



# Town of Provincetown

## Meeting of the

### WATER & SEWER BOARD

Thursday, March 9, 2017

Veterans Memorial Community Center  
2 Mayflower Street, Provincetown, MA

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**Board Members Present:** Kathleen Meads, Co-chair; Zoe Babe, Jean Horner and Gary Palmer

**Board Members Absent(Excused):** Moe Van Dereck, Chair; Mark Collins, and Kevin Kuechler

**Other attendees:** Rich Waldo, DPW Director; Sherry Prada, Operations Director; Cody Salisbury, Water Superintendent, Jane Petterson and Gloria McPherson, Town Planner and Mary Jo Avellar, Town Moderator

**Recorder:** Susan Leonard

**Call to Order:** Ms. Meads acting as chair, called the meeting to order at 2:05 p.m.

#### **Agenda Item 1 – Public Hearing**

##### **Proposed Sewer Regulation Amendment – Year-round Housing Public Benefit Presented by David Gardner and Gloria McPherson [Provincetown Board]**

*Ms. Meads opened the Public Hearing for proposed Changes to Sewer Regulations. The following changes have been proposed to Section 6 (B)(ii) Future Connections and Section 6 (E)(2) Priority Connections :*

*(ii) the property has an affordable housing permit or a and Community Housing Permit issued by the Provincetown Local Housing Partnership Community Housing Council or is an Affordable Dwelling Unit created under Section 2440 Footnote 20 of the Zoning Bylaw, and has a Growth Management Allocation Permit under Article 6 of the Zoning Bylaws of the Town;*

#### **E.2. Priority Categories**

##### **(c) Affordable Housing –**

**(1) Those properties for which an Affordable Housing or and Community Housing Permit has been granted qualifying that property as a public service use pursuant to Section 6400.4 6300.4 of the Zoning Bylaws;**

**(Insert Section)**

**(3) Those properties for which an Accessory Dwelling Unit, approved by a Special Permit either under section 2440 or Section 4800, which are restricted as year round rentals. If the**

approved Accessory Dwelling Unit use is changed or ceases to exist, all gallons received shall be discontinued.

Discussion:

Ms. McPherson informed the Board that the changes are being asked for to tighten up the regulations. She clarified that she added the language specifying that change of use would require surrendering additional gallons after hearing the Water & Sewer Board's concerns about a back door way to get more gallons. These gallons are for an accessory dwelling for a house that is already connected to the sewer. If the use were to cease then the kitchen would have to be removed and the unit no longer lived in.

Ms. Babe asked if a definition will be added for "accessory dwelling unit"?

Ms. McPherson replied that since the bylaw references the Zoning Bylaws it already exists there. An accessory unit is a full dwelling unit with facilities for cooking, living and bathing. It is accessory to an existing dwelling. It can not be separated or condoed. They are currently allowed in Res 1 and Res 2 zoning districts. They are limited in size to 600 sq. ft. if detached or if attached it can take up no more than 40% of the square footage of the main dwelling. It specifically has to be year round rental housing. This is a Special Permit restriction registered at the county Registry of Deeds.

Ms. Meads pointed out this is a change is to the Sewer Regulations only, not the Water Regulations.

At. 2:20 pm Ms. Meads opened up the hearing to public comments.

Mary Jo Avellar stated that in the past the Town did not have a mechanism to get economic development gallons back. She thinks the changes to the bylaw are a good idea and supports it.

There were no other public comments made. The public comments portion of the hearing was closed.

**Motion: *To accept the proposed changes to the Sewer Regulation***

**Motion: Jean Horner**

**Seconded: Zoe Babe**

**Vote: 3 – 0 - 0**

## **Agenda Item 2 – Statements from the Public**

a. Mary Jo Avellar – water conservation, water served at restaurants

Discussion:

Ms. Avellar brought to the Board's attention that water conservation measures at restaurants has fallen by the wayside. She would like to the policy of automatically serving water at restaurants be reestablished. In the past, due to the gasoline spill in Truro the Town adopted very stringent guidelines for restaurants and guest house about water use. A lot of water is thrown away at restaurants. There are just a few restaurants that don't automatically serve water. Even with all the conservation methods and leak detection and peak pricing that has been done, water is still being wasted. She recommends placing

notices on restaurant tables again to educate the public. The Town should make it clear to these establishments that it is being wasteful.

Ms. Meads stated that she was working for the Water Department at the time the restrictions were initiated under a "declaration of emergency". The conservation measures were part of the permit required by DEQE guidelines. Ms. Meads asked if it is still in the Water Regulations.

