

Town of Nahant, MA
Board of Selectmen
Meeting Minutes
March 26, 2018 6:30 pm

Frank Barile, Chairman
Chesley R. Taylor Jr., Vice Chairman
Richard J. Lombard, Secretary
Gerry Perry, Acting Town Administrator

1. Meeting Opening 6:30 pm

Pledge of Allegiance - led by Mr. Barile

- a. Opening Comments - skipped.

2. Ongoing Business

a. **Citizen's Forum** - Ms. Liscio Johnson of 15 Fox Hill Road representing the Lowlands neighborhood read a letter (attached) requesting a separate warrant article to fund drainage repair and pumps in Lowlands. She thanked Public Safety employees for their performance during the recent storms. Mr. Ball, former DPW superintendent and Emergency Management Director thanked the residents for their patience during the storm. Mr. Taylor made a motion that an article is added to the warrant "To see if the Town will vote to appropriate \$175,000, or any other sum of money to fund drainage improvements to the Ward Road and Bear Pond areas; specifically resolving the gravity outfall at Bear pond, assessing/fixing the pipes that drain Ward/Fox Hill/Castle Roads, dredging the drainage ditch and providing a permanent/portable pump to the Ward Road area. This includes the payment of all costs incidental or related thereto, and to determine whether this appropriation shall be paid by borrowing or otherwise, or to take any other action relative thereto." Mr. Lombard seconded for discussion. Lengthy discussion ensued by the board and residents re; remediation and repairs needed at various locations around town. Mr. Perry toured with FEMA/MEMA and there are \$1.2M repairs to date from storm damage. Typically FEMA pays 75%. Mr. Taylor called the motion. Mr. Lombard seconded the call. Unanimous vote in favor of adding the warrant article.

3. Adjourn to Executive Session. Under MGL c.30A, section 21 (a)(6), to discuss the potential purchase, exchange, lease or value of real property, if the Chairman declares that an open meeting may have a detrimental effect on the negotiating position of the town. A vote regarding whether to go into executive session is expected, and votes may occur during executive session. Mr. Taylor made a motion to adjourn to executive session to reconvene to public session. Mr. Lombard seconded the motion. Unanimous vote to adjourn to executive session at 7:33PM

4. Reconvene to Open Session -At 9:15PM, the Board reconvened to open session.

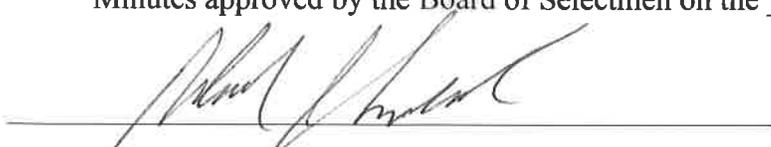
5. Old Business

a. **Annual Town Meeting Warrant** - Open - Edit Articles and Close Warrant. Mr. Taylor made a motion to open the warrant. Mr. Lombard seconded the motion. Unanimous vote. Mr. Taylor made a motion to delete articles 19, 20, 22,25, 27, 28, 29, 44 and add article 40 - Drainage article. voted earlier. Unanimous vote to amend articles and close the warrant.

6. **Adjourn** - Mr. Lombard made a motion to adjourn. Mr. Taylor seconded. Unanimous vote to adjourn at 9:46.p.m

Minutes prepared by Mary Ellen Schumann

Minutes approved by the Board of Selectmen on the ____ day of _____ 2018

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of a member of the Board of Selectmen.

Board of Selectmen.

March 26, 2018

To the Board of Selectmen and Nahant Town Manager,

First, we want to thank you for opening up this Board of Selectmen's meeting in order to hear the concerns of the Lowlands residents. We also want to publicly thank Nahant's DPW, Police, Fire, and Emergency Management Departments, for their tireless efforts to assist the residents of the Lowlands, during the most recent coastal flooding events.

I met with some of you at the January 14th Selectmen's meeting. At that time I presented a petition with the names of 13 residents requesting a Warrant Article, to address drainage repairs in the Lowlands. At that time, I was advised that this was unnecessary, as the 2018 budget would provide funding. We are here again, as we feel that this issue requires the immediate attention and support by the Board of Selectmen and the Town of Nahant, as it is a town-wide public safety concern. We are here to insure that the funding is secured to complete this project.

