



## Town of Provincetown

Meeting of the

### WATER & SEWER BOARD

Thursday, March 19, 2015

Veterans Memorial Community Center, Multi-purpose Room  
2 Mayflower St., Provincetown, MA

---

**Board Members Present:** Jonathan Sinaiko (chair), Kathleen Meads, Sacha Richter, Kevin Kuechler, Bill Worthington and Moe Van Dereck (arrived at 3:17)

**Board Members Absent:** Shannon Corea and Mark Collins

**Other attendees:** DPW Staff Rich Waldo, Cody Salisbury, Sherry Prada, and Anna Michaud

**Recorder:** Susan Leonard

**Call to Order:** Mr. Sinaiko, acting as chair, called the meeting to order at 3:00 p.m.

**Agenda Item 1 Approval of Minutes for December 11, 2014 and January 29, 2015 [Board as it applies to subject matter]**

**Discussion:**

**Mr. Sinaiko:** Shall we start with the approval minutes?

**Ms. Michaud:** There are extra copies for those who didn't have a chance to review them yet.

**Mr. Sinaiko:** Shall we approve both of them together?

**Motion:** *To approve the minutes for December 11, 2014 and January 29, 2015 as submitted.*

**Motion:** Jonathan Sinaiko

**Seconded:** Kathie Meads

**Vote:** 6 – 0 – 0

**Agenda Item 2 – Set Date for Public Hearing to Amend Sewer Rules and Regulations and Update the Final Area of Concern, i.e. the Sewer District**

**Discussion:**

**Mr. Waldo:** Basically, we have been doing a lot of housekeeping work in terms of sewer ... updating sewer flow, connections, flow revisions and getting that all squared away. Right now, one of the final things we need to do is update the "Final Area of Concern". This is one of the requirements for the special legislation that was passed. We need to provide the Town Clerk with the "Final Area of Concern" which is essentially the Sewer District. Provincetown is unique because our Sewer District is made up of the properties that are connected to the sewer. The last time it was updated was June 11, 2006. Since then we have added Phase 2 through Phase 4. It is time that we update the "Final Area of Concern" which has to be done at a Public Hearing. Since we don't have an anticipated Phase 5 right now, this is a good time to be doing this. A preliminary date to schedule

this is May 7, 2015. We have a joint meeting with the Board of Health on that date. It would be a good time to hold the Public Hearing.

**Mr. Sinaiko:** Because the Board of Health should be there?

**Mr. Waldo:** No. We would be holding our Public Meeting at 3:00 on that date. The joint meeting with the Board of Health will be at 4:00.

**Ms. Meads:** I have a question about the term "Final Area of Concern". What I am hearing from you is this relates solely to the areas already hooked up and have been approved to hook up.

**Mr. Waldo:** If they are paying a betterment then they are part of the "Final Area of Concern". That is what makes up our Sewer District. In most other towns, wherever the sewer goes by, they are in the sewer district. If they are paying a betterment and not connected yet, in terms of us, they are connected.

**Ms. Meads:** Remember our discussion in our last meeting that there are those people who are paying a betterment, but might not be able to be included? What was the issue?

**Mr. Waldo:** I think you are mixing it up with Growth Management. We are trying to initiate this new policy. We were trying to be fair to the people who were already in the process. For people who are paying a betterment and were already in the queue for another bedroom; we are reserving the betterment for the bedroom pending all the necessary approvals. If they are in Growth Management, not paying a betterment, don't have any approvals yet and have a vacant lot, we would not approve it because they have to prove that they can have a Title 5 system.

We are taking the additional flow that is coming in the Fall and we are reserving it for the critical areas that we identified – failed systems, public housing, municipal use. Not for voluntary connections or voluntary additional flow.

**Ms. Meads:** That's what I thought we came out with at the end. I was a little confused by Growth Management versus setting a limit.

**Mr. Waldo:** So, in terms of this "Final Area of Concern", if someone wants to know what our Sewer district is they can go to Town Hall and there will be a map of the properties connected as of the date determined.

**Mr. Sinaiko:** What if you have a property that has a stub, but isn't paying a betterment and the system fails and you can't put in a Title 5? What happens in that type of situation?

**Mr. Waldo:** If their system fails then they will go to the Board of Health and the Board will determine if it is a failed system. If they cannot comply with Title 5 then it is considered a "public health emergency" and it would fall under that category.

