

# MILLIS SEWER CONNECTION/EXTENSION POLICY

## A. PURPOSE

It is the purpose of this Policy to assist the Select Board, acting as Sewer Commissioners, in regulating the connections to and extensions of the Town's Sewer System, in order to preserve and manage limited treatment capacity pursuant to an inter-municipal agreement with the Charles River Pollution Control District ("CRPCD"). Providing solutions for wastewater problems (i.e., failed septic systems) will be given priority.

## B. DEFINITIONS

**Actual Connection** – The instance when a physical connection has been made from the approved facility and the Sewer System in a manner deemed acceptable to the Department of Public Works. For developments with multiple buildings, Actual Connection means the time when each individual building in the development achieves an Actual Connection.

**Available Capacity** – Available capacity is flow that is available via agreements with the CRPCD, inter-municipal agreements or other sources that has not been previously allocated by the Town of Millis Select Board.

**Change of Use or Expansion of Use in Existing Facilities** – Any development, redevelopment or other undertaking on a property whether involving material changes to structure or not, which results in an increase of Design Flow Rate on the property from the existing conditions.

### **Flow Rate**

**Design Flow Rate** – The design flow rate of sewage from a property, or a structure on a property to the Sewer System, as may be specified in 310 CMR 15.203, as amended.

**Average Daily Flow Rate** – The average daily flow rate of sewer from a property, or a structure on a property to the Sewer System. For residential uses, this policy assumes an amount that is 50% of the Design Flow Rates specified in 310 CMR 15.203, provided however that such rates are subject to differing calculations on a case-by-case basis as may be determined by the Select Board. For non-residential uses, the Sewer Commission may make a case-by-case determination of Anticipated Average Daily Flow Rate.

**Permit** – A sewer connection or sewer extension permit/approval granted by vote of the Sewer Commission/Select Board.

**Reserve Capacity** – The flow capacity reserved for use by property owners who have either previously paid a betterment along existing sewerage ways or who have otherwise received a Permit or exercised an agreement with the Town to connect to or extend the sewer system for their benefit.

**Betterment Reserve Capacity** – The flow capacity reserved for use by property owners who have previously paid a betterment.

**Permit Reserve Capacity** – The flow capacity reserved for use by parties who have received a Permit or have executed an agreement to connect to or extend the sewer system but have yet to make such connection and discharge actual sewage flow to the Sewer System.

**Sewer Commission** – The duly elected Select Board is the Sewer Commission and is responsible for laying out, planning, constructing, maintaining and operating a system or systems of common sewers within the Town of Millis, and for allocating the capacity of such system based upon environmental, social, economic or other reason. The provision of service shall be under the jurisdiction and control of the Sewer Commission. No person shall extend or construct a sanitary sewer intended to be connected to any municipal common sewer to serve property, or any portion of property, without permission of the Sewer Commission. The Sewer Commission may, at its sole discretion, delegate certain powers and duties under its authority to other Town officials and/or Boards.

**Sewer Connection** – A proposed connection of one or more buildings on private property, whether such connection consists of single or multiple pipe connections. The cost for materials and connections for sewer infrastructure that is outside of the public way associated with the Sewer Connection is the responsibility of the private property owner.

**Sewer Extension** – A proposed extension of the Sewer System in a public way or way approved under the subdivision control law. Sewer extensions shall be designed and approved in a manner that would allow them to be owned, controlled and operated by the Town of Millis.

**Sewer System** – Gravity sewer mains and low-pressure sewer mains operated and controlled by the Town of Millis within public ways.

**Sewer System Deficiencies** – Deficiencies in the existing Sewer System that either exist at the time of consideration of a Permit or may result from the granting of a Permit as determined by the Sewer Commission based on analysis by the Sewer Commission's engineering consultant.

**Uncommitted Reserve Capacity** – The Available Capacity in excess of that flow rate included in Reserve Capacity. The Sewer Commission shall determine the Uncommitted Reserve Capacity on an annual basis and may consider Anticipated Average Daily Flow Rates for the determination of such Uncommitted Reserve Capacity.

## **C. RESERVE CAPACITY**

The Sewer Commission will hold in Reserve Capacity the following flow rates:

### **1. Betterment Reserve Capacity**

At the time of finalization of the betterment for a municipal sewer project, the one hundred (100%) percent build out utilization capacity shall be established consistent with the number of assessments and capacity allotment. Seventy-five (75%) percent of this total capacity shall be held in reserve by the Sewer Commission for future use by the assessed properties all of which are legally and equitably entitled to such capacity.

