


Carl L.


Butch B.


Mike N.

TOWN OF LUNENBURG
SEWER COMMISSION
520 CHASE RD.
LUNENBURG, MA. 01462

Minutes of February 11, 2014 Regular Meeting held at the DPW Building, conference room

The meeting was called to order at 7:00pm by Carl Luck, Chair, with Mike Nault and Butch Bilotta in attendance. Also present were: Barb Lefebvre, Business Manager. Absent: Dave MacDonald and Jay Simeone. Guest: Jamie Rheault, Whitman & Bingham

Appointments

7:00pm Jamie Rheault, Whitman & Bingham – 175 Northfield Rd –

Carl reviewed the issue before the Commission. Jamie handed out his 2 options – one with sewer access on Northfield and the other without access. Jamie reviewed the plans. Carl stated that we had gone back to the CWMP and to Wright Pierce who did the original CWMP and discovered that the lot should have shown sewered all along, and not as an area of need (Area 12). So, since we need to make a decision, we need to step back in time and state that the entire lot should be entirely in the SSA since it was sewered. We will be going to the Town meeting and correct the map. Jamie continued with what he'd like to see done. His hope is that they'd be allowed to have frontage along Northfield Rd. in front of property, that that would be their goal. W&B would draw the plans at the expense of the client to show a new boundary and that they could put boundary in middle of Northfield Road. They could even come up with an agreement to prevent future connections. Jamie pointed out that they can do more lots in parcel 37 with sewer access on Northfield. Jamie noted that it accomplishes 2 goals by helping the Sewer Commission with sewerage Northfield and also helps his client. Carl repeated that they do not want to sewer Northfield. The sewer lines were drawn to protect development and to sewer only those areas of need. Carl understood that it's an issue of money and they won't make as much with less lots, but that they can get 7 lots from the Oak Ave parcel. The Commission is trying to hold to the master plan and it was clear in the CWMP that we did not wish to sewer Northfield. The point was discussed that Jamie and the owner can go to Town Meeting for a vote, but that the Sewer Commission would vote against it as it goes against the CWMP. Jamie stated that Lot 37 is an area of need. Carl agreed and stated that the commission is not against them sewerage it. Jamie stated that his plan calls for 10 lots, and the Commission is limiting development on this lot. Mike noted that the Woodlands had also come forward, so we've had inquiries further down Northfield. Jamie stated that he'll be at the next meeting to continue the discussion. He stated there was a guy across the street with a failed system (Montuori 174 Northfield). They will be asking to include those 2 lots across Northfield eventually and will commit that it will not be used to further develop the property. Carl noted that the next owner might. Jamie said they'd back it up with a deed restriction. Jamie added that at the last meeting, there was discussion on 1 system servicing 4 lots right in the same area on Northfield. Carl added that Woodlands has come in several times and if they have no other way to serve their problem that we're here to serve their need. Jamie asked about the timeframe. Carl stated the warrant closed 3/24 and that the commission would have to discuss whether they want to violate the intent of the CWMP. It should be based on need and the only way he'd support it is if there was a need. Jamie stated that the entire property was determined to be in need. Carl noted that it is already IN the sewer district. Jamie said it is a matter of whether they can get 7 lots or 10 lots. Jamie stated that they are not changing the intent of the CWMP and that the intent of the CWMP was to allow property to connect to sewer. Carl restated that it was for lots in areas of need. Lot 37 was sewered, so the discussion of need does not even apply. Jamie said then the entire lot can be sewered. Carl said yes – but only where there is access on Oak Ave. Jamie noted that they are trying to change access on Northfield, and that the Commission created a limitation when they determined the sewer district. Butch asked what happens if town meeting okays putting it down the middle of Northfield Rd. Mike stated that the intent of the Commission is not to allow that. Butch asked about all the extension requests that we have approved and Carl stated that they are all a matter of need and are included in the CWMP. Mike asked if there is any way to do it with an easement? The answer is no. Butch noted that Leominster allows connections through easements. Carl restated that Jamie has put forward a valid request and that he'd like the full Commission present to have that discussion at the next

