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INSPECTOR GENERAL

The Commonwealth of Massachusetts
Office of the Inspector General

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March 11, 2011

Mr. Bernard Lynch
Lowell City Manager
Lowell City Hall
375 Merrimack Street
Lowell, MA 01852

Dear Mr. Lynch:

In October 2009, the City of Lowell and the Lowell Police Department contacted the Office of the Inspector General and requested our assistance in determining whether the connection of a Chelmsford building's commercial sewer line into the Lowell sanitary sewer system was legal. In conducting this review, this Office's investigative staff worked in concert with Lowell Police detectives to gather necessary evidence, interview several individuals, and review voluminous public and private business records.

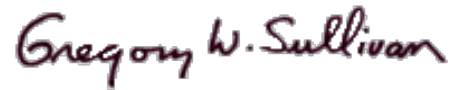
Based on our investigation, this Office has concluded that the sewer line was not authorized/approved by the City of Lowell, was not connected in accordance with the City of Lowell's Code of Ordinances: §§ 272-30 to 33 (see attachment #1), and was done in furtherance of a scheme by former City Councilman Alan Kazanjian to keep construction costs at a minimum while defrauding the City of Lowell and Town of Chelmsford rate payers.

The Middlesex County District Attorney's Office has declined to prosecute the case but has encouraged this Office to proceed with a public disclosure of the facts and circumstances surrounding the sewer line connection. Prior to the declination, the Middlesex District Attorney's Office requested that the City hold off on proceeding with civil measures regarding the termination of the illegal connection until its investigation was complete. I hope that this

investigative summary assists the City to make informed decisions on how to proceed in this matter.

If you have any questions or concerns, or if this Office can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink that reads "Gregory W. Sullivan". The signature is written in a cursive, flowing style.

Gregory W. Sullivan
Inspector General

attachments

cc: Chief Kenneth LaVallee, Lowell Police Department
The Honorable Gerard Leone, Middlesex District Attorney
The Honorable James Milinazzo, Mayor
Assistant United States Attorney, William Welch
The Massachusetts Division of Professional Licensure
The Massachusetts State Ethics Commission
Ms. Christine O'Connor, City of Lowell Solicitor
Ms. Lisa DeMeo, P.E. City of Lowell Engineer
Mr. Alan Kazanjian
Mr. Joseph DaSilva
Mrs. Linda DaSilva
Mr. Ronald Close, P.E.
Mr. Leo White, Professional Land Surveyor
Mr. Mark Young, LRWU Executive Director
Mr. Gregory Curtis, Esq.
Mr. James Pearson, P.E., Chelmsford DPW Director
Mr. Paul Cohen, Chelmsford Town Manager

I. Introduction:

In the fall of 2009, employees from the Lowell Regional Wastewater Utility (LRWU) discovered that the sewer line from a commercial building located at 190 Middlesex Street, Chelmsford, MA (building) was connected into the Lowell sanitary sewer system. This information was relayed to the Lowell Engineering Department which ultimately reported it to the City Manager and to the City Solicitor. The City Engineer subsequently informed the City Manager that the building's sewer line was connected without the proper approval of the Executive Director of the LRWU and the Lowell City Council as required by the Code of Ordinances for the City of Lowell.

II. Background:

From January 2008 to December 2009, Alan Kazanjian served as a Lowell City Councilman and also was the Chairman of the Lowell Zoning Board of Appeals from 2002 to 2007. He is a longtime developer and property owner in the City of Lowell. He and his business entities hold multiple properties and his business Kazanjian Enterprise, Inc. (Kazanjian) has developed several Lowell parcels from 2001 to the present. In 2008, the site at 190 Middlesex Street, Chelmsford, MA was owned and developed for commercial use by Kazanjian. Kazanjian entered into a contract with Mr. and Mrs. Joseph DaSilva, owners of J&L Cable TV Services, Inc. to build a fifteen-thousand six hundred forty-eight (15,648) square foot commercial building on the site for approximately one-million four hundred thousand dollars (\$1.4 million). On January 7, 2009, the property was officially sold by Kazanjian to L&J Property Management, LLC which is controlled by Ms. Linda DaSilva. During the construction period for the development of the Chelmsford property, Mr. Kazanjian served as a Lowell City Councilman.

As part of the development process, Kazanjian had several sets of site plans prepared and presented to the Chelmsford Planning Board and various Town departments as part of the approval process for the development. These plans all were stamped by Mr. Leo White, a professional land surveyor (land surveyor) and by Mr. Ronald Close, a professional engineer (professional engineer). Each stamped site plan for the Chelmsford building reflected a planned sewer connection through the Lowell sanitary sewer system. None of the Kazanjian plans reviewed by this Office reflected a tie-in through the Chelmsford sewer system.

When Kazanjian was nearing completion of the development, he was obligated to obtain a certification of occupancy from the Town of Chelmsford. One of the requirements of the certificate of occupancy was Kazanjian's submission of proof that the building had received approval to connect and had been connected to a public sanitary sewer system. Chelmsford issued the certificate of occupancy to Kazanjian on July 21, 2009 (see attachment #2). It is the understanding of this Office that since the building was tied into the Lowell sanitary sewer system as opposed to the Town of Chelmsford's system, Chelmsford did not review

documentation regarding the tie-in to ensure that the sewer tie-in was properly approved by Lowell.

On April 17, 2008, over fifteen (15) months prior to the issuance of the building's certificate of occupancy, the Lowell Regional Wastewater Utility (LRWU) Executive Director received a signed and stamped letter with a set of plans from Kazanjian's professional engineer officially requesting permission to connect the building's sewer line into the Lowell sanitary sewer system. The professional engineer carbon copied the Lowell City Engineer, Ms. Lisa DeMeo, P.E., as well as the Lowell City Manager (see attachment #3). After receiving the letter, the LRWU Executive Director instructed the professional engineer in person and over the telephone that he did not have the authority to grant such a request. He advised him to seek the approval of the City of Lowell's Engineer before proceeding with the connection of the building's sewer line.

On May 22, 2008, the City Engineer denied the request by letter. However, the letter from the City Engineer was not sent directly to Kazanjian, but rather to Kazanjian's professional engineer (see attachment #4). The denial letter specifically states that,

“The property in question has access to Chelmsford's municipal Sewer System. As such, access to the Lowell system is unnecessary. Since the Chelmsford property has access to the Chelmsford system, your request for a connection to Lowell's system is denied.”

The City Engineer informed investigators that she wrote this letter on behalf of and in consultation with LRWU Executive Director and the Lowell City Manager.

Despite being in direct receipt of Lowell's denial letter, Kazanjian's professional engineer continued to file several updated versions of site plans with the Town of Chelmsford's Planning Board and other municipal departments depicting the building's sewer line entering the Lowell sanitary sewer system.¹

In early June 2008, Kazanjian's professional engineer and project surveyor met with Chelmsford's Assistant Town Engineer to review the buildings' site plans and drainage calculations. Kazanjian was seeking certain waivers/special permits from Chelmsford's Planning Board. The meetings resulted in a set of requirements from Chelmsford's Engineering Division. One requirement was a condition that Kazanjian petition Chelmsford to connect to its sewer system if the City of Lowell denied Kazanjian access. The requirement states:

“11. The plans currently indicate sanitary sewer service directly entering the City of Lowell system. This office has no issue with the proposed connection. If the City of Lowell denies direct connection to their sanitary sewer system, the applicant will require approval from the town of Chelmsford for connection into its system.” (see attachment #5).

¹ Due to the large physical size of the plans, they were not included as an attachment in this letter.

Another attempt to gain approval from the City to connect into the Lowell sanitary sewer system was made by Kazanjian's professional engineer by another letter that was sent to the LWRU Executive Director dated June 11, 2008. This letter went unanswered by the City of Lowell officials because the original denial was never withdrawn (see attachment #6).

At no time were Chelmsford officials notified by Kazanjian or his representatives that access to Lowell's sanitary sewer system had been denied. Instead, Kazanjian's professional engineer continued in his dealings with Chelmsford officials depicting that the site plans including the Chelmsford building's tie-in to Lowell's sewer system were accurate, up-to-date, and reliable.

On June 19, 2008, the Chelmsford Planning Board voted to approve the site plan indicating the Lowell tie-in. The certificate of decision was recorded with the Middlesex North Land Court October 7, 2008 (see attachment #7). In that four (4) month interval from approval to recording, neither Kazanjian nor his professional engineer corrected the record to reflect that there was no permit to tie-in to either municipalities' sewer systems.

Instead, in November 2008, Kazanjian hired a subcontractor, Mr. Alfred LeBlanc of LeBlanc General Contracting to handle the job of applying for the new sewer service permit and performing the trench work to construct a sewer connection for 1995 Middlesex Street, a vacant lot abutting the Chelmsford property. The permit was granted for new sewer service for 1995 Middlesex Street, Lowell, MA. Mr. Kazanjian instructed LeBlanc to pay for the permit with LeBlanc's business check.

LeBlanc then tapped into the Lowell sanitary sewer system, ran a sewer line and capped off the connection at Mr. Kazanjian's vacant lot abutting the construction of the Chelmsford building. LeBlanc's work was inspected by City of Lowell engineers. The City of Lowell charged a total of one-hundred seventy-five dollars (\$175.00) for the new sewer service permit. LeBlanc sent the permit to Kazanjian along with LeBlanc's invoice (see attachment #8). Ultimately, this sewer service was used as part of an illegal sewer line connection from the Chelmsford building to the Lowell system. The City of Lowell engineer told this office that if she had known that the intent of the permit was to cover the out-of-City building tie-in, the street opening permit for the new sewer service would never have been issued.

Moreover, this Office was not able to find information on file at the City of Lowell that Mr. Kazanjian had disclosed to the City Manager or any other authority there that he had had personal business before several City departments during this time period, a time period when he was serving on the Lowell City Council.

In December 2008, a Kazanjian representative filed for and received a commercial building sewer installation permit from the Town of Chelmsford's Sewer Commission. Attached to the application was a plan depicting the building's sewer line connecting into the Lowell's sewer system (see attachment #9).

