

HOUSE No. 4627

The Commonwealth of Massachusetts

PRESENTED BY:

James C. Arena-DeRosa and Rebecca L. Rausch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the North Sherborn Water and Sewer District.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>4/2/2024</i>

HOUSE No. 4627

By Representative Arena-DeRosa of Holliston and Senator Rausch, a joint petition (subject to Joint Rule 9) of James C. Arena-DeRosa (by vote of the town) that the town of Sherborn be authorized to establish the North Sherborn Water and Sewer District in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing the North Sherborn Water and Sewer District.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Paragraph (d) of section 8 of chapter 372 of the acts of 1984, as most
2 recently amended by section 1 of chapter 383 of the acts of 2016, is hereby further amended by
3 inserting after the word "Northborough", in line 7, the following words:-, "North Sherborn Water
4 and Sewer District".

5 SECTION 2. There is hereby created within the Town of Sherborn, a body politic and
6 corporate and political subdivision to be known as the North Sherborn Water and Sewer District.
7 The District shall serve the purpose of obtaining, treating, and distributing water for fair
8 consideration for domestic use and extinguishing of fires with the power to lay water mains,
9 establish a water distribution system, establish fountains and hydrants and relocate and
10 discontinue the same within the territorial limits of the District, and to regulate the use of such
11 water and fix and collect rates to be paid therefor, and construct and finance such facilities as
12 may be necessary to deliver healthful drinking water, and impose fees as hereinafter provided for

13 the payment of such services and defraying necessary expenses of and the carrying on of the
14 business of the District, subject to the general laws relating to water districts, except as otherwise
15 provided herein. The District shall also serve the purpose of furnishing sewer services with the
16 power to lay out, construct, maintain and operate a system or systems of common sewers and
17 drains in public or private ways with such connections and other works within the territorial
18 limits of the District as may be required for a system or systems of sewerage and drainage, and
19 sewage treatment and disposal, and to regulate the use of such sewers and fix and collect rates to
20 be paid therefor, and construct and finance such facilities as may be necessary to sewer services,
21 and impose fees as hereinafter provided for the payment of such services and defraying
22 necessary expenses of and the carrying on of the business of the District, subject to the general
23 laws relating to sewer districts, except as otherwise provided herein. For these purposes, the
24 District may seek, obtain, and accept any available capital and operating funds from the
25 Commonwealth, the federal government or any authority or entity created by the Commonwealth
26 or the federal government, and accept donations, gifts of capital, operating funds, lands,
27 easements, equipment, or facilities from public or private sources. The District may prosecute
28 and defend all actions related to its affairs and property. The District may, by a positive vote of 4
29 of 5 members of its Commission, enter into one or more intermunicipal agreements with the
30 Town of Sherborn, the City of Framingham and the Town of Natick, or any of them, under
31 section 4A of chapter 40 of the general laws, for a term not to exceed 50 years, and may, if
32 authorized by such agreement or agreements, install, maintain, replace, repair, relocate and
33 discontinue water mains, sewers, drains, pumping stations, pipes, manholes and any other parts
34 of its water works system and sewer system in the public ways of the Town of Sherborn, the City
35 of Framingham and/or the Town of Natick. The District and all of its revenue, income, and real

36 property shall be exempt from taxation, and the District shall not be required to pay any tax,
37 excise, or assessment to or for the Commonwealth or any of its political subdivisions. Bonds
38 issued by the District and their transfer and the income therefrom, including any profit made on
39 the sale thereof, shall be exempt from taxation within the Commonwealth.

40 SECTION 3. Notwithstanding sections 1 and 2, the provision of water and sewer services
41 by the Massachusetts Water Resources Authority through its connections in Framingham and/or
42 Natick to the District shall commence only after the Board of Directors of the Authority has
43 voted approval after having first made the findings as required by clauses (1) to (6), inclusive, of
44 paragraph (d) of section 8 of chapter 372 of the acts of 1984 (the Authority's enabling
45 legislation) and having made such other determinations in accordance with applicable policies of
46 the Authority and after all required approvals have been received including, as applicable, other
47 regulatory bodies where required and the Advisory Board of the Authority, but section 71 of said
48 chapter 372 (limiting the addition of new communities to the Authority's service area) shall not
49 apply.

