

Board of Water & Sewer Commissioners
Rules & Regulations
For
Sewer Main Extensions & Connections

I. Preamble & Purpose

Whereas, the Town of Hopkinton (hereinafter the “Town”) has conducted a sewer construction program for many years pursuant to which the Town has attempted to address significant public health problems relating to inadequate sewage facilities in many areas of the Town: and

Whereas, the Town has voted at several town meetings to appropriate funds for the construction and installation of a public sewage system which will address the environmental concerns relating to inadequate sewage facilities in those areas of the Town; and

Whereas, the Board of Water and Sewer Commissioners of the Town (the “Board”) has made presentations at board meetings, public hearings, and at town meetings indicating the rationale and purpose of the sewer construction project; and

Whereas, the Board has always indicated to the Town that the Board intended that the funds appropriated by the Town for the sewer construction program be used to address existing environmental and public health concerns of buildings, structures and properties which were experiencing public health problems relating to sewage disposal, rather than to promote the implementation of additional housing development in the Town; and

Whereas, it has in addition always been the intent of the Board as evidenced by its presentations to the various town meetings to advocate the construction and installation of the public sewage system in the industrial and commercial areas of the Town to encourage the development and expansion of new and existing commercial and industrial businesses; and

Whereas, the Town is a party to an agreement with the Town of Westboro Wastewater Treatment Plant Board pursuant to which the Town has the right to discharge up to 400,000 gallons of sewage per day to the Westboro Treatment Plant; and

Whereas, as a result of the approval by the Town of the Phase 4 ,Phase 5, and Phase 6 sewage projects the Town will meet its

capacity limit at the Westboro Wastewater Treatment Plant due solely to the connection of those residences and commercial and industrial businesses which are presently in existence in the sewer collection area; and

Whereas, the Board at present is in the process of identifying other disposal alternatives,

Now, therefore, in light of the foregoing, the Board hereby adopts this regulation to provide for an orderly sewer main extension and connection program in the Town which will comply with the intent of the Town to provide sewage facilities for existing residences and for both existing and proposed commercial and industrial businesses in the Town industrial area while maintaining sewage flow to Westboro below the 400,000 gallons per day capacity limit. The following is, therefore, hereby established as the sewer main extension and connection regulation of the Board of the Town.

II. General Regulations

1. The Board will not approve the extension of any sewer main serving Phases 1-6 , of the sewer systems, beyond the currently existing sewer mains, until such time that the CWMP has been completed and approved by the State, that additional sewer capacity has been obtained, and that all necessary permits and plans for construction have been granted.

2. Any parcel of land located within Phases 1-6 of the municipal sewer systems which has not as of the date of adoption of this regulation connected to the municipal sewer system and which has previously been assessed a betterment charge as a result of the construction of the municipal sewer system, shall have the right to the number of connections to the municipal sewer system as are equivalent to the number of betterment assessments that have been charged to the parcel and will be subject to the betterment by-laws of the town.

3. Any parcel of land which is shown on a plan or described in a deed recorded with the Middlesex South District Registry of Deeds prior to the adoption of this regulation, and which is either improved or vacant and, meets the requirements of the Town Zoning

By-Laws for development on the parcel and, if located in the areas designated as Phase 1-6, , abuts a street in which is located a common sewer, may, at the sole discretion of the Board, be permitted to connect to the municipal sewer system provided that the Board has determined that sufficient capacity exists in the Westboro Treatment Plant or until such time that the CWMP has been completed and approved by the State, that additional sewer capacity has been obtained, and that all necessary permits for plans and construction have been granted, for additional discharge of the sewage, taking into account the needs of existing buildings in sewer Phase 1- 6, In addition, any applicable betterments or fees as stated in the town by-laws must be paid. An existing sewer main or service to a property shall not constitute an automatic approval for increased sewer capacity to the site, service to additional units, or an extension of the lines or mains.

The Board may allow connections for those properties not abutting a common sewer that are deemed necessary for public health, environmental reasons, or no viable alternatives exist.

4. The Board will monitor sewer connections which discharge to the Westboro Treatment Plant to ensure that the capacity limit is not exceeded and, based upon changes in capacity limits will periodically review this regulation.
5. The Board intends to maintain its efforts to obtain additional sewer capacity for the Town, through the recommendations of the Comprehensive wastewater management plan (CWMP) and to address the available alternative of those areas identified as “needs areas” in the CWMP. Priority shall be given to existing homes and business within those areas

III. Severability

If any section, subsection, or any portion of this regulation is for any reason held to be invalid, unenforceable or unconstitutional by any reviewing agency or by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation. It is the intention of the

Town that it would have adopted this regulation and each section, subsections or portion thereof irrespective of the fact that nay one or more of such sections, subsections or portions be declared invalid, unenforceable or unconstitutional.

IV. Notice

The foregoing rules and regulations shall be available for inspection by the public and shall not take effect until a public meeting has taken place

The Board of Water and Sewer Commissioners voted to adopt these rules and regulations at their regular scheduled meeting on March 24, 1998 and they were amended April 13, 2004 by the Board of Selectman.