On January 6, 2009, Mr. Kazanjian signed an easement drawn up by his attorney that was later filed at the North Middlesex Registry of Deeds for a sewer line to run from the Chelmsford building through the abutting property owned by Kazanjian in Lowell. The easement granted L&J Property Management, LLC (the DaSilvas) the right to gain access across the Lowell parcel owned by Mill View Estates, LLC (a limited liability corporation controlled by Mr. Kazanjian) for the Chelmsford building's sewer line. Both this easement and the deed to the property at 190 Middlesex Street in Chelmsford were transferred to the DaSilvas on January 7, 2009.

Once the easement was recorded, Kazanjian employees/subcontractors constructed a series of manholes for the connection of the building's sewer line into the Lowell sewer system through the capped line previously installed at 1995 Middlesex Street, Lowell, MA (see attachment #10). From January 2009 to July 2009, Kazanjian completed construction of the Chelmsford building including the illegal sewer hook-up into the Lowell sanitary sewer system. On July 21, 2009, the Town of Chelmsford issued a certificate of occupancy and J&L Cable officially opened for business shortly thereafter.

In this Office's opinion, Alan Kazanjian knowingly implemented a scheme to illegally tie-in to the Lowell sewer system in order to save on development costs and enhance the market value of his property located at 190 Middlesex Street, Chelmsford. Kazanjian/Mr. Kazanjian had significant sums riding on Lowell's approval of the tie-in. If forced to go through Chelmsford, Mr. Kazanjian's costs would have increased because sewage would have had to be pumped uphill by an electrical grinder pump system and would be reliant on the installation and proper functioning of an electrical pump. This grinder pump system would negatively impact marketability of the commercial property.

After nine (9) months of ownership, on October 9, 2009, the DaSilvas called Kazanjian's attorney to inquire as to why they had not received a sewer bill from the LRWU. The attorney called the LRWU Executive Director on October 13, 2009 with the intent on finding out the background on how much the LRWU was going to charge Kazanjian/the DaSilvas for the out-of-City tie-in/the betterment fee for the building and to see how the procedure was going to work for the issuance of the sewer bill. The attorney was informed by the LRWU Executive Director that the Chelmsford building could not be billed for the use of the Lowell sanitary sewer system because the City of Lowell had denied the requested sewer tie-in for this Chelmsford building in May 2008.

According to Kazanjian's attorney, this was the first time he or his client had heard of any denial by the City of Lowell. The attorney contends that Kazanjian's professional engineer never informed him that Lowell had denied his request for an out-of-City tie-in to Lowell's sewer system. Kazanjian's attorney asked the LRWU Executive Director for a copy of the May 22, 2008 denial letter, which was provided via facsimile.

In an interview with this Office, Mr. Kazanjian affirmed that he had first learned of the building's May 22, 2008 denial by the City of Lowell shortly after his attorney found out about the denial in October 2009.

III. Violations of Lowell Code

Kazanjian and its agents/subcontractors failed to follow the proper steps to ensure that the Chelmsford's building was properly connected to a municipal sanitary sewer system. None of the proper legal steps were undertaken by any of the parties involved and thus currently the building's sewer line is connected to the Lowell sanitary sewer system illegally.

Specifically, Lowell Code § 272-30. Permit to enter main drain or common sewer.

- A. The Executive Director of the Lowell Regional Wastewater Utility may grant written permits to any person to enter any main drain or common sewer heretofore built or which may be hereafter built or repaired under the authority of the City, provided that such person shall first pay the assessment and provided further that in the materials, constructing and maintaining of such particular drain he shall comply with the conditions that the Executive Director may prescribe.
- B. The authority of the Executive Director of the Lowell Regional Wastewater Utility to grant permits to any person to enter any main drain or public sewer shall be restricted to any area within the City, and any petitions for private sewer tie-ins without the City shall be first submitted to the City council for approval.

Neither Kazanjian nor any of its agents associated with the construction of the building received a written permit from the LRWU; paid the appropriate assessment to the City of Lowell; or provided evidence that such a sewer line connection complied with the conditions of the LRWU Executive Director. Nor did any party petition the Lowell City council for approval for the tie-in for a Chelmsford commercial development. Dating as far back as 1925, the Lowell City Council has received petitions from individuals and business entities with property both in and outside of the City of Lowell (see attachment # 11).

In the opinion of this Office, it is difficult to understand how Mr. Kazanjian, an experienced developer and a member of the Lowell City Council (the body that deliberates and decides whether to grant a request for an out-of-City sewer tie-in), failed to realize that this sewer connection had not been properly approved/authorized. Moreover, Mr. Kazanjian had direct knowledge that the only permit he held from the City of Lowell was to connect sewer service to his vacant lot which conveniently abutted his Chelmsford commercial development. In this case, contrary to other Lowell developments Kazanjian was involved with in which he personally applied for permits, he caused two independent entities - - his professional engineer and LeBlanc

General Contracting to make application to the City of Lowell regarding the sewer tie-in. Additionally, since the project's budget would be directly and significantly affected by the permitting and construction costs associated with connecting the sewer either in Chelmsford or Lowell, his claim not having been aware of the denial letter strains credulity.

Further, it is not believable that Kazanjian's professional engineer after having received a denial letter from Lowell's City Engineer would, on his own volition, continue to present site plans to Chelmsford's Planning Board depicting a sewer tie-in to Lowell. It seems highly unlikely that the professional engineer would not inform his employer, the entity paying for his professional services, of such a denial.

According to Lowell Code 272 § 31. Permit required for use of public sewer states:

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Executive Director of the Lowell Regional Wastewater Utility.

Again, Kazanjian connected into the Lowell sanitary sewer system without first obtaining a written permit from LRWU Executive Director.

Furthermore, the development of the building did not comply with Lowell Code 272 § 32. Classes of building sewer permits which states:

- A. There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Executive Director. The application forms furnished by the City will be secured from the City Engineer.
- B. A permit and inspection fee for a residential, commercial, or industrial building sewer permit shall be paid to the City at the time the application is filed.

The original out-of-City request to tie-in to the Lowell sewer system should have been formally submitted on a permit application. This did not happen. In fact, Mr. Kazanjian had completed this process numerous times before in developing properties in Lowell. He knew the permit application process for in-City tie-ins. It stands to reason that an out-of-City tie would be more stringent and entail more scrutiny from City officials than an in-City tie in. Instead of completing a permit application with the City Engineer, the parties apparently relied on the original letter written by a professional engineer to the LRWU Executive Director. It is the understanding of this Office that even if the formal process had been followed, this sewer tie-in would still have been denied on the same grounds that Kazanjian's professional engineer's

request was denied, i.e. the parcel in Chelmsford had direct access to Chelmsford's sewer system.

Lastly, the development of the building and its sewer connection did not comply with Lowell Code 272 § 33. Payment of assessments, fees and costs; owner to indemnify the City, which states:

All assessments and fees shall be paid before a permit can be given under this Part 2. All costs and expense incident to the installations and connection, with the Executive Director's approval, of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Neither the City of Lowell nor the LRWU assessed Kazanjian or received payment for such an assessment fee because the developer never completed an application for a permit with the City Engineer, a sewer connection had never been authorized/approved, and the initial informal inquiry on behalf of Kazanjian's professional engineer had actually been denied by the City.

IV. The Cost difference of Connecting into Chelmsford's Sanitary Sewer System vs. Lowell's Sanitary Sewer System.

In December 2009, this Office requested that the Town of Chelmsford's Sewer Commission calculate an estimate of the fees that would have been assessed to an owner/developer of a new commercial building located at 190 Middlesex Street, Chelmsford, MA had one been properly connected to the Chelmsford sanitary sewer system. The Town's response was provided by its engineering firm, Weston & Sampson, Engineers, Inc. (W&S) in a memorandum dated January 7, 2010 (see attachment #12).

W&S calculated the capacity impact and the privilege fees based on the betterment assessment regulations to be fifty-six thousand nine-hundred twenty-five dollars (\$56,925) based on a twenty-five thousand (25,000) square foot commercial building. Given the true square footage of the Chelmsford building taken from the Chelmsford's Assessor's map of fifteen-thousand six-hundred forty-eight (15,648) and using W&S calculations, the capacity impact and privilege fees would have total thirty-five thousand six-hundred four dollars (\$35,604).

These fees would only grant the applicant the right to connect to the Chelmsford sanitary sewer system. It does not take into consideration the cost of labor and materials to construct the new sewer line from the building or the cost of the grinder pump system needed to connect into Chelmsford's pressurized sewer. Estimates on these costs vary widely. However, it is clear that the cost of connecting in Chelmsford is significantly higher than constructing a gravity-fed sewer line directly into the Lowell sanitary sewer system.

According to the Lowell City Engineer, if the City of Lowell had approved the building's out-of-City sewer tie-in, Kazanjian would have been responsible for approximately three-thousand four-hundred nineteen dollars (\$3,419) as a connection fee. This fee is substantially more than the original \$175 street opening-new sewer service permit fee that a Kazanjian subcontractor paid upfront to the City of Lowell or would have to pay the Town of Chelmsford.

V. Conclusion/Recommendations:

Based on the results of the investigation, it is the opinion of this Office that the sewer connection from the commercial building at 190 Middlesex Street Chelmsford, MA into the Lowell sanitary sewer system is illegal. This sewer connection was rejected by the City of Lowell in May 2008.

What is clear is that:

1. Kazanjian had completed the Lowell in-City sewer connection permitting process numerous times before for other projects he was affiliated with and he therefore knew the proper procedure in Lowell for obtaining permitting approval;
2. Kazanjian did not at the time pay nor has he since paid any fee toward obtaining a valid out-of-City sewer connection permit with the appropriate connection fee;
3. If Kazanjian had applied for an out-of-City sewer connection permit he would have been denied as evidenced by the May 2008 denial letter Kazanjian's professional engineer received;
4. Kazanjian "piggybacked" on a new sewer service permit that he received for an abutting vacant parcel to carry out the illegal Chelmsford sewer connection; and
5. Kazanjian was motivated by significant cost savings: a sewer tie-in through the Chelmsford system would have cost significantly more to permit, construct, and operate than gaining sewer access through the Lowell sewer system. Also, the installation of an electric grinder-pump system would have lowered the market value of the building.

