



**Town of Provincetown**  
**Meeting of the**  
**WATER & SEWER BOARD**  
**Thursday, May 7, 2015**

**Town Hall, Judge Welsh Room, 260 Commercial Street, Provincetown, MA**

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**Board Members Present:** Jonathan Sinaiko (chair), Kathleen Meads, Bill Worthington, Kevin Kuechler, Mark Collins and Sacha Richter

**Board Members Absent:** Moe Van Dereck and Shannon Corea.

**Other attendees:** DPW Staff Sherry Prada, Anna Michaud, Cody Salisbury and Rich Waldo; Acting Town Manager David Gardner, members of the public.

**Recorder:** Anna Michaud

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

**Agenda Item 1 – Commitment of Spring Water & Sewer Bills**

**Motion:** *To accept the water commitment as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Bill Worthington                      **Vote:** 6 – 0 – 0

**Motion:** *To accept the water adjustment commitment as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter                      **Vote:** 6 – 0 – 0

**Motion:** *To accept the sewer commitment as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter                      **Vote:** 4 – 0 – 2

**Motion:** *To accept the sewer adjustment commitment as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter                      **Vote:** 4 – 0 – 2

**Agenda Item 2 – 41C Elderly Water Bill Exemptions**

**Discussion:**

**Ms. Michaud:** This is an exemption of 50% of the water charges for 41C eligible elderly.

**Motion:** *To accept the 41C exemptions as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter                      **Vote:** 6 – 0 – 0

**Agenda Item 3 – 41A Elderly Water & Sewer Bill Deferrals**

**Discussion:**

**Ms. Michaud:** The next is for 41A deferrals. These deferrals are done after the exemptions are taken. We check for folks in Truro who may be eligible. So far, there are none.

**Motion:** *To accept the 41A deferrals as presented by staff.*

**Motion: Jonathan Sinaiko**

**Seconded: Sacha Richter**

**Vote: 4 – 0 – 2**

**Agenda Item 4 – Public Hearings**

Mr. Sinaiko opened the Public Hearings.

**a. Amend Section 6.B (c) of the Sewer Rules and Regulations – update Final Area of Concern.  
[Provincetown Board]**

**Discussion:**

Mr. Waldo presented this as a housekeeping item intended to update the Area of Concern to include Phase III properties in the sewer district to comply with regulations.

Ms. Meads requested clarification on who would be included in the final area of concern and Mr. Waldo responded that anyone who has been assessed a betterment as of May 7, 2015 would be included.

At this point in the Public Hearing, Mr. Sinaiko opened it up to Public Comments.

**Public Comments**

Since there were no public comments, at this point in the Public Hearing, Mr. Sinaiko closed the Public Comment portion.

***Motion: To amend Section 6.B (c) of the Sewer Rules and Regulations – update Final Area of Concern as presented by staff.***

**Motion: Jonathan Sinaiko**

**Seconded: Sacha Richter**

**Vote: 4 – 0 – 2**

**b. Insert Section 6.E into the Sewer Rules and Regulations – State of Limited Capacity.  
[Provincetown Board]**

Mr. Waldo advised the Board that since the sewer system has reached a critical point in terms of available gallons, there is a need to prioritize where the remaining gallons can go.

Mr. Gardner said that there was a need to codify the Board of Selectmen's policy on how to handle the remaining capacity.

Mr. Waldo said that the new section would define a State of Limited Capacity as available capacity at or below 25% of permitted capacity as approved by the Massachusetts DEP. The Water & Sewer Board would determine when such a limited capacity exists. The section also defines priority categories for consideration for connection to the sewer system by the Water & Sewer Board: public health, economic development, affordable housing, municipal use, and priorities under Section 6.A.2 of the regulations. The section further defines the process of allocation of municipal sewer gallons in a state of limited capacity, to include issuance of a yearly report from the Board of Health of anticipated need for new connections due to imminent and critical public health needs, including known or anticipated failures of existing on-site subsurface sewage disposal systems.

There followed a discussion of percentage of affordable housing units required in a development for eligibility under a state of limited capacity.

At this point in the Public Hearing, Mr. Sinaiko opened it up to Public Comments.

**Public Comments**

Since there were no public comments, at this point in the Public Hearing, Mr. Sinaiko closed the Public Comment portion.

**Motion: To insert Section 6.E into the Sewer Rules and Regulations – State of Limited Capacity as presented by staff and as stipulated by the Board.**

**Motion: Jonathan Sinaiko                      Seconded: Sacha Richter    Vote: 4 – 0 – 2**

Mr. Sinaiko closed the Public Hearings.

