



COHASSET SEWER COMMISSION
Meeting Minutes

Tuesday, September 14, 2021

In Attendance: William McGowan, Chairman
Wayne Sawchuk, Clerk
Paul Kierce, Member
Brian Joyce
John Hallin
Dan Coughlin
Rod Hoffman

Meeting Open: 10:15am

Next Meeting: Tuesday, September 28, 2021 @ 10:00am

3, 9 and 15 Diab Lane: Matt Shannon, Megan Belson (3 Diab Ln buyers agent); Kerry Johnson (K&E construction - builder for Ellie and John Smith)

John Hallin opens discussion with an update on the Diab Lane lots that are in permitting:

Application for 9 Diab Lane - it is complete but need confirmation on buildability of the lot and right of way (may have to go to planning board to get this); No permits on 3 Diab Lane; 15 Diab lane has a foundation only permit - not accepted. because the size of the building -the whole plan is required and there are questions regarding accessibility and right of way. Hallin confirms permits must be approved before construction begins. And further confirms permits will not be issued if there are any outstanding debts to the town and laying out silt sock is not considered beginning construction.

Recap: no construction permits have been issued for any of the lots in question therefore no construction can begin until you receive construction permits. Discussion continues about permitting.

Discussion about permitting and when construction can start continues. Shannon suggests since January 2021 things in building department and sewer department have changed. And says the board is making these lots not usable for him and refers to a foundation permit that is being held up (due to questioning about lots being buildable) and wants another extension to connect to sewer.

Shannon said he has proof they are buildable lots and is requesting 1. Extension on sewer connection deadline. 2. The sewer commission to admit they were wrong when they told him he had to 'connect to sewer' vs 'start construction' Hoffman points out that language used in discussion is not official - the official actions of the board are stated in writing and the letters sent out clearly state the lots had to be connected to sewer by the 16th . of September. Shannon refers to letter from attorney Rider to attorney Hoffman in which Hoffman gave verbal agreement. Hoffman responds that the main point of the letter was the payment of tax and suggests the commission put a motion forward.

MOTION: Sawchuk makes a motion that 'Sewer Commission' will not consider an extension after September 16th on this particular issue; Kierce seconds - All in favor

Shannon responds the sewer commission didn't address the issue of construction. He asked for 2 things Commission replied these were addressed in the written correspondence to Shannon. Shannon responds that he is being denied due process by the board. And the board has changed the terms that was not in a public meeting. The commission made a motion and are moving to next agenda item.



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Other Business:

75 Border St (Paul and Jill Tedeschi)

New construction - it was changed from 28R Black Horse Lane to 75 Border St. they put in a new sewer connection application. It has been noted they didn't pay the sewer privilege fee. Jill Tedeschi reads a prepared statement of what she had documented and why the Tedeschis think they don't owe the sewer connection privilege fee. They consulted with a few attorneys, whom all feel strongly this is a case of promissory estoppel. They relied on the sewer department verification that they did not have to pay the fee and hope to come to a mutually agreed solution.

Sawchuk briefly describes the period in which the sewer line was originally constructed and points out that at some point everyone pays for connecting. If there was a betterment already paid then nothing would be owed. Further research is required. The fee structure we use today is to be fair to everyone.

Attorney Hoffman points out that Promissory Estoppel is not enforceable to a municipal entity. That being the case feels it is not a legal matter but a matter of fairness and equitable consideration.

McGowan says he would be in favor of what the rate be when they bought the property.

Discussion continues about when the sewer line was constructed and when property owners would have paid. Further research is needed.

Abatements:

49 Ripley Road - **MOTION: McGowan motions to not grant an abatement due to previously granted one recently: all in favor**

4-B Margin St - **MOTION: McGowan motions to abate \$500; all in favor**

38 Stockbridge St. - **MOTION: McGowan motions to abate \$313 with the caveat that a plumber checks for an internal leak and install an irrigation water meter; all in favor**

Elm St. Corridor: Brian Joyce informing board that the work for the water main is going to start in 2 weeks. And that includes those 2 spot repairs on the sewer - we will see some activity. The water main is confirmed to be in the middle of Elm St. Contractor has 8 weeks but they anticipate only 4 weeks. Joyce will send a schedule to the sewer commission when its available.

MOTION: Kierce Motions to adjourn All in favor

Meeting Adjourned: 11:58am