In addition, we know Mr. Kazanjian hired and directed a subcontractor to take out a sewer opening permit for Lowell property owned by Kazanjian at 1995 Middlesex Street, Lowell, MA which at the time was a vacant parcel with no building. The permit was granted for that vacant lot only - - not for an out-of City sewer tie-in. Mr. Kazanjian failed to disclose to the proper City of Lowell officials that this sewer opening was part of a larger plan to connect the Chelmsford building to the Lowell sanitary sewer system. Each set of site plans that Kazanjian submitted to the Town of Chelmsford for the building showed the building's connection to the Lowell sewer system. However, these plans were not provided to the City of Lowell at the time the sewer opening permit for the abutting property was made. This lack of disclosure resulted in false and misleading information provided to the City of Lowell.

With permission to construct a sewer stub now in place for 1995 Middlesex Street, Lowell, MA, Kazanjian/Mr. Kazanjian was able to implement the rest of the scheme on a piecemeal basis. The scheme included the construction of the sewer stub, the creation of a sewer easement from the Chelmsford building across Kazanjian's abutting Lowell property, and the construction of the sewer line from the Chelmsford's property to the sewer stub. This easement plan had been disclosed to the Town of Chelmsford as part of the site plans, but it had not been divulged to the City of Lowell. Shortly after the easement and the Chelmsford parcel were transferred by Kazanjian to the DaSilvas, Kazanjian constructed a sewer line from the Chelmsford building across the abutting vacant Lowell parcel owned by Kazanjian to the previously capped sewer connection and into the Lowell sewer system.

As was previously highlighted, it is difficult to understand how Mr. Kazanjian, as an experienced developer in Lowell, the former Chairman of the Lowell Zoning Board of Appeals and as a member of the Lowell City Council failed to realize that this sewer connection had not been properly authorized/approved. This Office reviewed numerous other development projects implemented by Kazanjian that connected into the Lowell sewer system and in each case we found that Kazanjian obtained the proper authorizations/approvals, proper permitting was in place and all fees were paid.

Moreover, this Office has not found any evidence of any public disclosure by Councilman Kazanjian regarding any personal business interest he had before Lowell City Departments for 1995 Middlesex Street or any other matters pertaining to out-of-City sewer connection requests.

As the City of Lowell moves forward in deciding on the proper course of action in addressing this illegal sewer connection, this Office respectfully submits the following recommendations for consideration.

- The City should take appropriate enforcement actions against Kazanjian and its principals in accordance with the Lowell Code of Ordinances § 272-82 that provides for a civil penalty fine of up to five thousand dollars (\$5,000) a day for each sewer violation back to the first day of the violation (see attachment #13). Assuming conservatively that the violation first occurred on the date the building received its occupancy permit (July 21, 2009), the associated penalties/fines under the Lowell ordinance could potentially exceed three-million dollars (\$3.0 million) as of the date of this letter;
- The City/LRWU should work with the Town of Chelmsford to put in place a billing mechanism to obtain payment from the current building owner for the amount of waste water that has already been discharged into the Lowell sanitary sewer system through this illegal connection. The rate charged should be the applicable commercial rate for an out-of-City connection and a fee for assessing the appropriate capacity fee;
- The City should file complaints with the Massachusetts Division of Professional Licensure and the Board of Registration of Professional Engineers and Professional Land Surveyors regarding the actions of Ronald Close, Professional Engineer and Leo White,

Professional Land Surveyor. These individuals continued to draft plans with their professional stamps and submit them to the Chelmsford Planning Board indicating the building's sewer line connecting to the Lowell's sanitary sewer, all the while knowing that Lowell denied sewer access;

- The City should file complaints with the Massachusetts Department of Public Safety regarding the inactions of Alan Kazanjian and David Grey, his project construction supervisor as licensed construction supervisors for proceeding to construct the building's illegal sewer line without having confirmed the appropriate approvals by Lowell officials and getting the necessary permitting for an out-of-City sewer line connection; and
- The City should review the assessment and fee rate structure for these out-of-City sewer tie-ins. These rates have been in place and unchanged for decades and may not be reflective of the current economic/financial realities.
- This Office will forward a copy of this report to the State Ethics Commission for its review and determination of any matters pertaining to the Conflict of Interest Law, M.G.L. c. 268A.

This Office recognizes and commends the City of Lowell for implementing measures to improve the petition and approval process for in and out-of-City sewer line tie-ins. No longer are contractors and/or property owners able to get a street opening permit for a new sewer/water service simply by filing a permit request through the DPW. Applicants now must first go to the City's Engineering Department where plans must be submitted, reviewed and approved by the City Engineer before a permit can be issued. In addition to these positive changes, this Office recommends that measures also be implemented to ensure that all municipalities that are part of the LRWU have a closed loop communication process to ensure that no out-of-City tie-ins are performed without proper approval from the City of Lowell and the LRWU. Municipalities like Chelmsford should adopt a policy requiring a formal signoff from the LRWU before issuing a certificate of occupancy for a property that is not tied into the local sewer system.

Attachment #1

**Code
of the
City of
Lowell**

COUNTY OF MIDDLESEX
COMMONWEALTH OF MASSACHUSETTS

SERIAL NO.**22**.....

GENERAL CODE
www.generalcode.com

2008

TABLE OF CONTENTS

71.	Scholarships	71:1
75.	Seal	75:1
81.	Utilities	81:1
	Article I Regional Wastewater Utility	
	Article II Regional Water Utility	

PART II: GENERAL LEGISLATION

87.	Adult Establishments	87:1
91.	Advertising	91:1
96.	Alarm Systems	96:1
100.	Ambulances	100:1
104.	Animals	104:1
	Article I Dogs	
	Article II Bees	
	Article III Keeping of Animals and Fowl; Pigeons	
110.	Bicycles, Skateboards and Roller Skates	110:1
115.	Building Construction	115:1
119.	Buildings, Dangerous	119:1
125.	Canvassers and Solicitors	125:1
128.	Carnivals and Circuses	128:1
132.	Curfew	132:1
140.	Electrical Standards	140:1
150.	Fees	150:1
155.	Fire Prevention	155:1
164.	Graffiti	164:1
	Article I Sale of Spray Paint Containers and Indelible Markers	
	Article II Defacement of Property	
167.	Hawkers and Peddlers	167:1
171.	Health and Sanitation	171:1

- B. Every person having a drain already connected with a main drain and having no such trap shall provide the same after the expiration of three days' notice from the Executive Director of the Lowell Regional Wastewater Utility, and every person who shall hereafter make such connection shall provide such trap at the time of making such connection.

§ 272-28. Connection of exhaust steam and boiler blowoff with drains. [Amended 12-13-1988]

No exhaust from steam engines shall be connected with any of the public or private drains and no blowoff from steam boilers shall be so connected without special permission of the Executive Director of the Lowell Regional Wastewater Utility.

§ 272-29. Interfering with drain or sewer; unlawful deposits in catch basins.

No person shall cut into, interfere with or obstruct a main drain or common sewer, or shall enter a private drain therein, except as herein provided, or shall place or deposit in any street catch basin any animal or vegetable matter, solid or liquid, or any filthy substance.

§ 272-30. Permit to enter main drain or common sewer. [Amended 12-13-1988]

- A. The Executive Director of the Lowell Regional Wastewater Utility may grant written permits to any person to enter any main drain or common sewer heretofore built or which may be hereafter built or repaired under the authority of the City, provided that such person shall first pay the assessment and provided further that in the materials, constructing and maintaining of such particular drain he shall comply with the conditions that the Executive Director may prescribe.
- B. The authority of the Executive Director of the Lowell Regional Wastewater Utility to grant permits to any person to enter any main drain or public sewer shall be restricted to any area within the City, and any petitions for private sewer tie-ins without the City shall be first submitted to the City Council for approval.¹⁴

§ 272-31. Permit required for use of public sewer. [Amended 12-13-1988¹⁵]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Executive Director of the Lowell Regional Wastewater Utility.
- B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Executive Director of the Lowell Regional Wastewater Utility and the City Council at least 45 days prior to the proposed change or connection.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 272-32. Classes of building sewer permits. [Amended 8-23-1988]

- A. There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Executive Director. The application forms furnished by the City will be secured from the City Engineer.
- B. A permit and inspection fee for a residential, commercial, or industrial building sewer permit shall be paid to the City at the time the application is filed.

§ 272-33. Payment of assessments, fees and costs; owner to indemnify City. [Amended 12-13-1988]

All assessments and fees shall be paid before a permit can be given under this Part 2. All costs and expense incident to the installation and connection, with the Executive Director's approval, of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 272-34. Separate sewer required for each building; exception.

A separate or independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, under jurisdiction of the Board of Health.

§ 272-35. Use of old building sewers. [Amended 12-13-1988]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Executive Director, to meet all requirements of this Part 2.

§ 272-36. Standards for construction and installation of building sewers.

The size, slope, alignment and materials for construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 272-37. Drainage into building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity

Attachment #2

TOWN OF CHELMSFORD CERTIFICATE OF OCCUPANCY



Permit Number: 2008-0767

Date Issued: July 21, 2009

Location: 190 Middlesex Street

MBL# 15-19-1

Permit to: Occupy

Applicant: Kazanjian Enterprise, Inc.	Owner: Applicant
Address: 755 Dutton Street	Address:
City: Lowell	City:
State: MA	State:
Zip: 01854	Zip:
CS License #: 093112	
HI License #:	

Type of Use: Commercial

Number of Dwelling Units: n/a

Remarks: Construct new office/warehouse condos (72' x 204' x 21'4").