50 SECTION 4. As used in this act, the following words shall, unless the context requires
51 otherwise, have the following meanings:-

52 "Authority", the Massachusetts Water Resources Authority.

53 "Bonds" or "bond", general obligation bonds, notes or other obligations or evidences of
54 indebtedness that the Commission of the District has authorized or issued to finance the
55 acquisition of and improvements to any water works system or wastewater management system
56 that is or shall be operated and managed by the District prior to the effective date of this act, or
57 that the Commission authorizes and issues after said effective date by a positive vote of 4 of 5

58 Commissioners, to pay for capital costs of the District, including land acquisition within the
59 District, which shall be issued for a term not to exceed 50 years, and which shall otherwise be
60 issued in accordance with the provisions of chapter 44 of the general laws. A bond issued in
61 accordance with this act shall be arranged so that the amounts payable over a term of years for
62 principal and interest combined shall be as equal as practicable in the opinion of the officers
63 authorized to issue the bonds or, in the alternative, in accordance with a schedule that provides a
64 more rapid amortization of the principal. A bond issued by the District shall not be included in
65 any debt or other limitation pursuant to any general or special law including, without limitation,
66 any debt limit applicable to the Town of Sherborn. A bond issued in accordance with this act not
67 paid by the District as it becomes due and payable shall constitute a pledge of the full faith and
68 credit of the District and a debt of the District within the meaning of section 23 of chapter 59 of
69 the general laws. A bond issued pursuant to this act shall be signed by 4 of 5 members of the
70 Commission.

71 "Capital costs", an extension, improvement or enlargement of the water works system or
72 wastewater management system of the District or any other project of the District financed under
73 this act; all or any part of the cost of acquisition, construction, reconstruction, alteration or
74 remodeling of such works including, but not limited to, the costs of labor, materials, machinery,
75 equipment, and supplies; demolition, removal or relocation of any public utilities facilities; the
76 acquisition of interests in land, structures and rights of any kind in real and personal property;
77 financing charges and expenses; interest prior to, during and for a period not to exceed 6 months
78 after completion of such work; reserves for debt service and other capital and current expenses;
79 costs of architectural, engineering, financial, legal, environmental, or consulting services,
80 including costs of plans, specifications, appraisals, surveys, inspections, analysis, or financial

81 and feasibility studies; administrative and operational expenses incurred prior to the
82 commencement of and during such work; and other expenses of completing and commencing
83 operation of such work, working capital, and other necessary or incidental expenses related to the
84 acquisition, construction, financing and placing in operation of such work.

85 "Commission", the governing board of the North Sherborn Water and Sewer District or,
86 if the North Sherborn Water and Sewer District Commission shall terminate, the succeeding
87 person, board, body or commission to whom the powers given by this act shall have been
88 transferred by law.

89 "Current expenses", the District's current expenses, whether or not annually recurring, for
90 maintaining, repairing and operating the water works system or wastewater management system
91 and any other properties of the District including, but not limited to, administrative costs; debt
92 service on bonds; payroll and employee benefits; engineering expenses for maintenance,
93 operation and repairs; legal, financial and auditing expenses; insurance and surety bond
94 premiums; fees and expenses of trustees and paying agents; payments to others for services
95 rendered to the District; taxes or fees which may be lawfully imposed upon the District or its
96 income or operations or property under its control; and other current expenses required or
97 permitted by law to be paid by the District, including the funding of reasonable reserves for
98 maintenance, repair, replacements or operations.

99 "District", the North Sherborn Water and Sewer District established in this act, said
100 District to comprise the geographical area shown as the "North Sherborn Water and Sewer
101 District" on the plan entitled "Plan of the North Sherborn Water and Sewer District" dated
102 ,2023 (the "Plan"), which is on file in the Sherborn town clerk's office and recorded in the

103 Middlesex South Registry of Deeds in book __, page __, being all of the land in Sherborn
104 north of the line that is shown on the Plan as "District Boundary Line".