**Mr. Sinaiko:** What about if you want to sell your property and you haven't updated your Title 5?

**Mr. Waldo:** It has to pass.

**Ms. Prada:** Then you would follow the same procedure.

**Mr. Waldo:** The difficult part of that question is if someone is grossly outside of the system and we cannot serve them and have no plans to serve the area then the only option is to put a new Title 5 system and the Board of Health's option is to grant them variances. If the property is within the sewer district and there is a chance that within 5 years there might be increased capacity then the Board of Health might issue them an ACO.

**Mr. Sinaiko:** At that point of increased capacity ... will there still be no Growth Management gallons available to add a bedroom?

**Mr. Waldo:** If we are talking about the increase we are going to get in the Fall, no, that we are already permitted for ... to go beyond what we are already permitted for then we have another meeting, change our criteria, open it up to voluntary connections, maybe make a category with a pool of gallons made available for residential connections. We can't get rid of the ACO system because we don't know where we will go in five years. We shouldn't hold up a property transfer if there is some flexibility in getting a connection.

**Ms. Meads:** This may be a point of order, since we have our Truro board members here and we talk about sewer issues too long then we should move onto water issues.

**Mr. Kuechler:** I was going to request that; I didn't want to interrupt this.

**The Board members agreed with the date of May 7, 2015 as the suggested by Mr. Waldo for the Public Hearing.**

**Agenda Item 3 – Sewer Flow Revisions [Provincetown Board]**

Map & Parcel	Address	Orig. Flow	Rev. Flow	Net Chg	Orig. Bstml	Rev. Bstml	Net Bstml	Reason
11-3-032-0-025	237 Comm St #25	1225	2170	945	\$41,259.00	\$93,780.00	\$42,525.00	EDP Permit 15-02
12-1-034	23 Allen Street	1479	1540	62	\$98,273.52	\$99,083.52	\$2,790.00	GM Permit 12/23/14
11-3-015-00A	293 Comm St #A	400	620	140	\$10,777.60	\$17,077.60	\$6,300.00	EDP Permit 15-03
11-3-015-00D	293 Comm St #d	160	400	240	\$9,430.40	\$20,230.40	\$10,800.00	EDP Permit 15-03

Discussion:

**Ms. Prada:** Any of the gallons that I am bringing here today have been evaluated by the sewer team before they were approved. We did have gallons in a very limited amount to accommodate them.

**237 Commercial St. # 25**

We have an Economic Development permit for extra seats at Whalers' Wharf – Ross' Grill. This is an increase of 945 gallons for Whalers' Wharf.

**293 Commercial St. #A Twisted Pizza and 293 Commercial St. #D. Kung Fu Dumplings** We evaluated this and we do have the gallons. They both added seats. One added 7 seats and the other added 12 seats. One of them got 140 gallons and the other got 240 gallons.

**Mr. Richter:** Can you tell us which one got how many gallons?

**Ms. Prada:** Unit A, Twisted Pizza got 140 gallons and Unit D, Kung Fu Dumplings got 240 gallons.

**26 Alden St.**

This is the Grace Gouveia Building. Now that we have sold it ... we had a certain amount of gallons allotted to the building and now that they know how many bedrooms there will be; the shortfall is 62 gallons. We are adding 62 gallons to accommodate the new bedrooms.

**Mr. Sinaiko:** I have a bone of contention about Economic Development. Originally, it was for places that were open year round. I understand why people don't want to be open year round ... Kung Fu Dumplings and Ross's Grill I think are open year round.

**Ms. Prada:** Twisted closes for a short time.

**Mr. Sinaiko:** There are other places that we have given gallons to that are closed, I think. The way it seems to work with Economic Development is it is just tables for restaurants, as far as I can tell. They don't need more tables. They need more people in the Spring and the Fall. The tables are so they can do more business in the Summer. I understand that. If you are going to say we are giving these gallons to businesses so they can do more business in the Summer and meanwhile if you are adding a bedroom to your rooming house you are not Economic Development. I feel we should send a letter to the Selectmen and say this is not right.

**Ms. Prada:** In the order of how they want to allocate and prioritize, Economic Development is second on the list, after health emergencies, then it is housing and then municipal usage. Voluntary connections are off the list.

**Ms. Meads:** Who sets Economic Development gallons?

**Ms. Prada:** They go through the Community Development Department.

**Mr. Waldo:** One thing we just changed is the order in which the process goes. We were always last; we should be first. Now, they will come to DPW first and we will bring it before the Water & Sewer Board for their opinion. When it moves forward to the Selectmen, we can say that DPW has determined that there is the capacity and the Water & Sewer Board will either say that it endorses or does not endorse the connection. That way you can get your thoughts into the EDP process.