BUILDINGS

Approved by Scott Hammond

Scott Hammond Date 7-23-09

PLUMBING/GAS

Approved by Ken Kleynen

Ken Kleynen Date 7-14-09

ELECTRICAL

Approved by Dennis Kane

Dennis Kane Date 7/16/09

SEWER DEPARTMENT

Approved by

Mary Calandrella Date 7/24/09

FIRE DEPARTMENT

Approved by

Jim Spina Date 7-16-09

CONSERVATION COMM:

Approved by Darren Guertin

Request
CCC
*** Date 7/23/09

COMMUNITY DEVELOPMENT:

Approved by Evan Belansky

Evan Belansky Date 7/23/09

* temp CO - not for full occupancy until fence + bldg temp are complete - & conduct site visit for compliance, during 1st week of August, as per letter from property owner

Attachment #3

To: Mark Young
Waste Water Treatment
Plant-Duck Island
Lowell, MA. 01852

April 17, 2008

Dear Mr. Young;

Joseph and Linda Dasilva are proposing to construct a 12,000 sq. ft. commercial building at 190 Middlesex St., Chelmsford. They are requesting to tie the proposed 6" sewer-line into a sewer-manhole that lies approximately 55' east of the Lowell/Chelmsford town-line on Middlesex Street. The proposed building will have 5,000 sq. ft. of office space and 7,000 sq. ft. of assembly and stock area. The business will be known as J and L Cable Installation. There will be approximately 15 people working in the office area and 15 people in the assembly and stock area. Using this information as a criteria there should be approximately 600 gallons of sewerage per day flowing into the existing sewer system. Enclosed is a copy of the proposed tie-in to the existing sewer manhole and a copy of the proposed site plan. If you have any question please call Ron Close at 978 490-4846

Thank You,

Ron Close R.P.E.,

4-27-08



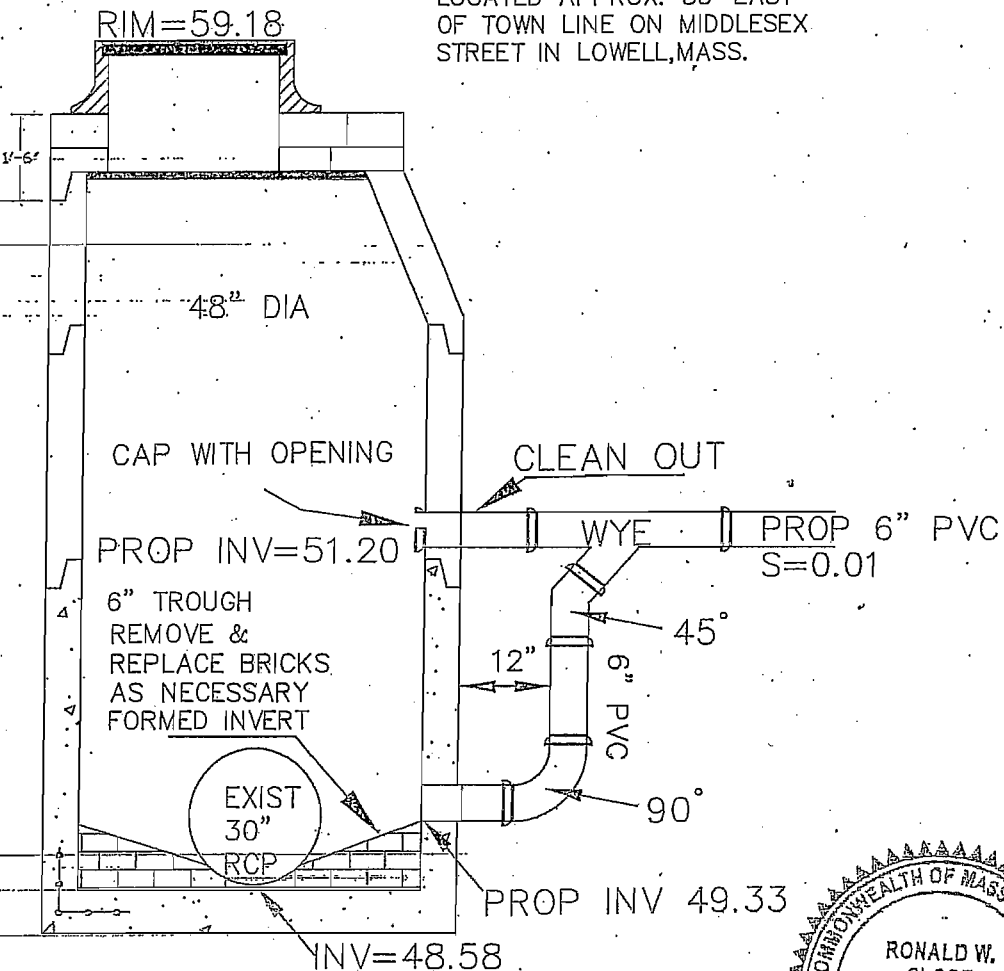
CITY
Cc: ☐ Engineer
Cc: City Manager

Proposed Sewer
Tie in Permit

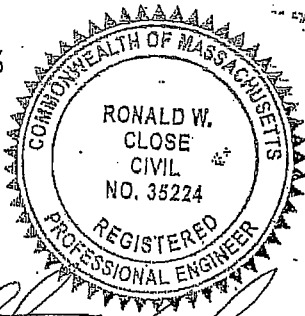
PROPOSED SEWER TIE

EXISTING SMH
CITY STANDARD SEWER
MANHOLE COVER AND
CASTING

LOCATED APPROX. 55' EAST
OF TOWN LINE ON MIDDLESEX
STREET IN LOWELL, MASS.



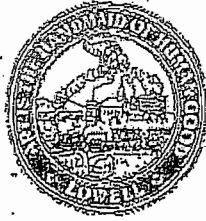
SECTION VIEW



Ronald W. Close
RONALD W CLOSE RPE

JOB NAME:	DRAWN BY: RWC	CHECKED BY: LBW
	SCALE: NTS	
LOCATION: 190 MIDDLESEX STREET CHELMSFORD, MASS	DATE: 4/22/08	
	JOB NUMBER	SHEET
DESCRIPTION: SEWER TIE-IN		1 OF 1

Attachment #4



City of Lowell
Department of Public Works
Engineering Division
375 Merrimack St.
Lowell, MA 01852

Lisa E. DeMeo, P.E.
City Engineer
978-970-3331
Ldemeo@lowellma.gov

May 22, 2008

Ronald W. Close, P.E.
55 Island Pond Rd.
Dracut, MA 01826

Re: Joseph and Linda DaSilva, 190 Middlesex St., Chelmsford

Mr. Close,

The City of Lowell has received your request, on behalf of your client, to connect 190 Middlesex St., Chelmsford, into the City's municipal Sewer System. Our Wastewater Utility and Engineering Division have consulted with the Chelmsford DPW staff. The property in question has access to Chelmsford's municipal Sewer System. As such, access to the Lowell system is unnecessary.

Since the Chelmsford property has access to the Chelmsford system, your request for a connection to Lowell's system is denied. If you have any questions, you can contact me at the number above.

Sincerely,

Lisa E. DeMeo, P.E.

Lisa E. DeMeo, P.E.
City Engineer

Copy to:

Bernie Lynch City Manager
Mark Young LWWU

Attachment #5

HIGHWAY 978-250-5270
ENGINEERING 978-250-5228
PARKS 978-244-1068



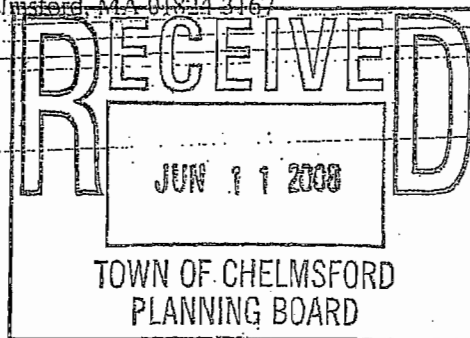
PUBLIC BUILDINGS 978-250-5249
SEWER (OFFICE) 978-250-5233
(OPERATIONS) 978-250-5297

DEPARTMENT OF PUBLIC WORKS

50 Billerica Road
Chelmsford, MA 01824 3167

JAMES E. PEARSON, P.E.
DIRECTOR

TELEPHONE: 978-250-5228
FAX: 978-250-5251



June 11, 2008

To: Chelmsford Planning Board
From: Department of Public Works – Engineering Division
Subject: P.B. File # 2008-05: Site Plan – 190 Middlesex Street

We have reviewed site plans, consisting of six (6) sheets dated March 18, 2008 and drainage calculations dated February 13, 2008 for the above referenced project.

~~We have the following comments based on our technical review and the requested waivers/special permits being granted:~~

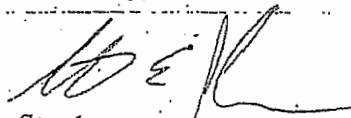
1. A street opening permit will be required from the Chelmsford DPW – Highway Division for the work within the Right of Way of Middlesex Street for all utility connections and sidewalk work.
2. A complete drainage analysis will be performed upon receipt of revised plans and calculation based upon current DEP Stormwater regulations.
3. Prior to the commencement of any construction, the proposed project will require the preparation and implementation of a Stormwater Pollution Prevention Plan in accordance with the Environmental Protection Agency's National Pollutant Discharge Elimination System Stormwater Phase 2 Program. A copy of this application shall be submitted to this office.
4. The design engineer shall provide a letter to this office which certifies that the drainage system has been installed per the final approved plans.
5. This office shall be notified once drainage work is to commence in order to schedule inspections. A note should be added to the plans to reflect this.

6. An as-built site plan shall be provided to this office in AutoCAD and paper form.
7. Any change to the approved drainage design shall be approved by this office.
8. The applicant and/or their engineer shall provide a detailed Erosion and Sedimentation plan for the project to this office for approval prior to plan endorsement.
9. The applicant and/or their engineer shall provide a detailed Operations and Maintenance manual for post construction to this office for approval prior to plan endorsement.
10. All unsuitable fill shall be removed from the area of the proposed infiltration system and be approved by the design engineer and this office.
11. The plans currently indicate sanitary sewer service directly entering the City of Lowell system. This office has no issue with the proposed connection. If the City of Lowell denies direct connection to their sanitary sewer system, the applicant will require approval from the Town of Chelmsford for connection into its system.
12. The plan and deed references shown on the site plan refer to different lots and the plan referred to cannot be found. In January of 2006 the board was presented a plan subdividing the parcel from a larger land court parcel in Lowell. It appears that the board approved the plan, but the plan does not appear to have been through the Land Court process to this date.
13. The design engineer is in receipt of technical comments and recommendations from this office to revise the plans and report accordingly. A copy of this memo is attached.

These site plans will be revised to address the technical issues of grading, drainage, drafting, details and specifications. The above comments should become conditions of approval for this project.

If you have any questions, please contact this office at 250-5228.