105 "Municipality" or "Town", the Town of Sherborn, Massachusetts.

106 "Rental Housing Project", the rental housing complex to be located on a portion of Lot 55
107 as shown on Map 5, Block O of the Sherborn Assessors' Maps, being the largest anticipated
108 water and sewer user of the District.

109 "Revenues", all revenues, rates, fees, charges, rents and other receipts derived from the
110 operation of the water works system or the wastewater management system and the other
111 properties of the District including, but not limited to, proceeds of bonds, proceeds of any grant
112 or loan to the District, investment earnings and the proceeds of insurance, condemnation, sale or
113 other disposition of properties.

114 "Senior Housing Project", the age-restricted housing complex to be located on Lots 32,
115 48A and portion of 55 as shown on Map 5, Block O of the Sherborn Assessors' Maps, being the
116 second- largest anticipated water and sewer user of the District.

117 "Water works system", the water treatment and distribution system in the District and
118 under the jurisdiction, ownership, control and regulation of the District including, but not limited
119 to, the plants, works, instrumentalities or parts thereof; lands, easements, rights in land, water
120 and flowage rights, approaches, water courses, rights of way, contract rights, franchises and
121 privileges, all connections, dams, wells, reservoirs, water mains and pipe lines, equipment,
122 buildings, structures, pressure boosting components, vehicles, standpipes, tanks, conduits,
123 meters, hydrants, fire connections and fixtures of the system; purification, filtration and
124 treatment works and other adjuncts thereto; other real or personal property interests incidental to

125 and included in the system; and all facilities, betterments, extensions, improvements and
126 enlargements thereto and to or for the system hereafter constructed or acquired.

127 "Wastewater", greywater and blackwater from domestic, municipal and other
128 governmental and institutional uses; provided, however, that wastewater shall not include
129 industrial waste as defined in 310 CMR 15.002.

130 "Wastewater management system", the wastewater collection, conveyance, treatment and
131 disposal systems serving one or more facilities to be constructed or to be in the possession of and
132 under the jurisdiction, ownership, control and regulation of the District including, but not limited
133 to, the plants, works, instrumentalities or parts thereof; lands, easements, rights in land, rights of
134 way, contract rights, franchises and privileges, all connections, sewer mains and pipe lines,
135 equipment, buildings, structures, pressure boosting components, vehicles, standpipes, tanks,
136 conduits, meters and fixtures of the system; other real or personal property interests incidental to
137 and included in the system; and all facilities, betterments, extensions, improvements and
138 enlargements thereto and to or for the system hereafter constructed or acquired.

139 SECTION 5. Except as provided herein, said installation, ownership, operation, and
140 maintenance shall be subject to the state and local laws and regulations.

141 SECTION 6. The Commission of the District is hereby constituted and shall exercise the
142 powers conferred by this act, which shall be deemed to be the performance of an essential public
143 function. The Commission shall not be subject to the supervision of the Municipality or of any
144 department, commission, board, bureau, or agency of the Municipality except as provided in this
145 act. Except as otherwise provided in this act, the powers of the Commission shall be exercised by
146 a board of five members, one of which shall be appointed by the owner or manager of the Rental

