

# Water & Sewer Board

## December 6, 1999

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Approved on December 13, 1999

Grace Gouveia Building, 26 Alden St, Provincetown, MA

In Attendance:

Custodio J. Silva, Jr., Chairman

James Buckingham

Giovanni (John) Cicero

David Perry

Craig Wiegand, Water Superintendent

David Guertin, DPW Director

Kathie Meads, Water Department Secretary

Gary Palmer, Truro Board of Health

T.W. Joy, for Charles Silva

Donald Noons

Michael Fernandes

Gary Locke of William Rogers' Engineering Office for Kalmar Village & Tradewinds

Note: This meeting was tape recorded.

### **PUBLIC STATEMENTS:**

Custodio J. Silva, Jr. called the meeting to order at 1:06 p.m. and asked if there were any public statements. None were made.

### **APPROVAL OF MINUTES:**

The Board reviewed the minutes and agreed to accept the minutes of the November 1, 1999 meeting as written. **Motion** to accept the minutes as written was made by David Perry. Seconded by James Buckingham. Vote in favor of acceptance 4-0.

### **UPDATE BY THE WATER SUPERINTENDENT, CRAIG WIEGAND:**

Craig began by updating the Board on the situation at the Atkins Mayo watershed. Samples are being drawn from site Y for analysis of the water quality on Wednesday, December 8, 1999. The water main project on Conant Street Extension will be completed this week. An eight-inch transite water main is being installed from the terminus of Conant Street proper to Brown Street where it will be tapped into a 12" transite main.

Craig began a preliminary review of the proposed FY 2001 Water Department Budget including his request for one more clerical person and one more licensed water serviceman's position. The capital budget request and the operating budget will be reviewed at the next meeting on Monday, December 13, 1999 with an agenda limited to the budget review and the appointment of Michael Fernandes to the Water & Sewer Board. The Board was presented a copy of the present budget request for review before the meeting.

Custodio directed the Board that this may be the last chance they have to review the proposed budget individually.

A **motion** was made by David Perry to hold a meeting for budget review meeting on Monday, December 13, 1999 at 1:00 p.m. This motion was seconded by John Cicero and the vote in favor of holding the meeting was 4-0.

Jim Buckingham asked if anyone had heard from Michelle Jarusiewicz as to why we had not received the grant for \$750,000. Craig responded that no answer to that question had been forthcoming from Michelle as yet.

Jim Buckingham also inquired as to whether or not a desalinization plant was included in the proposed capital long range budget? David Guertin stated that they are going to the Selectmen to get the MEPA process started and this will be part of that process.

### **TRURO WATER SERVICE APPLICATIONS:**

1. William Bazyk, 476 Shore Road, North Truro. Bedroom expansion. Neither Mr. Bazyk nor his representative was present. Gary Palmer spoke on this application.  
The Truro water service application states any expansion of use must receive Truro's approval before the Water & Sewer Board approves it. Gary Palmer, Chairman of the Truro Board of Health, explained that this application was for the expansion of an existing bedroom and did not represent any additional water use for the property. **Motion** to accept the application was made by David Perry, seconded by Jim Buckingham. Vote in favor of acceptance 4-0.
2. Charles W. Silva, 386 Shore Road, North Truro single family home. This application was represented by Will Joy, Coastal Engineering.  
The Town of Truro has signed and approved the application for Mr. Silva for a single family home at the above address. John Cicero made a **motion** to accept the application for a single family home as approved by the Town of Truro. David Perry seconded the motion. Vote to accept 4-0.
3. Donald Noons, 311 & 315 Shore Road, North Truro single family home  
There was some discussion on this application due to the lack of plans presented. The Town of Truro signed and approved this application for this address (which Mr. Noons explained is one legal lot) without any plans for the building. Gary Palmer of Truro explained that Truro approved this lot so that Mr. Noons would be able to sell this lot for a single family home with a water approval. However, no plans are available for the home as yet. John Cicero said we should not be seeing this application until plans were available and asked why Truro had forwarded this to the Water & Sewer Board without approved plans. There was some general discussion among Board members that it is in the area where no potable water is available and for a single family home. Custodio suggested that the only available option would be to approve the application effective with the receipt of approved plans. John Cicero asked Gary Palmer to assure the Water & Sewer Board would not be receiving incomplete application packages such as this in the future. John Cicero made the **motion** to approve the application effective with the receipt of approved plans. David Perry seconded the motion. All in favor of acceptance effective with the receipt of approved plans. 4-0.

Kathie asked the Board's direction as to whether or not she should accept incomplete applications to be put on the agenda. Custodio agreed that the Board will have to consider this and give the secretary direction on this matter.

4. Kalmar Village, Inc., Daniel Prelack, 679 Shore Road, North Truro. Application  
For 3 cottages. This application was represented by William Rogers and Gary Locke. There was some general discussion about the location of these three cottages and the fact that Truro is not effected by the Provincetown Growth Management by-law. John Cicero made a **motion** to approve the application. David Perry seconded the motion. Vote to approve the 3 cottages 4-0.
5. Tradewinds Coop Housing Corporation, Daniel Prelack, 674 Shore Road, North Truro.  
Application for 20 unit motel.  
The Board brought up the question again regarding the inability of this Board to reject an application such as this in Truro and the lack of a strict growth management by-law in Truro. Custodio said that Truro growth management would be coming up next on the agenda with Gary Palmer, Truro's representative giving the Board a review of Truro's growth management criteria. Custodio went on to say that he does not support this application whether it is in Truro or Provincetown. Provincetown limits multi family construction and it would take forever to get a new motel constructed in Provincetown. However, our hands are tied when it comes to Truro. The applicant is in the red zone of not refusing water as it is on the line from Knowles Crossing into Provincetown and Truro has approved it. This application is especially taxing on the system as it is for seasonal visitors and the demand will be made when the system is at peak demand. Gary Palmer stated that he would like

to let the Board know what Truro is doing and will address it on the next agenda item. John Cicero agreed that there is nothing we can do but approve this as the rules with Truro stand now.