Sincerely,



Stephen E. Jahnle
Assistant Town Engineer
Department of Public Works
Engineering Division

2008-08

190 Middlesex Street

Site Plan April 2008, revised June 6, 2008

1. Please add notes to the plans regarding drainage inspections by the Town of Chelmsford DPW Engineering office.
2. Please add a note to the plan set for removal of all unsuitable fill remaining from the building demolition and in the area of the infiltration system.
3. At least one handicap space should be van accessible per ADA requirements.
4. The datum for the site should also reference the Town of Chelmsford elevations.
5. The deed references on the plans do not refer to the lot shown.
6. We have no record of a new land court issued plan subdividing the new lot solely in Chelmsford.
7. The exfiltration rate used far exceeds what is recommended by DEP.
8. A pre and post development drainage map(s) should accompany the plan set.
9. Also include what was discussed this morning 6/11/08. Change the sidewalk along Middlesex Street to five foot wide, extend the sidewalk on the other side of the driveway towards the Lowell line.
10. The plans call for ductile iron pipe for certain runs between structures. These appear to have sufficient cover, so SDR 35 PVC or N-12 ADS pipe could be used.
11. A complete drainage analysis can be performed once all revisions are made per the conservation peer review and the current Mass DEP stormwater regulations.

Attachment #6

June 11, 2008

Mark Young
Executive Director
Lowell Wastewater Utility
451 First Street Blvd.
Lowell, MA. 01850

RE: Sewer Service tie in for 190 Middlesex Street, Chelmsford, MA.

Dear Mark:

Following our discussion concerning the inherent situation at 190 Middlesex Street in Chelmsford, I have followed your advice to describe in a narrative form why my client desires to access the city of Lowell's sewer line at station 23 + 31 as shown on the enclosed plans.

First, it is inevitable that no matter which course is followed that the sewerage from 190 Middlesex Street ultimately enters the sewer manhole at station 23 + 31 being the first sewer manhole on Middlesex Street in Lowell to be fed by way of a 16" ductile iron force main from the Town of Chelmsford.

The grading onsite (190 Middlesex Street) is such that in order to collect all internal bathroom facilities and to maintain adequate cover over the sewer service the elevation of the invert leaving the first onsite sewer manhole is 54.13 (City of Lowell Datum) or 109.33 (USGS Datum). This elevation allows for a gravity feed into the City of Lowell sewer manhole at station 23 + 31 as opposed to the necessity of pumping by way of a new force main into the sewer manhole located at station 19 + 12 on Middlesex Street in Chelmsford.

The sewage would then flow westerly by way of a gravity sewerage system to a low point on Middlesex Street at which is located a sewer lift station. The sewage would then be pumped in the reverse easterly direction until it enters the sewer manhole in Lowell.


To summarize the gravity flow system as proposed is less disruptive to install. It requires little or no maintenance and is not subject to mechanical failure or power outages.

My client is fully amenable to whatever metering and/or fee schedule would satisfy both the Town of Chelmsford and the City of Lowell. With all that said, I am formally requesting that the City of Lowell allow the proposed tie to the city sewerage system.

Our intent is to make the same proposal to the Town of Chelmsford by way of a copy of this letter.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration in this request.

Respectfully Submitted



Ronald Close, RPE
55 Island Pond Road
Dracut, MA. 01826
978-490-4846

Cc: Bernard F. Lynch
City Manager
City of Lowell

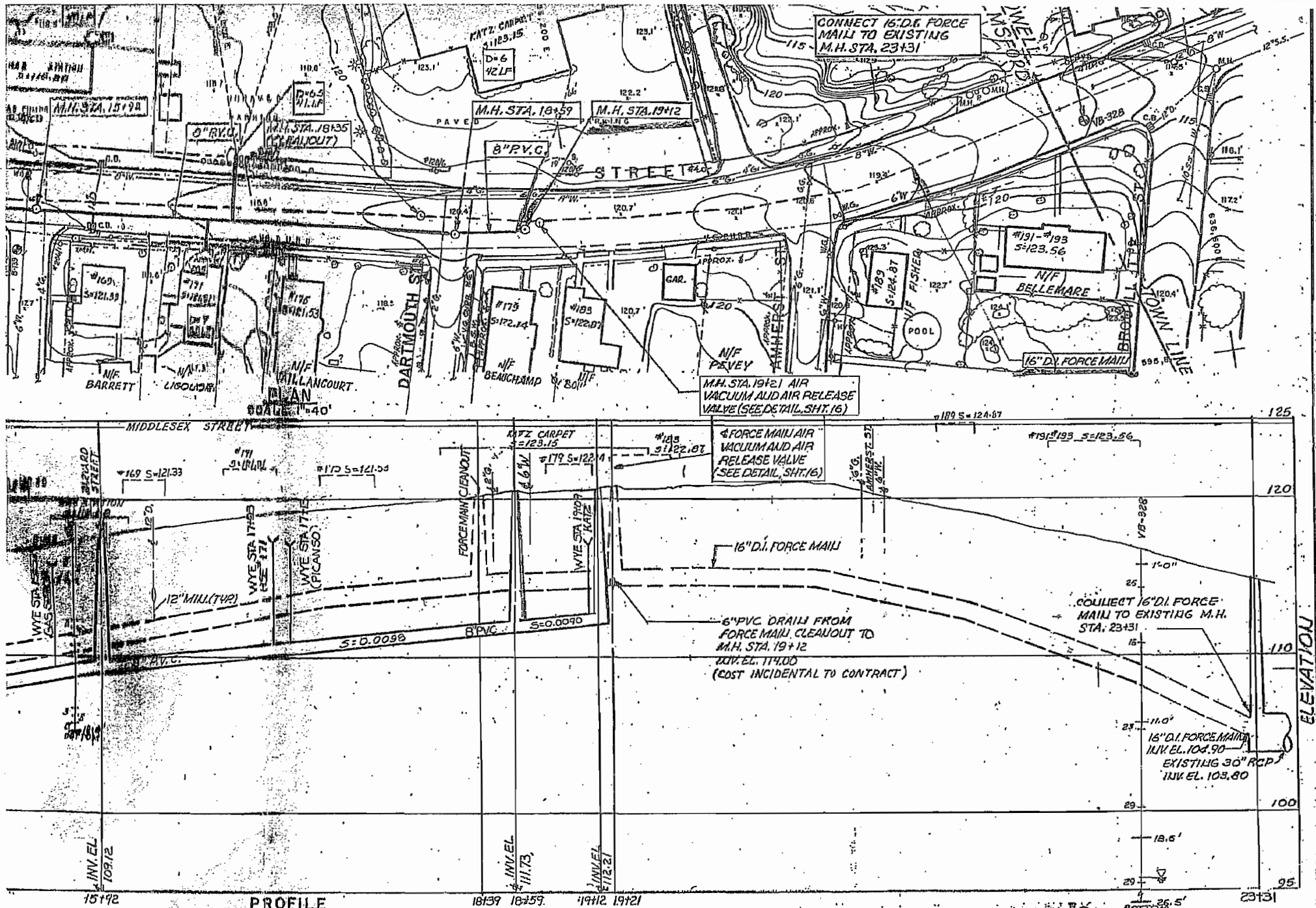
Lisa E. DeMeo, PE
City Engineer
City of Lowell

Paul Cohen
Town Manager
Town of Chelmsford

James Pearson, PE
Director of Engineering
Town of Chelmsford

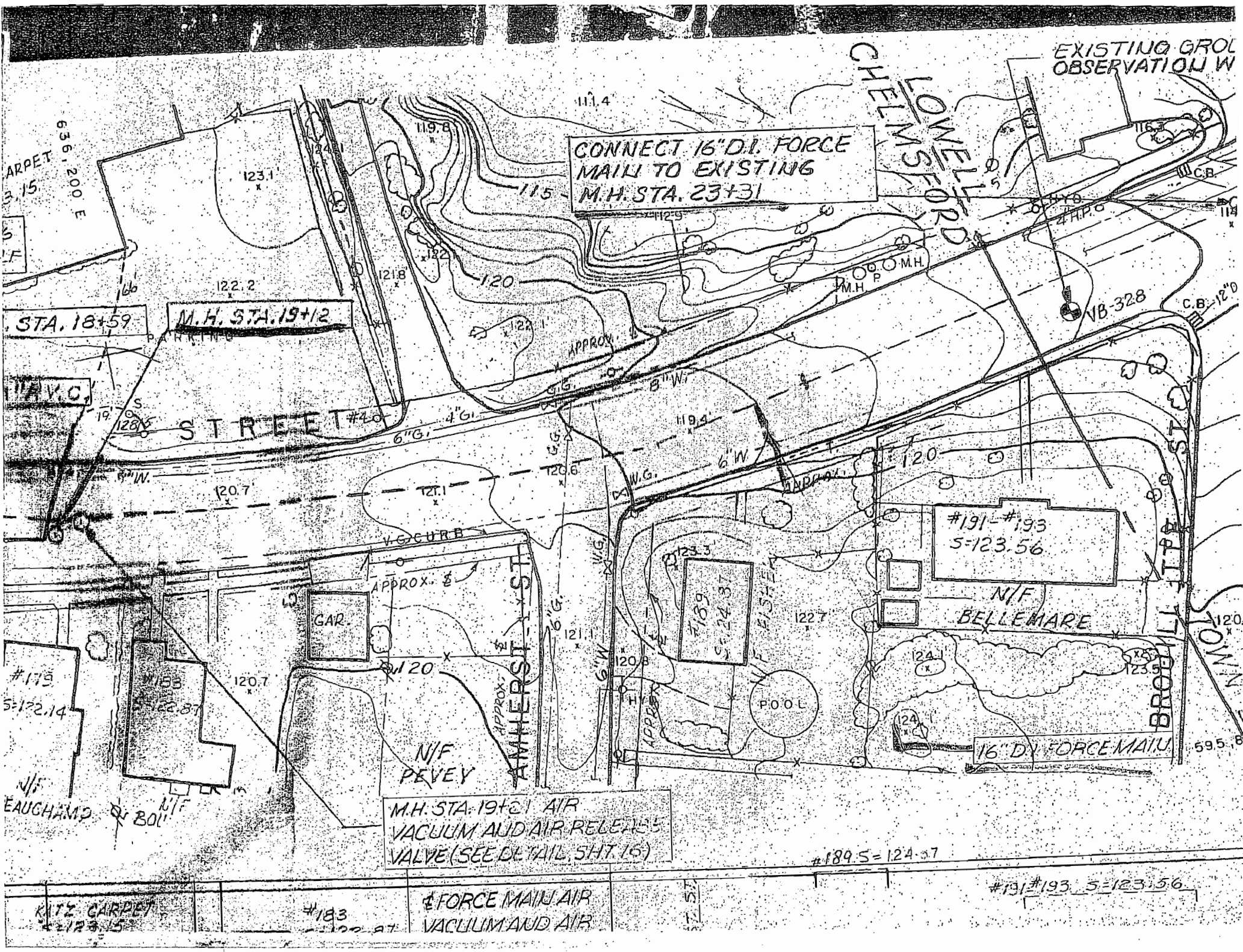
Michael Vosnakis
Operations Supervisor
Sewer Division
Town of Chelmsford

Enclosures



PROFILE
SCALE: HORIZ. - 1"=40'
VERT. - 1"=4'

RECORD DRAWING



CONNECT 16" D.I. FORCE
MAIN TO EXISTING
M.H. STA. 23+31

STA. 18+59

M.H. STA. 19+12

W.A.V.C.

