAPAC members. Mary Ann indicated that she would appreciate the BAPAC members reviewing the draft which will also be given to the Westfield City Council.

Patty asked if the draft zoning ordinance for water protection should be an agenda item for the next BAPAC meeting scheduled for January 2, 2018. Mary Ann agreed that it should and Patty asked to be provided with the draft several days before the January 2nd meeting.

3. Developments of Regional Impact

77 Pequot Road

James J. Cyr stated he was attending the BAPAC meeting to find out what he needs to do to obtain a special permit to allow him to have open storage for boats, trailers, campers, etc. on his 77 Pequot Road property. Mr. Cyr explained that there's been a used car business licensed on this property for years because it was the location for Dave's Auto Sales. When Dave Saller died, Art Saller had the permit renewed in a different name, but it was for 75 Pequot Road which is residential. The used car lot, however, was on the industrial part of the property at 77 Pequot Road. This is on the pond side of Pequot Road. Mr. Cyr explained that the building was constructed in 1966 and this property was once the site of a welding fabricating business and Dave's Auto Sales where he worked when he was growing up. He observed that he is just trying to continue doing what has been done in this location all along.

From the discussion, the uses of the site enumerated are: welding and fabricating, tractor trailer storage, breaking down equipment that is hauled by another company, recycling used cooking oil, and automobile repair, which reportedly occurs inside of a building.

Peter McAvoy stated that he rents space at 77 Pequot Road from Mr. Cyr for his business, ReEnergizer's, which is a collection hub for used cooking oil. He explained that his business of recycling cooking oil provides clean green energy, he does not use any harmful substances. Mr. McAvoy also noted that Mr. Cyr's business should have been grandfathered based on zoning laws and historic use of the property, but it was not. Mr. McAvoy underscored that the company, Safety-Kleen, ensures that antifreeze, oil, gasoline, and old diesel fuel do not reach the ground on Mr. Cyr's site.

Marla Hanc asked Mr. Cyr if he had cleared an area of trees to make more space for parking vehicles. Mr. Cyr replied that he grew up on Hampden Ponds and he hates pine trees. Mr. Cyr explained that he used them to make boards for a wooden fence around his property to block the view of vehicles from passing cars. He added that he will use the cleared area for a gravel parking lot and might park a camper there.

A neighbor on Pequot Road, Ann Shea said her biggest concern is the aquifer. Mr. Cyr bought the property in good faith and he has a business but she didn't know about the other business collecting cooking oil. Ms. Shea reported that she is now seeing 18-wheelers, dump trucks, and diesel machines and she's concerned about them dripping oil or gasoline. Ms. Shea asked what Mr. Cyr is doing to stop substances dripping and going into the dirt and then into the aquifer. She reported that Mr. Cyr has been asking about an auto license that is held in a different name that he would like to have for his property. Ms. Shea explained that she has the property abutting his on the lake and she still has the pipes in the ground that used to be tested every month for water quality. Ms. Shea stated that she doesn't want to hurt a small businessman, but she needs to think about her water line first and ensure that the drinking water is protected. She added that she lives on Hampton Ponds because of the peace and quiet but now she's hearing dump trucks running and a lot of noise. Mr. Cyr replied that he has well water and the last thing he wants to do is contaminate his well water.

Bob Newton asked Mr. Cyr what he's looking for from the BAPAC members. Mr. Cyr responded that the Southampton Planning Board members refused to give him a special permit and they told him to go before the BAPAC members to learn what he has to do in order to qualify for a special permit. Mr. Cyr said he was also told that he had to come to a BAPAC meeting to ensure that there were no chemicals leaking and that the BAPAC committee would send someone to walk his property.

Patty noted that BAPAC doesn't send people to walk a property. Mr. McAvoy interjected that the BAPAC committee members would likely want to see plans showing what Mr. Cyr is planning to do and showing stormwater runoff. Patty agreed and she underscored that developers bring the BAPAC members proposed plans and they explain what they're doing to mitigate risks in order to protect the drinking water supply. Mr. McAvoy asked if the BAPAC members thought that was necessary in this instance. Bob replied that it was necessary. Mr. McAvoy said that for small businesses like Mr. Cyr's, producing plans is cost prohibitive.

