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Nick Lawler, General Manager

Maren Toohill, AICP
Town Planner
37 Shattuck Street
1st Floor, B100
Littleton, MA 01460

RE: Preliminary Subdivision Application for 550 King Street

Dear Maren,

As you are aware, Littleton Electric Light & Water Department (LELWD) staff, Littleton's Town Administrator, and representatives of the Littleton Select Board, Littleton Finance Committee, and Littleton Board of Water Commissioners (collectively, the Sewer working group) have had regular meetings with representatives of the Lupoli Companies for the past two years to coordinate the timing and financing of the Littleton Common Sewer System Expansion project with the proposed development at 550 King Street. As was described in detail at the October 25, 2021 Special Town Meeting, where both the Sewer project and the zoning amendment required for the 550 King Street project were approved, neither of these projects could happen without the other. Without the 550 King Street project, the entire \$47 Million cost of the Sewer project would have been spread among only the existing properties, resulting in a betterment fee of \$208,000 for a single family home or Residential Equivalent Unit (REU). With the 550 King Street project, the sewer betterment fee is only \$40,000 per REU. The 550 King Street project pays for 62% of the Sewer project. Logically, it is allocated 62% of the project's flow capacity.

State law only allows betterments to be assessed based on existing uses, not proposed uses. Therefore, in order to provide a mechanism for the Lupoli Companies to pay for its fair share of the cost of the Sewer project, based on its proposed use, the Board of Water Commissioners adopted a Betterment Policy on October 13, 2022, that allows for the reservation of sewer capacity in exchange for a payment that reflects what the betterment fee would be if that proposed use was currently in existence. In order to be eligible for a sewer capacity reservation, the applicant must have Planning Board approval for their proposed project.

On February 1, 2023, Lupoli Companies submitted a reservation request for Sewer Capacity at 550 King Street in the amount of 200,000 gallons per day. The Sewer

Working Group met several times, both with the Lupoli Companies present and without, to discuss this request. The Littleton Sewer System is limited to 243,000 gallons per day, as stated in the groundwater discharge permit from MassDEP. The limit is based on the grounds ability to absorb treated wastewater at the effluent recharge location. Therefore, the Sewer Working Group recommended, and the Board of Water Commissioners voted on June 14, 2023, that only 150,000 gallons per day be approved in the reservation agreement with the Lupoli companies for 550 King Street. Subsequently, on July 11, 2023, the Lupoli Companies submitted a Supplemental Reservation Request for Sewer Capacity at 550 King Street in the amount of 220,000 gallons per day. On that same date, the Lupoli Companies also submitted a reservation request for of 55,000 gallons per day for 410 Great Road. The Board has not yet acted on either of these requests.

NBTC Great Road, LLC submitted a reservation request in the amount of 3,172 gallons per day on April 18, 2023 for their proposed development titled Northern Bank Town Common. The Board of Water Commissioners voted to approve this reservation request on April 26, 2023. Additionally, Massachusetts Cohousing, LLC, submitted a reservation request in the amount of 3,720 gallons per day on June 22, 2023. The Board of Water Commissioners voted to approve this reservation request on July 18, 2023.

The Littleton Common Sewer System currently under construction has a permitted capacity of 243,000 gallons per day. With the 70,000 gallons per day of sewer flow generated by existing properties and the 157,000 gallons per day of reserved capacity for approved projects, there is only 16,000 gallons per day of available capacity left. This must be held in reserve to account for minor discrepancies in flow estimation. Violation of the permitted 243,000 gallon per day capacity would expose the Town to significant penalties from MassDEP. LELWD staff are currently working on increasing the capacity of the sewer system by expanding the amount of treated wastewater that can be received at the effluent recharge location and finding additional effluent recharge locations in town. However, until such time that additional capacity becomes available, the Board of Water Commissioners is unable to approve any additional reservation requests.

Regards,



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