**Agenda Item 5 - Declare State of Limited Capacity – [Provincetown Board]**

**Motion: To declare a State of Limited Capacity**

**Motion: Jonathan Sinaiko                      Seconded: Sacha Richter    Vote: 4 – 0 – 2**

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

**Discussion:**

There were no statements by the Board members.

**Agenda Item 7 – Other Matters That May Legally Come Before the Board Not Known at the Time of Posting**

There were no matters brought forward.

**Agenda Item 8 – General discussion on proposed project at 350 Bradford St. [Provincetown Board] Votes may be taken.**

**Discussion:**

**Mr. Gardner:** Mass Housing has set a deadline of June 14 for comments on the 350 Bradford St project for site approval. The Board of Selectmen has asked for comments on this project from Town Boards. On Monday the Board of Selectmen will report that it anticipates not supporting this project.

**Mr. Sinaiko:** This doesn't meet 100% affordability; it doesn't meet limited capacity requirements. We need to focus on 100% affordable developments.

**Ms. Meads:** What is Title V on this property?

**Mr. Gardner:** Currently it is 7,000 gallons; the proposed development is smaller.

**Mr. Sinaiko:** What is the opinion of the Board?

**Mr. Collins:** We've declared a State of Limited Capacity.

**Motion: To state that the position of the Water & Sewer Board is to not support site approval for the 350 Bradford St. project due to a State of Limited Capacity as well as project designation off less than 100% affordable units.**

**Motion: Jonathan Sinaiko                      Seconded: Sacha Richter    Vote: 4 – 0 – 2**

At this point, Mr. Worthington left the meeting.

**Agenda Item 9 – Request for waiver of Sewer Regulations, Section 7, Part C, - Grease Trap [Provincetown Board] Votes may be taken.**

**Discussion:**

**Mr. Waldo:** Messrs. Rossignon and Anderson plan to open a small food establishment in the former Little Store/Little Red at 227 Commercial Street. The store, Happy Camper, will sell ice cream and donuts made at a separate facility. They are requesting a variance from the requirement to install a 1,000 gallon external grease trap as required by local regulations and instead install an undersink grease interceptor, as required by Massachusetts Plumbing Code. There is no location on the property to locate the required external grease trap. The food establishment will serve ice cream,

donuts, and coffee to go, served in paper or plastic. The only rinsing and washing will be of ice cream scoops and utensils, all lines of which the applicant is aware must be plumbed to the undersink grease interceptor.

The Health Agent recommends approval provided the internal grease trap is installed and maintained with an appropriate cleaning schedule and log of cleaning. Applicants shall agree that no cooking facilities may be added and no other food preparation is provided.

**Motion:** *To accept, as stipulated, the recommendation of the Health Agent.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter    **Vote:** 4 – 0 – 1

**Agenda Item 10 - Sewer Flow Revisions [Provincetown Board] Votes may be taken.**

**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 do have gallons in a very limited amount to accommodate them.

**293 Commercial St. Unit A**

**Ms. Prada:** We evaluated this and we do have the gallons. This request was denied at the last Water & Sewer Board meeting because Twisted Pizza closes for a short period over the winter. It has been brought back for reconsideration.

**Mr. Gardner:** Economic Development has never required full year-round service for approval when it is determined that to increase flow would provide a public service. As a consequence, Economic Development approval supersedes the actions of the Water & Sewer Board with regard to this property. Ms. Meads requested policy clarification with regard to future Economic Development flow approvals and the impact on Water & Sewer Board decision-making.

Map & Parcel	Address	Orig. Flow	Rev. Flow	Net Chg	Orig. Betmt	Rev. Betmt	Net Betmt.	Reason
11-1-004	205-209 Commercial St	2630	3030	400	\$101,256.80	\$119,256.80	\$18,000.00	To correct seat count error
12-4-008	463 Commercial St	2680	330	-2350	\$90,262.40	\$11,114.40	-\$79,148.00	Abandonment of surplus gallons
11-3-005-00A	293 Commercial St Unit A	480	620	140	\$10,777.60	\$17,077.60	\$6,300	EDP Permit 15-03

**Motion:** *To accept the sewer flow revision for 205-209 Commercial St. as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Kathie Meads                      **Vote:** 4 – 0 – 1

**Motion:** *To accept the sewer flow revision for 463 Commercial St. as presented by staff.*

**Motion:** Jonathan Sinaiko                      **Seconded:** Sacha Richter                      **Vote:** 4 – 0 – 1

**Motion:** *To accept the sewer flow revision for 293 Commercial St. Unit D as presented by staff.*


**Motion:** Mark Collins                              **Seconded:** Kathie Meads                      **Vote:** 4 – 0 – 1

**11. Adjournment:**

There being no further business, Mr. Sinaiko adjourned the meeting at 3:57 pm.

Respectfully submitted,

Anna Michaud

Approved by  on 8/13/15, 2014