

ASSABET WATER COMPANY, INC.
APPLICATION FOR SPECIAL PERMIT
PETITION FOR VARIANCE
JULY 2, 2007

The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application for special permit filed by **Assabet Water Company, Inc., Robert E. Maynard, President, 6 South Street, Grafton, Mass.** for Special Permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow construction of a 250,000-gallon pedestal water storage reservoir **off Dunster Drive**, replacing two existing water storage tanks. Also filed was a petition for variances under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow the proposed construction. Requested variances: Area - 52,553 sq. ft.; frontage - 146.42 feet; NE side yard for base - 3.5 feet; NE side yard for 10-ft. tank ball - 15 feet; SE rear yard for base - 18.5 feet; and SE rear yard for 10-ft. tank ball - 30 feet. The property contains 12,787 sq. ft. and is shown on Stow Property Map R-5 as Parcel 53A.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells, Michele Shoemaker (associate). Ms. Shoemaker chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on June 14 and 21, 2007. Hearing notices had been forwarded to all abutters by certified mail, return receipt. Present were Scott Wilson, 32 Dunster Drive; Mark Hahn, 35 Dunster Drive; Blake and Elizabeth Nelson, 38 Dunster Drive; William and Josephine Avery, 50 Dunster Drive; Planning Board members Ernest Dodd and Steve Quinn; resident William Byron. Those representing the applicant were Bruce Adams, P.E. of Weston & Sampson Engineers, Inc. and Robert Sullivan of Assabet Water Company. Ms. Shoemaker recited the requirements for grant of special permit and criteria to be met for grant of variance.

Mr. Tarnuzzer had raised the question of the Board's jurisdiction in this matter. Mr. Adams responded that he had not been involved in putting together the application package and could not address the legal issue. Reference was made to Section 3.9.6.1-1. which requires that "said reconstruction, alteration or extension itself conforms with all the provisions of the Zoning Bylaw". Ms. Shoemaker stated that Town Counsel would be consulted for guidance, and the hearing proceeded.

Mr. Adams said there are currently two water storage tanks on the site that have been determined to be sub-standard. They are too small for volume and pressure demands. The applicant is under a consent order with the Mass. Dept. of Environmental Protection (DEP) to comply with regulations to provide greater storage. As the site already contains water storage tanks, it is felt to be the logical site for the proposed reservoir. Mr. Adams continued that questions had been raised for an alternate site and other possible options were explored. A site at the well field would cause water quality problems and great expense because of accompanying distribution construction. The level of service would be less and the cost would be greater. Habitech, the developer of the adjacent Derby Woods subdivision, had been contacted but could not accommodate Assabet.

Mr. Adams presented a slightly modified plan. The procedure will be to clear the site and remove one of the existing tanks. The foundation will be excavated and poured, after which the steel work will commence. The new reservoir is located so as to provide an area around the rear for operation of cranes used during construction.

Blake Nelson of 38 Dunster Drive, a direct abutter, said the tanks are about 40 feet from the lot line. He offered many objections to the proposal and submitted his comments in writing.

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Gary Small of 107 Lowell Drive noted the current tank height as 50 feet. Water lines were put in place to serve the entire subdivision and houses were purchased after that event. Another site would involve relocating water lines and would involve expense with a pumping station. He felt that with increased storage there might be a reduction in fire insurance rates.

Mr. Tarnuzzer asked if there was historical data with regard to failure of this type of structure. Mr. Adams responded the structure is designed to withstand a category 5 hurricane. The tanks, to be dismantled and shipped from Texas, will be delivered in sections and reconstructed thusly with the aid of computers by structural engineers. Welds will be radiographed .

Mark Hahn of 35 Dunster Drive noted concerns of residents for water supply. Many had attended a hearing before the Planning Board. He asked if this is the best possible and least expensive solution. Mr. Adams noted previous statements and reiterated the need for larger volume and greater pressure. This site, on the highest ground, is considered the best in terms of efficiency of cost and reliability of service. With greater storage, water will be there when needed. A reservoir on a lower elevation would require more height and could raise the cost by \$80,000 to \$100,000. In addition, there would have to be modifications to the piping system. The option of a pump system would require 300,000 gallons on the ground. Water would be pumped to the tank and out to pressure the system. There would be a pumping station with a five-pump arrangement and standby power. The pumps would run constantly with accompanying noise. If diesel driven, there could be the development of environmental problems. This option would require more capital cost and be high maintenance because of the cost of electrical power. It is felt to be the least reliable solution. Dunster Drive is the best site. A water treatment plant on the site will produce a better quality. With added storage, there will be water for fire protection and day-to-day usage. The plan had been submitted to DEP and has met with approval.

Noting comments from residents, Mr. Clayton said it will be difficult to determine that the proposal will be no more detrimental to the neighborhood.

Ms. Shoemaker inquired into the time frame for construction. Mr. Adams responded it would typically require three months, depending on weather conditions. The intent is to begin as soon as possible; probably August, September and October.

William Byron asked how long the applicant has known that something had to be done, and if an extension of the DEP order had been applied for. He felt the matter should have come to the Board much earlier.

Mr. Adams said the sections will come to the site on a truck to be welded as they appear. The structure is too large for sub-assembly off-site. Most tank sites are about a half acre and can be found in all types of areas, rural and urban.

A site visit was planned for Thursday, July 5th.

The hearing was closed at 8:35 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board