STREET #4

#191-#193
S=123.56

N/F
BELLEMARE

M.H. STA. 19+21 AIR
VACUUM AND AIR RELEASE
VALVE (SEE DETAIL SH. 15)

16" D.I. FORCE MAIN

KITZ CARPET
#179 S=122.14

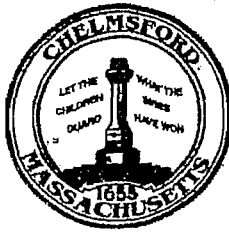
#183
S=122.87

16" FORCE MAIN AIR
VACUUM AND AIR

#189 S=124.37

#191-#193 S=123.56

Attachment #7



Chelmsford Planning Board
Town Offices
50 Billerica Road
Chelmsford, MA 01824
Phone: 978-250-5231
Fax: 978-250-5232

RECEIVED
03 JUN 20 AM 9:30
TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

CERTIFICATE OF DECISION

190 MIDDLESEX STREET

SITE PLAN APPROVAL

PB FILE #2008-05

Findings and Decision: Section 195-104, Site Plan Approval

Applicant: Joe & Linda Dasilva
4 Foxwood Circle
Dracut, MA, 01826

Property: 190 Middlesex Street
Chelmsford, MA 01824



2008 00250297

Cert: 35238 Bk: 00179 Pg: 75

Recorded: 10/07/2008 01:10 PM

Procedural History

- 1) The applicant requested Site Plan Approval, Section 195-104, and Special Permits under Article V, Off Street Parking and Article IX, Landscaping, for the construction of a 11,972 sq. ft. structure with associated site improvements.
- 2) The above referenced applications were submitted on April 29, 2008.
- 3) A legal notice was published in the *Chelmsford Independent* on May 8, 2008 and May 15, 2008 for a hearing that was opened on May 28, 2008 and continued and closed on June 11, 2008. The Board deliberated and rendered a decision on June 11, 2008.
- 4) The following information was submitted by the applicant:
 - A. Site plans, Sheets 1-6, dated March 18, 2008 and revised dated June 6, 2008.
 - B. Drainage Report
 - C. Use Narrative
 - D. Filling and Earth Removal Narrative

The plans and other submission material were reviewed by the Chelmsford Planning Board and distributed to other municipal departments, boards, and commissions for their review and comment

Facts

1. The site is located in the CB Roadside Commercial District and consists of 68,657 sq. ft. as shown on Assessors Map 15, Block 19, Lot 1.
2. The applicant proposes the construction of a 11,972 sq. ft. office building and associated materials storage / light assembly with associated site improvements.

Findings

1. Per section 195-104, Site Plan Review, sub-section H, "Approval", the Board determines that the objectives 1-8 are satisfied.
2. The subject property is a proper parcel to be developed under Section 195-104, Site Plan Review, of the Chelmsford Zoning Bylaw in that it meets all the requisite requirements.

Decision

The Chelmsford Planning Board voted 7-0 to grant **Site Plan Approval** under Section 195-104, Site Plan Review. A motion was made by Sullivan and seconded by Johnson to approve the Site Plan subject to the following conditions:

Special:

1. Prior to endorsement of the plans, the plan shall be revised as follows:
 - a. re-configuration of the handicapped spaces and addition of a crosswalk to the building.
 - b. A contribution in the amount of \$3,700 to the traffic mitigation fund. This figure is based upon the 37 required parking spaces per the bylaw.
 - c. The proposed overhead fire alarm wire shall be underground.
 - d. Construction work hours note shall be revised to include Saturdays.
 - e. Technical items per the DPW memo, dated June 11, 2008 (see attached).
2. Submission of evidence of recording of any special permits and / or variances, if applicable.

General:

Prior to Commencement of Construction

1. Implementation of approved Erosion and sedimentation Control Plan, if applicable.
2. A hazardous materials spill kit shall be on site at all times during construction.
3. All features to be preserved, as indicated on the plans, shall be clearly marked in the field so as to ensure preservation during construction.
4. No construction, including land preparation shall commence until all necessary permits required by State, Local and / or federal laws and / or regulations have been secured and copies submitted to the Planning Board and Building Inspector, except as otherwise specifically allowed by the Board.
5. Any deviation from the approved drainage design shall be submitted to and approved by the Engineering Division prior to construction.
6. The Engineering Division shall be notified when drainage work is to commence in order to arrange for inspections of said work. A note shall be added to the plans to reflect this.
7. If one or more acres are proposed to be disturbed and prior to the commencement of any construction, the proposed project will require the preparation and implementation of a Stormwater Pollution Prevention Plan in accordance with the Environmental Protection Agency's National Pollutant Discharge Elimination System Stormwater Phase 2 Program. A copy of this application shall be submitted to the Engineering Office.
8. All sewer installation is to be approved prior to construction by the Chelmsford DPW - Sewer Division.

Prior to Issuance of Building permits

9. The applicant shall contact the Fire Department to conduct a pressure and flow test to confirm adequate water supply.
10. Three sets of sprinkler and fire alarm plans along with supporting documentation shall be submitted to the Fire Department for review and approval. The sprinkler system shall comply with NFPA 13 and the alarm system with NFPA 72 as well as any applicable Fire Department requirements. All equipment related to fire safety shall be located the discretion of the Fire Department.

RECEIVED
JUN 20 AM 9:30
TOWN OF CHELMSFORD
ELIZABETH BLANDY

Prior to Issuance of Occupancy Permits

No occupancy permits shall be issued for any building or structure, or portion(s) thereof, until:

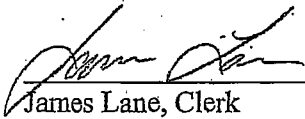
11. All site improvements shall be 100% complete, otherwise a performance shall be established with the Planning Board.
12. Per Section 5, Post Construction Requirements", of the Planning Board's Rules and Regulations, the applicant shall submit as-built plans, stamped by a Registered Engineer, to the Planning Board, Town Engineer, Building Inspector and Fire Department with written certification from the registered engineer, that all site improvements have been completed in accordance with the approved site plan.
13. The Applicant shall provide the Planning Board with an electronic copy of the as-built plans in AutoCAD format.

15. Maintenance

In order to ensure continued compliance of an approved site plan the property owner shall be responsible for the continued maintenance including but not limited to:

- a. Yearly replacement of all dead, missing and damaged landscape material,
- b. Inspections and maintenance of all stormwater management systems in accordance with the operation and Maintenance Plan
- c. All paved areas, including driveways and parking areas
- d. Access / egress from all emergency exits and fire safety equipment shall be maintained free of snow and landscaping obstructions.

FOR THE CHELMSFORD PLANNING BOARD


James Lane, Clerk

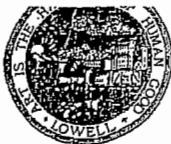
June 19th, 2008

TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

08 JUN 20 AM 9:30

RECEIVED

Attachment #8



2000-Rev. 0
3/2000



City of Lowell

MASSACHUSETTS

OFFICE OF THE COMMISSIONER OF PUBLIC WORKS

PERMIT NO. Nº 10051

Note: This permit is valid for local streets only.
A state highway permit is needed for state
controlled roadways.

Permission is hereby granted to

Name, address, and telephone number of applicant

To (OPEN/

STREET, UNTIL:

To (OPEN/

STREET, UNTIL:

TYPE OF WORK AND FEE

WATER

SEWER

DRAINAGE

- HOUSE SERVICE ☐
MAIN LINE EXTENSION (feet) ☐
METER TESTING ☐
WATER ON OR OFF ☐
SERVICE CALL ☐
FROZEN METER ☐
FINAL METER READING ☐
STREET OPENING PERMIT ☒
HYDRANT REPLACEMENT ☐
HYDRANT REPAIR ☐
OPENING OF HYDRANT ☐
HYDRANT FLOW TESTING ☐
BACKFLOW DEVICE TEST ☐
MARKING OUT WATER LINES ☐
ENTRY FEE PER UNIT ☐
IRRIGATION METER ☐
NEW SERVICE OVER 1" ☐
FIRE SERVICE / SPRINKLER ☐

- NEW SEWER SERVICE ☒
SEWER EXTENSION (feet) ☐
GRINDER PUMP ☐
FORCE MAIN (feet) ☐
SEWER MANHOLE ☐
REPAIR SEWER SERVICE ☐

- CATCH BASIN ☐
DRAIN EXTENSION (feet) ☐
DRAIN MANHOLE ☐

CABLE

- NEW SERVICE ☐
MANHOLE ☐
REPAIR SERVICE ☐
DUCT BANK ☐

GAS

- NEW SERVICE ☐
NEW MAINLINE ☐
CORROSION CONTROL ☐
OTHER ☐

CURB CUTS

- DRIVEWAY ☐
SIDEWALK MODIFICATION ☐
OTHER ☐

- ### ELECTRICAL
- NEW SERVICE ☐
DUCT BANK ☐
MANHOLE ☐
REPAIR SERVICE ☐

TELEPHONE

- NEW SERVICE ☐
DUCT BANK ☐
MANHOLE ☐
REPAIR SERVICE ☐

MISCELLANEOUS

- DUMPSTER ☐
OTHER ☐

TRAFFIC REQUIREMENTS

- POLICE DEPARTMENT OF PUBLIC WORKS ☐
WORK TO BE PERFORMED AM TO PM ☐
SIGNS REQUIRED YES NO ☐
OTHER ☐

- FOLLOW UP INSPECTIONS REQUIRED * YES ☐ NO ☐

T.J. McCarthy
* REQUIRES 24 HOURS NOTICE
Commissioner of Public Works
Assistant Manager

COMMISSIONER OF PUBLIC WORKS

WATER DIRECTOR

WASTEWATER DIRECTOR

TRAFFIC CONTROL OFFICER

FIRE CHIEF

CITY ENGINEER

TOTAL FEE \$175.00

YES NO EXPIRATION DATE

- BONDS ☐
INSURANCE CERTIFICATES ☐

DIG SAFE NUMBER 2008 450 4593

I respectfully ask that I may be permitted under the terms and conditions of City Ordinances relating to openings and excavations in streets to do the above work and I agree to fully indemnify the City Of Lowell against all claims for damages for injuries to persons or property, and against all cost, expenses, and losses occasioned by, or arising from such occupancy and the use of said street or streets, and I further agree to pay all cost, and damages which may be recovered against the City of Lowell, by reason of, or on account of my occupancy of said premises. I further agree, to restore and maintain for a period of five (5) years said street opening to City standards and specifications.

