

**Sewer Commissioners Meeting
Minutes of Tuesday, October 13, 2015
Bourne Community Building
Bourne, MA 02532**

RECEIVED

2015 SEP 30 AM 10:45

TOWN CLERK BOURNE

TA Guerino

Selectmen

Don Pickard, Chairman
Stephen Mealy, Vice-Chairman
Michael Blanton, Clerk
Don Ellis
Peter Meier

All agenda items herein may be subject to a vote by or other action of the of Board of Sewer Commissioners

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time – Michael Rausch Bourne Enterprise

Meeting Called to Order

Chm. Pickard called the meeting to order at 6:00 pm.

1) Public Comment

2) Minutes: March 31, 2015

Voted Stephen Mealy moved and seconded by Peter Meier to approve the minutes from March 31, 2015 as amended. Michael Blanton abstained. Vote 4-1-0.

3) Ryan Correia, President of Perry Ave. Corporation – Requesting a 6-month extension for sewer allocation for proposed Hotel at 25 Perry Avenue, Buzzards Bay

Tom Guerino briefly went over the request from Perry Ave Corporation for the 6-month extension, and the change in the phase.

Ryan Correia, President Perry Ave Corporation; Leonard Bello, representing Ryan Correia and his entities.

Don Pickard stated Mr. Correria filed a letter with Mr. Guerino on September 10th relevant to what he was looking to accomplish.

Peter Meier read If Buzzards Bay doesn't lay the groundwork & infrastructure, then limited sewer capacity becomes a barrier, not an obstacle. The Wastewater Advisory Committee has started to make this not a barrier, by having some ideas in place to get a package plan paid for.

Ryan Correia stated the sewer capacity for the hotel is now phase one. Meeting with potential developers and investors the biggest issue they see is the hotel can be developed but unless you have the capacity it will be an impact to the site.

George Tribou gave a brief overview of the current flow for the road.

Current flow of 88,259 gallons per day; Hideaway village allotment is 19,574; Vacant abandoned properties in reserve is 20,000 gallons per day, Keystone which is operating at 40% capacity is at 11,000, proposed Perry Ave Development is 27,108 that leave us with a total flow of 165,941 gallons or a remaining potential flow of 34,059.

Mr. Correia stated they are back in front of the Board to ask for a 6-month extension for the sewer allocation. We do have a hotel partner that is willing to develop and do the hotel on site. We have a letter from the hotel.

Michael Blanton read the letter:



BRAINSKY LEVINSON, LLC
ATTORNEYS AND COUNSELORS AT LAW

Eric S. Brainsky*
Michael E. Levinson*
Michael F. Ferragamo+

Lisa Krupa
Paralegal Office Manager

Jennifer Andrews
Paralegal

* Admitted to Practice in RI & MA State
and Federal District Courts, The 1st
Circuit Court of Appeals, and The
United States Supreme Court

+Admitted to Practice in RI & MA State
Courts & RI Federal District Court

October 13, 2015

Leonard A. Bello, Esq.
Bello & Bello
184 Main Street
Wareham, MA 02571

Re: Perry Avenue Project, Bourne, MA.

Dear Attorney Bello:

As you know, the undersigned is legal counsel to Mr. David Darling and other members of the Darling Family with regard to this transaction (hereinafter "Our Client"). In accordance with our conversation, please accept this correspondence as confirmation of Our Client's intention(s) with regard to the real estate located at 25 Perry Avenue, Bourne, MA, more particularly identified as Assessor's Map 24.1, Lots 1, 3 & 6 ("25 Perry Avenue").

This correspondence confirms that Our Client has reached an agreement in principal with Perry Avenue Corp. (hereinafter "Your Client") to purchase 2.5 acres of the southern portion of 25 Perry Avenue, which specific portion of land is currently being reduced to a form of a site plan by Your Client's design professionals (the "Property"). Upon Your Client's acquisition of clear title to 25 Perry Avenue and subdivision approval for the Property (or other appropriate land division mechanism-*to wit*-ANR endorsement), Our Client would be prepared to close on the Property within a reasonable expedited time frame. Upon taking clear title to the Property, it is Our Client's intention to develop and utilize the Property as 100+ room, nationally branded hotel, together with customary and incidental accessory uses thereto. Please note that in all likelihood, Our Client will form a new corporate entity to hold the fee to Property and potentially another such entity to operate the business; any new corporate entit(ies) will be owned and controlled by members of the Darling Family. The precise corporate structure and percentage of ownership interest has not yet been determined by Our Client.

Our Client has successfully developed similar projects in the past, and currently operates nationally branded hotels in Seekonk and Yarmouth, MA. As to this transaction, although we would request that the purchase and sales agreement for the Property remain strictly confidential,

1547 Fall River Avenue, Suite 3, Seekonk, MA 02771 | Ph: (508) 557-1910 | Fax: (508) 557-1905
<http://www.brainskylevinson.com>

W DID YOU OVERCOME THIS CHALLENGE?

bill

to not completely overcome this challenge yet & is really the

we consent to you providing this correspondence to the Town of Bourne Board of Sewer Commissioners or any other municipal board, department or official, in order to assist them in understanding the proposed future development of the Property.

