



Town of Bourne
Board of Sewer Commissioners
Commercial Wastewater Management Allocation Policy

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Adopted by vote of the Bourne Board of Sewer Commissioners _____
Date

I. Purpose of these Policies and Procedures

The Town of Bourne (referred to herein as the Town), through an Inter-Municipal Agreement, may send up to 200,000 gallons per day (gpd) of wastewater for treatment and disposal to a plant owned by the Town of Wareham. Further, it is anticipated that another 100,000 gpd will be available for allocation when a new package treatment plant on the Town’s Queen Sewell Park site becomes operational. The Board of Sewer Commissioners (referred to herein as the Board) controls the allocation of wastewater treatment capacity among parcels in the sewered areas of the Village of Buzzards Bay and assigns allocations on a parcel-by-parcel basis.

In order to remove subjective factors from the process of awarding wastewater allocations, the Board shall henceforth apply the following procedures for granting allocations from the Town’s Uncommitted Reserve Capacity for the purpose of development and re-development in Bourne’s Downtown.

These policies and procedures are in effect primarily for commercial development; single-family residences are exempt. The guideline for which properties/projects are required to follow these procedures is: if a development or a change of use requires review by the Bourne Planning Board, then it requires review by the Board of Sewer Commissioners using the policies and procedures described herein.

Further, in order to ensure that unused allocations will not prevent property owners and/or developers from coming forward with projects that may be in the long term best interests of the Town, the Board hereby establishes a system of periodic reviews of allocations.

II. Uncommitted Reserve Capacity

Annually, during the month of September, the Board shall determine the Uncommitted Reserve Capacity, as defined in Section VIII.

The Board shall grant allocations from the Uncommitted Reserve Capacity in a two-step process detailed below: Applicants shall obtain a Preliminary Allocation and, after meeting established Milestones, can request an Operational Allocation.

III. Obtaining a Preliminary Allocation

A. The Applicant shall apply to the Board for a Preliminary Allocation on a form prescribed by the Board. A sample is appended to this policy statement. An Application Fee is due at the time of application (see Section VII).

B. If the application requests a flow amount that exceeds the Uncommitted Reserve Capacity (see draft application), the application will be considered incomplete.

C. The Board shall review applications on a first come, first served basis within sixty days after the Application is deemed complete. If the requested allocation is available within the Uncommitted Reserve Capacity, the Board shall grant Preliminary Allocations to projects which:

- 1) Demonstrate evidence of adequate financing;
- 2) Demonstrate control of the project's parcels (*i.e.* Purchase and Sale agreement, evidence of ownership);
- 3) Have been presented to the Planning Board for preliminary project review;
- 4) Have Milestones established with the mutual agreement of the Board and the Applicant; and
- 5) Demonstrate that the requested allocation is based on state and local regulations.

D. If the Board grants a Preliminary Allocation, the Applicant shall have up to two years to initiate construction. A Preliminary Allocation Fee is due at the time the Board grants the Preliminary Allocation (see Section VII).

- 1) During the two years, the Applicant shall show substantial progress in regular six-month reports to the Board. The Board retains the right to revoke the Preliminary Allocation if the Applicant cannot demonstrate progress, although the Board may allow for the continuation or extension of a Preliminary Allocation in the case of delays not under the control of the Applicant. If the Preliminary Allocation is revoked, the allocation shall revert to the Town.
- 2) When the Board grants a Preliminary Allocation, the Applicant shall pay a Preliminary Allocation Fee as set forth in the Town's Schedule of Rates and Fees.

- 3) If the Board extends the Preliminary Allocation beyond the designated two-year period, the Applicant shall annually pay a Preliminary Allocation Extension Fee (see Section VII).

E. The Application Fee, the Preliminary Allocation Fee, and any Preliminary Allocation Extension Fees are non-refundable if the Preliminary Allocation is revoked by a majority vote of the Board.

F. After the Board's vote to grant a Preliminary Allocation, the Applicant shall be issued a letter signed by the Town Administrator certifying to the existence of a Preliminary Allocation for that specific project/parcel(s) and including any conditions imposed by the Board.

IV. Obtaining an Operational Allocation

The Preliminary Allocation shall be converted to an Operational Allocation by vote of the Board when the project has been issued a Building Permit.

