



HARVARD WATER - SEWER COMMISSION

MINUTES

Wednesday, August 1, 2018
Harvard Town Hall

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

Present

Cindy Russo, Chair; Kyle Hedrick, Commissioner; Rick Maiore, Commissioner; Tim Bragan, Town Administrator; Tim Kilhart, Director Public Works.

1. The meeting was called to order by Ms. Russo at 9:05 a.m.
2. The Minutes of January 24, 2018 were approved without correction.
3. Carl Sciple appeared on behalf of the Housing at Hildreth House Committee.
The Committee has applied for a Change of Use for up to 20 units of senior housing with a Title 5 sewer usage of 3000 gallons per day. The application (attached) sets forth the basis for the application, which was explained by Carl.
The floor was opened to the public for comments. Paul Green stated his concerns about the proposal as summarized in his memo (attached).
Cindy stated that she believes the proposal does not meet the bylaw's standard of "creating a demonstrable benefit to the town" because its failure to include any affordable units excludes a portion of the town's senior population. Kyle stated his belief that the applicant has failed to meet the burden of proving a demonstrable benefit to the town.
A motion made by Rick and seconded by Kyle to grant a change of use permit for 20 units of senior housing on the Hildreth House property was defeated. The vote: Maiore, aye. Russo, nay. Hedrick nay. A decision will be prepared for signing at the next meeting.
The Commission did not address the capacity of the system to serve this project.
4. Karen Strickland appeared to discuss the use of the Pond Road field. The proposal to install artificial turf on the field has been withdrawn after advice to the applicants from DEP. Karen asked for our input on creating a softball field at Pond Road and possible actions to ameliorate wetness of the field. Tim Kilhart said that the existing drainage system, installed at an approximate cost of \$600,000, was designed to handle only up to an inch of rain. When we have more than an inch of rain, the system overflows and impacts the field. Anything proposed to fix this would have to be evaluated in terms of its impact on wells and nothing can be built in the Zone 1 that is not directly related to water.
5. Report from Tim Kilhart:
 - a. DBoss has been awarded contract for the Pond Road drainage project and should be starting soon. The Brook has to be low flow or no flow at the time of construction so commencement will be confirmed with Liz. Contract price is \$40,000+/-; the balance of the appropriation will be applied to repair the road, with additional funds as needed from Chapter 90. A design change was required to eliminate the burm. If salinity

levels in the water increase we may have to do a second, probably equally expensive project to extend the burm.

b. Tim recommends we join MassWarn, a mutual aid society for water and sewer systems. He will provide additional information for consideration at our next meeting.

c. As requested, Tim spoke with Susan Connors of DEP about a potential new well site. We would have to comply with current regulations to site a new well. Tim will get a detailed proposal from Paul Maher for the necessary engineering work.

6. Report from Tim Bragan:

a. The owners of the property at 5 Littleton Road received a permit from the ZBA for a 864± square foot three story addition, including a new Master Bedroom. The property is within the district but is not connected to they system. Tim will invite them to our next meeting so that we can explain the impact of the addition on their right to connect to the system.

b. Tim will get recent data on plant usage.

The next meeting was tentively scheduled for Wednesday, August 22.
The meeting was adjourned at 10:30.

Hildreth House Sewer Application
Comments & Concerns
Paul Green
August 1, 2018

1. Potential conflict of interest due to overlapping membership between the Sewer Commission and the Housing at Hildreth House Committee. There is an appearance of divided loyalties in this case. The conservative course of action is to delay acting on this application until the parties can contact the Commonwealth Ethics Commission for guidance.
2. Inaccurate submission. The gallons per day flow value for age-restricted senior housing is much lower than 150 gallons per day. I believe it is 105 gallons per day.
3. Betterment Fee. Per Commonwealth statutes, sewer betterments are calculated on the basis of housing units. I'd like to know the number of betterments that the sewer commission intends to apply in this case, and how the addition of new units will affect the fees charged to existing properties.
4. Demonstrable Public Benefit. Under the rules and regulations (paragraph 146-8) issued by this committee, in order to expand the sewer district, the applicant must show that there is a demonstrable public benefit. I contend that there are two primary benefits to this project. One is that private citizens will have an opportunity to purchase a unit of housing. The other is that the town will receive a payment for the sale of the land. In my view, the housing benefit flows to the citizens and the monetary benefit flows to the town. The public benefit in this case is modest and similar in size to the "free cash" value that the town has recently experienced at the end of its fiscal year. In my view, this is a weak rationale for extending the sewer district, and sets a precedent that can be referenced any time a private developer wishes to attach to the town sewer system. There is no doubt in my mind, that were this project to set aside a portion of the units as affordable housing, that there would be a demonstrable public benefit to this proposal.
5. Capacity. Arguably, many of the homes in the sewer district are occupied by people or couples who are childless. The normal turnover of home due to a move into assisted living or smaller quarters has been suppressed due to the recession. As these properties transition to families of child-bearing and child-raising age, you can expect to see the water usage increase.
6. Age-Restricted Housing. Despite the fact that at least one member of the household must be of age 60 or older, there is no prohibition against children living in the proposed housing units. (If there was such a restriction, the units would not be eligible to be counted as affordable housing). While the presence of children would not affect the nominal gallons-per-day figure, it would affect the actual flow value. This factor should be considered.