Please advise if you require anything further. Should you or any of the municipal agencies have any further questions or require additional information regarding this matter, please do not hesitate to contact me.

Very truly yours,



Eric S. Brainsky

Cc: Client

Mr. Ellis stated to Mr. Correia this extension is for 6 months. We have a number of people behind you that are looking at requesting sewerage use for the expansion of Buzzards Bay. If you come back in after six months and request an extension again you are stopping the expansion of Buzzards Bay. We have a number of people who are interested in expanding in Buzzards Bay.

Michael Blanton stated this is a crucial part of the development of downtown Buzzards Bay and we really don't want to see any further holdups.

Stephen Mealy questioned if there is a schedule of milestones they will be following.

Mr. Correia stated the next meeting will be with the Design Review Committee, followed by the planning and compound. Speaking with Mr. Darling the plan is to have the hotel under construction by the spring, so we can open the following spring. The closing was scheduled for November 15, but was pushed back to January 15th, we are closing without permitting the hotel.

Mr. Mealy stated it would be good to have a written summary and come back in 2-3 month to bring us up to speed on the progress.

Voted Stephen Mealy moved and seconded by Michael Blanton to grant a 6-month extension.

Don Pickard questioned the contract; it is a contract or a letter, they refer to it as an agreement in principal.

Leonard Bello stated we have reached an agreement in all the major terms, pricing, and location. We have to be able to continue giving these people confidence that we are not going to go through $\frac{3}{4}$ of the project, your not going to own the land design and permit your hotel and be told that we cannot put up a sign in your town. Those are some of the hurdles we are going through now. We are not delaying, we are investing a lot of money, time, and effort in putting this project together. I can't give you the contracts but I brought you a letter from the attorneys, and the Darling Family is behind that and they are committed.

Don Pickard voiced his concerns. In one year we have seen the applicant purchase a $3 \frac{1}{2}$ acre parcel property and that's it. We don't know what is going on with the planning stages, there is no design review, no Planning Board, no Conservation Commission. It was suppose to pass within a year to October 30, 2015, then it was moved out to November, and now we are hearing January 15th. I don't see that as substantial progress.

Tom Guerino suggested Mr. Mealy mirror the prior motion from a year ago and adding the allocation amount into the motion.

Stephen Mealy amended his motion:

Voted Stephen Mealy moved and seconded by Michael Blanton to grant an extension of the allocation of 27,108 gallons per day to Perry Ave Corporation for a period of 6 months which is March 30, 2016. Michael Blanton amended his second.

Michael Blanton stated this is very important to this board and this town, the development of Buzzards Bay and the development for the economic potential for this town. We would like this kept on a timely time schedule, and as Mr. Mealy stated come before the board in a three-month time frame to update us on your progress.

Mr. Bello stated for a status report that is perfectly reasonable.

Mr. Blanton questioned if they have a signed purchase and sales agreement.

Mr. Bello stated they have a signed purchase and sales agreement to purchase the 11.5 acres, the three parcels. That agreement has been extended a number of times. We have agreed to pay the real estate taxes in exchange for the extension. We have an ongoing extension on that purchase and sales agreement as long as we are willing to continue to pay all of the real estate taxes.

Don Pickard questioned that according to the letter from the attorney the Darling family will purchase the $2 \frac{1}{2}$ acres.

Mr. Bello stated they need $2 \frac{1}{2}$ acres for their project. Mr. Pickard stated their purchase is contingent upon your purchase of the other $12 \frac{1}{2}$ acres.

Mr. Correia stated it will be a residential project, condos, apartments with retail, and a destination restaurant. Don Pickard stated that would require a package plant. Mr. Correia stated the amount was 90,000 gallons for the entire project.

Don Ellis questioned Mr. Correia within this requested time frame of three months, if they have any intention of going before Mr. Ewell and his committee and the Planning Board so they have an idea and you have an idea of what they are going to request.

Don Pickard suggested we meet on January 26th to have an update and expect to see a passing on January 15th.

Vote 4-1 Chair opposes.