Mr. Salisbury doesn't think it was ever in the regulations. It is difficult to enforce. He said it is difficult to quantify wasted water in a restaurant. Data shows the lowest production in 35 years.

Ms. Meads said it was part of the special permit at the time of the emergency. The town is supposed to be a "green" community. This would be a good thing to do anyway. Perhaps the table cards can be reproduced and distribute them through the Chamber of Commerce and Tourism Office. She does not expect the Water Department to be responsible to inspect and enforce these conservation measures at restaurants.

Ms. Meads suggests contacting the Chambers of Commerce in both Truro and Provincetown and the Licensing Department to distribute the table cards, as well as, towel cards.

Mr. Salisbury stated that non-essential use restrictions on car washing was lifted 5 years ago. Soaker hoses and filling pools and power washing is restricted from June 1st to October 1st.

**Motion: *That a voluntary water conservation program at restaurants and guest house be instituted, and that informational cards be distributed at the Chambers of Commerce and the Licensing Department.***

**Motion: Kathie Meads**

**Seconded: Jean Horner**

**Vote: 3 - 0 - 1**

Ms. Meads made an additional motion:

**Motion: *To discuss after the summer to reinsert washing of cars and boats into non-essential use of water regulations***

Mr. Salisbury pointed out that it is in the regulations. The Board does not have to do anything more.

Ms. Meads withdrew the motion after it was pointed out it is already in the language.

b. Other Members of the Public

No comments were made by the public.

**Agenda Item 3 – Water Abatement Requests: [Full Board]**

**a. 5 Pearl Street**

Discussion:

Ms. Petterson explained to the Board that the usage was 8,000 gallons in August and 48,000 gallons in September. The usage went back down in subsequent readings. The owner asked to file an abatement request after the December 8 deadline, but he can't be prohibited from filing. The owner has no explanation as to why the usage was so high. This does not meet the 500% Rule. Staff recommends that it be denied.

**Motion: To deny the abatement request based on the 500% Rule per Section 3.8 of the Water Regulations.**

**Motion: Kathie Meads**

**Seconded: Zoe Babe**

**Vote: 4 – 0 - 0**

#### **Agenda Item 4 - Staff Updates:**

There were no updates at this time.

#### **Agenda Item 5 – Accept minutes from prior meeting**

**Motion: To approve the minutes.**

**Motion: Gary Palmer**

**Seconded: Jean Horner**

**Vote: 4 – 0 - 0**

#### **Agenda Item 6 – Statements from the Board**

Ms. Meads announced that Bill Worthington would no longer be on the Water & Sewer Board. Mr. Palmer will speak to the Truro Selectmen about finding a new member from Truro to replace Mr. Worthington.

Ms. Meads stated that she had recently attended the Growth Management Meeting. She reports that the Board of Selectmen is contemplating looking at Growth Management Gallons categories again and how they were going to disperse them. They are looking at the whole process. Ms. Meads participated in the conversation. She pointed out to the Board of Selectmen that they can't just move gallons from one category to another because there are different capacities of the sewer system in different locations of the town. Ms. Meads suggested the Board of Selectmen should have a joint meeting with the Water & Sewer Board and not rush into it.

Mr. Waldo said the allocation of gallons is complicated. There are backlogs of gallons in certain categories that may be limiting growth in other areas. The Potential expansion of the sewer plant has to come first. Mr. Goodman from U. Mass Dartmouth will be reviewing the sewer capacity. The Water & Sewer Board would like to meet with them.

Mr. Singleton pointed out that the Board of Selectmen wants a Water and Sewer rate structure that will promote conservation efforts.

**Agenda Item 7 –Unanticipated business that may legally come before the Board and that requires immediate action:**

There was no business raised.

**Agenda Item 8 – Flow Revisions**

**a. 258 Commercial Street**

**Discussion:**

Ms. Prada introduced the item to the Board to correct the gallons at John Doughs and Saki. After an inspection by the Board of Health, it was determined the allotted gallons should be increased by 300 gallons. Now Licensing, Health and Water & Sewer are reconciled.

**Motion: *To approve the flow revision for 258 Commercial Street as presented by staff.***

**Motion: Kathie Meads**

**Seconded: Zoe Babe**

**Vote: 3 – 0 - 0**

**Adjournment:**

There being no further business, Kathy Meads moved to adjourn the meeting at 3:06 pm.

Respectfully submitted,

Susan Leonard

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017