A. The Board may attach conditions and may reduce or increase the Allocation based on Massachusetts DEP regulations and final approved project design. Where capacity is reduced by Board action, the unused capacity shall revert to the Town.

B. After the Board's vote to convert the Preliminary Allocation to an Operational Allocation, the Applicant shall be issued a letter signed by the Town Administrator certifying to the existence of an Operational Allocation for that specific project/parcel(s) and including any conditions imposed by the Board.

V. Managing Unused/Underused Allocations

A. Within six months of the adoption of this policy, the Board shall conduct a public hearing in order to review the Allocations made to parcels on which betterments have been paid but no development has occurred. At that hearing, parcel owners shall be invited to provide the Board with a report of their plans for development within the next two years.

- 1) If the parcel owner does not provide such a report, or if the parcel owner reports but has no acceptable plans for development in the next two years, the parcel will be considered as having no allocation.
- 2) If, at a future time, the parcel owner presents a development project, the owner shall go through the full application process as defined herein.

B. If a project with an Operational Allocation has no flow two (2) years after the date that the allocation was granted by the Board, it shall expire and revert to the Town's Uncommitted Reserve Capacity. There shall be no refund of any fees paid on the reverted Allocation. The Board may grant extensions if it finds that the holder of the Allocation has been working diligently to implement the project and no relevant local or state approvals have expired.

C. When a project that has been granted its Operational Allocation is complete and has been online for three years, the Board shall compare actual flows against the amount granted in the Operational Allocation.

- 1) If the actual average daily flow exceeds the Allocation, the applicant shall apply for an Allocation equal to the difference, and shall pay the user fee assessed per gpd by the Town at that time.
- 2) If the actual average daily flow is less than the Allocation, the difference in gpd shall revert to the Town's Uncommitted Reserve Capacity unless the Applicant can demonstrate a continuing need. There shall be no refund of previously paid fees.

VI. Conversion of Existing Allocations

- A. At the time of the adoption of this policy, existing Allocations in functional facilities shall be considered Operational Allocations.
- B. Allocations that have been granted by vote of the Board to projects not complete at the time of the adoption of this policy shall be considered Preliminary Allocations. The developer or owner of such projects shall have six months to meet the requirements for a Preliminary Allocation as stated in Section III herein and to pay the Preliminary Allocation Fee described herein minus the amount of fees paid previously.

VII. Fees

A. During the process of obtaining a Preliminary Allocation, the applicant shall be assessed fees as periodically established by the Board, which is hereby authorized to establish or amend wastewater allocation fees from time to time as follows:

- 1) Application Fee: due upon application for a Preliminary Allocation.
- 2) Preliminary Allocation Fee: due within 30 days of the Board's approval of the Preliminary Allocation. The fee shall be based upon the projected wastewater flow.
- 3) Preliminary Allocation Extension Fee: due within 30 days of the Board's vote to extend the Preliminary Allocation beyond the original two years and shall be paid annually for as long as the extension is continued.

B. When the allocation is converted to an Operational Allocation by vote of the Board, the applicant shall pay user fees as designated by Town regulations.

C. In cases where a Preliminary Allocation expires and a new person applies for capacity for the same project on the same site, the Board may consider previous fees paid by the original person when establishing fees for the new project.

VIII. Definitions

The following words and phrases have the meanings below:

Actual Flow: the volume of wastewater from any individual unit (residential, commercial or institutional) connected to the sewers as measured by a certified water meter.

Allocation: a specified amount of wastewater treatment capacity measured in gallons per day (gpd) assigned to a specific project on a specific parcel or parcels upon a majority vote of the Board. All allocations to projects shall be based on state and local regulations. The transfer of all or part of an allocation is prohibited unless approved in writing by the Board.

Allocation Fee: a non-refundable fee established by the Board to be paid by the Applicant within 30 days of the time the Allocation, Preliminary or Operational, is voted.

Application: a form which shall be completed by the Applicant to request an allocation of wastewater management capacity from the Uncommitted Reserve Capacity. A sample form is attached to this policy statement. The Board may from time to time vote adjustments in the information requested on the form.

Application Fee: a non-refundable one-time fee established by the Board to be paid at the time the Application is deemed complete. An application shall be deemed complete when it is date stamped and signed by the receiving Town official. Incomplete applications, including applications without the required fee, shall not be processed.

Board: the Bourne Board of Sewer Commissioners.