4) Zachary Basinski, Project Manager for Bracken Engineering - Requesting sewer allocation for a proposed mixed use development for 100 Main Street block, Buzzards Bay

Don Bracken, Owner Bracken Engineering
 Zachary Basinski, Project Manager for Bracken Engineering

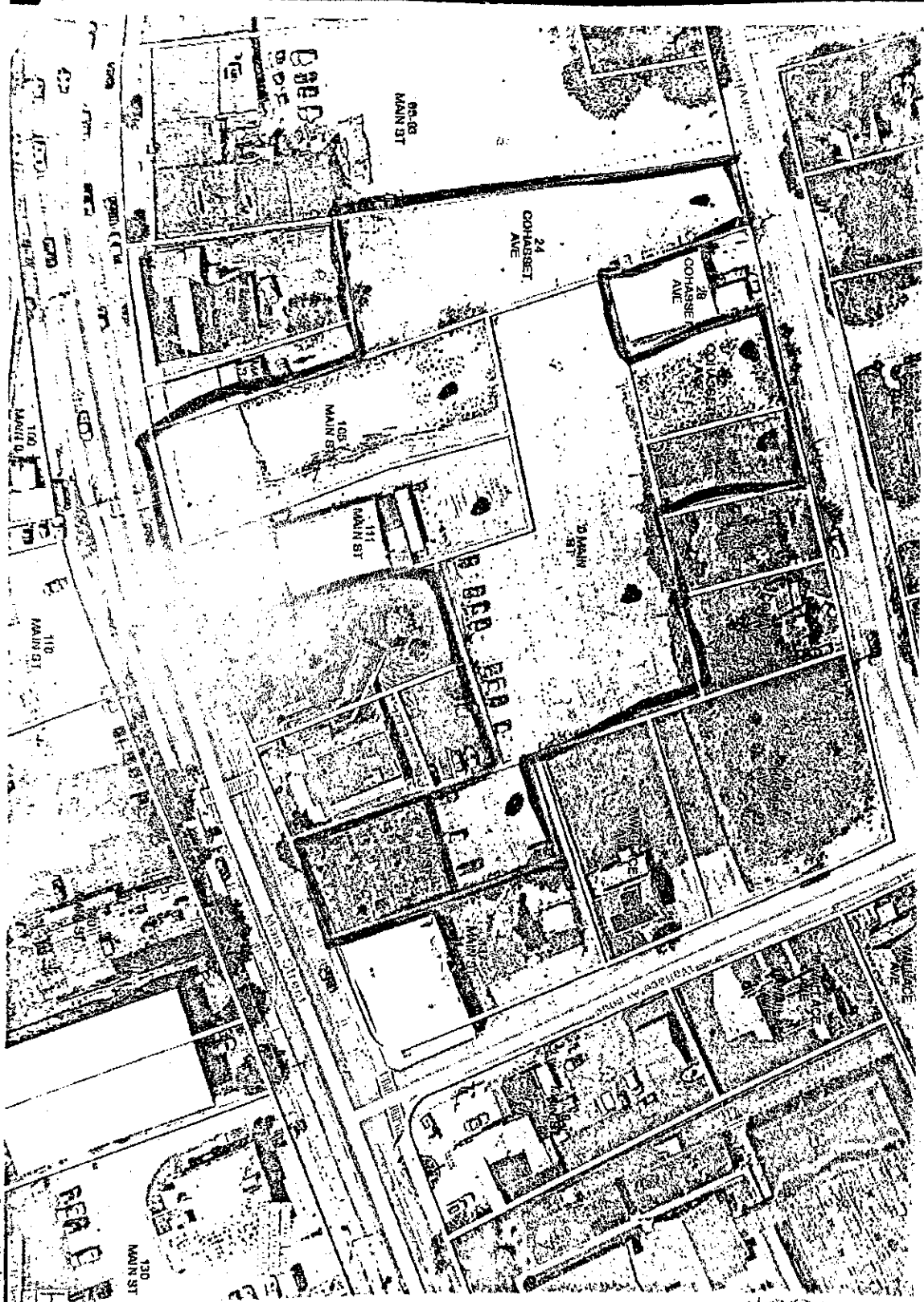
Main Office:
 49 Herring Pond Road
 Buzzards Bay, MA 02532
 Tel (508) 833-0070
 Fax (508) 833-2282



Nantucket Office:
 19 Old South Road
 Nantucket, MA 02554
 Tel (508) 325-0044

100 Main Street Block Requested Sewer Flow Allocation

	Use:	Design Flow:		Required Flow	
72	Hotel Rooms	110	GPD	7920	GPD
43	Two (2) Bedroom Dwelling Units	110	GPD/Bedroom	9460	GPD
3,000	Office (S.F.)	75	GPD/ 1,000 S.F.	225	GPD
4,000	Retail (S.F.)	50	GPD/1, 000 S.F.	200	GPD
150	Restaurant (Seats)	35	GPD/Seat	5250	GPD
80	Restaurant (Seats)	35	GPD/Seat	2800	GPD
35	Restaurant (Seats)	35	GPD/Seat	1225	GPD
Total Anticipated Flow				27080	GPD



Don Bracken went over the proposed redevelopment project slated for the 100 Block of Main Street. Their proposal is for a hotel in the back portion of the site, along the street

would be for our retail and restaurant uses. The breakdown, we feel comfortable we can fit on the site, is 72 hotel rooms mixed with 43 two bedroom dwelling units, 3000 sq. ft. of office space, 4000 sq. ft. of retail space, and we anticipate there could be three different size restaurant spaces, 150 seats, 80 seats, and 35 seats. With that mix of uses we are proposing 27,080 gallons per day. We ask that you consider our request.