The January 4 and March 2, 2018 coastal storms significantly impacted the Town of Nahant causing a public safety risk to life and property. The flooding in the most recent storm, resulted in the closing of Nahant Road, isolating Nahant residents from the mainland and preventing entry to, and exit from Big Nahant. We were very lucky that there had not been a fire on Big Nahant during this storm, as one of Nahant's fire engines was stranded with firefighters on Little Nahant, when Nahant Road closed. This left them unable to respond to a situation in Big Nahant. If that fire had required mutual aid, other communities would have been unable to reach Big Nahant. When Nahant Road becomes impassable due to flooding, preventing access to the mainland the whole Town is placed in danger. Access to emergency ALS ambulance, police, fire, and mutual aid services to and from Big Nahant ceases. This is a major public safety issue and this is not the first time that Nahant Road had been closed due to flooding. We are thankful that no lives or homes were lost as a result. The Town of Nahant needs to protect the lives of its residents.

In addition to this public safety concern, the Lowlands is home to Nahant's Critical Infrastructure. All three of Nahant's major Utilities- the Sewage Pumping Station, National Grid's Electric Sub-Station, and a National Grid's Natural Gas Substation, reside in the Lowlands, a known flood zone. During the March 2nd storm, Nahant's Sewage Substation was very close to overflow capacity, as a result of Lowlands flooding. This would have resulted in a Town-wide emergency and public health and safety concern. The Town of Nahant needs to protect its critical infrastructure.

The residents of the Lowlands neighborhood were also significantly impacted by this flooding, which remained in basements and on residential properties for days, eventually requiring 5, large-diameter pumps, borrowed from FEMA and MEMA, working 24 hours a day, for 4 days, in order to return millions of gallons of water to the ocean. This standing water contained bacteria, pesticides, fertilizer, sewage, trash and other pollutants, creating a public health risk to children and families. The Town of Nahant needs to protect children and families.

Although there are limits to what a Town can do to prevent a major coastal event, since 2013 Lowlands residents have brought flooding issues, concerns, and violations before the Conservation Commission, Board of Selectmen, Town Administrator, Planning Board, and DPW.

Due to the activism of Lowlands residents, there have been some drainage repairs, partial cleaning of drainage ditches, planting of dune grass on Short Beach, and restrictions on development on Short Beach, but many concerns and requests regarding flooding and drainage in the Lowlands have remained unaddressed by the Town of Nahant. This despite resident petitions, photographs, video footage, letters, emails, and personal pleas. Unfortunately, though aware of these concerns the Town of Nahant has often responded with inaction.

Alarmingly, a **1995 Army Corp Study** requested by the Town of Nahant following the devastating 1991 Coastal Storm and flooding event, shows that this has been a longstanding practice. The Army Corps Report, provided to the Town of Nahant, noted in 4 separate places, that the Storm Drain on Castle Road was blocked. The report also noted that the Castle Road Storm Drain was a, "more "direct drainage system" for flood waters to be removed from the Lowlands. The report added that in 1991, flood waters "had to be pumped with several large pumps for five days before water levels were reduced". This detailed report also noted the risk of, "isolation of the Town of Nahant", from the mainland due flooding. Sound familiar? Flood waters in the March 2nd storm remained in the Lowlands for days and required 5 pumps, working 24 hours a day to remove. The Town of Nahant did become isolated from the mainland, placing lives at risk.

For over 23 years, the Town of Nahant has been aware of flooding, drainage, lack of maintenance, and public safety issues related to flooding in the Lowlands and has mostly failed to act, placing All Nahant Residents at risk for loss of life and property. It is now time to act. (See attached Army Corps of Engineers 1995 study)

This easily repairable, but long neglected Castle Road Storm Drain situation has resulted in repeated and continued property damages, loss of personal possessions, decreased real estate values, and health risks to the taxpayers of the Lowlands. It has placed vital infrastructure at risk and isolated Nahant from the mainland. Homes have unnecessarily remained in polluted standing water for days and days.

In addition, the drainage ditches continue to be overgrown and ineffective for Lowlands drainage. The Compost Area has continued to be filled, a violation in a flood zone. Though this area should act to divert water, it actually directs water into the Spring Road and Lowlands Neighborhoods. The Short Beach Parking lot has been paved, another violation in a flood zone and wetlands area. The residents of Nahant and the Lowlands have repeatedly brought these issues before the Town Managers, Selectmen, Conservation Commission, Planning Board, and DPW Directors. However, since this 1995 Army Corps Study, the flooding and drainage issues remain the same.