Development and re-development: the construction of improvements on a parcel or parcels of land for any purpose, including, but not limited to institutional, commercial and/or industrial activity.

Gpd: gallons per day

Milestones: goals set by mutual agreement between the Applicant and the Board to measure progress toward meeting the requirements to convert a Preliminary Allocation to an Operational Allocation. Some examples are: finalizing financing, demonstrating control of the parcel(s), receiving final order of conditions from the Planning Board, obtaining all required state and local permits.

Operational Allocation: an amount of wastewater treatment capacity in gallons per day assigned to a project by vote of the Board after the project has been issued a Building Permit. This may or may not be the same allocation amount as in the Preliminary Allocation depending on the parameters of the project, the availability of a different amount of allocation, and the demonstration by the applicant that the project meets all state and local requirements for wastewater treatment. The Operational Allocation shall be reviewed after three years. Any excess of actual flows over the Operational Allocation shall not be available to the project, to another project, or to project expansion and shall be returned to the Town's Uncommitted Reserve Capacity.

Operational Allocation Fees: annual user fees as designated by Town regulations. The first Operational Allocation Fee shall be due within 30 days of the Board's vote to grant an Operational Allocation.

Preliminary Allocation: an amount of wastewater treatment capacity in gallons per day assigned for a period of two years to a project in its early stages of development. If all appropriate conditions to the project are met, this Preliminary Allocation assures the applicant that the required wastewater treatment capacity will be available when the project is ready for operations. As a condition for retaining the Preliminary Allocation, the Applicant must provide status reports to the Board every six months. The Preliminary Allocation shall be voided if the Applicant does not provide information for these periodic reviews or if the Board determines by majority vote that the mutually agreed upon Milestones are not met. The Board can extend a Preliminary Allocation beyond two years or convert a Preliminary Allocation to an Operational Allocation by majority vote.

Preliminary Allocation Fee: a non-refundable one-time fee based on the project's projected flow. This fee shall be due within 30 days of the Board's vote to grant a Preliminary Allocation.

Preliminary Allocation Extension Fee: a non-refundable fee paid at the time the Board votes to extend a Preliminary Allocation beyond the normal two-year period. This fee shall be due within 30 days of the Board's vote to extend and shall be paid annually for as long as the extension is continued.

Residential Reserve: two percent of the systems' designated treatment capacity held in reserve to allow expansion by existing single-family residences. This reserve is to be calculated annually as part of the determination of the Uncommitted Reserve Capacity.

Sewers: the wastewater treatment system.

Uncommitted Reserve Capacity: that portion of the wastewater systems' treatment capacity remaining after subtracting the Preliminary Allocations, the Operational Allocations, existing residential flow and the Residential Reserve from the systems' designated treatment capacity. This determination shall begin by comparing all allocations, Preliminary and Operational, with actual flows for the previous fiscal year, on a parcel or project basis. Parcel /project owners with significant differences between allocations and flows shall be requested to explain the difference and describe any changes expected in the next 12 months. The Board reserves the right to reduce the allocation for projects more than three years old demonstrating a significant excess of allocation over flow. In that case, the difference between the new and old allocations shall revert to the Town and be counted in the Uncommitted Reserve Capacity. (See page 3 for parcels with paid betterments and unused flow capacity.) The Board shall determine the amount of the Uncommitted Reserve Capacity annually and designate such Uncommitted Reserve Capacity to be available for the next fiscal year.

User fees or sewer use fees: annual fees established by vote of the Board.

Wastewater: used water discharged from buildings to the treatment plant and monitored on a continuing basis. Can be interchanged with "sewage."

Addendum - Proposed Fees

Application Fee (one-time): \$5,000

Justification: covers staff expenses to review the application and to prepare a recommendation to the Board. See III.C. in policy statement

Preliminary Allocation Fee (one-time): \$1,500 plus \$0.50 per projected gallons per day flow

Justification: covers staff expenses to prepare and brief Board on progress meetings at the required six-month intervals; incentive to developer to complete milestones and obtain Building Permit.

Preliminary Allocation Extension Fee (annual): \$2,500

Justification: covers staff expenses to brief Board on progress at additional six-month meetings

Operational Allocation Fees or sewer use fees annual user fees defined by vote of the Board

Attachments:

Proposed Preliminary Commercial Allocation Application Form

Flow chart

Recommendation