

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

October 7, 2014

A meeting, having been duly posted, was held this date at the 80 Old Bass River Road, South Dennis and called to order by Paul F. Prue, Chairman at 10:15 AM. Water Commissioners Charles F. Crowell and Peter L. McDowell were present. Also in attendance was David Larkowski, Superintendent, Sheryl A McMahon, Treasurer and Wayne Bergeron, Selectman.

Discuss proposed article for Special Town Meeting (10/28/2014) for use of approximately Town of Dennis land on Hokum Rock Road (Map for the development of housing for autistic adults and other related special needs and affordable housing.

Mr. Larkowski described his understanding of a proposal to have the Town of Dennis voters donate a 15-acre parcel of land on Hokum Rock Road for housing purposes. The project will include housing for autistic adults and affordable housing. He has not seen a plan or knew how many units were anticipated. The parcel lies partially within the Zone of Contribution (ZOC) for Well 18. He had prepared a map which was displayed on an easel. Approximately 5 acres of the parcel lies outside the ZOC with the remaining 10 acres lying within the Zone. He was unclear as to how much of the parcel was intended to be donated.

He noted that the [blueberry] patch owned by Spears was purchased by the Town for \$959,000 and the old drive-in was purchased by the District for \$1.5 million. The Land Bank had purchased a 3-to-4 acre parcel and another 11-acre parcel for approximately \$185,000. Over the years, the District and Town have acquired a number of acres in the ZOC to protect Well 18. He stated that in his view it seemed counter-productive for the Town to give away land for housing development when both the Town and District have made purchase in order to protect the water supply. There had seemed a natural assumption that the parcel being considered was always going to be undeveloped and thereby provide added protection. He noted that there were other ZOCs that overlay the ZOC on display for Well 18.

Mr. Larkowski noted that the discussion today should pertain to the possible development of the 10 acres (approx.) that lies within the ZOC and that the Board consider suggesting that the Town consider only developing the five acres (approx..) that lies outside the ZOC. He further suggested that the Board consider requesting that the Town prohibit the use of the 10 acres within the ZOC as part of the development's septic calculation.

Selectman Wayne Bergeron explained that the proposal, as it now stands is to develop four buildings with four bedrooms each and a community building for autistic adults. He explained that there are many autistic adults that live with their aging parents with no provision for appropriate housing once the parents can no longer care for them. He noted that in this particular type of housing, each bedroom is considered as a unit of affordable housing. Additionally, there was a proposal to include four affordable housing units on the parcel as well. However, at a meeting of the Dennis Municipal Affordable Housing Trust held the previous day, they Trustees agreed not to pursue the inclusion of regular affordable housing units in response to the District's concerns about the watershed. He said that the estimated land needed for the autistic adult housing was 4.9 acres. He said that as he understood the zoning regulations at 10,000 sq. ft. per bedroom within the ZOC, the project being

proposed meets those requirements. Mr. Bergeron's expressed a concern on the limitation due to the parcel's topography. He noted that there are areas of the parcel that are rolling and have deep depressions. He was hopeful that the buildings and all of the ancillary calculations could be contained within the approximate five-acres.

Mr. McDowell stated that the easement being granted by the Town should have some very specific restrictions included. He noted that the nitrate levels for those District wells are comfortably below the drinking water limit. He stated that it was attributable to the open space that has been acquired by both the Town and the District. He said he would support an easement for the project on the northern four acres with the condition that the septic facilities be sited as close to Hokum Rock Road as possible. If those conditions were met, he was sympathetic to the project as it is currently proposed. Selectmen Bergeron noted that the project was proposed for five acres.

Mr. Crowell was in agreement with the stipulations that had been previously stated. Mr. Larkowski stated that if the entire 15-acre parcel was owned by a private developer, it could be developed provided it met all the zoning and board of health regulations. The difference in this situation is that it is Town-owned property and the Town and the District have been purchasing property for open space and watershed protection over the years. In his opinion, to give land away for development was counter-productive. He said that if a private developer were building on just the five acres outside the ZOC, the District would not have any concerns. Chairman Prue agreed that the land within the ZOC should not be developed.