Tom Guerino wanted to remind the board that the max gallons these people have to ask for is based on Title V flows. After a few years of history the benchmark would be less than what you have to put in the permit for Title V. We can go back to DEP and ask to get some of that freed up.

Don Pickard asked the applicant if they are asking for 27,000 gallons, to reserve for a period of a year?

Mr. Tribou stated requesting to allocate 27,000 for one year is fine. Mr. Guerino stated you have roughly 27,000 gallons left over. Mr. Guerino also stated there has been about \$13,000 of betterments paid on this, so they are entitled to some flows. Mr. Guerino suggested to the board at the next meeting you consider a moratorium until we get a better handle of waste water capacity that we may be able to bring in.

Don Ellis stated to Mr. Bracket you should get together as soon as possible with Mr. Ewel and his committee and the Planning Board so you can get an idea of what will be expected; so you can come back to us within a year and let us know how far you have progressed.

Voted Peter Meier moved and seconded by Michael Blanton to allocate 27,080 gallons per day in reserve for the project at 100 block of Main Street, to expire on October 13, 2016. Vote 5-1.

Michael Blanton requested an update 6 months from now to find out the progress of the project.

Mr. Guerino will schedule that meeting for the last Tuesday in March.

Vote 5-0.

5) Gregory Wirsen, Green Seal Environmental – Requesting sewer allocation for a proposed Independent, Assisted Living and Memory Care Facility at 12 Wagner Way, Buzzards Bay

Greg Wirsen, Green Seal Environmental, representing Bob Gendron
Bob Gendron, Owner Maritime Holdings, LLC & developer of the site.



September 30, 2015

Board of Selectmen
 Town of Bourne
 24 Perry Ave.
 Buzzards Bay, MA 02532

Re: Wagner Way, Buzzards Bay – Sewer Allocation Request

Dear Board of Selectmen,

Maritime Holdings, LLC is proposing to build an independent, assisted living and memory care facility at 12 Wagner Way in Buzzards Bay. The proposed complex will have a total of 106 residential units and will also incorporate additional dining services. As depicted in the table below, the facility will have a maximum design flow of 17,715 gallons per day (GPD). Approval for allocated sewer service is requested in prior to submission of a full Site Plan Review application.

RESIDENTIAL SPECIFICATIONS		
Unit Type	# Units	# GPD (150/unit)
Studio	54	8,100
1-Bedroom	41	6,150
2-Bedroom	11	1,650
Total	106	15,900
DINING SPECIFICATIONS		
Seating Type	# Seats	# GPD (15/seat)
Independent	47	705
Assisted	63	540
Memory Care	11	165
Total	121	1,815
Total GPD Residential (15,900) + Total GPD Dining (1,815) = 17,715 GPD		

*Ratio of independent to assisted living to be determined at a later time.

Provided in a supplemental plan are layouts of both the existing and proposed conditions for the project, as well as architectural profile. The building will not exceed 52 feet in height and the site will be in full compliance with local regulations.

Thank you for your consideration.

Best regards,

GREEN SEAL ENVIRONMENTAL, INC.

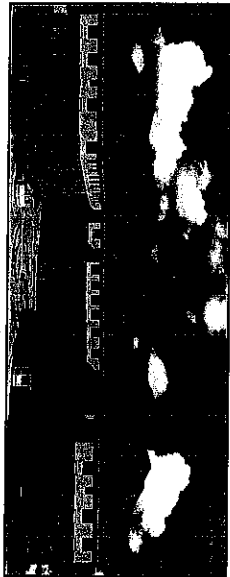
Gregory Wirsen
 Executive Vice President

Green Seal Environmental, Inc.
 114 State Road, Bldg. B, Sagamore Beach, MA 02562
 Phone: (508) 888-6034 □ Fax: (508) 888-1506
 www.gseenv.com

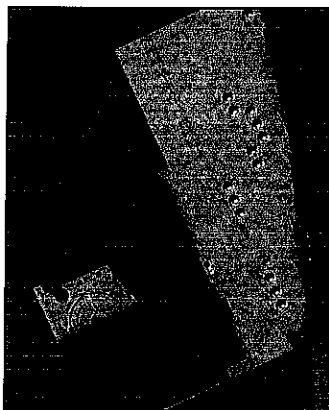
MARITIME HOLDINGS, LLC
 323 MANLEY STREET
 WEST BRIDGEWATER, MA 02379
 RESIDENTIAL SITE PLAN
 PROJECT LOCATED AT:
 WAGNER WAY, BUZZARDS BAY



LOCATION MAP
 1"=500'



