

Town of Chelmsford

Draft Sewer Bank Policy

1.0 Wastewater Treatment and Disposal Capacity Limitation

The Town of Chelmsford has an intermunicipal agreement with the City of Lowell for the period of July 1, 2012 - June 30, 2037 for the treatment and disposal of wastewater for an allocated daily flow of 3.01 million gallons per day at the Lowell Regional Wastewater Utility Sewerage System (LRWWU) and Wastewater Treatment Facility. The Town of Chelmsford has an intermunicipal agreement with the Town of Tyngsborough for the period of July 1, 2012 – June 30, 2037 that assigns .35 million gallons per day of its wastewater treatment and disposal to the Town of Tyngsborough. This results in the Town of Chelmsford having a balance 2.66 million gallons per day of wastewater treatment and disposal capacity. Under the terms of the intermunicipal agreement, if the Town’s average daily flow exceeds its allocated daily flow, the Town shall be liable for any and all damages, penalties and fines incurred by the City of Lowell and/or LRWWU or claims brought against Lowell and/or LRWWU as a result of that Town’s exceedance of the limitation.

1.1 Recent Wastewater Flow

The Town of Chelmsford’s wastewater flow during the past four fiscal years has been between 2.54 million gallons per day – 2.87 million gallons per day. The Town’s actual flows are influenced by weather and economic conditions. The Town’s actual wastewater flows are near or at its permitted capacity.

1.2 Moratorium on Sewer Connections

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 its wastewater treatment and disposal agreement with the City of Lowell, the Town of Chelmsford adopted a sewer moratorium that became effective on November 1, 2021 and remains effective during the period ending October 31, 2022 (Appendix A).

2.0 Exemptions from Moratorium/Policy on Sewer Connections

The following new sewer connections or changes in use shall be exempt from the moratorium/policy on sewer connections:

- a.) Connections to existing premises where the Chelmsford Board of Health declares it necessary to abate an imminent hazard to the public health, safety, or the environment.
- b.) Sewer connections authorized by the Chelmsford Department of Public Works pursuant to the terms of the Sewer Bank described in Paragraph 3 below.

3.0 Sewer Bank

There is established herein, a flow credit arrangement (hereinafter referred to as the “Sewer Bank”) as described below. The Sewer Bank allows a property owner to increase the allocated flow into the sewer system provided the following:

- a.) a sufficient amount of extraneous infiltration or inflow has been removed from the Town’s sewer system;
- b.) a deeded conveyance of allocated sewer flow from one or more properties to another property;

3.1 Infiltration or Inflow Credits

A property owner may earn flow credits, expressed in gallons per day, for new to the sewer system by removing extraneous inflow and infiltration (“I/I”) from the Town’s sewer system. A property owner may accrue one gallon per day of new flow credit for every two gallons per day of I/I removed, provided that the Department of Public Works approves the amount of new flow credit accrued.

To obtain sewer bank credits, a property owner shall submit to the Department of Public Works for its approval a written request containing the following: (1) documentation of the actual amount of I/I flow originally present in the sewer system, (2) a detailed description of the sewer rehabilitation work performed, and (3) final post rehabilitation field measurements of the amount of I/I actually removed from the sewer system.

3.2 Deeded Conveyance of Allocated Sewer Flow

A property owner may transfer a number of sewer units that have been assigned to a property under the sewer unit determinations described under the Town’s Betterment Assessments and Sewer Privilege Fees. A sewer unit shall be defined as 200 gallons per day.

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.

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 in gallons per day (gpd)/200 gpd per Sewer unit = equivalent number of sewer units

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

Non-residential water usage in the above formula shall be based upon an average of the past ten (10) years of water use while the building is occupied. 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 15.203, 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.

d. Non-residential, Undeveloped Properties

Undeveloped lots shall be converted into a maximum anticipated water consumption on the basis of the Zoning By-Laws. An equivalent number of sewer units shall then be determined utilizing the formula described for nonresidential, 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 3.2(a) (Residential, Developed Properties) and Section 3.2(b) (NonResidential, 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.

A property owner seeking to convey sewer units must record a permanent restriction on the deed to the property.

The property owner shall cut and cap the sewer connection at the Town's right of way at the property owner's expense.

The property owner shall provide a septic plan approved by the Board of Health for the property.

The permanent deed restriction shall include language that permanently eliminates or reduces the right to convey sewer flow from the property into the Town's sewer system.

4.0 Using Credits in the Sewer Bank for Increases in the Allocated Flow

A property owner shall provide documentation to the Chelmsford Department of Public Works that it has accumulated sufficient flow credits prior to the proposed connection to the sewer system or the proposed increase in the allocated flow into the sewer system.

Prior to the approval of the use of sewer bank credits, the Chelmsford Department of Public Works shall determine that the proposed allocation of sewer bank credits shall not have any adverse impact to the

downstream portion of the Town's sewerage system due to inadequate sewer pipeline, pump station, or other capacity. The Chelmsford Department of Public Works reserves the right to require sewer flow metering for a proposed development.

Sewer bank credits may only be used for commercial purposes in the following areas of Chelmsford: Central Square, Vinal Square, Drum Hill, and the Route 129 business corridor in order to support economic development in the town.

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