meeting. Jamie's concern is with timing, but Carl noted the next meeting is 2/25. There still may not be a decision on the 25th but we'd still have time as the warrant is open until 3/24. We'll need some time to prepare and justify the article. Jamie stated he will put his request in writing and send to Barb to include where they would like option A, along the sideline of Northfield, and Option B, down the middle of Northfield. Carl asked for the reason? Jamie said to include the triangular area. Carl noted that the original intent for that triangular area was to block development on Northfield and agreed that it was a mistake that it was excluded from the SSA (Sewer Service Area) and that it was actually already 'sewered' by virtue of betterments and a stub present. It needs to be corrected at the next Town Meeting. Jamie confirmed then that the SSA boundary goes along Northfield Road, and so does his Option A. Option B goes down the middle. Carl stated that the Commission will correct the lines in Option A, but that the Commission must discuss Option B. Jamie stated he will come to the next meeting and will send something in writing to Barb listing out the 2 options before the Commission. Carl noted that we cannot put the Sewer district line down the middle of the street. If the pipe is in the street, anyone with frontage has the right to connect. Jamie stated but you can require that they can only connect within 100 feet from the street. The owner is only interested in sewerage the house and barn on the lot across from 175 Northfield, also owned by Montuori. Another option is a deed restriction that it cannot be developed. Jamie believes they are good for 30 years. If there is a conveyance after 30 years, the deed restriction is removed. Carl said we can discuss at the next meeting. Jamie will write a letter.

Highfield Village - Carl confirmed that the Planning Board had issued an extension to the development until April 30th. Barb displayed the plans that had been signed off by Weston & Sampson and received on February 10. Mike and Carl looked through them and discussed the concerns about the depth of the pipes. Jack had also sent an email which Barb had condensed to a list of the concerns which the Commissioners reviewed as well. Some of the items dealt with concerns items other than sewer, including paving, drainage pipes, etc. Other items such as thickness or type of pipe were considered and Mike verified they were noted on the plan. Other issues dealt with concerns during construction such as compaction. Carl asked if the others would be willing to approve the sewer plan that our reviewing engineer has signed off on, while providing the Planning Board with the list of concerns brought forward by Jack. Mike made the **motion to approve of the peer-reviewed plans for the Highfield Village development, and Maple Parkway and White Street sewers, with a memo to the Planning Board of concerns that must be addressed to the Town's satisfaction. Butch seconded. Vote taken was unanimous.**

Lancaster Ave - Neither Carl nor Barb had heard of any work being done on the manhole by Elliott from Jack. Barb noted that the Commission needed to vote on going forward, that the vote taken in early January was no longer applicable as it dealt with only a 2 week period. Commission discussed and agreed that anyone with a failed system should be allowed to hook up at Jack's discretion. Butch made the **motion that no further connections will be allowed until the situation with the manhole is fixed, other than emergency situations for which Jack Rodriquez can still authorize connections. Mike seconded the motion and the vote taken was unanimous.** Carl noted that the **workshop** on Private Sewer Extensions should be put on the agenda in March.

Butch asked what the **policy was on missed meetings**. Carl said the Commission did not have any such policy. Barb can check and see if there is a town policy.

Fitchburg IMA – Barb noted that we'd sent Joe our first statement of flow using the flow meters. The reading for 2013 was 1012.8ccf which is 1/3 of the usage from the January billing last year. The current period of 12/15-1/14/14 was for 1233.33ccf. Carl pointed out that's a 20% increase. Carl asked Barb to look at the next quarter, for the usages to align better as the current quarter of 12/15-1/14 was not actually a part of the 2013 reading period (9/15-12/15). Barb will do so, along with the next month's usage and bring to the next meeting. Carl added that when Barb sent the usage and amount to Joe, Joe stated that the rate was wrong, and that he'd check the IMA, as Barb had not included the adder. Carl advised the Commission that it is not unreasonable for Fitchburg to come back with a proposal for some adder to cover identified extra cost but shouldn't be close to the previous charge of \$1.65, so the discussion is not yet over. Joe has not yet gotten back to us.