SIDE SOUTHERN VIEW
 NOT TO SCALE



SITE TOP VIEW
 NOT TO SCALE

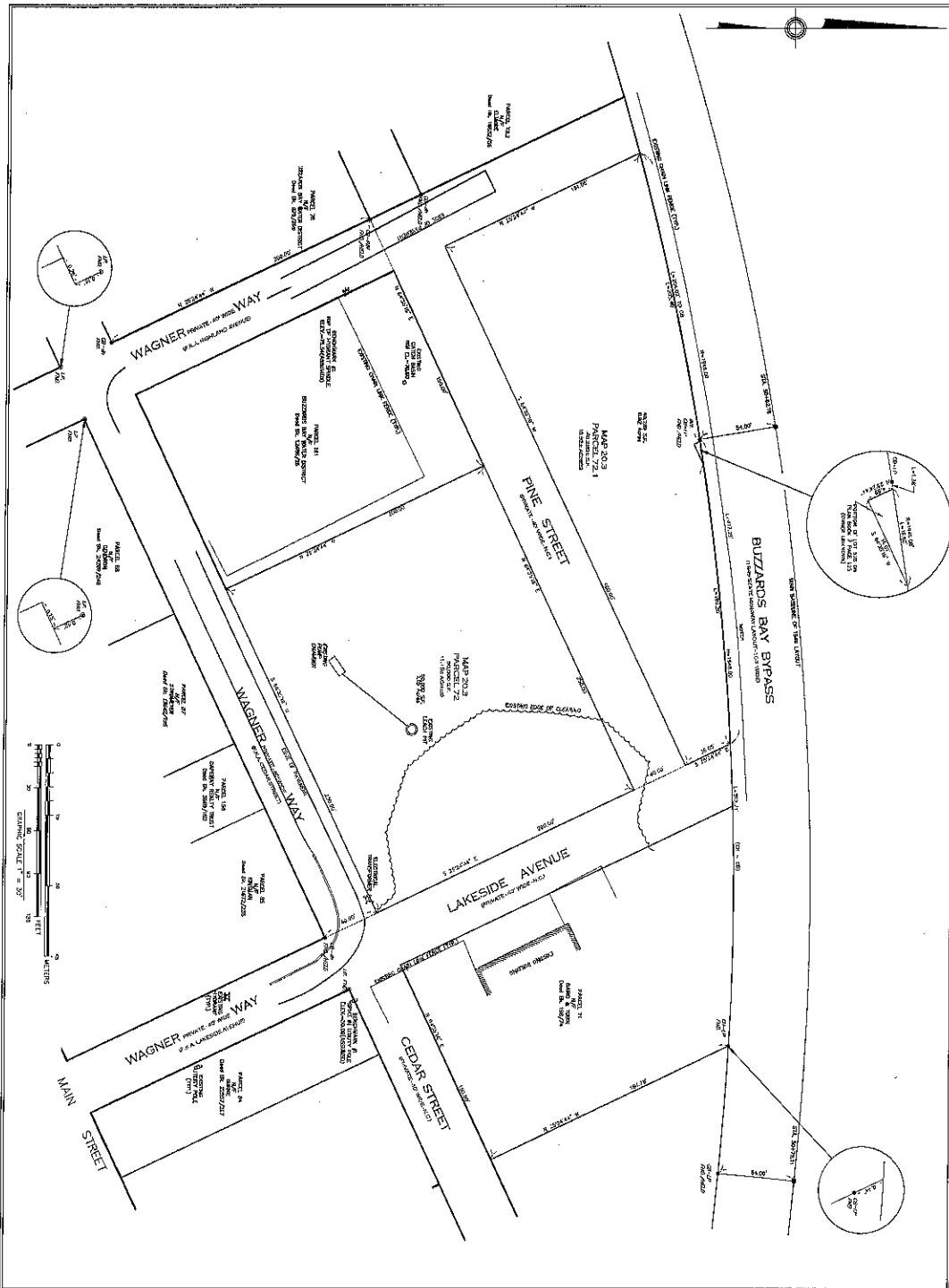


PREPARED BY:
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 114 State Road, Building B
 Sagamore Beach, MA 02562
 Tel: (508) 888-6084
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 www.greensai.com

