

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James C. Arena-DeRosa

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>12/5/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>12/14/2023</i>

HOUSE No.

By Representative Arena-DeRosa of Holliston, a petition (subject to Joint Rules 12 and 9) of James C. Arena-DeRosa and Rebecca L. Rausch (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
15 otherwise provided herein. The District shall also serve the purpose of furnishing sewer services
16 with the power to lay out, construct, maintain and operate a system or systems of common
17 sewers and drains in public or private ways with such connections and other works within the
18 territorial limits of the District as may be required for a system or systems of sewerage and
19 drainage, and sewage treatment and disposal, and to regulate the use of such sewers and fix and
20 collect rates to be paid therefor, and construct and finance such facilities as may be necessary to
21 sewer services, and impose fees as hereinafter provided for the payment of such services and
22 defraying necessary expenses of and the carrying on of the business of the District, subject to the
23 General Laws relating to sewer districts, except as otherwise provided herein. For these
24 purposes, the District may seek, obtain, and accept any available capital and operating funds
25 from the Commonwealth, the federal government or any authority or entity created by the
26 Commonwealth or the federal government, and accept donations, gifts of capital, operating
27 funds, lands, easements, equipment, or facilities from public or private sources. The District may
28 prosecute and defend all actions related to its affairs and property. The District may, by a
29 positive vote of 4 of 5 members of its Commission, enter into one or more intermunicipal
30 agreements with the Town of Sherborn and the City of Framingham, or either 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 and the
35 City of Framingham. The District and all of its revenue, income, and real property shall be

36 exempt from taxation, and the District shall not be required to pay any tax, excise, or assessment
37 to or for the Commonwealth or any of its political subdivisions. Bonds issued by the District and
38 their transfer and the income therefrom, including any profit made on the sale thereof, shall be
39 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 connection in Framingham to the
42 District shall commence only after the Board of Directors of the Authority has voted approval
43 after having first made the findings as required by clauses (1) to (6), inclusive, of paragraph (d)
44 of section 8 of chapter 372 of the acts of 1984 (the Authority's enabling legislation) and having
45 made such other determinations in accordance with applicable policies of the Authority and after
46 all required approvals have been received including, as applicable, other regulatory bodies where
47 required and the Advisory Board of the Authority, but section 71 of said chapter 372 (limiting
48 the addition of new communities to the Authority's service area) shall not apply.

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

51 "Authority", the Massachusetts Water Resources Authority.

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

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

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

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

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

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

98 "District", the North Sherborn Water and Sewer District established in this act, said
99 District to comprise the geographical area shown as the "North Sherborn Water and Sewer
100 District" on the plan entitled "Plan of the North Sherborn Water and Sewer District" dated
101 November 8, 2023 (the "Plan"), which is on file in the Sherborn town clerk's office and recorded

102 in the Middlesex South Registry of Deeds in book 2023, page 784, being all of the land in
103 Sherborn north of the line that is shown on the Plan as "District Boundary Line".

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

105 "Rental Housing Project", the rental housing complex to be located on a portion of Lot 55
106 as shown on Map 5, Block 0 of the Sherborn Assessors' Maps, being the largest anticipated water
107 and sewer user of the District.

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

113 "Senior Housing Project", the age-restricted housing complex to be located on Lots 32,
114 48A and portion of 55 as shown on Map 5, Block 0 of the Sherborn Assessors' Maps, being the
115 second-largest anticipated water and sewer user of the District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

286 (b) Subject to clause (e), the fees, rates, rents, assessments and other charges established
287 by the Commission in accordance with clause (a) shall be fixed and adjusted relative to the
288 aggregate thereof so as to provide revenues sufficient: (i) to pay the current expenses of the
289 Commission; (ii) to pay the principal, premium, and interest on bonds for costs as they become
290 due and payable; (iii) to create and maintain such reasonable reserves as may be reasonably
291 required by the Commission or by any trust agreement or resolution securing bonds issued by the
292 District on account of capital costs; (iv) to provide funds for paying the costs of all necessary
293 repairs, replacements and renewals of the water and sewer systems; and (v) to pay or provide for
294 any amounts which the Commission may be obligated to pay or provide for by law or contract,
295 including a resolution or contract with or for the benefit of the holders of bonds issued for the

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

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

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

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

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

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

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

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

363 Any approval under this section shall further be contingent on the owner's paying the District, in
364 advance, all costs reasonably anticipated in connection with such inclusion, including without
365 limitation all engineering and construction costs. Notwithstanding any other provision hereof, no
366 approval from the Commission shall be required under this section for (a) the reconstruction,
367 enlargement, expansion, change or alteration of existing single or two-family residential
368 structures provided that both the use of the property, within the meaning of the zoning bylaws,
369 and the number of dwelling units in such existing structures shall remain unchanged, or

370 (b) the addition of an accessory apartment in a single-family residential structure. If the
371 Reserved Capacity then available is insufficient to accommodate the changes described in
372 clauses (a) and/or (b), the District may utilize any available Excess Capacity. No amendment of
373 the said intermunicipal agreement that would increase the water or sewer capacity made
374 available to the District shall be effective until approved by a majority vote of an annual or
375 special town meeting of the Town.

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

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

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