147 Housing Project, one shall be appointed by the condominium or homeowners association of the
148 Senior Housing Project, two shall be appointed by the Town of Sherborn Select Board, and one
149 shall be appointed by the Town of Sherborn Water Commissioners. Each of the members
150 appointed by the Rental Housing Project and the Senior Housing Project shall initially be
151 appointed to a three year term. The member appointed by the Water Commissioners shall
152 initially be appointed to a two year term. Of the initial members appointed by the Select Board,
153 one shall initially be appointed to a three year term and the other to a two year term. As the terms
154 of each of the initial members expire, their successors shall be appointed as aforesaid to terms of
155 three years each, provided that nothing herein shall prevent the said water and sewer users or the
156 Town from re-appointing any member to a second or subsequent term. A vacancy in any position
157 shall be filled by the entity that originally appointed the member whose position has been
158 vacated. Until the initial members of the Commission are appointed in accordance with this
159 section, the Select Board of the Town shall appoint five registered voters of the Town as
160 members. Four members of the Commission shall constitute a quorum and the affirmative vote
161 of four members shall be necessary for any action requiring a vote of the Commission. Any such
162 action shall take effect immediately unless otherwise provided. The Commission shall annually
163 elect one of its members to be its Chair. The Commission may establish a reasonable annual
164 compensation for its members. The Commission may reimburse any member for the reasonable
165 and necessary expenses incurred in the discharge of the member's official duties as approved by
166 the Commission. The District shall be deemed to be a public employer and its members, officers
167 and employees shall be deemed to be public employees as defined in section 1 of chapter 258 of
168 the general laws.

169 SECTION 7. The Commission may appoint, employ and determine the compensation,
170 duties and conditions of employment of or contract for a superintendent or entity providing
171 operational and management functions for the District, who shall not be a member of the
172 Commission or an entity controlled by any member of the Commission, and who shall serve at
173 the pleasure of the Commission. The Commission may designate a superintendent to be the chief
174 operating officer of the District to administer and direct its affairs as authorized or approved by
175 the Commission and who may have and execute the powers and duties of the Commission as the
176 Commission may have delegated to the superintendent and not recalled. The clerk of the
177 Commission shall keep a record of the proceedings of the Commission and shall be custodian of
178 the books, documents and papers filed with the District. The superintendent or any member or
179 person designated by the Commission as clerk may cause copies to be made of the minutes and
180 other records and documents of the District and may certify that such copies are true copies and a
181 person dealing with the District may rely upon such certification. The Commission shall employ
182 a treasurer who shall be responsible for the maintenance of the District's funds, the payment of
183 its obligations and the billing of its customers. The District treasurer shall be responsible for the
184 collection of all sums owed to the District, except to the extent that the services of the Town's tax
185 collector are used as set forth below. The Commission may hire, contract with, or otherwise
186 appoint or employ legal counsel, financial advisors and other experts, engineers, agents,
187 accountants, clerks, consultants, operators, and employees as it deems necessary, and may
188 indemnify its members, officers, employees, or agents against liability. The Commission may
189 purchase insurance for itself or a member, officer, employee, or agent against liability that may
190 arise out of an individual's status as such, whether or not the Commission would have the power
191 to indemnify such member, officer, employee, or agent against such liability. The Commission

192 shall operate on a fiscal year commencing on July 1 of each year unless otherwise provided by
193 the Commission.

194 SECTION 8. The District may, through its Commissioners, contract with any
195 municipality, water company, water district, sewer district, or other entity for the purchase,
196 acquisition by other means or sale of whatever water, waterworks, sewer services, or wastewater
197 management system that may be required, furnish or purchase the same and enter into such
198 contracts as may be necessary to effectuate the purposes of this act, including, without limitation,
199 collection of revenue, data processing, and other means of management, administration, and
200 operation, all subject to the District's financial means.

201 SECTION 9. The Commission shall have all the rights and powers necessary or
202 convenient to carry out and implement this act, including, but not limited to, the rights and
203 powers:

204 (a) to adopt by-laws regulating the call of District meetings and administrative procedures
205 to operate the Commission;

206 (b) to adopt rules, regulations, and procedures in connection with the performance of its
207 functions and duties, and regarding the use of, the District's system;

208 (c) to provide by regulation for civil penalties not to exceed \$300 per day, which shall
209 inure to the District, for the violation of its rules, orders, or regulations and to assess fines for
210 violation of its rules and regulations;

211 (d) to maintain an office in the Town at a place as it may determine;

212 (e) on behalf of the District to apply for, receive, accept, administer, expend or comply
213 with the conditions, obligations or requirements of, a grant, gift or loan, including without
214 limitation a grant, gift or loan from local, state or federal government agencies, donation or
215 appropriation of property or money to support the purposes of the Commission or contributions
216 of money, property, labor or other things of value;