Town Meeting Schedule- Barb stated that since she sent out the condensed schedule in the package that the Caucus date was changed to March 17. She noted that since Jay is not at the meeting, we cannot determine that he is running for re-election. If so, he will need to be nominated at the Caucus. Carl said we have time and

will put in on the next agenda. Carl noted that the warrant for Town meeting closes on March 24. Barb added that for potential warrant articles we have the SRF loan and map changes. Upon quick review, Barb could see changes for Oak/Northfield Rd, White St (the Fitchburg direct connect), and Lancaster Ave. Carl stated that Jack felt it was important to have an engineering firm present for the SRF loan warrant article and that he would call Wright Pierce and discuss possible pro bono work to prepare for the Town meeting.

SRF Project –Pratt St –Carl stated that he did have a short conversation with Kerry a while back, and the upshot was that it should have been included in the first phase of sewer installation. She mentioned possible use of funds for sewer Pratt. Barb asked if we needed to send another letter? Carl said not at this time – if the people on the road don't want it, we can't ask them to pay for it. We'll keep moving forward with Sunset and Carl will talk to Kerry on it. Carl added that the next letter would more likely state that they have run out of time to come forward for sewer.

Next item on the agenda was the letter sent on **42 Highland St. Sewer Access** – the prospective buyer needed a letter for the bank to obtain the loan. Carl stated Barb made it clear that any connection to town sewer required an extension. Barb had put in the distance of 770'.

CY2013 Annual Report submission– Barb noted the deadline of 2/25. Carl asked Barb to get him something that he could review. Barb will go through the years agendas and provide a first draft for his review.

Barb had the **Q3 Commitment** ready for Commission signature. Bills were mailed out 2/7, and the amount is **\$163,803.40** which was signed by the Sewer Commission.

Last on the agenda was a request for credit received today from the owner of **18 Florence St.** Barb handed out the copy of the email. Commission noted that it states the Water department found a silent leak for the toilet, which means the flow is still going down the pipes. No credit will be made on the January bill. Barb will let her know.

Administrative Matters - ZBA Hearing 2/12/14 – 51 Joslin St – Barb gave a brief description of the owner's hope to make 51 Joslin a buildable lot. Jack confirmed that no sewer stub was installed and property received no betterment. No sewer. Barb noted that she had attended a very informative **Open Meetings Law Workshop** on 2/3/14. She had included a handout in the meeting packages of decisions regarding open meeting violations. Barb reminded the Commission not to discuss Sewer issues outside of the public meeting, even when there is no quorum present. Barb had 2 **Order of Assessments** to be signed by SC. These will take the place of the Commitments which the Commission had already signed. It was determined by the Town Accountant and Town Treasurer that our Commitment was duplicating the Commitment put forward by the Assessors and per Mass General Law, the utility puts in an Order of Assessment instead. Sewer Commissioners signed an Order of Assessment for **Lancaster Ave** for **\$40,430.18** and another for **Jacklyn Dr./Janet Lane** for **\$46,205.92**. The Commission approved and initialed the **Minutes of the 1/23/14 Budget workshop**, as amended. As for **SWSS**, Barb had emailed Bruce on 2/3 and again on 2/10 cc'g AI for acknowledgement that they'd done the monthly **flow meter inspections.**, but Barb had not yet heard anything back. Barb had also forwarded on Carl's request that the monthly report be added to the submittal of the pump station reports. Barb added that the **Next meeting is 2/25/14** at the Town Hall and also that the **FinCom review of FY15 budget** is scheduled for 3/27/14.

Carl asked for a motion to adjourn. Butch made the motion, Mike seconded. Vote taken was unanimous. Meeting was adjourned at 8:24pm

Respectfully submitted,


Barb Lefebvre
Business Manager for the Sewer Commission