### **2. Permit Reserve Capacity**

- a. Flow Rates for sewer connections and extensions which have received a Permit from the Sewer Commission to connect to the Sewer System shall be held in reserve by the Sewer Commission for the amount of time stated in the Permit, or until the time of Actual Connection, whichever comes first. Extensions on deadlines for Actual Connections may be granted by the Sewer Commission for good cause shown.
- b. After such the lapse of any deadline for Actual Connection, the Permit for any property(ies)/buildings which have not achieved Actual Connection will automatically be rescinded and the associated Flow Rate will revert to Uncommitted Reserve Capacity. Upon such rescission, any holder of a permit or approval for such sewer connection or extension may re-apply for a new Permit subject to the provisions of this Policy at such time.

### **3. Emergency Reserve Capacity**

- a. The Sewer Commission may maintain an unused Reserve Capacity of five (5%) percent of the Town's allocated flow rate at the CRPCD facility as a buffer for annual flow variations. Whenever such limit is reached, the Sewer Commission may impose a moratorium on sewer extensions and/or connections.

## **D. SEWER CONNECTIONS**

1. Properties who have paid a sewer betterment are eligible to connect to the Sewer System with a Design Flow Rate commensurate with the betterment. Additional Flow Rate may be considered as a Sewer Connection or Sewer Extension.
2. Provided there is available Uncommitted Reserve Capacity, parcels of land that directly front on a way containing an existing Sewer System shall be eligible to connect with a

Design Flow Rate as established under applicable regulations, provided that such connection is established in accordance with design requirements of the DPW and Sewer Commissioners. For residential properties, the allowed capacity for a single connection shall not exceed the Design Flow Rate for a four-bedroom house, except for good cause shown

3. The Sewer Commission may allow for increased Flow Rate for a change of use, or expansion of use which results in an increased sewage design flow, in existing facilities, subject to available capacity.
4. Sewer connections shall be located entirely on the property they are to serve. The connection must enter the property directly from the public way in which the Sewer System is located. Unless otherwise approved by the Sewer Commission, no connections shall be allowed via an easement across other properties.
5. Any Permit issued may require the applicant to do the following to address Sewer System Deficiencies which are downstream of the property which is the subject of the Permit:
  - a. Pay an additional connection fee as a contribution towards either the Town or another party to remedy the Sewer System Deficiency.
  - b. Replace the Sewer System component that has been deemed a Sewer System Deficiency.

#### **E. SEWER EXTENSIONS**

1. Owners of parcels of land or portion of parcels of land not presently served by the Sewer System may extend the Sewer System within a public way or a way established under the subdivision control law to serve such parcels only at the discretion of the Sewer Commission, subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits.
2. The Sewer Commission may prioritize potential Sewer Extensions based on the following criteria:
  - a. The extent to which the proposed development provides affordable housing.
  - b. The extent to which the proposed development improves the character of the neighborhood and community.
  - c. The extent to which the extension to the proposed development may serve environmental interests.
  - d. The extent to which an extension to a proposed development will hinder the Town's ability to establish sewer systems elsewhere that will enhance the Town's social, environmental, affordable housing or economic interests.

3. Prior to granting approval for any sewer extensions, the Sewer Commission shall require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describes the proposed work. The Sewer Commission may engage peer review at the applicant's expense to review such materials.
4. Any Permit issued may require the applicant to do the following to address Sewer System Deficiencies which are downstream of the property which is the subject of the Permit:
  - a. Pay an additional connection fee as a contribution towards either the Town or another party to remedy the Sewer System Deficiency if it is determined that the extension may exacerbate such Deficiencies.
  - b. Replace a Sewer System component that has been deemed a Sewer System Deficiency if it is determined that the extension may exacerbate such Deficiency.
5. For work in a public way, prior to commencement of work, the applicant may be required to post bonds, covenants, guaranties, insurance policies and/or other agreements or securities in forms and amounts acceptable to the Sewer Commission to guarantee completion of the proposed work and restoration and to indemnify and indemnify and save harmless the Town of Millis and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work. The applicant may also be required to pay for part or full-time observation of construction activities by the Sewer Commission's peer review consultant.
6. For sewer extensions in private subdivision ways, the applicant shall be required to provide similar financial security and shall provide the Town with easements to such system.

**F. ABANDONMENT OF SEPTIC SYSTEMS AT PROPERTIES TO BE SERVED BY MUNICIPAL SEWER**

1. Within thirty (30) days of connection to the sewer system, any on-site subsurface sewage disposal system shall be abandoned in accordance with the Millis Board of Health regulations and the State Sanitary Code, Title V.

**G. APPLICATIONS FOR APPROVAL BY THE SEWER COMMISSION**

1. Any request for approval for a Sewer Connection or Sewer Extension shall be on a form provided by the Sewer Commission. Submission requirements shall be as specified on said form.

2. Requests for Sewer Connection or Sewer Extension may be reviewed by the Sewer Commission's peer review consultant at the applicant's expense. The applicant will be responsible for the cost of such peer review in accordance with the provisions of M.G.L. c.44, §53G.
  
3. The Sewer Commission shall establish a fee structure for connection and extension applications.

Date Approved by Select Board: \_\_\_\_\_

Effective Date: \_\_\_\_\_