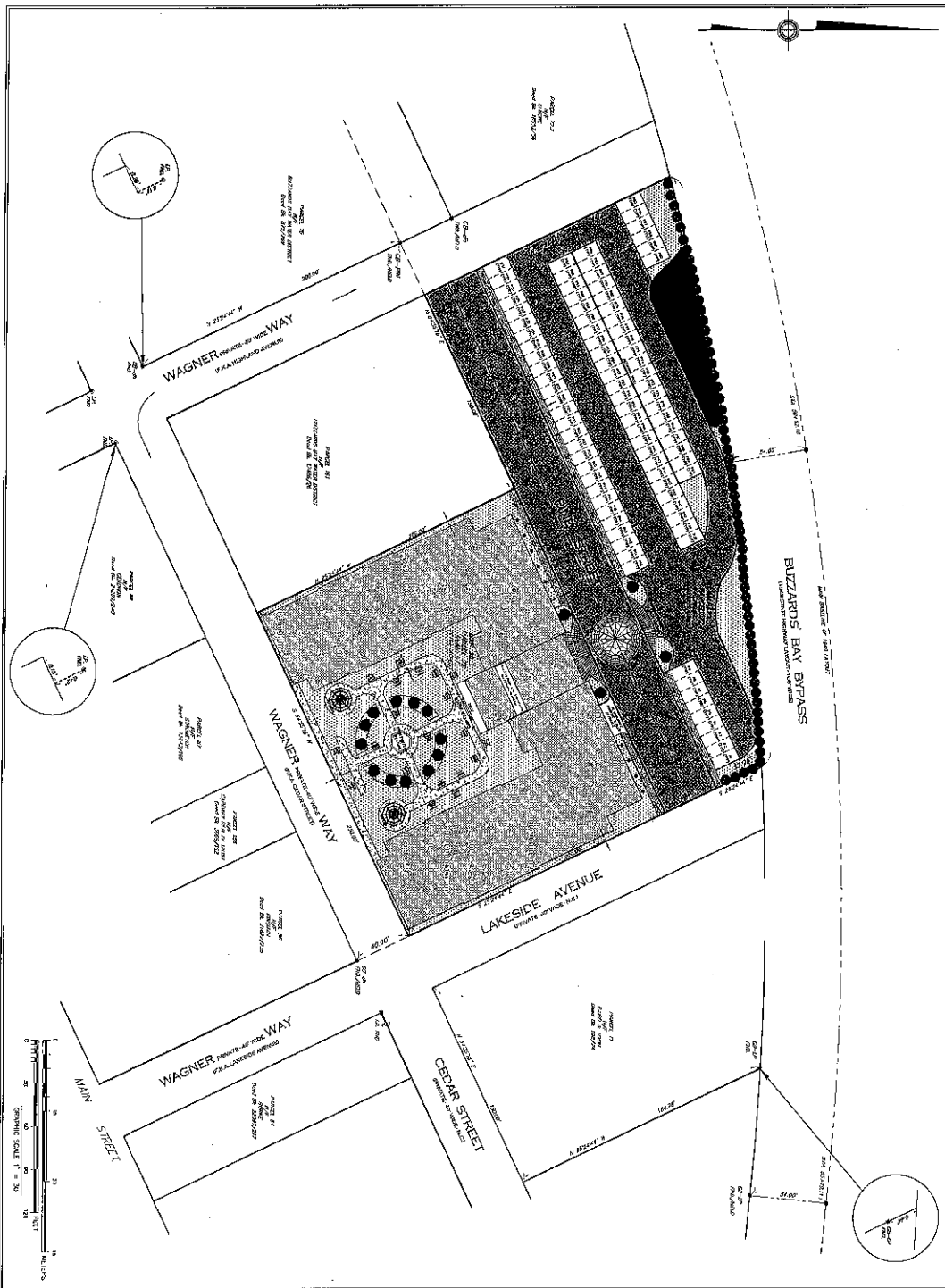
SEPT 2015

LIST OF DRAWINGS			
DWG	TITLE	SET NO.	DATE
1	CONCRETE	1063	
2	PLANS/LAND	2063	
3	SHEETS	3063	

CONTRACT NO.: MRTM-2015-0001



<p>Robert J. Smith Professional Engineer No. 12345 State of Massachusetts</p>	<p>NOTES</p> <ol style="list-style-type: none"> 1. Locs 15 shown as markers 72, 203, 221 on existing drawings MAP 2012. 2. OWNER: MARITIME HOLDINGS, LLC 1700 BUZZARDS BAY TRAILS LANE WEST BROOKFIELD, MA 01581 3. DESIGN PROFESSIONAL: SHELDON ENGINEERING, INC. 1700 BUZZARDS BAY TRAILS LANE WEST BROOKFIELD, MA 01581 4. PLAN DATE: 10/13/15 DATE OF FIELD SURVEY: 10/13/15 DATE OF DESIGN: 10/13/15 DATE OF ISSUE: 10/13/15 PROJECT NO.: 15-001 5. CONSULTING ENGINEER DRAWN BY: JAS/STW 									
		<p>FOR SEWER ALLOCATION ONLY</p> <p>LOCUS MAP SCALE: 1"=500'</p>								
<p>PLAN OF LAND IN BOURNE MASSACHUSETTS OWNED BY: MARITIME HOLDINGS, LLC</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION	BY						
DATE	DESCRIPTION	BY								



LOCUS MAP
SCALE: 1"=500'

FOR SEWER ALLOCATION ONLY

NOTES

1. LOCUS IS SHOWN AS SHOWN ON SHEETS 27 AND 28.
2. OWNER: 2015 BOURNE AVENUE, BOURNE, MA 01906.
3. OWNER: 2015 BOURNE AVENUE, BOURNE, MA 01906.
4. OWNER: 2015 BOURNE AVENUE, BOURNE, MA 01906.
5. ORIGINAL PLANS DRAWN BY: [Name]

REVISIONS

NO.	DATE	DESCRIPTION	BY

SITE PLAN
BOURNE
MASSACHUSETTS

OWNER: [Name]
PROJECT: [Name]

DESIGNED BY: [Name]
DATE: [Date]

SCALE: 1" = 500'

Greg Wirsen stated they came to the board to request 17,715 gallons of capacity for a combination for assisted living as well as a Memory Care Unit. This is located outside the flood zone. Has met with Coreen Moore and Mr. Tribou. We have created general plans on the layout of the facility. It is two parcels of land, one Map 20.3 Parcel 72.1, the other is Parcel 72, approx. 2.2 acres. There is a street dividing the two project sites, Pine Street. We have spoken to Coreen about street abandonment.