The Town of Nahant can no longer ignore these situations. The time for leadership and action is now. Protection of life and property should be the first priority of our Town Government. We need the Town of Nahant to repair the Storm Drain at Castle Road and support the installation of a permanent pump, to manage flood waters during storms, as an immediate remedy. Though we appreciate the Town's desire to form a committee to address long-term flood planning and we will gladly participate in that process, we feel that the Army Corps did this work 23 years ago- this is more than "long-term". Improving the drainage in the Lowlands is a Town-Wide public safety and public health issue. The Town of Nahant must prioritize the protection of life and property.

Below we have outlined immediate and long-term priorities toward this goal.

Immediate Priorities:

- **Repair of outfall at Castle Road:** The storm outfall from Castle Road to Black Rock Beach has been blocked. The Town has been aware of this since 1995. The Town must open this blocked drain. This is the most direct route for water to be drained from the Lowlands. The easement has been located and camera work has been done. This needed repair was identified 23 years ago and needs to be completed.

According to the 1995 Army Corps Study:

b. Drainage System. According to information provided by Town officials, the area of study has a 36-inch drain pipe located along an easement section near the intersection of Castle and Ward Roads that drains floodwaters back into Lynn Harbor. This drain, however, is considered inoperable due to accumulation of silts and sand in the harbor side flap gate which impeded its function. **Maintenance of this drainage pipe would improve drainage conditions of the area.**

- **Pump for the Lowlands: Installation of a Permanent Pump to be connected to the repaired Castle Road Storm Drain.** As seen by this most recent storm, the Lowlands neighborhood requires its own pumping solution. With a permanent pump in the Lowlands, pumping can immediately and automatically address flooding, after each high tide. **The cost to replace the fixed pump at Bear Pond this year was \$47,000. The cost for the Lowlands would be similar, plus engineering.**
- **The Drainage Ditches:** Drainage ditches remain blocked by vegetation and debris. Only a small section along Ward Road has been cleared over the past several years. Most of the 2,000 plus foot stretch remains overgrown and inefficient. A plan for routine maintenance needs to be established. The method of cleaning of the ditches must also be reviewed. Debris from the ditches should not be placed on the banks of the ditches, further raising the grade and reducing water access to the ditches. The removal of silt and debris from the ditches and banks, is an important part of the management of this system. **Even with all maintenance and clearing routinely completed, we know that this is not a viable drainage solution for the Lowlands neighborhood, as water must travel uphill, in at least 3 places along the ditches, and along a 2,000 foot route, in order to reach Bear Pond and eventually return to Nahant Harbor. All this presuming that Bear Pond and the golf course are not flooded and can accept the Lowlands flood waters.**

According to the 1995 Army Corps Study:

During major storms, when significant wave overtopping occurs, the drainage system is overloaded causing street flooding and local ponding at lower elevations, particularly along Ward and Fox Hill Roads. Flood waters from the Lowlands Park are drained by a 2-to 3-foot wide trench/36-inch pipe combination excavated parallel to Ward Road that drains into the golf course at the Bear Pond area. Double 24-inch culverts, under Flash Road, provide for the drainage of the Lowlands Park into

the golf course to the south. **According to local residents, this ditch is the only drainage option to floodwaters and, due to lack of maintenance, it is not as wide as when originally excavated.** Floodwaters at the golf course are drained by double 24-inch culverts and tidal gates into Pond Beach.

- **Compost Area:** The Compost Area in the Town "Dump" needs to be returned to the original grade. FEMA maps clearly show that the Compost Area is in a flood plain. The Town of Nahant has allowed the area to be raised well above the surrounding neighborhoods. As a result, flood waters have been directed toward the Lowlands and Spring Road neighborhoods. **(See map)** The DEP has found the Town in violation, yet the height of the dump remains the same, or increases each year. Although the Town of Nahant is following a plan for removal, the money currently allotted for compost removal is apparently insufficient to keep up with the volume at which material is brought into this area. This situation can no longer be ignored and must be addressed. The Town should consider closing the Compost area or moving it to another location, until this situation is remedied.
- **Short Beach Parking Lot:** Short Beach Parking needs to have the pavement removed or reground, in order to be returned to a gravel lot. The parking lot resides in a FEMA flood plain, and is an area where flooding regularly occurs. At one time this parking lot had been returned to gravel, by the Town, however sometime around 2014, the parking lot was once again paved. Standing water can not be absorbed through a paved surface. Paved surfaces also act as a sluiceway, directing flood waters to adjacent properties. In August 2014, the Conservation Commission was presented with photographs and a letter regarding this area. Residents were assured that the lot would be regraded and returned to a gravel surface by the Acting Town Manager, Mark Cullinan and the Conservation Commission. This did not happen. The lot remains a hard packed surface, which holds flood waters and directs waters into the neighboring properties. The Short Beach parking lot must be returned to a gravel surface as soon as possible.