19 July 2018

TO: Water & Sewer Commission, Town of Harvard
FROM: Housing @ Hildreth House Committee (H@HHC)
SUBJECT: Sewer Permit Application,,

Dear Commissioners,

Purpose: To secure your approval of a 3,000 gal/day Sewer Permit to connect up to 20 units of senior housing to Town Water & Sewer.

Introduction: The Town of Harvard's Master Plan and Housing Production Plan have identified a significant housing need for small, moderately-priced homes in proximity to the Town Center for the Town's seniors. Many seniors raised families in large single family homes and now wish to down-size into smaller units with minimum maintenance responsibilities.

The Town identified suitable undeveloped property immediately north of and up hill from the Fire Station and behind the Hildreth House (HH) (aka the Harvard Senior Center). The Town determined the location would be a suitable site for a small senior housing development. The area is in close proximity to the HH and the many municipal and other institutional uses in the Town Center. The Planning Board drafted a zoning overlay district bylaw to allow a senior housing development there, and Town Meeting validated and approved the amendment (overlay & bylaw) in October, 2016. Senior housing developments are permitted by right in the district with site plan approval by the Planning Board.

The Select Board created an Ad Hoc Task Force, the Housing @ Hildreth House Committee (H@HHC), to facilitate development of the property. Specifically the Select Board charged the H@HHC to "initiate the process to allow creation of senior housing on some or all of the land in the Hildreth Housing Overlay District (HHOD) Section 125-55 of the Protective Bylaw by a private developer. It is the intent that the housing be suitable with respect to size, design and price for Harvard residents seeking to downsize. There are two major phases to the process. The first is to get authorization from Town Meeting to transfer (by sale or possibly long term lease) the land and the rights of way required for access. The second is to prepare a Request for Proposal to transfer the land based upon appropriate requirements that will ensure desirable senior needs are met."

The Full Charge from the Select Board is attached as Enclosure 1.

Discussion: As a starting point we'd like to thank Cindy Russo for her good advice to especially look at Section 1.8, the Growth Neutrality Clause, the first sentence of which says that "The Commission will not permit the connection of (1) a new use or building not in the District as of May 1, 2009; ... unless: A. The Commission determines that the new facility could have been constructed with a wastewater disposal system or septic system which could comply with Title 5 or other applicable regulations of the DEP; or B, if the increase in design flow could not have been permitted in the absence of a connection to the Wastewater Management System, the Commission determines that such connection is (a) necessary for the health, welfare or safety of the Town; or (b) creates a demonstrable benefit to the town. Upon application ..., the Commission determination to allow connection must be approved by the Board of Selectmen.

Any property owner seeking to connect a property for which there has been a change in use must submit a written application to the Commission which shall include: 1. (a) Evidence satisfactory to the Commission demonstrating that the proposed facility could have been constructed with a septic system or (b) Evidence supporting a determination that the connection is

necessary or beneficial to the Town; and 2. Evidence of the Title 5 design flow and actual design flow both before and after the proposed Change in Use.

The Town, The Planning Board, the Select Board, the H@HHC and the Town have taken action to provide senior housing in the HHOD. We are working to move the process forward. To give you an idea of what we're envisioning, we intend to advertise to hire a general contractor to develop the site and build a total of 16 units/dwellings, 2 in each of in each of 8 duplexes. Each unit would average approximately 1,500SF; could be single or two story, have a first floor master bedroom and master bath, a fire suppression system, a universal design feature so senior citizens can live independently, a garage, but no basement.

The Public Good: In order to add a new use to Harvard's Wastewater System, per section 1.8B of the Commission's Regulations, the H@HHC must demonstrate that the proposal is beneficial to the town, i.e. the public good is served by granting the connection; and the inability of the site to provide on-site disposal. The H@HHC believes that the public good was demonstrated by the Town's adoption of the overlay zoning for the property to allow senior housing; and the Select Boards' vote to sell the land in order to raise funds for the Hildreth House Phase II project. Attached as Enclosure 2 is a letter from Ben Osgood, the engineer from TTI who had worked on the project, saying that the site could not accommodate on-site septic disposal.

If the Fire Station is relocated and the current Fire Station site becomes available, it is possible that there might be a second phase of housing at this contiguous site. Given DEP's metric of 150gal/day for a 2-bedroom senior suite, this request could accommodate up to 20 units, more than the 16 units we envision with the Fire House remaining at its current location.

Conclusion: The H@HHC firmly believes that this proposal for connecting up to 20 units of senior housing in the HHOD is for the public good, i.e. beneficial to the Town, since it would address an unmet need for reasonably priced accessible housing for seniors who want to downsize. We hope and believe it will be approved by the Harvard Water & Sewer Commission.

Enclosures:

1. H@HHC Charge from the Select Board
2. Letter from Ben Osgood saying that the site cannot accommodate on-site septic disposal.