

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
April 26, 2022

Chairman Sheldon called the meeting to order at 5:05 p.m., and asked for each of the Board members to state their name for the record by roll call:

Board Members Present: Joshua M. Fox, Commissioner - Present and Robert H. Sheldon Commissioner and Chairman – Present, Robert E. Boyd, Jr., Commissioner – Present remotely via Zoom.

Others Present: Thomas Travers, Treasurer; Karen Moretti, Assistant Treasurer; and Vincent J. Roy, Executive Director. Christopher Claussen, Owner of Quarry North, LLC, William Henchy, Quarry North Legal Counsel. Lawson Williams, District Counsel attended via phone conference.

1. REVIEW THE MINUTES FROM THE APRIL 5th COMMISSIONERS MEETING:

The Commissioners approved the Minutes for the Meeting of April 5, 2022, as amended. The motion for approval was made by Commissioner Fox, duly seconded by Chairman Sheldon, and approved by unanimous roll call:

Joshua M. Fox, Commissioner - Aye
Robert H. Sheldon, Commissioner and Chairman – Aye
Robert E. Boyd, Jr., Commissioner - Aye

2. REVIEW THE DIRECTOR’S APRIL 15th BI-WEEKLY REPORT:

Executive Director Roy presented his bi-weekly report to the Board and addressed questions regarding the following topics

- ***Daily Water Demand:*** Commissioner Sheldon commented about the drop in water demand since the last report. Director Roy stated that the reduction in water demand is due to the recent water main break repairs.

There were no further questions regarding the Director’s report.

3. CONTINUATION - REQUEST BY QUARRY NORTH TO DISCUSS WATER CONNECTION FEE FOR COLD BROOK CROSSING

Christopher Claussen and William Henchy of Quarry North, LLC re-stated their request for a reduced connection fee for the 101-unit apartment buildings at the development and proposed a modification to the District's connection fee structure for developments designated as 40R. The Commissioners expressed concerns about changing the fee structure as proposed by Mr. Claussen and Mr. Henchy. Commissioner Fox suggested a change that might relate only to the 26 affordable housing units within the development. Commissioner Sheldon then read a statement (see attached) expressing his position. Further discussion followed that, including comments from Counsel Williams, who noted that the only other connection fee relief was for the Coolidge Apartments, which were given that relief because they were a non-profit entity providing age-restricted, affordable housing in all units. All parties then agreed that the discussion should be tabled until the next Commissioners meeting, at which point a decision would be made. Mr. Claussen and Mr. Henchy said that they would be in attendance at that meeting.

4. REVIEW WATER SYSTEM REGULATIONS/ PROPOSED AMENDMENT FOR CONNECTION FEES

Director Roy presented a draft amendment to the Water Regulations/Connection Fees. Following a discussion on the proposed amendment, the Commissioners requested that Mr. Roy incorporate edits made during the discussion and to present it at the next Commissioners meeting.

5. REVIEW 86th ANNUAL and SPECIAL MEETING WARRANT POWER POINT PRESENTATIONS

Director Roy presented the Power Point Presentations for the 86th Annual and Special District Meetings. The Commissioners reviewed both Power Point presentations and assigned presentation responsibility for each of the articles.

There were no further questions regarding the presentations.

Chairman Sheldon moved to adjourn the meeting and not go into executive session. The motion was duly seconded and approved unanimously by roll call:

Robert E. Boyd, Jr., Commissioner. - Aye

Joshua M. Fox, Commissioner - Aye

Robert H. Sheldon, Commissioner and Chairman - Aye

There being no further discussion the meeting adjourned at 7:15 p.m.

POSITION STATEMENT BY CHAIRMAN ROBERT H. SHELDON

4/26/2022

My recommendation is for the fee structure to remain as is and to not approve a proposed change. Here are my reasons for taking this position:

The fee structure has been in place for years, and the Commissioners chose not to make changes that could set a precedence for other applicants, including those who are in other connection categories. The Commissioners made exceptions for the Coolidge apartments two times. The reason for each exception was that the applicant was a non-profit entity building affordable housing. The key was that they were non-profit. Note that for-profit entities were not given that reduction in connection fees.

I as a Commissioner have been appreciative of the working relationship with the developer during the negotiations with the three interested parties: Quarry North, the Town, and the District. Our principal goal in working with Quarry North was to help the Town address a legal matter that the North Road development would mitigate. I do wish that the District could have begun working with Quarry North earlier in the process. It certainly appears that the District was either ignored or taken for granted during early discussions with the Town regarding the former Melone site. We only learned about the plans after the Town received proposals from Quarry North and two other entities for the purchase or use of the former Melone property. Instead of engaging with us early, we were put into a reactive position that required fast work to determine the feasibility from the standpoint of water supply and water quality of accommodating the new development.

Addressing the issues presented to us at the last minute required fast work in terms of reviewing our water system's capabilities, assessing the feasibility of a new well at the center of Town off Codman Drive, carefully considering the legal and technical issues of giving up property owned by the District within Zone 2 of Well No. 5, and coordinating all of that with the Town and Quarry North in multiple meetings. That work involved engaging with multiple legal firms, our hydrogeological engineering consultant, and a lot of effort by District staff.

Quarry North proposed to compensate the District \$660,500 for the land, well development, and distribution system improvements. The Commissioners took the position to accept that offer, along with other contingencies related to the arrangement with Quarry North and the Town. We accepted that offer, but we were only able to take the position in support of the proposal after we were certain that the District was meeting all technical and legal requirements associated with the arrangement. That included obtaining land off Raymond Road to compensate for the loss of land within Zone 2 for Well No. 5.

Quarry North implied at our previous Commissioners meeting on April 5 and again here tonight that it was Quarry North who promoted a relationship with the Town that led to the District obtaining property off Raymond Road from the Town as part of the North Road development. However, it should be noted that the land off Raymond Road was required by MassDEP to offset the loss of Zone 2 property ownership ceded to the Town and then in turn to Quarry North, a concern raised during negotiations by the Commissioners and considered unimportant or not applicable by other parties. Director Roy worked directly with the Town to identify a suitable parcel within the Zone 2 of other wells, namely the parcel off Raymond Road. In the end, obtaining that parcel proved to be necessary from MassDEP's perspective for the execution of Quarry North's development plan.

Please note that the District's Commissioners, our Director, our legal counsel, our consultants, and others within the District put in a lot of effort to confirm that the District would be able to accommodate the

North Road development. We even gave presentations from the perspective of the District at the Town's public hearing and subsequent Town Meeting. I am not sure how much our position swayed the votes to approve the articles supporting the development, but at least we did not discourage support.

Quarry North has stated that it does not have \$300,000 budgeted for the difference in fee costs required by the District. However, Quarry North also has plans for six additional homes on their property in Concord. It seems that Quarry North could recoup all or most of that \$300,000 if that additional development were to proceed.

This is why I cannot support the requested change to the water rates at this time.