217 (f) to acquire, in the name of the District, by purchase, lease, lease-purchase, sale and
218 leaseback, gift or devise, or to obtain options for the acquisition of any property, real or personal,
219 tangible or intangible, or any interest therein, in the exercise of its powers and the performance
220 of its duties;

221 (g) to acquire, sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to
222 grant options for any such purpose relative to, any property held by it, including real or personal,
223 tangible or intangible property, or any interest therein, consistent with the general laws;

224 (h) to enter onto any land within the District to make surveys, borings, soundings and
225 examinations thereon, provided that the Commission shall make reimbursements for any injury
226 or actual damage resulting to such lands and premises or caused by any act of its authorized
227 agents or employees and shall, so far as possible, restore the land to its condition prior to making
228 such surveys, borings, soundings or examinations;

229 (i) to contract for and purchase water supply, treatment and distribution services, and
230 sewer services, including treatment and disposal services, from any person or entity within or
231 without the District, and to provide such services to any person or entity within the District, as
232 the Commission shall determine to be in the best interests of the District;

233 (j) to construct, improve, extend, enlarge, maintain or repair the water works system or
234 the wastewater management system and to occupy and operate, extend, enlarge, maintain or
235 repair any portion of the water works system or the wastewater management system owned by
236 the District, upon the terms and conditions determined by the Commission;

237 (k) to use monies borrowed or appropriated by the District for the purposes of this act;

238 (l) to make contracts for the purchase of supplies, materials, and services, and for the
239 purchase or lease of land, buildings and equipment, as considered necessary by the Commission,
240 and to execute and deliver all instruments necessary or convenient for carrying out any of its
241 purposes;

242 (m) to create an overall water and sewer policy and plan for the District;

243 (n) to do all things necessary, convenient or desirable for carrying out the purposes of this
244 act or the powers expressly granted or necessarily implied in this act;

245 (o) consistent with the constitution and laws of the Commonwealth, to have other powers
246 as may be necessary for or incident to carrying out the foregoing powers and to accomplish the
247 purposes of this act; and

248 (p) to enter into one or more intermunicipal agreements with the Town and other
249 governmental entities for the provision of water and sewer services, in accordance with section
250 4A of chapter 40 of the general laws, provided that the intermunicipal agreement(s) described in
251 section 2 may have a term of up to 50 years.

252 SECTION 10. In addition to the powers of the Commission otherwise provided in this
253 act, the Commission shall have the following powers and shall be subject to the following
254 limitations:

255 (a) The Commission may fix, revise, charge, collect and abate fees, rates, rents,
256 assessments, delinquency charges, lien or other charges for water supply, treatment and
257 distribution services, and for sewer services, and for all facilities and commodities it furnishes or
258 supplies in connection therewith. Subject to clause (c), fees, rates, rents, assessments,
259 delinquency charges and other charges of general application shall be adopted and, as necessary,
260 revised by the Commission at least annually upon the positive vote of four of the five
261 Commission members in accordance with procedures to be established by the Commission for
262 ensuring that interested persons are afforded notice and an opportunity to present data, views and
263 arguments. The Commission shall hold at least one public hearing on its schedule of fees, rates
264 and charges or any revision thereof prior to its adoption, notice of which shall be delivered to the
265 Select Board of the Town and published in a newspaper of general circulation in the Town at
266 least two weeks in advance of the hearing. Not later than the date of such advance notice, the
267 Commission shall make the proposed schedule available to the public. The Commission may
268 combine its fees, rates and other charges for services provided by it in a single schedule. Fees,
269 rates, rents, assessments, abatements, and other charges established by the Commission shall not
270 be subject to supervision of or regulation by any department, division, commission, board,
271 bureau, or agency of the Town or Commonwealth or any political subdivision. In order to
272 provide for the collection and enforcement of any charges for fees, rates and other charges, the
273 Commission shall have the benefit, (i) without further acceptance of sections 42A to 42F,
274 inclusive, of chapter 40 of the general laws or filing of any certificate relating thereto, of liens for

