

Division III – MORATORIUM ON SEWER CONNECTIONS

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.

To provide the Town with time to develop an appropriate plan to address its sewer capacity needs and to establish a policy by bylaw or special legislation under Home Rule, a moratorium on sewer connections is declared as set forth herein.

1.2 Effective Period of Article

This article shall become effective on November 1, 2021 and shall remain effective during the period beginning November 1, 2021 and ending October 31, 2022. This article shall not be applicable to projects on existing unconnected lots for which a Special Permit, Site Plan Approval, Determination of Applicability pursuant to Section 195-119(B)(1) of the Chelmsford Zoning Bylaws, that has been granted or applied for on or before September 15, 2020, or to an unconnected single or two-family lot legally created prior to September 15, 2020 (but shall apply to unconnected commercially or industrially zoned lots, except as set forth herein).

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:

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.

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 two years water use. If less than two 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:

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

(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 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 1.3.2(a) (Residential, Developed Properties) and Section 1.3.2(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.

(b) 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.

(c) High Volume Unconnected Properties: Any Unconnected Property with daily wastewater flows in excess of 500 gallons per day as calculated in accordance with Division II Article II Section 2.4.

- (d) High Volume Expansion: Any Expansion that causes an increase in the daily wastewater flow from the property in excess of 1,500 gallons per day as calculated in accordance with Division II Article II Section 2.4.
- (e) Post-1997 Increase: For a Changed Property, the Post-1997 Increase shall be the combined total increase, over and above 250 gallons per day, in wastewater flow caused by all Changing Events occurring on the property after July 1997. For an Expanding Property, the Post-1997 Increase shall be the combined total increase, over and above 250 gallons per day, in wastewater flow caused by all Changing Events and all Expansions occurring on the property after July 1997.
- (f) Non-Fronting Property: Any property that does not abut on a public or private way serviced by the public sewer.
- (g) Private Sewer Extension: An extension of the public sewer to allow for the connection of Non-Fronting Property to the public sewer.

1.4 General Provisions

There shall be no connection of any Changed Property, Expanding Property, High Volume Unconnected property, High Volume Expansion or any property requiring a Private Sewer Extension, to the public sewer during the effective period of this Article. The Department of Public Works may grant exemption to this moratorium 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.