Bob noted that Mr. Cyr has a garage-type, car repair operation and just because that type of business has always been there, doesn't mean that it hasn't been contaminating the ground or that it has been operated properly in the past.

Bob stated that for BAPAC to review a proposal for a site, BAPAC members need to see a plan that will show what the situation is. Spills and drips from vehicles, he said, can contaminate the aquifer and there should be pavement to contain the contaminants and a stormceptor to make sure chemicals don't leach into the aquifer. Mr. Cyr replied that there was never any contamination of his site, and he knows what to do with any contaminants that occur on his site. McAvoy replied that Mr. Cyr would do the right thing. Mr. McAvoy underscored that it would be a travesty if Mr. Cyr is going to be forced to spend thousands of dollars for a plan to submit to the BAPAC committee.

Mr. McAvoy asked the BAPAC members if they could send a recommendation for moving forward with Mr. Cyr's need to run his business without having Tighe and Bond do an elaborate plan for BAPAC. Mr. McAvoy added that Mr. Cyr would sign an affidavit saying that he will put down a concrete pad on which stored vehicles will be parked. In addition, Mr. McAvoy emphasized that Mr. Cyr's current practices of removing the diesels, antifreeze, oil, and gasoline using the Connecticut Waste Oil Service seem to address BAPAC's concerns. Mr. McAvoy was given a business permit before he purchased this property and Mr. Cyr interjected that Tom Quinlan, the Building Inspector, walked the property three times explaining what could or could not be done on site. Mr. McAvoy stated that he believes the Town of Southampton will follow a recommendation from the BAPAC committee and he felt BAPAC could do the community a favor by figuring a way to manage this situation short of a full-blown architectural study.

Patty said that Mr. Cyr and Mr. McAvoy are asking BAPAC members to do something in which they don't have a role. Patty stated that this seems to be an issue about use of the site and is between the Town and property owner. BAPAC cannot interject itself as a third party here. BAPAC reviews proposed plans and recommends measures for drinking water supply protection. We're concerned about zone II areas and their uses. It seems that we are being asked to step into something that isn't within BAPAC's purview. It sounds like Mr. Cyr purchased the land based on a conversation with someone; BAPAC has no role in that. Mr. Cyr interjected that he bought the site in December and in February, he was told that he needed a permit. He said he was misled.

Heather Miller stated that BAPAC doesn't approve or disapprove projects. She said BAPAC only provides recommendations to local municipal boards. The way recommendations are made, she said, is to look at drawn plans and written narratives. Heather underscored that it's impossible for BAPAC to make a recommendation unless BAPAC members are given something concrete to evaluate. BAPAC members need something they can evaluate so they can say this meets the criteria or this doesn't meet the criteria. Heather said that it's not that we want you to hire someone and spend a lot of money. Mr. McAvoy asked if a narrative and some photographs or less than architecturally drawn plans would be accepted or would BAPAC require an engineer's certificate. At this point, Mr. Cyr interjected and spoke for several minutes about what he has done to the site and he gave reasons why he doesn't understand why he needs a special permit.

Mr. McAvoy interjected asking if there is a level of submission with narrative and pictures. He said he doesn't understand why contours are necessary because Mr. Cyr is not changing the geography or the contours of the land on this site and he's not putting up new structures. Patty asked what's triggering review of this project: a change of use? Mr. Cyr replied neighbors complaining about noise and Marla interjected saying it's big trucks and seeing so many trees cut down. Mr. McAvoy responded that Mr. Cyr is permitted by the Town's zoning by-laws to do what he has done. Mr. McAvoy then asked if the BAPAC members could say that this is not in their purview but Mr. Cyr isn't changing the contours of the land and the protection of the aquifer is of concern to him. Mr. McAvoy noted that the only reason why BAPAC is involved is because Mr. Cyr's land is part of the Barnes Aquifer Protection Area.

Patty emphasized that BAPAC members are always concerned about drinking water. Patty then reported that she recently received two emails containing rather lengthy letters from two individuals that she was asked to read into the record. Mr. McAvoy asked if she was going to do that. Patty replied that if the BAPAC Committee is about to make a determination that this isn't within its purview -- BAPAC isn't concerned with uses. Patty noted that it reviews development projects. Marla interjected that the BAPAC Committee could ask for verification of what exactly the Southampton Planning Board is seeking from BAPAC. Bob asked if BAPAC had received any documentation from the Planning Board.