Mr. Mealy questioned have you had any discussions on how to address sewerage?

Mr. Wirsen stated he spoke with Coreen and also spoke with Mr. Tredou about the request with the board and to provide a schematic of the site and to provide a synopsis of how the usage will be used.

Bob Gendron stated he will be the one doing the architectural and the building. Hopefully we are well below the actual flow. 17,000 out of 27,000 will pay a big dividend to this town in tax base. If he is delayed until the spring it will delay him two years.

Mr. Ellis suggested they go to Mr. Ewell and the Planning Board as soon as you can, for a preliminary discussion. You will get some idea what direction they want you to go and what is expected.

Mr. Wirsen questioned whom would they work out the betterment details with?

Mr. Guerino stated he is not sure what kind of details could be worked out if this property was not in the area where hookups were available. The betterment goes with the property. Mr. Tribou stated that property was never calculated into the sewer. The betterment would have to be calculated out by the sewer commissioners and the engineer. Mr. Guerino questioned do we have the amount of gallons to provide when you have other properties on the line already, that may be vacant; can we give that allocation to someone else?

Don Pickard questioned the 20,000 daily flow that is being held in reserve for the vacant buildings, is there a set criteria for that, was that a drop dead amount.

Mr. Tribou stated that 100 a day is only a reporting method. In actuality we have 200,000. The 20,000 is a rough figure. Mr. Tribou stated that based on Title V you are off by over 1,000 a day. Mr. Wirsen stated the units was based on a court case that stated 150 gallons per unit on the assisted living.

Mr. Guerino questioned how many units. Mr. Wirsen stated it is based on 106 units.

Mr. Pickard stated you need 17,000 gallons; we only have 27,000 gallons. It is not good business practice to give 17,000 of 27,000 and only have 10,000 left.

Don Pickard asked the applicant to table this and come back at the next meeting.

Mr. Blanton requested the applicant to explain to the board what the plans are for the facility. Mr. Gendron explained it is a mixture of assisted care, meaning partial assistance vs. memory care, and independent living. Don Pickard stated the next Sewer Commissioners meeting will be on November 17th.

Mr. Mealy stated he doesn't know how we are going to resolve this issue. A prudent motion would be to take this under advisement and to work with the applicants and the Waste Water Advisory Committee to try to put a plan together.

Voted Stephen Mealy moved and seconded by Peter Meier to take this under advisement and have the applicant work with the Waste Water Advisory Committee and the professional staff of the town.