275 unpaid fees, rates, rents, assessments and other charges as provided in sections 42A and 42B of
276 said chapter 40 to the extent applicable and consistent with this act, and (ii) without further
277 acceptance of sections 16A to 16F, inclusive, of chapter 83 of the general laws or filing of any
278 certificate relating thereto, of liens for unpaid fees, rates, rents, assessments and other charges as
279 provided in sections 16A and 16B of chapter 83, to the extent applicable and consistent with this
280 act. The Commission shall certify to the Town's tax collector any fee, rate or charge for which a
281 lien has arisen, and the Town's assessors shall add them to the property tax assessed on the
282 property to which it relates when the annual assessment of Town property taxes is made. The
283 Town's tax collector shall act as collector for the District with respect to unpaid rates, fees and
284 charges, and shall collect the rate, fee or charge as provided in section 42D of said chapter 40.
285 The Town's tax collector or Town treasurer shall pay over to the District any amounts collected
286 on account of such rates, fees or charges.

287 (b) Subject to clause (e), the fees, rates, rents, assessments and other charges established
288 by the Commission in accordance with clause (a) shall be fixed and adjusted relative to the
289 aggregate thereof so as to provide revenues sufficient: (i) to pay the current expenses of the
290 Commission;

291 (ii) to pay the principal, premium, and interest on bonds for costs as they become due and
292 payable; (iii) to create and maintain such reasonable reserves as may be reasonably required by
293 the Commission or by any trust agreement or resolution securing bonds issued by the District on
294 account of capital costs; (iv) to provide funds for paying the costs of all necessary repairs,
295 replacements and renewals of the water and sewer systems; and (v) to pay or provide for any
296 amounts which the Commission may be obligated to pay or provide for by law or contract,
297 including a resolution or contract with or for the benefit of the holders of bonds issued for the

298 Commission. The Commission shall establish an annual operating budget, and may allocate the
299 use of such amounts as it shall, in its sole discretion, determine.

300 (c) The Commission shall undertake a study and examination of its estimated expenses
301 and costs of maintaining, operating and improving the system, and shall, one year after the
302 effective date of this act, promulgate, in accordance with clauses (a) and (b), a schedule of fees,
303 rents, rates and other charges. The schedule shall become effective upon promulgation and shall
304 provide for the metering, monitoring and other measuring of, and charging for, water supply,
305 treatment, and distribution services and sewer services provided by the Commission to
306 consumers of such services in the District.

307 (d) The District may make special assessments under sections 42G, 42H, 42I and 42K of
308 chapter 40 of the general laws, and otherwise, by vote of the Commission. The Commission shall
309 certify any District special assessment or betterment to the Town's assessors, and the assessors
310 shall commit them to the Town's tax collector as provided in chapter 80 of the general laws. The
311 Town's tax collector shall act as collector for the District for the purpose of collecting any
312 betterments or special assessments as provided in chapter 80. The collector shall include on
313 municipal lien certificates of the Town any District water and sewer rates, fees or charges that
314 are liens, and shall issue certificates under section 12 of said chapter 80 to dissolve liens for
315 special assessments or betterments of the District when such assessments or betterments have
316 been paid in full or abated. The District shall, at the request of the Town, include in each budget
317 compensation to the Town for any services rendered and expenses incurred by town officers with
318 respect to the District, including without limitation any services rendered by the Town's
319 Assessors, Tax Collector or Treasurer.

320 (e) For purposes of operation of the water treatment and distribution system and the
321 wastewater management system, the District is hereby authorized upon the positive vote of four
322 of the five Commission members to establish and maintain (i) a reserve fund, which may carry
323 over the remaining balance of such fund into the ensuing fiscal year; and (ii) an enterprise fund
324 in accordance with the provisions of section 53F1/2 of chapter 44 of the general laws.

325 (f) A water treatment and distribution system and wastewater management system shall
326 be subject to the applicable rules and regulations of the Town and the applicable laws of the
327 Commonwealth and shall comply with any approval required thereunder.