Long Term:

- **Emergency Management:** Needs to have additional FEMA and MEMA pumps in the Lowlands and ready to go, **prior to the storm.** There is no reason with the advanced notification of such a big storm that this was not already in place in the Lowlands. The most recent coastal storm hit on Friday March 2nd. It was only after calls to police, fire, the DPW, and individual selectmen, that a pump was considered, secured, and put into place in the Lowlands. It was quickly realized after running one large pump for 24 hours, that more pumps would be needed. In the end, it required 5 pumps, some 10" in diameter, running 24 hours a day for 4-5 days to clear the Lowlands. Pumps must be in place, and pumping must happen after each high tide. As the pumps in the current storm were only secured 2 days into the storm, Nahant Road and Castle Roads became inaccessible and the Lowlands remained in water for much longer than it should have. This creates a risk to life and property.

- **Clean-up:** During the storm, sand, rock, and debris washes onto Castle and Nahant Roads. The DPW does a great job cleaning up these roads after each tide, in order to make them accessible once again. We need to work with the DPW staff so that collected sand and rock is not be removed to the DPW parking lot, but be returned to the beach during the storms. When the beach material is removed, it further denigrates the beach, resulting in more flooding at the next high tide. The dumpsters were a helpful addition for resident clean-up after the March 2nd storm. We thank the Town for these.
- **Pumping prior to storms:** Although there was an effort to pump out Bear Pond prior to the March 2 storm, the drainage ditches in the lowlands were not pumped out. During the January 4 storm, at least one of the pumps at Bear Pond failed to work. There should be a maintenance schedule for pumping equipment to insure that it is in working order. In addition, with advanced storm notice, pumping should occur in the Lowlands prior to storms, as well. With the placement of a permanent pump in the Lowlands neighborhood, this would be possible.
- **Castle Road:** The beach on Castle Road must be restored and the Conservation Commission must enforce the law related to violators who remove sand and rock from the beach, lower the dune, or pave in flood zones and wetlands. The Conservation Commission has been provided with testimony, photographs, video footage, emails, and letters regarding violations. To date, no action has been taken by the Conservation Commission or the Town. The Conservation Commission is the enforcement agency in the Town. Inspections must be done by the Conservation Commission, to insure that when an Order of Conditions is granted, the work completed does not block drainage ditches, or include violations. Personal relationships have interfered with enforcement. This is a conflict of interest and needs to be addressed by the Town of Nahant. Massachusetts law protects homeowners from waters being diverted into their properties by other homeowners, either intentionally or unintentionally. The failure of the Conservation Commission to address removal of the dune on Castle Road has resulted in repeated flooding damage to the entire neighborhood and has placed the Town entire Town at risk.
- **Prevention:** The Town of Nahant should be commended for working with FEMA, in order to establish the flood maps. Now that this work has been completed, the Town of Nahant should be working to secure FEMA grants for mitigation. Money is available to Towns for this purpose. This should be a priority. We should also look into the recommendations made by the Army Corps of Engineers in 1995. Tidal surges are increasing and are having a more significant impact on our Town. The January 4, 2018 tidal surge was recorded at 15.16 feet, topping the Blizzard of 1978 record. Although the Army Corps did not pursue paying for improvements to prevent flooding in our Town 23 years ago, our situation may be considered differently at this time. It is important that the Town utilize all available experts, agencies, supports, and resources, in order to protect the Town in future flooding events.

We task that the Town of Nahant act upon these concerns and recommendations in order to protect our lives and property.

Immediately, we ask that you take all appropriate actions to fund and support the repair of the storm drain on Castle Road, including the installation of a pump to be connected to that storm drain, and engineering costs.

It has been 23 years. We can no longer wait or ignore these longstanding and life-threatening issues. Our lives and property depend on your leadership and your action.

Can we count on your support?

Thank you.

**Christine Johnson-Liscio
David Liscio
The neighbors of the Lowlands**