**Ms. Meads:** I agree with Jonathan's suggestion that we send the Selectman a letter. We would like to know how the priority is set and we want to have a word on that. We might want to see a certain amount of gallons set aside for year round businesses, specifically.  
I would like to make a motion to approve ...

**Mr. Sinaiko:** I am in favor of the two places that are open year round. I don't blame them if they don't want to stay open after this winter. If you give gallons to a rooming house they don't just eat at Twisted Pizza they eat everywhere. Who is to say that is not more of a benefit to the town than putting tables in restaurants?

**Ms. Meads:** What are you thinking in terms of these specific flows?

**Mr. Sinaiko:** For me, I think we should make a statement. The Selectmen don't want to make it. Economic Development, as I understood it, is for places that are open year round.

**Ms. Meads:** Are you proposing just the year round businesses?

**Mr. Sinaiko:** That is what I would propose. Send it back to the Selectmen.

**Ms. Prada:** So we vote on them one at a time? First is 26 Alden St, the Grace Gouveia Building.

**Mr. Sinaiko:** Is there affordable housing in that place?

**Mr. Waldo:** Yes.

**Motion:** *That we give 62 gallons to 26 Alden St.*

**Motion:** Jonathan Sinaiko

**Seconded:** Kathie Meads

**Vote:** 4 – 0 – 0

**Ms. Prada:** How about Whalers' Wharf increase for Ross' Grill?

**Motion:** *I propose that we give the gallons requested to Ross' Grill.*

**Motion:** Kathie Meads

**Seconded:** Sacha Richter

**Vote:** 4 – 0 – 0

**Ms. Prada:** Now, for 293 Commercial St. #A for 7 seats at 140 gallons?

**Motion:** *I make a motion that we accept the gallons requested for 293 Commercial St. #A Twisted Pizza.*

**Motion:** Kathie Meads

**Seconded:** Moe Van Derek

**Vote:** 0 – 4 – 0

**Ms. Prada:** Now, for 293 Commercial St. #D for 12 seats at 240 gallons?

**Motion:** *I make a motion that we give 293 Commercial St. #D, Kung Fu Dumplings 240 gallons.*

**Motion:** Jonathan Sinaiko

**Seconded:** Sacha Richter

**Vote:** 4 – 0 – 0

**Mr. Sinaiko:** I would like to find out how many economic gallons have been given out. How many of those places are still open?

**Mr. Salisbury recommended taking Agenda Item 7 next out of order. The Board agreed to do so.**

**Agenda Item 7 - Unanticipated Business That May Legally Come Before The Board Requiring Immediate Action [Board as it applies to subject matter]**

Discussion:

**Mr. Salisbury:** There is a Town Meeting article in Truro for year round condominiums. I was contacted by a proponent of the article who is in favor of year round condominiums. I will suggest to this resident that he come before the Water & Sewer Board and discuss the potential impact, if any,

involved on the water system. The Water & Sewer Board can make the statement that per the 1999 regulations that were adopted for Truro; there is no future expansion in Truro. My plan would be for that resident to come to the next meeting to discuss it with the Board.

**Mr. Sinaiko:** Would it be illegal for them to do this?

**Mr. Salisbury:** No. Most of the condos that we serve are on Beach Point. Those could become year round use. The Town of Truro has not approached us about how this would impact the water system. It would impact the system just December, January and February.

**Ms. Meads:** I will have to recuse myself on that because I have a condo in Truro.

**Mr. Sinaiko:** Now, there is some economic development for Provincetown. It has an up side to it and it is during the off-season.

**Mr. Salisbury:** Certainly, there is potential for more revenue due to more water being sold. However, there will be a potential impact on the system. There are future developments coming down the road in Provincetown and we have to determine the overall demand on pumping. I don't think it would be substantial. We have a substantial number of seasonal shut offs out there because most them are not winterized.

**Ms. Meads:** Can I contribute to the discussion; you are not taking any votes today? My understanding of the by-law that is being proposed, is that the condominiums would have to be brought up to the standard of year round use before they be allowed. If the buildings already exist, what would the impact be?

**Mr. Salisbury:** It would be best for the Board to offer what they can do to this individual and reiterate the policy adopted in 1999. This could mean there would be condos outside the water system that may seek public water.

**Ms. Meads:** You wouldn't want to open up condominium development on vacant parcels just because they could get access to the Provincetown Water System.