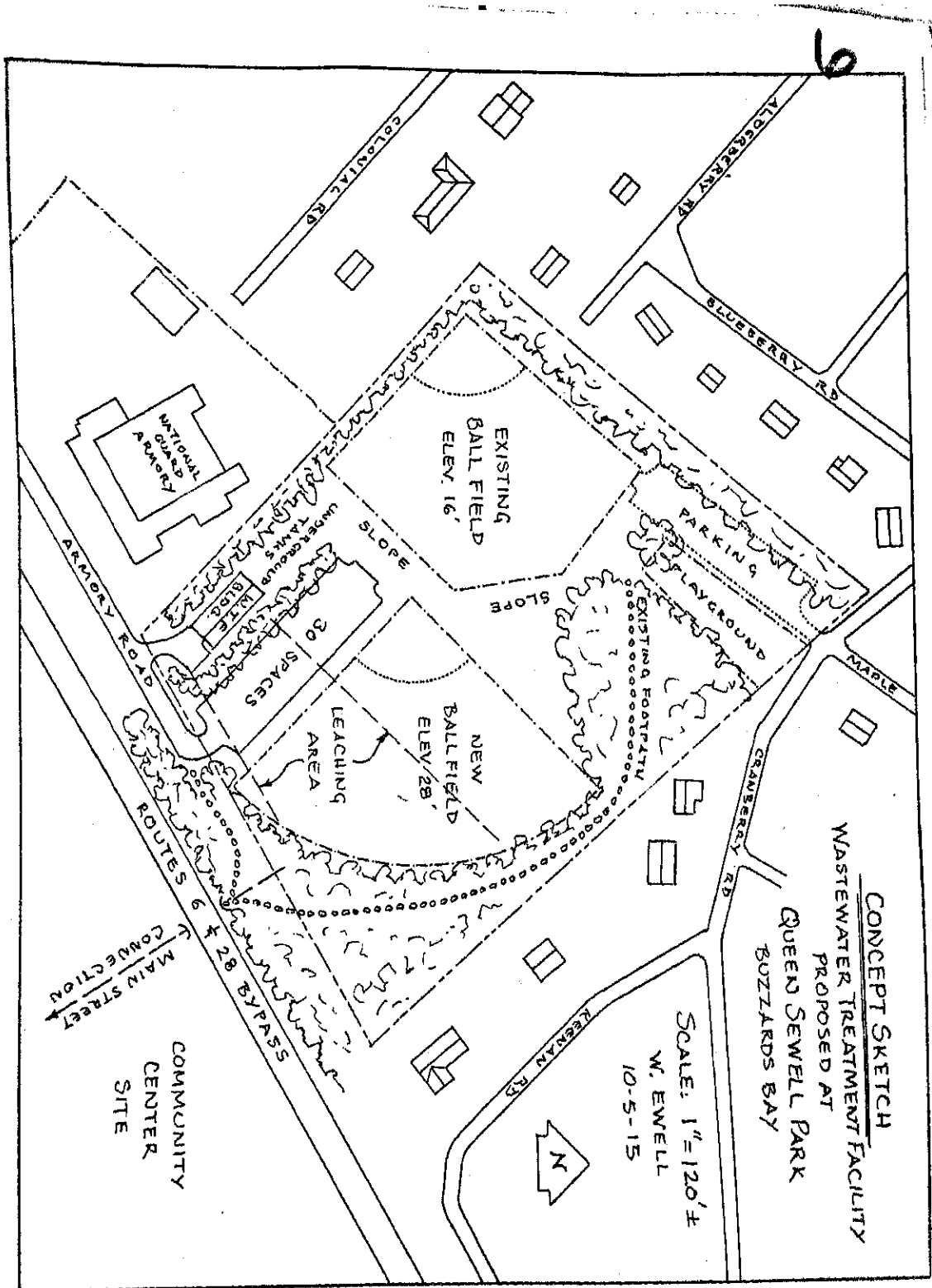
Mr. Wirsen will email Mr. Guerino and Mr. Tribou the info on the court case.

Chris Farrell stated it is great we have three projects coming into Buzzards Bay, but now we have to get working on our waste water.

Vote 5-0.

6) Sewer Wastewater Advisory Report

Mr. Wes Ewell wanted to report on the first stage of the grant application for the feasibility study. The EPA has accepted the application and invited the coalition to submit a full application for the grant. The short-term project for getting the 100,000 per day package treatment plant built, we are still trying to raise the money for the engineering. Met with the people from Weston & Sampson and got them to reduce their estimated cost for getting the permit and the engineering. We still need about \$180,000 to do the engineering. If we can raise that money by the end of the year we can have the plant up and operating in time to service the projects you have heard tonight. When it comes to building the plant, from talking to people at Mass Development, people at Cape Cod Commission, and people at Mass DEP, and have be assured that once we get the permit we will get financing for this, which may be a full infrastructure development grant, or a state bonded loan program through Mass Development; those bonds will be obligated to the property owners and not the town. There will be no cost to the town and no impact to the towns bonding capacity to get this project done.



BOURNE WASTEWATER PROJECT SCHEDULE
Revised October 5, 2015

PACKAGED TREATMENT FACILITY TASK	2015						2016						2017																								
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC							
Seek Engineering & Permit Funds																																					
Seek Construction Financing																																					
Public Information Efforts																																					
Prepare ENF																																					
Preliminary Design																																					
ENF Review by MEPA																																					
Site Testing																																					
Prepare MEPA Documents																																					
Engineered Design																																					
Obtain Local Permits																																					
Disposal Permit Application																																					
MEPA Review & Approval																																					
Mitigation Design & Engineering																																					
MassDEP Permit Approval																																					
Secure Project Funding																																					
Select Contractors																																					
Select Product Vendor																																					
Install Mitigation Measures																																					
Construct Treatment Unit																																					
Select Plant Operator																																					
Site Preparation																																					
Install Platform & Driveways																																					
Install Treatment Unit																																					
Construct Building																																					
Install Subsurface Leaching Field																																					
Install Piping to Main Street																																					
Build Ball Field on Disposal Field																																					
Fencing & Landscaping																																					

CORREIA INVESTMENTS PROJECT STAGE	2015						2016						2017																								
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC							
Hotel Design & Permitting																																					
Hotel Construction																																					
Residential Design & Permitting																																					
Residential Building Construction																																					

Peter Meier questioned if the \$180,000 can be taken out of capital stabilization fund with appropriate action. Mary Jane Mastrangelo stated with the additional money that came from ISWM there may be enough.

The next meeting of the Waste Water Advisory Committee will be on the 21st.

7) Other Business

8) Future Agenda Items

Stephen Mealy suggested having an update from the Waste Water Advisory Committee

9) Adjourn

Voted Peter Meier moved and seconded by Michael Blanton to adjourn at 7:23 Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.