



HARVARD SEWER COMMISSION

MINUTES

Wednesday, January 2, 2013
Town Hall Meeting Room

Cindy Russo, Chair *Kyle Hedrick* *Richard Maiore*

Present

Commissioners: Cindy Russo, Chair; Kyle Hedrick; Rick Maiore

Others: Tim Bragan, Town Administrator; Scott Hayward, The Harvard General Store; Paige O'Brien

The meeting was called to order by Ms. Russo at 9 a.m.

Change of Use Application: The Harvard General Store, 1 Still River Road

Ms. Russo stated that Mr. Hayward's request for an increase in design flow should realistically be a request for a change of use to include food service. Mr. Maiore contended that there is no change in use, stating that it is commercial and has not violated any zoning regulations as the café is allowed under the umbrella. What prevented the café from going in before were Board of Health regulations concerning flow. Ms. Russo recommends that Mr. Hayward indicate exactly how he wishes to use his property. Mr. Hedrick's notion is to use the baseline numbers as a foundation and restricting use above 30% of that starting point. Ms. Russo cited the Growth Neutrality Clause as a reference for what The Commission considers change in use. She believes that Mr. Hayward's request letter is lacking "evidence supporting a determination that the connection is necessary or beneficial to the town". "In order for it to be necessary or beneficial to the town", she stated, "we need to understand what the change is." Ms. Russo suggested that Mr. Hayward ask for a specific number of seats, so The Commission knows the scope of what it is they are approving. Mr. Maiore agreed that, lacking a limit on the flow, it becomes necessary to have some other definition of what the limit is.

As the author of the Growth Neutrality Clause, Mr. Hayward offered what he meant. He states that the idea of the use change refers to a zoning use change. The zoning use change refers to multi-family vs. single-family vs. commercial – major uses. Activities allowed within the use were not really the issue. Mr. Hayward suggested that The Commission set a cap on seats as a condition on the permit.

Discussion led to Mr. Hedrick suggesting that The Commission use the specifications of the Code of Massachusetts Regulations (314 CMR 7.15 Calculation of Flows) as these are the numbers that govern new connections to a system.

- Restaurant, kitchen flow (disposable plates, no dishwashing) - 15 gallons per day per seat.
- Office - 75 gallons per day per 1000 feet.
- Retail (Dry Goods) - 5 gallons per day per 1000 feet.

The building has three floors at 2000 square feet per floor. On the 3rd floor, The Harvard Press office occupies 1000 square feet (other half is used for storage). The 1st and 2nd floors are retail.

Mr. Hedrick made a motion to approve the change in use as listed below:

- 3rd Floor – 1000 sq. feet of office space and 1000 sq. feet of storage
- 2nd Floor – 2000 sq. feet of mixed retail
- 1st Floor – 2000 sq. feet of mixed retail
- 1 and 2nd Floor – up to 30 seats of food service, using disposable serving pieces, with no dishwashing.

Seconded by Mr. Maiore; vote – aye, unanimous. Ms. Russo agreed to draft a proposal and send to commissioners and Mr. Hayward.

Update on system construction and connection schedule

Mr. Bragan reported that the MDEP has not yet sent a letter confirming the go-ahead, but Mr. Kimball authorized consent to continue.

The letters to the residents of the district need to be revised with the current date.

Update on drain layer applications and licenses

Mr. Hedrick made a motion to approve and accept Ricciardi Brothers' application for drain layering. Mr. Maiore seconded; vote aye, unanimous

Mr. Hedrick stated that the owner of The Inn would like to be his own drain layer and asked if he would have to be put on the list of approved drain layers for the district owners. The Commission agreed that, should they put a limit on the number of drain layers, he would not count toward the limit if he was only going to do one job.

Consideration of issues relating to connections

18 Fairbank Street – in 1997, at the time of sale, the property was under restriction of the Board of Health stating that the existing 3 bedrooms is the maximum that could be in this house. There were 3, 1-bedroom apartments with the house and the new owner proceeded to remove the kitchens from these apartments, creating additional bedrooms (currently 5 BR, 2.5 baths). Mr. Maiore recommended that a condition be attached to the betterment abatement that requires a complete review of the house's plumbing, to ensure that it is up to code. Ms. Russo suggested that The Commission grant the owner the abatement and let him know that as a condition to the connection of the system, a plumbing inspection will be required. Mr. Bragan made the clarification that these are two separate issues and suggested first taking care of the betterment abatement. Then the owner needs to decide whether or not to connect to the system. If connecting, the owner needs to file an application and it is at that time that The Commission deals with the bedroom issue.

Mr. Hedrick made a motion to grant abatement on betterments, Mr. Maiore seconded; vote aye, unanimous. Mr. Hedrick will draft a letter to inform the homeowner that the abatement was approved, but a change of use request must be made in order to connect.

Other Matters

Ms. Russo will send Janet Vellante the map that is missing from the appendix of the regulations in order to bring this section of the Harvard Code up to date.

Timeline for connections and action items necessary prior to connection

- Mr. Hedrick will continue to "make a pitch" to drain layers in an effort to increase the number of choices for residents.

Approval of Minutes of December 3 and 19, 2012

Mr. Maiore motioned to approve minutes of 12/3 as amended. Mr. Hedrick seconded; vote aye, unanimous.

Mr. Maiore motioned to approve minutes of 12/19 as amended. Mr. Hedrick seconded; vote aye, unanimous.

Mr. Hedrick motioned to adjourn at 10:25; Ms. Russo seconded; vote aye, unanimous.

The next scheduled Commission meeting is Wednesday, January 9, 2013
9 a.m. in the town hall meeting room.

Respectfully submitted by Paige O'Brien