

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF STOUGHTON
BOARD OF SELECTMEN**

**SEWER BETTERMENT POLICY
PARK STREET/ CAMPANELLI INDUSTRIAL PARK
SEWER EXPANSION PROJECT – PHASE 1**

Introduction

The Board of Selectmen of the Town of Stoughton, acting as Sewer Commissioners, hereby adopts the following policy (the “Policy”) for its use in assessing betterments and imposing privilege fees related to the construction and use of the **Park Street/ Campanelli Industrial Park Sewer Expansion Project – Phase 1** (the “Project”). The purpose of this Policy is to set forth an approved methodology for calculating and assessing sewer betterments and establishing related fees and charges within the Phase 1 - Project Area.

Section 1. General

Pursuant to General Laws Chapters 80 and 83, and such authority as may be conferred by the vote of the Stoughton Town Meeting, the Board of Selectmen, acting as Sewer Commissioners, hereby establishes its intent to assess the owners of land specially benefited by the Project at a rate based upon the uniform unit method, as described under Chapter 83, Section 15 of the General Laws of the Commonwealth of Massachusetts, and further defined by this Policy.

The percentage of the total project cost that may be assessed to benefited property owners, which may be equal to or less than 100%, shall be established by the vote of the Town.

Section 2. Method of Sewer Assessments

2.1 General

The Town shall levy sewer betterment assessments and privilege fees based on the uniform unit method, as provided in G.L. c.83, § 15. This method is defined within the following paragraph.

2.2 Uniform Unit Method

Property owners whose properties are specially benefited by the Project shall be assessed a betterment under the Uniform Unit Method. Under the Uniform Unit method, the cost of one equivalent unit shall be calculated by dividing the total cost of the Project to be recovered through assessments by the total calculated number of equivalent units for the entire Project area. For each property bettered, the assessment shall be calculated by multiplying the cost of one equivalent unit by the number of equivalent units for that property. The number of equivalent units for a given property shall be calculated by one of four methodologies which are detailed in Sections 3.3.1 through 3.3.4.

Section 3. Number of Equivalent Unit Calculation Methodologies

3.1 General

Equivalent 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 Project shall be designated a number of equivalent units in accordance with methodologies described within this Section. Equivalent unit designations are assigned to these properties based upon the user class defined at the time of assessment.

3.2 Equivalent Unit Determinations

For the purposes of calculating equivalent units, it is assumed a single family home generates 330 gallons per day (gpd) of wastewater and the rate of water use is equal to the rate of sewage generated, based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria.

3.2.1 Residential. Developed Properties

The number of equivalent units for residential developed properties shall be determined as follows:

- Single family dwellings shall comprise one sewer unit;
- Duplex dwellings shall comprise two sewer units;
- Three-family dwellings shall comprise three sewer units;
- Four-Family dwellings shall comprise four sewer units; and,
- Multiple family dwellings (in excess of four dwelling units) shall be assessed one sewer unit for each dwelling unit, regardless of the number of bedrooms.

(NOTE: all decimals shall be rounded up to the nearest whole number integer of units with a minimum of one unit.)

3.2.2 Non-Residential. Developed Properties

Non-residential buildings shall include all industrial, commercial, municipal, and other non-residential properties.

Non-residential buildings shall be assigned an estimated sewage volume based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria, other standard engineering references and/or sound engineering practices. An equivalent number of units shall then be designated by using the following formula:

Estimated non-residential sewage flow in gallons shall be based upon the following:

- Retail Use: 50 GPD per 1,000 SF of Building Area
- Office Use: 75 GPD per 1,000 SF of Building Area
- Warehouse: 30 GPD per 1,000 SF of Building Area

$$\frac{\text{Estimated non-residential sewage in gallons per day (gpd)}}{330 \text{ gpd/unit}} = \text{Equivalent number of units}$$

(NOTE: all decimals shall be rounded up to the nearest whole number integer of units with a minimum of one unit.)

3.2.3 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 Table of Dimensional and Density Regulations in effect at the time of assessment. Each potential dwelling unit shall then comprise one equivalent unit.

