

ARTICLE 71

SEWER ASSESSMENT

Section 1 Purpose and Authorization

To assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area in accordance with the formal vote of the Select Board in accordance with Chapter 80, Section 1 of the General Laws and any other applicable statute, general or special.

Section 2 Basic Requirements

Other than in respect to the West Speen Street Pumping District, the Town Administrator shall assess sewerage construction costs to all properties receiving benefit of advantage on the basis of the unit method as hereinafter defined. He shall separate the costs of the general benefit facilities, such as pumping stations, trunk and force mains, lands, rights-of-way, and easements from those of the special benefit facilities, such as the sewer mains serving adjacent properties. The proportional cost of the special and general benefit facilities shall be assessed against all properties abutting a sewer street upon such sewer becoming operational. The cost of the general benefit facilities, attributable to lands not abutting a sewer street, shall not be assessed until the properties are serviced by public sewerage. The Town will temporarily pay this delayed cost of the general benefit facilities until such lands are serviced by public sewerage. In the West Speen Street Pumping District, the Town Administrator shall assess the West Speen Street Sewer Construction Costs based upon the unit method to the properties in the West Speen Street Pumping District; or in case of other sewerage construction costs, shall assess sewerage construction costs in accordance with this By-Law.

Section 3 Definitions

For the purpose of this By-Law, the following words shall be considered to have the following meanings:

- 1) **Unit Method:** a means by which sewerage construction costs shall be equally divided between the total number of existing and potential sewer units to be served after having proportioned the costs resulting from special and general benefit facilities.
- 2) **Sewer Unit:** assessment equivalent correspondent to a single family residential lot as permitted under the Zoning By-Laws of the Town of Natick.
- 3) **Dwelling Unit:** one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating.
- 4) **Multifamily Use:** occupancy of premises with two or more dwelling units.
- 5) **Commercial Use:** occupancy of premises for financial gain including profit such as business and industrial uses.
- 6) **Semi-public Use:** occupancy of premises by private non-profit organizations such as schools, hospitals, and religious institutions.
- 7) **Lateral Line:** sewer conduit from a house to a street.

- 8) **Sewer Main:** the line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.
- 9) **Trunk Main:** the line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.
- 10) **Force Main:** a line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.
- 11) **Zoning By-Law:** the Zoning By-Law in effect in the Town of Natick at the time the sewerage betterment assessment is levied.
- 12) **Special Benefit Facilities:** the sewer main to which a lateral line from an individual abutting property can be connected.
- 13) **General Benefit Facilities:** improvements such as pumping stations, trunk and force mains, lands, rights-of-way, and easements which will provide benefit or advantage to an area exceeding that served by the special benefit facilities. Ordinarily general benefit facilities will serve a major part of a pumping district.
- 14) **West Speen Street Pumping District:** The land comprising Assessor's Map 16, Lot 2 and Map 24, Lot 101
- 15) **West Speen Street Sewage Construction Cost:** all sewer improvements required to be constructed to accommodate sewage flow from the West Speen Street Pumping District as part of the redevelopment and expansion at the Natick Mall as approved by the Planning Board in Decision 16-04 dated July 19, 2004 as the same may be modified, or a approved by an Approved Use Development Plan adopted by Town Meeting.

Section 4 Sewer Cost Apportionment

Other than for West Speen Street Sewer Construction Costs, betterments shall be assessed for seventy-five per cent (75%) of the cost of special and general benefit facilities with twenty-five per cent (25%) of the cost to be paid by the Town. In the West Speen Street Pumping District, betterments shall be assessed for one hundred percent (100%) of the cost of special and general benefit facilities for West Speen Street Sewer Construction Costs with no cost to be paid by the Town.

Each parcel of land in a pumping district shall be converted into permanent sewer units for the purpose of proportionally dividing the construction costs. For assessment purposes a sewer unit shall be equivalent to a single family residential lot of the minimum frontage and depth requirements specified in the Zoning By-Law for the district in which the property is located.