328 SECTION 11. Notwithstanding the provisions of section 13 of chapter 80 of the general
329 laws, or the provisions of any other general or special law to the contrary, any assessment made
330 by the District to one or more property owners on account of a betterment project specially
331 affecting their property may be apportioned into such number of equal portions, to be paid, one
332 portion per year, as may be determined by the District.

333

334 SECTION 12. The Commission shall calculate a quantity of water and sewer capacity to
335 be reserved for the use of the Rental Housing Project, the Senior Housing Project, and all other
336 properties within the District as of October 17, 2023, taking into account the uses actually in
337 effect on such other properties at that time, and the additions to existing single and two-family
338 structures reasonably anticipated in the future, which shall be known as the "Reserved Capacity."
339 Any excess of the amount of water and sewer capacity available to the District under the
340 intermunicipal agreement(s) described in section 2 over the Reserved Capacity shall be known as
341 the "Excess Capacity." The Rental Housing Project and the Senior Housing Project shall be

342 connected to the District's water distribution system and sewer system provided that the number
343 of dwelling units previously authorized by the Town is not exceeded and provided that the owner
344 pays the District, in advance, all costs reasonably anticipated in connection with connecting such
345 systems from the public way to such owner's property, including without limitation all
346 engineering and construction costs. Any other lot existing as of October 17, 2023 shall be
347 connected to the District's water distribution system and/or sewer system upon request of the
348 owner, provided that the District shall have installed appropriate pipes in the way abutting such
349 owner's land and that such owner pays the District, in advance, all of the said costs of
350 connection, and provided that the use of such lot (including the number of dwelling units
351 thereon) has not changed since October 17, 2023. Except as set forth below, no property in the
352 District may receive water or sewer services if any structure thereon shall have been
353 reconstructed or enlarged, or if the use of such property shall have been expanded, changed or
354 altered after October 17, 2023, unless the owner has applied for and received the approval of the
355 Commission. No lot in the District may receive water or sewer service if such lot shall have been
356 divided or subdivided by any means, including without limitation a division pursuant to G.L. c.
357 41, § 81P or a subdivision under G.L. c. 41, §§ 81K-81GG, inclusive, following October 17,
358 2023, except with the approval of the Commission. The Commission shall grant approval for the
359 use or continued use of a water or sewer connection despite such reconstruction, enlargement,
360 expansion, change or alteration, and shall approve connections with respect to lots created by
361 such division or subdivision, if the Commission determines that the water and sewer capacity
362 required thereby is then available to the District within the Excess Capacity, after taking into
363 account any previous allocations from the Excess Capacity. The Commission shall allocate the
364 Excess Capacity required by any project as of the earliest date when all approvals required for

365 such project from local public bodies have been issued and have become final and unappealable.
366 Any approval under this section shall further be contingent on the owner's paying the District, in
367 advance, all costs reasonably anticipated in connection with such inclusion, including without
368 limitation all engineering and construction costs. Notwithstanding any other provision hereof, no
369 approval from the Commission shall be required under this section for (a) the reconstruction,
370 enlargement, expansion, change or alteration of existing single or two-family residential
371 structures provided that both the use of the property, within the meaning of the zoning bylaws,
372 and the number of dwelling units in such existing structures shall remain unchanged, or (b) the
373 addition of an accessory apartment in a single-family residential structure. If the Reserved
374 Capacity then available is insufficient to accommodate the changes described in clauses (a)
375 and/or (b), the District may utilize any available Excess Capacity. No amendment of the said
376 intermunicipal agreement(s) that would increase the water or sewer capacity made available to
377 the District shall be effective until approved by a majority vote of an annual or special town
378 meeting of the Town.

379 SECTION 13. This act, being necessary for the welfare of the Town and its inhabitants,
380 shall be liberally construed to effect its purposes.

381 SECTION 14. This act shall be construed in all respects so as to meet all constitutional
382 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken
383 which are necessary to meet constitutional requirements whether or not such steps are required
384 by statute.

385 SECTION 15. This act shall take effect upon its passage.