

Division III – SEWER CAPACITY AND CONNECTION RESTRICTION

1.1 Intent and Purpose

This Article is adopted for the following purposes:

The Department of Public Works has determined that, in light of real estate development and changes in property use, and/or the intensity thereof within Town, the Town's actual daily flow may exceed its permitted capacity with the City of Lowell.

To ensure that there will be adequate capacity in the public sewer system to service properties that have existing sewer connections, and to ensure that the Town does not exceed its allowed allocation pursuant to a Sewer Agreement with the City of Lowell.

A sewer moratorium was in place between November 1, 2021 and October 31, 2022. This article replaces the sewer moratorium and establishes a process for assessing and allocating sewer capacity for any construction or redevelopment as well as restricting new sewer connections to the sewer system.

1.2 Effective Date of Article

This article shall become effective on November 1, 2022.

1.3 Definitions

When used in this Article, the following terms shall have the following meanings and as stated in the sewer use regulations:

- (a) **Changed Property:** Any property that has been assessed with a betterment for sewer improvements that has changed, or changes its use in any way that causes the number of sewer units for that property to increase in accordance with Division II Article 1 Section 3 of the Betterment Assessments and Sewer Privilege Fees as follows:

1.4 Sewer Unit Designation

Sewer units shall be designated based upon the user class of those properties to be assessed. Said classes shall include residential and non-residential properties. The non-residential class shall include commercial, industrial, municipal and any or all other non-residential properties. Developed and undeveloped properties receiving direct benefit from the Public Sewer System shall be designated a number of sewer units in accordance with procedures described within this Section. Sewer unit designations are assigned to these properties based upon the user class defined at the time of assessment. Any future change in use within an assessed property may result in an increase in the number of sewer units allocable under these Rules and Regulations. To equitably reflect said change in use, the DPW may levy a compensatory sewer privilege fee as provided for under Section 1.5.

1.5 Sewer Unit Determinations

- a. Residential, Developed Properties

- (i) Single family dwellings shall comprise one sewer unit;
- (ii) Two-family dwellings shall comprise two sewer units;
- (iii) Three-family dwellings shall comprise three sewer units;
- (iv) Four-Family dwellings shall comprise four sewer units; and,
- (v) Multiple family dwellings (in excess of four dwelling units) shall comprise a number of sewer units based on the following methodology:
 - 1. Rental properties (apartments) shall be assessed one sewer unit for each apartment with more than one bedroom. Rental properties shall be assessed one half of one sewer unit for each one bedroom or studio apartment.
 - 2. Condominium complexes shall be assessed one sewer unit for each dwelling unit.
- (vi) Detached accessory dwelling units are not permitted to be connected to the sewer system.

b. Non-Residential, Developed Properties

- (i.) Non-residential buildings shall include all industrial, commercial and municipal properties.
- (ii.) Non-residential buildings which are metered for water use shall comprise a number of sewer units based upon water consumption using the following formula:

Non-residential water usage shall be based upon the greater of the average or the mean of the past ten years water use. Within a ten year period, if flows are excessive because of billing corrections or near zero because of vacancies, those data points are to be omitted from the average and mean. If less than ten years of metered water consumption records are available, the number of sewer units shall be determined in accordance with Paragraph (iii) below.

- (iii.) Non-residential buildings not metered for water use shall be assigned a water consumption volume based on Title 5 of the State Environmental Code, 310 CMR 15, System Sewage Flow Design Criteria. An equivalent number of sewer units shall then be determined by using the following formula:

Non-residential sewage in gallons per day (gpd)/240 gpd per Sewer unit
= equivalent number of sewer units

(All decimals shall be rounded up to the nearest tenth.)

c. Residential, Undeveloped Properties

Undeveloped lots shall be converted into dwelling units on the basis of the maximum number of buildable residential lots using the applicable minimum frontage and area requirements as indicated within the Zoning By-Laws in

effect at the time of assessment. Each potential dwelling unit shall then comprise one sewer unit. If there is not an existing sewer stub for the lot, an onsite septic system will be required following all Title 5 Regulations

d. Non-residential,Undeveloped Properties

Undeveloped lots shall be converted into a maximum anticipated water consumption as calculated based on Title 5 of the State Environmental Code, 310 CMR 15, System Sewage Flow Design Criteria. An equivalent number of sewer units shall then be determined utilizing the formula described for non-residential, developed properties.

e. Dual Use Properties

Properties having both residential and non-residential uses shall be assessed based on a total number of sewer units, as calculated under the provisions of Section 1.5 (a) (Residential, Developed Properties) and Section 1.5 (b) (Non-Residential, Developed Properties), respectively. If dual-use areas are not separately metered for water, a deduction shall be made for an estimated residential water use in determining non-residential water use for the calculation of non-residential sewer units. Dual use properties shall have a minimum assessment of two sewer units.

(f) Expanding Property: Any Connected Property upon which, after the effective date of this Article, there is either: 1) a change of use; (2) a dwelling(s) or building(s) built upon such property; or (3) an addition(s) to any building or dwelling situated on the property; causing an increase in the daily wastewater flow from the property as calculated in accordance with Division II Article II Section 2.4.

(g) Private Sewer Extension: An extension of the public sewer to allow for the connection of Non-Fronting Property to the public sewer.

1.6 General Provisions

There shall be no connection or added capacity of any Changed Property, Expanding Property or any property requiring a Private Sewer Extension, to the public sewer during the effective period of this Article other than the exceptions listed below. The Department of Public Works may grant exemption to this article to the extent that such exemption is deemed necessary to protect the public health. The granting of an exemption shall be in the sole discretion of the Department of Public Works, in consultation with the Board of Health.

1.6.1 Sewer Connection Exceptions that are permitted under this Article

- a. Attached limited accessory apartments (per zoning bylaw) to an existing single-family dwelling.
- b. Any increase to an existing residential, developed property or an existing residential, undeveloped property with an existing sewer stub with a total daily water usage of 500 GPD.
- c. Any increase to an existing non-residential, developed property, non-residential undeveloped property, or dual use property with an increase in existing daily water usage not to exceed 500 GPD.
- d. Non-residential developed, undeveloped, or dual use properties utilizing

capacity through the Town's Sewer Bank Capacity Program, as defined in Section 3.0.

1.7 Local Sewer Capacity Assessment

Any increased proposal permitted under 1.6.1 above shall also be reviewed by the Department of Public Works (DPW) to evaluate that local capacity restrictions do not exist within existing pumping station or distribution piping infrastructure. If the DPW does not have adequate existing data, an applicant seeking additional capacity may be required at the discretion of the DPW to conduct a seven-day flow monitoring program which includes a wet period to evaluate existing pipe capacities in adjoining or downstream locations. The assessment shall present the existing monitored flows with the proposed added flows for review by the DPW. The DPW has the authority to deny additional capacity otherwise permitted under Section 1.6.1 above if a local sewer capacity concern exists.

1.8 Penalties and Fines

- a. In the event that a property is discovered to have illegally connected to the Town's sewer system, DPW may fine up to \$500/day to the Property Owner until the sewer is verified to have been disconnected, cut, and capped, from the system at the cost of the Owner.
- b. In the event that a property exceeds the daily water usage as a result of an unauthorized change in property use, the DPW may fine the Property Owner up to \$250/day until the daily water usage is corrected to the authorized quantity.