Signature of Applicant

Date

16 BEECH ST
TYNGSBORO MA 01879
978-649-3369

Number: 1112

Date: November 12, 2008

KAZANJIAN ENTERPRIZES
688 BROADWAY ST
LOWELL, MA

KAZANJIAN ENTERPRISES
688 BROADWAY ST
LOWELL, MA

Description	Amount
JOB ADDRESS 190 MIDDLESEX ST CHELMSFORD/ LOWELL 1995 MIDDLESEX ST STUB 6'' WATER ON TO PROPERTY 8X6 TAP DONE BY WINWATER STUB SEWER ONTO PROPERTY PERMITS 12'' COOR IN MANHOLE 12X 6 BOOT PIPE SUPPLIES FOR SEWER LABOR AND EQUIPMENT FOR WATER AND SEWER BACKHOE WITH OPERATOR , SERVICE TRUCK WITH OPERATOR , ONE LABOR	550.00 175.00 100.00 85.00 125.00 2,625.00
Total	\$3,660.00

Attachment #9



CHELMSFORD SEWER COMMISSION

TOWN HALL

CHELMSFORD, MASSACHUSETTS 01824

APPLICATION FOR A RESIDENTIAL OR COMMERCIAL BUILDING SEWER INSTALLATION PERMIT

PERMIT NO. 8961

Wastewater flow equal to or less than 25,000 gallons per day (gpd)

To the Town of Chelmsford Sewer Commission:

The undersigned being the James Gaudette / Kazanjian Enter.
(Owner, Owner's Agent)

of the property located at 190 Middlesex St.
(Number) (Street)

does hereby request a permit to install and connect a building
sewer to serve the _____

(Residence, Commercial Building, etc.)

at said location.

The undersigned is hereby required to arrange for a plumbing inspection of the premises by the Town of Chelmsford Office of the Building Inspector prior to the issuance of this sewer installation permit. This permit will not be granted until the Sewer Commission receives a copy of the plumbing inspection form.

CHELMSFORD PLUMBING INSPECTION/SEWER INSTALLATION

NO. N/A DATE N/A

SIGNED James M. Gaudette DATE 12-9-08

(Address of Applicant) \$ 300 permit fee paid
(Includes inspection fee)

APPLICATION APPROVED AND PERMIT GRANTED

DATE 12-10-08 SIGNED R. J. R.
(Sewer Commission)

1. The following indicated fixtures will be connected to the proposed building sewer.

Number	Fixture	Number	Fixture
--------	---------	--------	---------

_____	Kitchen sinks	_____	Water closets
_____	Lavatories	_____	Bath tubs
_____	Laundry tubs	_____	Showers
_____	Urinals	_____	Garbage grinders

Specify other fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____

3. The name and address of the person or firm who will perform the proposed work covered by this permit is _____

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".



DPW-SEWER DIVISION

50 Billerica Road

Town of Chelmsford, Massachusetts

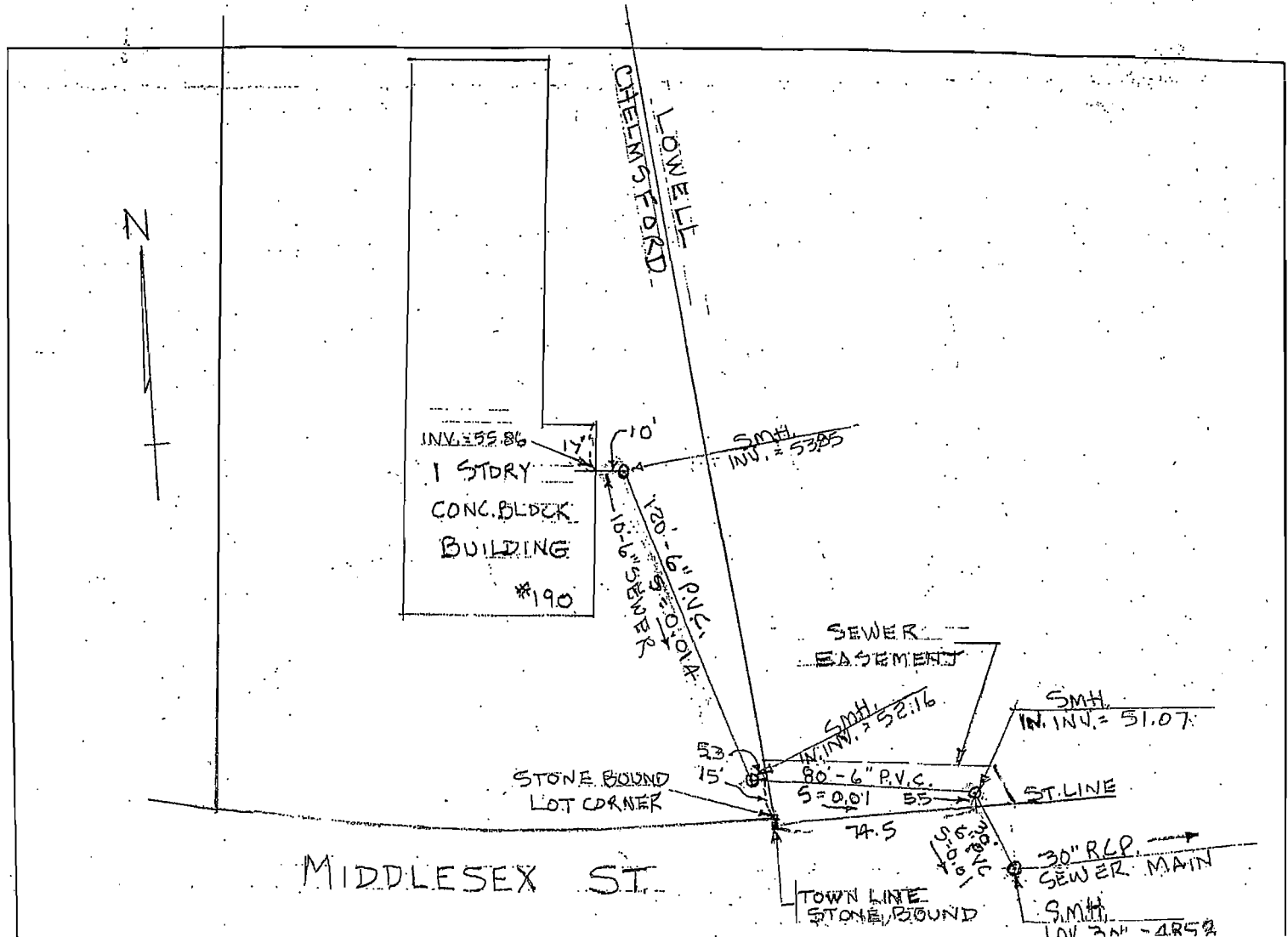
Telephone: 978-250-5233

AS BUILT DRAWING

ADDRESS: 790 MIDDLESEX ST.

DATE: MAY 26, 2009

DRAWN BY: ED GAWLIK (PROJECT SURVEYOR)



Attachment #10

22d

Bk: 22840 Pg: 188 Page: 1 of 2
Recorded: 01/07/2009 12:18 PM**SEWER EASEMENT**

Millview Estates, LLC, a Massachusetts Limited Liability corporation having a principal place of business at 755 Dutton Street, Lowell, Massachusetts 01854 ("the Grantor", owner of land as shown on a plan entitled "Easement Plan Millview Estates Condominium, Lowell, Massachusetts dated December 5, 2008 and recorded with the Middlesex North District Registry of Deeds in Plan Book 228, Plan 59, for consideration paid of One and 00/100 (\$1.00) Dollar, grant to L & J Property Management, LLC 4 Boxwood Circle, Dracut, MA 01826 (collectively "the Grantees"), the perpetual, non-exclusive right and easement to install a sewer line in the land area more particularly described in the plan as Sewer Easement. Included in said easement is the right of the Grantees, their Lessees, Licensees, Successors, Assigns and any person claiming by through or under to maintain and repair the sewer line on the easement area. Said sewer line is installed to allow the Grantee, the owner of the property, located at 190 Middlesex Street, North Chelmsford, Massachusetts to tie into the existing sewer line on the Grantor's property at 2011 Middlesex Street, Lowell, Massachusetts. Grantee, its successors and assigns shall be responsible for all costs of installation, repair and maintenance of the sewer line and shall cooperate and pay all sewer charges assessed by the City of Lowell and/or North Chelmsford Water District for the sewer use charges assessed on account of the water or sewer usage by the owner or occupants of the 190 Middlesex Street, North Chelmsford property.

The land area in which the aforesaid right and easement is granted is shown on said plan as the area marked Sewer Easement and is conveyed subject to the right hereby expressly reserved by the Grantors to continue to use said land area for all purposes not adverse to the rights herein granted to the Grantee.

For title reference purposes see deed dated January 25, 2001 and recorded with the Middlesex North District Registry of Deeds as Dec. #193602 Certificate of Title 35238. Also see withdrawal from registration recorded at Book 20251, Page 1.

IN WITNESS WHEREOF I hereunto set my hand and seal this 6th day of January, 2009.

MILLVIEW ESTATES, LLC.

By Alan W. Kazanjian
Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 4th day of January, 2009, before me, the undersigned notary public, personally appeared Alan W. Kazanjian, Manager of Millview Estates, LLC, proved to me through satisfactory evidence of identification, which was drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Millview Estates, LLC.