3.2.4 Non-residential, Undeveloped Properties

Undeveloped lots shall be converted into a maximum use on the basis of potential finished building square area (which is the product of building footprint and number of stories) as defined by the Table of Dimensional and Density Regulations in effect at the time of assessment. An equivalent number of units shall then be determined utilizing the following formula.

$$\frac{\text{Estimated non-residential sewage in gallons per day (gpd/ s.f.)} * \text{Potential Building Area (s.f.)}}{330 \text{ gpd/unit}} = \text{Equivalent number of units}$$

Estimated non-residential sewage flow in gallons shall be based upon the following:

- Retail Use: 50 GPD per 1,000 SF of Potential Building Area
- Office Use: 75 GPD per 1,000 SF of Potential Building Area
- Warehouse: 30 GPD per 1,000 SF of Potential Building Area

3.2.5 Dual Use Properties

Properties having both residential and non-residential uses shall be assessed based on a total number of equivalent units, as calculated under the provisions of Section 3.2.1 Residential, Developed Properties and Section 3.2.2 Non-Residential, Developed Properties, respectively. Dual use properties shall have a minimum assessment of two equivalent units.

3.4 Time of Assessment

Final betterments for lands abutting the public sanitary sewer shall be assessed following Project completion and when the final sewer project costs, including all phases, are known.

As provided in MGL Chapter 83, Section 15B, the Board of Selectmen shall have the right to make partial or estimated assessments before the completion of construction and approval for use of the wastewater facilities.

Section 4. Sewer Assessment Payments

4.1 General

Except as herein provided, the provisions of the Massachusetts General Laws Chapter 80 relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens therefore, and to interest thereon shall apply to assessments made under this Policy, and the Tax Assessor of the Town of Stoughton shall have all of the powers conveyed by the Massachusetts General Laws.

4.2 Lump Sum Assessment Payment

Property owners shall have the option to pay the betterment assessment by a one-time lump sum assessment payment. The lump sum assessment payment for an assessed property shall be equivalent to the product of the total number of equivalent units designated upon said property and the determined dollar value for one unit at the time of assessment. Said values shall be determined as described in Section 2 Method of Sewer Assessments and Section 3 Number of Equivalent Unit Calculation Methodologies of this Policy. Full payment shall be made within thirty (30) days upon written notice of assessment, otherwise payment shall default to the apportionment schedule described under Section 4.3 Apportionment of Assessment Payment.

4.3 Apportionment of Assessment Payment

Property owners shall have the option to finance assessment payments through apportionment in accordance with Massachusetts General Laws, Chapter 80, Section 13.

The interest rate charged by the Town shall be 5%, unless otherwise determined by law.

The maximum time period for payments apportioned under this Section shall be 20 years. The betterment assessment shall constitute a lien on said property as provided by law. Any assessment may be paid in full at any time within the apportionment period.

4.4 Abatement of Betterments

Property owners must file requests for abatements in accordance with Chapter 80, Section 5 of the Massachusetts General Laws, and such requests will be acted upon and decisions issued as provided by law.

4.5 Assessment Deferral

Any owner of a bettered property who is deemed eligible for an exemption under the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 41st A, may, upon notice of sewer assessment, enter into a deferral and recovery agreement with the Town of Stoughton. The limits and conditions of this agreement as they relate to the deferral of sewer assessments are further described in said Chapter 80, Section 13B of the Massachusetts General Laws.

Section 5. Sewer Privilege Fees

5.1 General

The Board of Selectmen may assess a sewer privilege fee in circumstances where the special benefit of the Project to a property has not been captured by a betterment assessment in accordance with the aforementioned General Laws of the Commonwealth of Massachusetts and this Policy. These circumstances may include, but are not limited to:

1. Properties that gain access to the public sewer constructed as part of this Project after betterments are assessed and without further extension of the public sewer within a public or private right of way.
2. Development of previously undeveloped property to accommodate a number of units in excess of the estimated number of units used to assess a betterment to that property.

5.2 Calculating the Privilege Fee

The sewer privilege fee shall be proportionately equivalent to the sewer betterment assessment value pertinent to said property as determined by the procedures outlined in Section 2. Method of Sewer Assessments and Section 3 Number of Equivalent Unit Calculation Methodologies of this Policy. Section 4.2 Lump Sum Assessment Payment and Section 4.3 Apportionment of Assessment Payment of this Policy may govern the method of payment as allowed by law.