



## MEMORANDUM TO ZONING BOARD OF APPEALS

Re: Private Wastewater Treatment Facility

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1. The proposed 40B Development will contain 200 residential units with a Title 5 design flow well in excess of 10,000 gallons per day. Pursuant to 310 CMR 15.004(1) (a), a private wastewater treatment facility ("WWTF") is required and is regulated under 314 CMR 5.15.
2. Rather than individual septic systems for the lots in the proposed subdivision, the applicant proposes sufficient capacity in the WWTF to serve both the 40B development and the subdivision as well as for such additional lots on Grist Mill Road and Surrey Road as the applicant may desire to connect to the system. It is intended that any homes connecting to the WWTF will pay their appropriate pro rata share of all capital and maintenance costs of the WWTF.
3. No waiver is required to permit the proposed WWTF.
  - (a) The Town of Littleton (Planning Board) Subdivision of Land Regulations ("Subdivision Regulations"), do not regulate or prohibit a WWTF but rather leave the manner and methods of wastewater treatment and disposal for regulation by the Board of Health. Section 249-55. A of the Subdivision Regulations only requires that "[p]rovisions shall be made for . . . sewage disposal for each lot. . . ." The Subdivision Regulations contain no design standards relative to wastewater disposal and treatment, but rather provide for review by the Board of Health. Thus, Section 249-32.G (1) of the Subdivision Regulations provides for Board of Health "review and action as provided in the Subdivision Control Law." The Subdivision Control Law, G. l. c. 41, §81U, in turn, contemplates board of health review of a plan showing "public or community sewer . . . ." See G.L.c. 41 § 81U.
  - (b) The Town of Littleton, Massachusetts Board of Health Regulations ("Health Regulations") also permits the use of a WWTF. Thus, Regulation 18 of the Health Regulations explicitly allows "Non-Municipally Owned sewage treatment facilities" defined as "a system that **serves more than four homes or exceeds 10,000 gpd....**" [emphasis added.] Regulation 18 of the Health regulations imposes certain standards concerning the quality (nitrogen, phosphorus and suspended solids) of treated water discharges and requires appropriate financial assurances for the continued maintenance

and operation of a WWTF. The applicant intends to comply with the requirements of Regulation 18 and does not seek a waiver.

(c) Chapter 173, Zoning of the Code of Littleton ("Zoning Bylaw") does not prohibit or regulate a WWTF, but contemplates that such systems may be used in Littleton. See, e.g., Section 173-61, requiring sewage disposal in excess of 15,000 gallons per day (i.e. a WWTF) in the Aquifer or Water Resource District to obtain a special permit. And 173-101 B. requiring in those districts that "wastewater disposal facilities shall not serve more than one dwelling unit per 40,000 square feet land area of the portion of the development within such districts." The site in question is not within either the Aquifer or the Water Resource Protection Districts and, therefore, does not require a special permit and is not subject to the foregoing limitation.

In conclusion, the proposed WWTF is permitted under Town of Littleton Bylaws and Regulations and does not require a waiver and may be used for both the proposed 40B Development and the proposed Subdivision.