Kristen Mello stated that the Southampton zoning by-laws prohibit automotive and truck repair in the water protection district. Heather suggested a motion seeking clarification from the Southampton Planning Board delineating their specific request in respect to BAPAC because the BAPAC members are not certain as to their role in this matter.

Heather Miller made a motion to approve that the Barnes Aquifer Protection Advisory Committee (BAPAC) seek direction from the Southampton Planning Board regarding their role in the development of the 77 Pequot Road site owned by James Cyr, seconded by Bob Newton, and the motion was unanimously approved.

Bob stated that he doesn't understand the role of BAPAC in regard to the 77 Pequot Road site and that it appears to be outside of BAPAC's purview.

Bob made a motion to table any discussion regarding the 77 Pequot Road site until documentation is received from the Southampton Planning Board, Tom Gaughan seconded the motion, and the motion was unanimously approved.

After a short discussion concerning the two letters that Patty was asked to read into the record at today's meeting, Bob suggested a motion be made.

Tom Gaughan made a motion that pending further review, the two letters received from Mark Mason and John Shea, both residents of 71 Pequot Road, House 2, and the letter received from Peter Vickery, Esq. in behalf of Petra A. Lackner, residing at 75 Pequot Road shall not be read into the record at the December 5, 2017, Barnes Aquifer Protection Advisory Committee (BAPAC) meeting, seconded by Marla Hanc, and unanimously approved.

Patty concluded this agenda item by saying that information for developers can be found on the BAPAC website and Heather added that if Mr. Cyr needs a starting point, this website would be a good place to start.

Other Developments of Regional Impact

Patty reported that four letters were sent to the Westfield Planning Board two weeks ago and one was regarding the Southampton Road Solar Project. Mary Ann Babinski interjected that there was a continuance on the Roots Academy Project. Patty continued saying that the other letters concerned the two Westfield projects, 0 Progress Avenue and 184 Falcon Drive. Patty noted that the letter concerning 184 Falcon Drive delineates concerns expressed by BAPAC relative to requesting more specificity regarding the roof material.

Heather indicated that she had an issue with the amendment to the letter that concerns the roof because the BAPAC members had talked about the roof needing to have a durable coating. She added that it wasn't clear whether the 25-year warranty for the roof applies to the coating or to the roof itself. Heather indicated that the letter stipulates the need for a non-metallic roof with no contact between the metal and the water runoff, but no mention was made of how long the coating on the roof will last. Patty agreed and she said that we do need to make sure that the roof coating will be durable.

4. BAPAC Website Updates

Patty distributed the document delineating Grades K-12 aquifer and groundwater resources and said that a category for K-12 resources could be added to the BAPAC website home page. Patty indicated that she had refined this document that was created last year by Daniel Holbrook, a PVPC intern. Patty noted that the EPA has an extensive groundwater connection portal that has excellent material for all grades. She reported that there are also the U.S. Geological Survey Groundwater data and information Sources (USGS) and the National Ground Water Association (NGWA) along with an activity called Aquifer in a Cup.

Patty asked the committee members how best to notify educators and people so they will know these resources are on the BAPAC website. Patty asked if anyone knows someone who is knowledgeable about curriculum. Bob said that maybe he could find out what the curriculum guidelines regarding drinking water are. Mike suggested sending something to the school departments regarding the website. Patty added notifying superintendents and Mary Ann suggested notifying curriculum coordinators. Marla suggested sending information to Hampshire Regional School District as well.

Patty then volunteered to research curriculum guidelines so that Bob wouldn't need to look into it. Marla asked when the new tab for this K-12 material will be on the BAPAC website. Patty

replied that she has written an introduction for the category which describes each of the available resources and provides hyperlinks. She said she will give the information to the PVPC webmaster and he will upload it to the website. Marla added that she can send information about the BAPAC website to the members of the Conservation Commission and to the Commission's liaison on the selectboard because emails coming from BAPAC might go into people's Spam folders.