There was a discussion about the type of motion that the Board would consider. Mr. McDowell suggested that the Board consider a motion that would specify what should "not" be done within the ZOC. There was a brief discussion regarding the community building and whether it would have a bedroom. Mr. Bergeron noted that the concept of the project was for community inclusion for the residents, not isolation and that there is a need to provide for services for the residents such as dispensing of medications, etc. Mr. McDowell asked if there would be any problem with the easement limiting the number of bedrooms to sixteen. Mr. Bergeron assured the Board that the Town of Dennis would be developing the RFP for the project and that it would not be funded with Dennis taxes.

Ms. McMahon suggested the Board consider a motion to recommend that there be no development within the ZOC and not to use any of the area within the ZOC as part of the calculation for the septic system. Mr. McDowell wanted to include a recommendation limiting the number of bedrooms. Ms. McMahon recommended including within the motion that the number of bedrooms do not exceed current septic regulations. Mr. McDowell was recommending that the easement for the project include no land that lies south of the line delineating the ZOC and that it be limited to no more than 16 bedrooms and that the septic system be as close to Hokum Rock Road as practical. Mr. Bergeron responded by saying that he believed a recommendation limiting the number of bedrooms outside the ZOC was beyond the jurisdiction of the District. He further stated that the maximum number of bedrooms on the five acres would be determined by regulation; his understanding was that it would be limited to twenty.

Charles Crowell moved that the Board recommend to the Town that all development be done outside the Zone of Contribution and that no area within the Zone of Contribution be used for septic calculation purposes. It was seconded by Chairman Prue. Mr. McDowell wanted to be clear that the lease to be granted by the Town was limited to land north of the ZOC line. The motion was read

back again as: ***to recommend to the Town that the lease for the autistic adult development be outside the Zone of Contribution and that no area within the Zone be used as part of the septic calculation.*** Mr. Crowell said that it was his intention to make a second motion that would recommend limiting the number of bedrooms to current regulations and that the septic system be placed as close to Hokum Rock Road as possible. The motion was read back again. Mr. McDowell asked that if the second motion doesn't pass then the first motion will stand by itself without the limitation of specifying the location of the septic system. He questioned why not put the recommendation for placing the septic system close to Hokum Rock Road within the first motion. He felt there would be a risk of one motion not passing. Mr. McDowell wanted to include a limitation of the number of bedrooms and the location of the septic system within the same motion. Further discussion ensued regarding the delineation of the Zone of Contribution. Mr. Bergeron said that the Board of Selectmen and as a community, it is not necessary to ask any of this from the Water Commissioners but, he wants to respect the Commissioners' views. He said that as one selectman, he would have a hard time acknowledging any authority for the District for land that lies outside the Zone of Contribution. If that were done, he would be concern as to how far it would extend. Assuming the ZOC was based on legitimate scientific calculations, anything that happens beyond that is not a problem for the District. He stated that it was a Town issue to bring up any further limitations on the lease and that the Selectmen would be having that discussion later in the evening. With no further discussion, the Chairman called for the vote: On the motion made by Charles F. Crowell, and duly seconded, the Board ***VOTED 2-0-1 (PLM): to recommend to the Town that the lease for the autistic adult development be outside the Zone of Contribution and that no area within the Zone be used as part of the septic calculation.***

Mr. Bergeron thanks the Commissioners for taking the time to discuss the project and to make their recommendations to the Town.

On a motion made by Charles F. Crowell, and duly seconded, the ***BOARD UNANIMOUSLY VOTED: to recommend to the Selectmen that any septic system on the five acre parcel be north of the Zone of Contribution and be placed as close to Hokum Rock Road as possible.***

Mr. Bergeron advised that he intended to make this presentation to the Board of Selectmen tonight at a joint meeting with the Finance Committee and asked if someone representing the District attend to ensure that the Water Commissioners recommendations were relayed accurately. He noted that the Board of Selectmen have already voted to place the article and support it.

On a motion made by Charles F. Crowell and duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at 11:02 AM.***

Respectfully submitted,

Sheryl A McMahon, Clerk
Dennis Water District