

Betterment Policy *[revised 06-09-23]*

Section 1. Definitions

For the purposes of the Littleton Sewer Betterment Policy, the following terms shall have the following meanings, unless the context clearly requires otherwise:

“Design Flow” - The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system must be designed in accordance with 310 CMR 15.203.

"Dwelling, Single-family" - A dwelling other than a mobile home, singly and apart from any other building, used exclusively for residential purposes for one family except as permitted pursuant to Article XIII of the Littleton zoning bylaw “Accessory Apartments”.

“Non-Residential Uses” - Any use of land other than exclusively residential use.

“Project” – The construction of a system of common sewers and drains in public or private ways in certain parts of its territory as deemed necessary for the public convenience or public health, as provided for in Chapter 279 of the Acts of 2020, and which is known as the Littleton Common Smart Sewer Division;

“Residential Equivalent Unit” (or “REU”) - For the purposes of assessing the betterment, an REU shall have the design flow of 330 gpd, the minimum subsurface sewage disposal system design flow for a single-family dwelling as provided by 310 CMR 15.203.

Section 2. Authority.

Pursuant to St. 2020, c. 279, §4, M.G.L. c. 80 and M.G.L. c. 83, the Board of Water Commissioners (Board) may establish policies and procedures relative to assessments for sewer betterments for all properties that are located within the Littleton common smart sewer division.

Section 3. Allocation of Costs.

The entire cost of laying out, constructing, and operating a system for the collection, treatment, and disposal of sewage for all or any part of the Town shall be borne by the land benefited by such system, except for property owners that have permanently opted out of the sewer district under the provisions of St. 2020, c. 279, §3. The revenue generated from the betterment assessment shall cover the total costs of the sewer project, unless otherwise determined by the Board.

Section 4. Residential Equivalent Units

The total number of REUs available for allocation shall be calculated pursuant to the following formula:

$$\text{Groundwater Discharge Permit Capacity (gpd)} / 330 \text{ gpd} = \text{Total REUs}$$

The total number of REUs available shall not exceed the number calculated above, unless subsequent groundwater discharge permit capacity creates additional REUs capacity at the plant. If this occurs, the Board may apportion or sell additional REUs, up to the new groundwater discharge permit capacity limit to achieve operational efficiency.

Section 5. REU Unit Calculation.

The Board shall establish a uniform unit method of assessment per REU as follows: The total costs of all facilities for the sewerage system serving such area, including all costs of land acquisition, engineering and design, financing, and construction, less any grant funding directed towards the cost of this project and any costs removed at the discretion of the Board, divided by the total number of REUs to be assessed within the Project area.

Section 6. Method of Assessment.

The Board shall assess the cost of sewer betterments based upon the uniform unit method, as described herein. For the purposes of this regulation, all REUs shall be equal to 330 gpd, which is based on the minimum subsurface sewage disposal system design flow for a single-family dwelling as provided by 310 CMR 15.203. All uses other than single-family uses shall be calculated in accordance with the subsurface sewage disposal system design flow minimums to estimate total generated flow for the proposed use. This projection will then be converted to REUs by calculating the projected flow gpd and dividing this total by 330 gpd. Properties shall be assessed REUs in the following manner:

- 1) The owner of land used for a single-family dwelling shall be assessed 1 REU per single-family dwelling.
- 2) All other existing uses shall be assessed REUs based on average daily metered water use over a five year period, January 23, 2018 to May 22, 2023, multiplied by 80%¹ to estimate

¹ Massachusetts Department of Environmental Protection, 2018. Guidelines for the Design, Construction, Operation, and Maintenance of Small Wastewater Treatment Facilities with Land Disposal

wastewater generated from the property and multiplied again by 2.7² to estimate maximum daily flows. This estimated maximum daily wastewater flow will be divided by 330 and rounded up to the next whole number to calculate the number of REUs to be assessed to the property. If multiple parcels are held in common ownership and receive water through a single meter, then they shall be treated as one parcel for the purposes of estimating maximum daily wastewater flows under this subsection.

3) Vacant land shall be assessed 1 REU per the maximum number of lots which may be created under the “Approval Not Required” process of the Subdivision Control Law on such land under the zoning requirements then in effect, without approval of a subdivision plan under the Subdivision Control Law, M.G.L. c. 41, §§ 81K-81GG.

4) If a property owner possesses a valid special permit or other zoning approval or permission from the Town to construct a facility that exceeds the sewer capacity as otherwise determined in Section 6, parts (1) or(2), or (3) above, then the property owner may request to have its betterment calculated based on the design flow criteria of 310 CMR 15.203 for the proposed use of the property to estimate maximum daily flows. This estimated maximum daily wastewater flow will be divided by 330 and rounded up to the next whole number to calculate the maximum number of REUs that may be assessed to the property. Uses other than those listed in 310 CMR 15.203(2) through (5), and nonresidential facilities with unique design features that result in significantly different design flows than those listed, may apply to the Board for a determination of design flow. The Board may approve the request or it may allocate fewer estimated REUs as system capacity constraints may dictate and the owner shall be assessed based upon the number of estimated REUs allocated to the property by the Board, and sufficient capacity shall be reserved for such use by that property.

After approval, the Board and the property owner shall enter into an agreement whereby the Board agrees to reserve such capacity for that property’s use and the property owner agrees to be assessed at the total number of estimated REUs awarded to the property by the Board, provided however, that such reservation shall not be effective until the parties execute the agreement. Reserved Sewer Capacity shall not be transferable to any other property or project, without approval of the Board and only if permitted by law, but may be used by a property owner’s successors and assigns for that property.

Section 7. Payment.

² Northeast Interstate Water Pollution Control Commission, 2016. Guides for The Design of Wastewater Treatment Works

All properties shall be assessed an estimated betterment, as determined by the relevant method described in Section 6, and in accordance with the provisions of M.G.L. c. 83, §15B. A property owner shall pay the estimated betterment in full, or it may request to apportion the balance of the estimated assessment over the number of years for which bonds are issued to finance the construction. When the final costs of construction of the sewer system have been determined, the Board shall assess and collect actual sewer assessments, which shall supersede estimated betterments. A property owner shall pay the outstanding balance of the actual assessment in full or it may request to apportion the balance of the estimated assessment over the number of years for which bonds are issued to finance the construction.

Section 8. Supplemental Fees.

If, after the actual betterment has been assessed, a property that has already been assessed a betterment, is developed to accommodate a use resulting in an increase in the number of REUs needed for the parcel and in excess of the number actually assessed, the property owner shall be assessed a supplemental fee equal to the cost of the betterment that would have been assessed, under Section 6, less the amount of any betterment already assessed. If a property which has not been assessed a betterment is permitted to join the district, the property owner shall be assessed a supplemental fee equal to the cost the betterment that would have been assessed under Section 6. In each case the method of determining the number of REUs assessed to the property shall remain identical to that set forth in Section 6 above, adjusting for inflation. Adjustments for inflation shall be made by applying the U.S. Bureau of Labor Statistics Consumer Price Index from the in-service date of the wastewater treatment plant to the supplemental fee to be charged on the date of the application.

The fees charged under this Section may be applied by the Board in their discretion to the costs of construction of the common sewers and other facilities, the debt service with respect thereto, and other costs and expenses of the sewer system as appropriate.