

HOUSE No. 4246

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

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 authorizing the town of Littleton to provide drinking water to the inhabitants of the town of Boxborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>10/16/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>11/9/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/10/2024</i>

HOUSE No. 4246

By Representative Arciero of Westford, a petition (subject to Joint Rules 12 and 9) of James Arciero that the town of Littleton be authorized to provide drinking water to the inhabitants of the town of Boxborough. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act authorizing the town of Littleton to provide drinking water to the inhabitants of the town of Boxborough.

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. Notwithstanding chapter 617 of the acts of 1911 or any other general or
2 special law to the contrary, the town of Littleton may provide water to inhabitants of the town of
3 Boxborough for the extinguishment of fires and for domestic, manufacturing and other purposes
4 and may establish fountains and hydrants and relocate or discontinue the same and may regulate
5 the use of such water and fix and collect rates to be paid therefor as provided in this act.

6 SECTION 2. For the purpose of supplying water to the inhabitants of the town of
7 Boxborough, the town of Littleton may take, or acquire by purchase or otherwise, and hold all
8 lands, rights of way and easements in the towns of Boxborough and Harvard necessary for
9 supplying water to the town of Boxborough as generally described on a plan of land entitled
10 "PROPOSED FINISHED WATER MAIN EXTENSION," prepared by Weston & Sampson,
11 which is on file with the town clerk of the town of Littleton, or as provided by section 3.

12

13 SECTION 3. The Littleton board of water commissioners may construct, own, operate
14 and maintain a water distribution system in the town of Boxborough to be built within public and
15 private ways in the towns of Boxborough and Harvard for the purpose of supplying water to the
16 inhabitants of the town of Boxborough as generally described on the plan of land referenced in
17 section 2, or as otherwise provided by this section. The following parcels, as shown on the plan
18 and described below by parcel ID number on the town of Boxborough’s assessors’ map may
19 connect to the water distribution system and shall be subject to betterments as provided by
20 section 5: 01-010-000; 03-011-000; 03-012-000; 03-013-000; 07-003-000; 07-004-000; 07-005-
21 000; 07-007-000; 07-008-000; 07-009-000; 07-013-000; 07-014-000; 07-015-000; 07-016-000;
22 08-002-000; 08-003-000; 08-008-000; 08-009-000; 08-010-000; 08-011-000; 08-090-000; 12-
23 003-000; 12-004-000; 12-005-000; 12-006-000; 12-007-000; 12-009-000; 12-010-000; 12-011-
24 000; 12-012-000; 12-033-000. The water distribution system may be expanded in the town of
25 Boxborough, to serve additional parcels which shall be subject to betterments as provided by
26 section 5, by a vote of the Littleton board of water commissioners and a vote of the Boxborough
27 select board. The town of Littleton shall not provide water to any other parcel in the town of
28 Boxborough not herein identified unless otherwise permitted by general or special law.

29 SECTION 4. The Littleton board of water commissioners shall directly bill the
30 inhabitants of the town of Boxborough to which it supplies water under section 3 in accordance
31 with rates established by the board. The rates and fees shall not exceed those paid by residents of
32 the town of Littleton for like quantities of water. Upon the request of the board, the town of
33 Boxborough shall have such rights against any resident of the town of Boxborough to whom the
34 board is supplying water and whose bill for such service is not paid on or before its due date as

35 provided in sections 42A to 42E, inclusive, of chapter 40 of the General Laws. All sums
36 collected by the town of Boxborough pursuant to this act shall be remitted to the town of
37 Littleton as determined by an intermunicipal agreement.

38 SECTION 5. The Littleton water department shall be the assessing board and may
39 determine the amount of the betterments necessary to construct the improvements described in
40 section 3 using a uniform unit method which shall be based upon the common main construction
41 costs divided among the total number of existing and potential water units to be served after
42 having allocated the town contribution, if any, and after having proportioned the cost of special
43 (specific unit) and general benefit facilities. Each water unit shall be equivalent to a single family
44 residence. Existing and potential uses shall be converted into water units on the basis of
45 residential equivalents. When requested by the Littleton board of water commissioners, the town
46 of Boxborough shall levy betterment assessments in connection with the engineering, permitting
47 and construction of the water distribution system described in section 3. The assessments shall be
48 collected by the town of Boxborough and remitted to the town of Littleton as determined by an
49 intermunicipal agreement. Except as otherwise provided in this act, sections 42G to 42K,
50 inclusive, of chapter 40 of the General Laws and chapter 80 of the General Laws relative to the
51 apportionment, division, reassessment and collection of assessments and interest shall apply to
52 assessments levied pursuant to this act.

53 SECTION 6. The board of assessors of the town of Boxborough may, and at the request
54 of the owner of the land assessed shall, apportion all betterment assessments or unpaid balances
55 thereof made under section 5 into a number of equal annual payments, not to exceed the number
56 of years for which bonds are issued for the project for which the assessments are made. Such
57 payments may be further apportioned and collected by the town on quarterly tax bills or a single

58 tax bill at the option of the town. An owner of land assessed may pay the total amount due
59 without a prepayment penalty. Any betterment assessments collected by the town pursuant to this
60 act shall be remitted to the town of Littleton as determined by an intermunicipal agreement.

61 SECTION 7. The Littleton board of water commissioners may grant abatements in
62 accordance with chapter 80 of the General Laws. Notwithstanding section 60 of chapter 59 of the
63 General Laws, the board may receive abatement applications from the property owners of the
64 parcels specified in section 3 and records of abatements.

65 SECTION 8. The Littleton board of water commissioners shall be deemed to have an
66 interest in the parcels of land specified in section 3 subject to betterments for as long as such
67 betterments remain unpaid, in whole or in part, and the collector of the town of Boxborough may
68 issue a separate tax bill for any such parcel to the board upon request, in accordance with section
69 22A of chapter 60 of the General Laws.

70 SECTION 9. Notwithstanding any general or special law to the contrary, the Littleton
71 water department may regulate the use of water in the town of Boxborough by users of the water
72 distribution system described in section 3. Such users shall be subject to water use by-laws or
73 regulations promulgated by the town of Littleton or by the Littleton board of water
74 commissioners and shall be subject to any penalties or fines prescribed in the by-laws or
75 regulations.

76 SECTION 10. All property owners in the town of Boxborough authorized to connect to
77 the system under this act shall first execute an agreement with the Littleton water department
78 prior to connection wherein the property owner shall agree, for such time as it connects with the
79 water distribution system, to limit its use of water to an amount determined in the agreement.

80 The agreement shall be recorded in the Middlesex southern district registry of deeds and shall
81 run with the land and be binding on the heirs, successors and assigns of the property owner. Any
82 increase in water use shall be subject to available capacity and the approval of the Littleton water
83 department.

84 SECTION 11. Notwithstanding section 4A of chapter 40 of the General Laws, the
85 intermunicipal agreement executed between the towns of Littleton and Boxborough to provide
86 water to the residents of the town of Boxborough pursuant to this act may exceed 25 years in
87 duration and shall remain in effect until the Littleton board of water commissioners ceases to
88 provide water to the properties identified in section 3.