

SENATE No. 3113

Senate, September 6, 2022 -- Substituted as a new draft (Senator Rausch) for the Senate Bill relative to a town center wastewater service area for the town of Norfolk (Senate, No. 2945).

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act further regulating wastewater services in the town of Norfolk.

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. Section 2 of chapter 101 of the acts of 2004 is hereby amended by inserting
2 after the word “commissioners”, in line 4, the following words:- ; sewer department, including
3 the board of sewer commissioners.

4 SECTION 2. Section 3 of said chapter 101 is hereby amended by inserting after the word
5 “department”, in line 3, the second time it appears, the following words:- , sewer department.

6 SECTION 3. Notwithstanding chapter 83 of the General Laws or any other general or
7 special law to the contrary, the select board of the town of Norfolk, in order to preserve and
8 manage limited wastewater treatment capacity, may allow owners of parcels of land or portions
9 of parcels of land located within a municipal wastewater service area as shown on a plan entitled
10 "Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA: Proposed Wastewater Service
11 Area Map", dated September 23, 2010 and prepared by Bergmeyer Associates, Inc., which is on
12 file in the office of the town clerk, including in such term any later expansion of such town

13 center wastewater service area as may be approved by the select board and any other wastewater
14 service area established by the town by two-thirds town meeting vote, to connect to common
15 sewers located within such wastewater service area subject to available capacity and may
16 provide that each property owner proposing to connect to the common sewer shall pay to the
17 town, in advance of construction of the common sewers within such service area, a proportional
18 part of the cost of common sewers within such service area as the sewer commission shall
19 determine is to be paid by those who initially propose to connect to the sewer.

20 SECTION 4. Notwithstanding chapter 83 of the General Laws, the select board of the
21 town of Norfolk may allow property owners who did not initially propose to connect to the sewer
22 and did not initially make the prepayment as established in section 3 to connect to the common
23 sewer; provided, however, that such subsequent connectors shall be assessed a surcharge upon
24 and in addition to the annual sewer use charges authorized under section 16 of said chapter 83.
25 The surcharge shall be proportionate to the prepayment and shall be over such term of years as
26 the select board shall determine to be just and equitable, with the objective that those owners
27 who made such prepayment shall enjoy a proportionate reduction in their annual sewer use
28 charges.

29 SECTION 5. A property owner who undertakes new construction, changes the use of all
30 or part of land or structure, expands a use or structure that existed at the time of connection or
31 otherwise increases sewage flow or estimated flow in a manner not contemplated by the select
32 board of the town at the time the select board calculated the prepayment as established in section
33 3 or the surcharge as established in section 4, which construction, change of use, expansion of
34 use or other action is estimated by the select board to result in an increased estimated sewage
35 design flow allocation to the property, may be assessed a proportionate sewer use surcharge or

36 additional surcharge, with the objective that those owners who made such prepayment and who
37 did not so increase their estimated use of the common sewer shall enjoy a further proportionate
38 reduction in their sewer use charges.

39 SECTION 6. Nothing in this act shall limit the powers of the select board of the town of
40 Norfolk exercising the powers of a sewer commission under chapter 83 of the General Laws to
41 assess betterments, special assessments, privilege fees, sewer connection fees or annual sewer
42 use charges as provided in said chapter 83, in addition to or instead of the prepayment and sewer
43 use surcharges authorized herein.

44 SECTION 7. The select board of the town of Norfolk may, from time to time, prescribe
45 rules and regulations for the connection of estates and buildings with common sewers and the
46 assessment of charges and surcharges, as provided in this act, in the manner provided by section
47 10 of chapter 83 of the General Laws.

48 SECTION 8. There shall be a Town Center Wastewater Enterprise Fund for the town of
49 Norfolk under section 53F¹/₂ of chapter 44 of the General Laws for purposes of funding the
50 construction, operation, maintenance, repair and replacement of a system of town common
51 sewers and wastewater facilities in the town center wastewater service area under section 3. The
52 enterprise fund shall take effect as of the first day of July of the fiscal year following the
53 effective date of this act.

54 SECTION 9. Sections 16A to 16F, inclusive, of chapter 83 of the General Laws shall take
55 effect in the town of Norfolk upon the effective date of this act with no further vote of
56 acceptance required by the town. An affidavit attesting to the enactment of this act, recorded in

57 lieu of the certificate referred to in said section 16A of said chapter 83 shall have the same effect
58 as such a certificate.

59 SECTION 10. This act shall take effect upon passage.