Arthur C. Sullivan Jr. (official signature & seal of the notary)
Notary Public:
My Commission Expires 11-24-2010

Referenced



Attachment #11

Lowell, Mass., March 26, 1925.

To the City Council,

Gentlemen:-

The following is a report on petition of
Abel R. Campbell, et al., for a sewer in Glenwood Street:

At a hearing held Thursday, March 12, 1925, at 7.30 o'clock P. M.,
there was no remonstrance.

The estimated cost of building said sewer with one hundred seventy-
one (171) feet of eight (8) inch pipe, at an average depth of nine (9)
feet, is One Thousand Seventy-six Dollars (\$1,076.) If much ledge is
encountered, the cost will be greater.

The probable amount to be assessed upon abutters on the line of
the sewer in Glenwood Street is Three Hundred Three Dollars (\$303.)

Respectfully submitted,

City Engineer.

295

Lowell, Mass., April 15, 1927.

To the City Council,

Lowell, Mass.

Gentlemen:-

The following is a report on petition of Joseph N. Prudhomme, et al, for a sewer in Ferry Lane:-

At a hearing held Monday, April 11, 1927, at 7.30 o'clock P. M., there was no remonstrance.

The estimated cost of building said sewer with two hundred ninety-five (295) feet of ten (10) inch pipe, at an average depth of eight and one-half (8 1/2) feet, is One Thousand Five Hundred Twenty-five Dollars (\$1,525.)

The probable amount to be assessed upon abutters on the line of the sewer in Ferry Lane is Two Hundred Ninety-seven Dollars (\$297.)

Respectfully submitted,

City Engineer.

D. Form AA



NAME Emission Excavating No. 1215
 ADDRESS 5-11-84 19
 TO P.C.C. 17 DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

It is the duty of the Department Heads to see that all bills are paid promptly.

Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

Threeleg Entry into		
CITY SEWER DEPT		
PROMISED # 227 BUT NOT PAID		
2554 # 10 101 100 100 FT	715 11	

DATE

DATE PAID

AMOUNT

REMARKS

PLOTTER - 100000

D. Form AA



NAME _____ No. 1216
 ADDRESS 5-15-84 19
 TO Public Works DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

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Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

To private entry into CITY		
SEWER DEPT		
PROMISED # 222 CANTON	25 13	

DATE

DATE PAID

AMOUNT

REMARKS

PLOTTER - 100000

D. Form AA



NAME STRAUMAN (PASSING ASSOCIATES) No. 1217
 ADDRESS 1014 15 19 54
 TO DPW DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

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Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

To private entry into CITY		
SEWER DEPT		
PROMISED # 121		
STRAUMAN ST CHALMERS ROAD		
143024 # 10 105 100 100 FT	715 11	20

DATE

DATE PAID

AMOUNT

REMARKS

CITY OF LOWELL **

** Out of Town

NAME JEAN SOUCY No. 1305
 ADDRESS 273 PAWTUCKET BLVD. 11-E 1989
 TO PUBLIC WORKS DEPARTMENT City of Lowell, Mass., DR.

To Privilege Entrance into		
CITY SEWER IN PAW. BLVD		
FROM PREMISES #273 PAWTUCKET BLVD		
40,260 SF. @ .05 / SF	2013.	

DO NOT DETACH FROM BOOK
 BILL SENT TO TREASURER FOR
 COLLECTION

DATE _____
 DATE PAID _____
 AMOUNT _____
 REMARKS _____

NAME Merrimack Valley Housing Partnership No. 1306
 ADDRESS 11-E 1989
 TO PUBLIC WORKS DEPARTMENT City of Lowell, Mass., DR.

To privilege entrance into City		
Sewer in Fay ST from		
premises #106 Lundberg ST		
48009.9 FT @ \$0.01 per 9 FT	480	09

DO NOT DETACH FROM BOOK
 BILL SENT TO TREASURER FOR
 COLLECTION

DATE _____
 DATE PAID _____
 AMOUNT _____
 REMARKS _____

NAME Draco Homes No. 1307
 ADDRESS Nov 9 1989
 TO PUBLIC WORKS DEPARTMENT City of Lowell, Mass., DR.

To privilege entrance into City		
sewer in 17th ST.		
from premises #93, 94 17th		
ST Draco Homes		
#94 12970 @ .05	649	50
#93 9380 @ .05	469	00
TOTAL	1118	50

DO NOT DETACH FROM BOOK
 BILL SENT TO TREASURER FOR
 COLLECTION

DATE _____
 DATE PAID Nov 10 1989
 AMOUNT \$1118.50
 REMARKS Plus Full
**

** Out of Town



NAME Roland Cormier No. 1296
 ADDRESS 9 G. St. 1989
 TO P.W.D. DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

It is the duty of the Department Heads to see that all bills are paid promptly.

Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

To privilege entrance into
CITY SEWER FROM PREMISES

35-37 MANCHESTER ST

27-29 MANCHESTER ST

12000 SF @ .01 PER SQ FT

2125 00

DATE

DATE PAID

AMOUNT

REMARKS

DO NOT DETACH FROM BOOK



NAME F.W. WEBB No. 1297
 ADDRESS OLDE CAVAL DR; LOW. 9-21 1989
 TO PWORKS DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

It is the duty of the Department Heads to see that all bills are paid promptly.

Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

To privilege entrance into
CITY SEWER IN OLDE CAVAL DRIVE
FROM PREMISES:

LOT 10 147,446 S.F. @ .005 / S.F.

\$ 737 23

LOT 11 354,805 " " "

1774 05

2511 28

DATE

DATE PAID

AMOUNT

REMARKS

PAID 2-2-89

DO NOT DETACH FROM BOOK



NAME Louis Landry No. 1298
 ADDRESS 277 Pawtucket Blvd 9-27 1989
 TO Public Works DEPARTMENT City of Lowell, Mass., DR.

DO NOT DETACH FROM BOOK

BILL SENT TO TREASURER FOR
COLLECTION

It is the duty of the Department Heads to see that all bills are paid promptly.

Bills not paid within thirty days must be considered overdue.

Department Heads must see that the proper legal steps are taken for collection of bills not paid within sixty days.

Departments must retain this bill to be checked with Auditor's office.

To privilege entrance into

CITY SEWER in Pawtucket

Blvd from premises #277

Pawtucket Blvd Tyngsboro MA

5400 SF @ \$0.05 per sq FT.

270 00

DATE

DATE PAID

AMOUNT

REMARKS

** Out of Town

Attachment #12



OFFICE OF THE INSPECTOR GENERAL

MEMORANDUM

TO: Barry B. Balan – Chelmsford Sewer Commission
FROM: Steve Pedersen – Weston & Sampson Engineers, Inc.
DATE: January 7, 2010
SUBJECT: Commercial Building, 190 Middlesex Street
CC: File

As requested, Weston & Sampson has calculated the estimated fees that would have been assessed to the new commercial building at 190 Middlesex Street if it had connected to the Chelmsford Municipal Sewer. In estimating these fees, several assumptions were made as further discussed below.

It is our understanding that this project consisted of razing an old mill building at 190 Middlesex Street (Assessor's Map 15, Lot 19-1) and replacing it with a new 25,000 square foot commercial building. This parcel is in Chelmsford adjacent to the Lowell city line and at the time of construction, a direct tie in to the Lowell Sewer System was installed. The existing Chelmsford sewer system in this area terminates just east of Dartmouth Street, approximately 160 feet west of the nearest property line of this parcel. It is unclear based on the information we have at this time if a gravity connection could have been achieved for this parcel into the Chelmsford system or if a pumped system would have been required.

Regardless of the method, if this property had extended the sewer to connect to the Chelmsford sewer system, they would have been assessed 1) a Capacity Impact Fee under Article XIV of the Sewer Use Regulations and 2) a Sewer Privilege Fee under Section 5.1 of the Betterment Assessments and Sewer Privilege Fees Regulations. These fees are calculated as follows:

- The capacity impact fee is calculated based on the flow of the proposed office building, which based on DEP Title 5, is 75 gallons per day per 1,000 square feet. Therefore, for the proposed 25,000 square foot building, the flow would be 1,875 gallons per day and the capacity impact fee would be \$28,125 based on the following calculation:

$$1,875 \text{ gallons per day} \times \$15 \text{ per gallon} = \$28,125$$

- For a private sewer extension the privilege fee is equivalent to 60% of the calculated betterment assessment for the subject parcel. The number of sewer units is calculated based on the flow of the proposed office building. Based on the Betterment Assessment Regulations, the sewer units are calculated as follows:

Weston & Sampson
ENGINEERS, INC.



$1,875 \text{ gpd} / 240 \text{ gpd per Sewer Unit} = 8 \text{ sewer units}$

The assessment per unit is equivalent to the then current sewer unit value. In this instance, the privilege fee is calculated as follows:

$8 \text{ units} \times \$6,000 \text{ per unit} \times 0.60 = \$28,800$

Based on these calculations, the total estimated fee for this parcel to connect to the Chelmsford sewer system would have been \$56,925.

Please call if you have any questions.

O:\Chelmsford MA\Professional Services 204022\Subdivision Reviews\190 Middlesex Street.doc

Attachment #13

§ 272-82 Violations and penalties.

[Amended 5-17-1988; 7-12-1988]

A.

Any person found to be violating any provision of this Part 2 may be served by the Utility with written notice stating the nature of the violation. Liability is attached immediately to the person found violating any section of this Part 2 or its industrial user discharge permit. All violations of these documents will be subject to enforcement actions.

[Amended 5-31-1994]

B.

Any person found to be violating any provision of this Part 2 may be subject to a civil penalty and, if found liable for the violation, shall be subject to a civil penalty and upon conviction shall be fined up to \$5,000 a day for each violation back to the first day of the violation in accordance with MGL c. 83, § 10, as amended by Chapter 174, Section 7, of the Acts of 1987. Civil action under this subsection shall be instituted by the City Solicitor's office.

[Amended 8-13-1991; 5-31-1994]

C.

Any person found to be violating any provision of this Part 2 or any provision of a discharge permit shall be liable for the maximum penalty provided under the Massachusetts General Laws for each violation back to the first day of said violation.

[Amended 8-13-1991]

D.

Any person violating any of the provisions of this Part 2 shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.