If a lot containing a dwelling unit or structure used for commercial or semi-public purposes is smaller than that required by the Zoning By-Law for residential purposes, it shall be assessed one unit. If a dwelling unit is so situated on two or more adjacent residential lots so that only one residence is allowable, or is an owner with two or more such adjacent lots is using one lot for his house and the remainder is vacant, he will be assessed one sewer unit until such land is further developed. At the time of development proportional assessment will be made based on previously established permanent sewer units. Multifamily residences shall be assessed one sewer unit for each dwelling unit.

Commercial and industrial and semi-public uses and all properties within the West Speen Street Pumping District shall be converted into sewer units on the basis of the minimum frontage and depth requirements of the nearest single family residential district with the largest common frontage.

If any parcels of land are ever converted to a more intensive use by new construction, zoning changes, or variance of the Zoning By-Laws, resulting in an increment in sewerage benefit for the parcel greater than that established at the time of the original assessment, the Town Administrator shall proportionally assess the more intensive use.

The following methodology is presented as a guide for apportioning the cost of sewerage construction using the unit method:

- 1) The cost of the general benefit facilities and the special benefit facilities shall be separated from each other. The cost of the general benefit facilities shall be divided into two parts:
 - a) the cost apportioned to the lands abutting existing streets which will receive direct benefit and advantage upon connection to the sewerage system; and
 - b) the cost apportioned to the lands not abutting the existing streets to be sewerred, which cost will accrue at a later date.
- 2) The proportion of a property abutting a street to be sewerred that will benefit from the improvement shall be converted into sewer units as follows:
 - a) Existing residential uses, including multi-family uses, shall be converted into sewer units on the basis of the number of dwelling units in the structure.
 - b) Existing commercial and semi-public uses shall be converted into sewer units. The street frontage of the property including all which is actually developed for use at the present time shall be divided into sewer units on the basis of the frontage and depth requirements specified for the single family zoning district in closest proximity to it. These parcels shall be assessed for both special and general benefit costs. The remainder of the property shall be divided into residential units as above after having made allocation for potential roadways and lands not useable. These latter parcels shall be assessed only for the general benefit facilities.
 - c) Potential residential lands shall be converted into sewer units on the basis of the frontage and depth requirements for a lot specified in the Zoning By-Law for the district in which such lands are located.
 - d) Potential commercial lands shall be converted into sewer units on the basis of the frontage and depth requirements specified in the Zoning By-Laws for the single family district in closest proximity with the largest common frontage.
- 3) Properties not immediately benefiting from sewer improvements in the determinable area, but which will benefit at a later date, shall be converted into sewer units.
 - a) Existing and potential residential lands shall be converted into sewer units on the basis of the frontage and depth requirements for a lot specified in the Zoning By-Law for the district in which such lands are located after having made allocation for potential roadways and lands not useable.

- b) Potential commercial lands shall be converted into sewer units on the basis of the frontage and depth requirements specified in the Zoning By-Law for the single family zoning district in closest proximity with the largest common frontage after having made allocation for potential roadways and lands not useable.
- 4) The unit cost for special benefit facilities shall be allocated to all properties abutting an existing street by dividing the cost of the special benefit facilities (Item 1) by the total number of sewer units calculated for such area (Item 2)
- 5) The unit cost for general benefit facilities shall be allocated to all properties within the limited and determining area by dividing the cost of the general benefit facilities (Item 1) by the total number of sewer units within such area (Item 2 plus 3).
- 6) The total unit cost for all properties abutting an existing street shall be calculated by adding the unit cost of the general and special benefit facilities together.
- 7) The proportional unit cost which will temporarily be payable by the Town, but reimbursable when the properties directly benefit from the general benefit facilities shall be calculated by multiplying the number of sewer units attributable to the area not receiving immediate benefit (Item 3) by the unit cost for general benefit facilities (Item 5).

Section 5 Sewer Connection

An abutter to a completed section of a sewer line may connect to the completed line before the entire sewer project is completed and assessed, provided that he makes a stipulated monetary deposit and signs an agreement with the Department of Public Works to the effect that he will pay the balance of the assessment when levied.