Jim Buckingham asked if the applicant had been told to put in flushing wells. The answer from Gary Locke was no but they could look into it. Jim further asked them to look into this possibility and get back to the Board with their findings. Mr. Locke indicated that he would.

Custodio then asked Gary Palmer considering that we had just approved 25 new units for Truro construction, how does Truro look at an application like this. Mr. Palmer responded that Beach Point is Truro's commercial business district and we don't feel we are in the business of telling them this is too much. Provincetown growth management laws should not control Truro. However, we want to work with Provincetown to ensure growth at a slower rate in the future. **Motion** to approve the application was made by John Cicero and seconded by David Perry. Vote in favor to approve 4-0.

### **DEP PERMITTED WATER WITHDRAWAL REDUCTION:**

Custodio asked Craig to give the Board an update on the reduction of our yearly permitted water withdrawal. Craig explained that we have previously been permitted to withdraw 0.95 million gallons per day from the aquifer. DEP recently sent notification to the town that the annually permitted amount was miscalculated by them in the late 1980's (the permit was based on pumping from 1981 through 1985) and our registered amount was being reduced from 0.95 to 0.85 million gallons per day. Even with the extra margin of 100,000 gallons per day we will be at only 0.93 MGD before we will be out of compliance with our permit.

David Guertin interjected that the Selectmen and staff do not go along with DEP's action and the Selectmen are going on record with this disagreement by sending DEP a letter refusing to accept this reassessment of our yearly permitted pumping allowance.

Custodio added that it is ironic we should be speaking of a lowered water withdrawal when we just approved over 20 units in Truro with another 21 units for the year in Provincetown. We need to find out where we stand with DEP. John Cicero added we have been told by Keith Bergman that this was a planning board issue and not our job. I think we should revisit the idea of giving Truro a percentage of the total water available.

Gary Palmer reminded the Board that this idea had been presented to Truro and rejected. Jim Buckingham added that there needs to be an effort by both towns and all these ideas should be considered. Gary Palmer said the Boards of Selectmen of both towns need to agree on the manner in which to proceed.

Jim Buckingham questioned what DEP can do if we over pump?

Craig answered that they could levy a fine or issue a consent order.

Custodio Silva brought up a joint meeting with the Planning Board, the Provincetown Housing Authority, the Board of Health and the Water & Sewer Board to be held on Tuesday, December 14, 1999.

David Perry raised the issue that if Provincetown is going to put stricter growth management regulations into place and Truro is not, it would be an injustice to all our property owners.

Custodio agreed that Beach Point and the North Truro customers are part of our system and are users on our system as well as any Provincetown customers.

### **GROWTH MANAGEMENT TRURO:**

Gary Palmer, Chairman of the Truro Board of Health, had asked to be on the agenda today to address the issue of Growth Management in Truro and what the Town of Truro has done in that effort. Mr. Palmer explained that Truro changed its zoning to ¾ acre parcels and uses Title V regulations to control growth. This basically limits single family homes to 3 bedrooms on a ¾ lot.

Mr. Palmer further stated that although Truro does not have a building cap, they use Title V regulations as their building cap. In 1996 the Truro Board of Health passed article 5 then article 9 establishing a nitrogen sensitive area along route 6A from the junction of Route 6 and Route 6A to the intersection of Route 6A and Knowles Crossing. Article 9 deals with the designation of what may be called a bedroom in Truro which is any room that is not a bathroom, kitchen, dining room, hall unfinished cellar, open deck, garage, unheated porch or living room. (see attached). He added that there still remain about 60 lots which the Town of Truro can anticipate as building lots under present zoning. He added that Truro will not agree to allow the Water & Sewer Board to try to govern growth in Truro to the detriment of the Town of Truro.

There was some general discussion by members of the Board that Title V regulations alone are not enough to constitute a growth management policy and Mr. Cicero raised the issue of water allotment to each Town again as a means of giving each town the ability to control its own growth instead of the Water & Sewer Board.

David Guertin added that the only vehicle open to the Water & Sewer Board was the Rules and Regulations. The hydraulics of the system need to be looked at when considering any new hook-ups. The hydraulic model should provide much of this information.

Craig hopes we can produce a good draft of regulations by the end of January. Craig reiterated his point of having much difficulty trying to run one system without one common set of regulations and rules for both communities.

Gary Palmer added that you will have a regional system when you have a Truro member on the Board.

#### **Introduction of Michael Fernandes:**

David Guertin introduced Water & Sewer Board applicant Michael Fernandes to the Board. His application will be acted upon at the next meeting on Monday, December 13, 1999. John Cicero asked why Mr. Fernandes wants to be on the Board and what qualifications his experience has been with government. Mr. Fernandes answered that he has served on committees in Vermont and New York and has lived previously in Provincetown. He has been a practicing psychotherapist. The Board responded say no more! See you Monday.

Custodio Silva, Jr. adjourned the meeting at 2:30 p.m. Next Meeting, Monday, December 13, 1999 at 1:00 p.m. at the Grace Gouveia Bldg, 26 Alden Street.