Patty reminded BAPAC members that there are two potential additions to place under the information for developers on the website. The first is solar guidance. Given new developments, however, this guidance is changing. Patty asked Bob if he knows whether latest developments and particularly use of batteries to store energy has implications for groundwater protection. Bob noted that more money is made when power that's been stored during sunny days in batteries is sold during times of high demand. Bob explained that a type of tractor-trailer is brought on sight and plugged into everything. There is one in Holyoke now. Mary Serez replied that the one in Holyoke is 3 megawatts and storage has become the latest thing. Bob indicated that Smith College officials contemplated having one at Smith to make better use of the power generated by its solar panels. Patty asked if there was anything else to consider regarding the protection of drinking water. Bob replied that lithium batteries are popular and lithium is already found in Westfield's groundwater in certain areas.

Patty noted that geothermal product information could also be included under information for developers. She reported that she asked Joe Cerutti from MassDEP to review BAPAC notes to ensure that information is up to date. In addition to these notes on geothermal, the BAPAC website could include the latest DEP underground injection control program guidelines for ground source heat pump wells and information from the Connecticut Northcentral Health Department regarding geothermal wells. Bob noted that Smith College is moving to install up to 200 wells to heat and cool the campus with ground source heat pumps.

5. Massachusetts Environmental Trust Grant Request

Patty announced that she reviewed the new guidelines for the Massachusetts Environmental Trust (MET) Grant and discovered that it is no longer a fit for BAPAC's public engagement work. She began looking for other sources of potential funding and reports that there are very few funding sources to support this kind of work. The Community Foundation of Western Massachusetts is one possible source, but funding levels are lower than what had been proposed in the full proposal. She suggested that committee members look at BAPAC's last budget for this project and discuss current ideas for prioritizing expenditures.

Patty referred to the document entitled *Engagement Campaign for the Barnes Aquifer*. Bob asked which of the 6 listed tasks would be most beneficial to try to do. Patty suggested beginning with Task 2 and Heather and Bob agreed. Patty stated that she hopes that Tasks 4 and 5 would be picked up by businesses as a sponsorship but there's been no follow-up to that. Bob asked about Task 3 which is the most expensive and Heather said Task 5 is also expensive.

Marla suggested contacting Easthampton Media because they're looking to do community based videos. Patty replied that Kathy Lynch of Easthampton Media had offered to loan video cameras and provide some limited support in putting a video together. This would still require significant BAPAC staff time and the budget does not allow for that. Patty can check back to see if there may be greater capacity now to help BAPAC with such a project.

Patty explained that she envisioned the creation of this video to begin by illustrating what is behind the water works in BAPAC towns, a behind-the-scene scenario followed by how much water is drawn from the aquifer. It would relate to what happens when someone turns on their tap. Next, Bob could talk about the formation of the aquifer. Bob suggested that it seems to make sense to use grant money for signage, because it's not that expensive, and a video that done well would be beneficial.

Kristin reported that WBGY did a documentary on Cobble Mountain and that there might be interest in the Barnes Aquifer. Patty said it was a good suggestion and Bob agreed.

Mary Ann noted that there are a lot of documentaries focused on water, stormwater, wastewater, drinking water that could be shown at an event with a discussion afterwards with experts answering questions.

Patty reported that one thing that did not make it into the list of tasks here is the study of how to engage USGS in a comprehensive aquifer study. All studies that BAPAC was able to identify were uploaded to the BAPAC website as recommended by State Geologist Steve Mabbee. Bob said he would do some follow-up on this.

6. Other Business

Patty said she is working toward organizing a round table of chief elected officials to promote discussion about a revised Memorandum of Agreement and better way to fund BAPAC's work.

Marla asked how long the audio recordings of BAPAC meetings are kept. Louise replied that the audio files are uploaded to the PVPC network. Patty asked why Marla asked. Marla replied that she didn't know if BAPAC is considered a public meeting and since audio files are considered a public record, she wonders whether there is a requirement to keep them forever. Louise responded that in the old days, there weren't recordings of meetings so there's no stipulation regarding their being kept forever. Patty and Louise will look into this to confirm.

Bob Newton made a motion to adjourn the meeting at 5:13 p.m. and the motion was seconded by Tom Gaughan, and unanimously approved.

7. Next Scheduled Meeting Date: Tuesday, January 2, 2018, 3:30 p.m.