**Mr. Worthington:** On the other hand, you would open up condo conversions under the "three year delay". You could build a hotel and after three years you could convert it. To the extent that there is vacant land on your pipe, it could happen.

**Ms. Meads:** In Provincetown we have Growth Management denying a bedroom or having to wait three years before they could build. In this case they can bypass that and just go to Truro, go ahead and build and come onto the system, cutting off Provincetown growth.

**Mr. Worthington:** But Growth Management only deals with sewer not water.

**Ms. Meads:** It does deal with water. There are people in line at Growth Management waiting for water allotment.

**Mr. Kuechler:** Let's say it was a conversion...

**Mr. Salisbury:** If it was a conversion and it was already hooked up it is one thing. If it was a vacant lot with multiple units being planned the regulation states that they have to seek their own potable water source first. Then they would have to approach Provincetown and it would be up to the Board.

**Mr. Worthington:** Is your Growth Management by-law written so as to apply across the town line?

**Mr. Salisbury:** It is not.

**Mr. Sinaiko:** With the water application ... would they have to come to us before a building permit was issued?

**Ms. Meads:** I was here when we wrote the by-law. If the Truro Board of Selectmen and Board of Health approve an application then it is brought before our full Board. We have yet not to approve an application.

**Mr. Salisbury:** The most recent that I am aware of is Sally's Way development.

**Ms. Meads:** If they have an existing hook up that's one thing, but if it is a vacant lot without any hookup then we have to have a Growth Management policy in place for that, as well. I can see that being prejudicial towards Provincetown residents who are waiting for a permit. There still are a finite number of gallons. We would have to consider a change in our Growth Management by-law for new construction in Truro.

**Mr. Worthington:** As I drove into town today, I was watching how many buildings seem to be vacant. If the town of Truro passes this by-law and the conversions tips things so people think they can make money selling condos then I could see a lot of those places being bought and demolished and something else being built in its place.

**Mr. Kuechler:** For your information, the Truro Water Resources Oversight Committee created a point of view on this a week ago. Bill and I sit on that committee. Speaking as a member of that committee we are concerned about both water and wastewater production. We are collecting more groundwater flow data and quality data. I would be in support of tabling this. These questions really have to be answered.

**Ms. Meads:** I would take the position of listening to Truro and from the Provincetown perspective drawing a clear line between existing versus new development. That could be expansion of preexisting condos as well as new developments.

**Mr. Worthington:** On this article last week the Truro Planning Board voted 4- 0 against recommending it. The Truro Selectmen voted to collect more facts and will take it up again.

**Mr. Salisbury:** I would go ahead and recommend that the resident come before the Board for its opinion. Something from a policy perspective would be best.

**Mr. Kuechler:** There is probably a misconception by Truro residents that the system is pumping at capacity. That may have been true in the past, but we know that is no longer true.

**Mr. Salisbury:** Much of that is reduction of unaccounted for water and conservation. Hotel to condo conversions seems to show more conservation of water. I can't speak directly to the impact on water if this article passes. There is no way to know how many will take advantage of it.

**Mr. Sinaiko:** I think you are really just talking about December. People are going to want to go someplace warm.

Can we move on now?

**At this point in the meeting the recording secretary, Ms. Leonard excused herself from the meeting and Mr. Salisbury assumed taking minutes of the remaining Agenda Items.**

**Agenda Item 5 – Working session: Discuss proposed changes to miscellaneous water-related fees. (This discussion is not related to water and sewer usage rates.) Discuss potential update/clarification of Water & Sewer Rules and Regulations. [Full Board] Motions may be made, votes may be taken.**

Discussion:

**Mr. Salisbury** presented the final draft version of proposed changes to the rules and regulations and miscellaneous fees. The Board discussed these changes and indicated that they were in favor of all proposed changes. **Mr. Salisbury** stated that he would like to hold a public hearing in April.

**Agenda Item 4 – Discussion of Provincetown Special Town Meeting article – Wastewater Borrowing Authorization. [Board as it applies to subject matter.] Motions may be made, votes may be taken.**

Discussion:

**Mr. Waldo** reviewed the article - \$3,000,000 Borrowing Authorization for Wastewater System Expansion and Construction - with the board and requested their support.

**Motion: That the Board recommend Special Town Meeting article – Wastewater Borrowing Authorization.**

**Motion: Jonathan Sinaiko**

**Seconded: Kathie Meads**

**Vote: 4 – 0 – 0**

Adjournment:

There being no further business, **Mr. Sinaiko** moved to adjourn the meeting at 4:38 pm. The motion passed unanimously.

