



Office of the Town Manager

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Town Manager

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GRINDER PUMP APPEALS POLICY

The Town of Chelmsford shall send prior written notice of its intent to charge a property owner for the repair or replacement of any grinder pump or grinder pump system pursuant to Chelmsford Bylaw Chapter 132, Section 132-3. Such notice shall be sent by certified mail, return receipt requested. Copies of this Grinder Pump Appeals Policy and any repair reports completed by Weston & Sampson technicians shall be provided with said notice. Property owners have the right to contest any charges to be assessed by the Town of Chelmsford for the repair or replacement of a grinder pump or grinder pump system. The three-level review process for contesting such charges is as follows:

First, within thirty (30) days of the Town's written notice of intent to assess a grinder pump charge, a property owner may file a written request for relief with the Superintendent of the Department of Public Works Sewer Division, together with copies of any documentation or information the property owner wishes to submit in support thereof. The Superintendent shall review the request and supporting materials and respond in writing within thirty (30) days.

If a property owner remains aggrieved by the Superintendent's response to a request for relief, he or she may appeal that response in writing to the Director of the Department of Public Works within fourteen (14) days. Upon receipt of that appeal, the Director shall schedule a grinder pump hearing to be held within twenty-one (21) days. The Director shall direct Weston & Sampson's, or its successors' in interest's, (hereinafter referred to as Weston & Sampson, et al.) technician who repaired or replaced the property owner's grinder pump or grinder pump system to attend the grinder pump hearing. The property owner may attend the grinder pump hearing (with or without counsel), call witnesses, question any Town witnesses or technicians, and offer any other evidence regarding the request for relief. The Director shall issue a decision in writing on the appeal within thirty (30) days after the close of the grinder pump hearing. The attendance of the technician shall be at no cost to the property owner, and if the technician cannot attend due to sickness, vacation, or other comparable reason, the hearing shall be rescheduled at a mutually convenient date for both the Director, the technician and the property owner. If the technician cannot attend due to death, serious injury, or because he/she is no longer employed by Weston & Sampson, et al., or other comparable reason, the Director shall direct another technician (in consultation with Weston & Sampson et al) to attend, who has comparable experience in servicing grinder pumps and can review the prior technician's report and be capable of testifying in the prior technician's stead.

Finally, if a property owner remains aggrieved by the Director's decision on appeal, he or she may submit a further appeal in writing to the Town Manager within fourteen (14)

days. The Town Manager shall review the proceedings and decision below and, within (30) days, issue a decision in writing. The Town shall not assess any charges for the repair or replacement of a grinder pump or grinder pump system until the conclusion of this three-level process.

Regardless of whether a property owner pursues the three-level review process described above, he or she also has a right to contest a sewer assessment by filing an application for an abatement on an approved form with the Chelmsford Board of Assessors. G.L. c. 59, § 59. For deadlines for filing such applications, contact the Chief Assessor at (978) 250-5220.

Finally, if the Board of Assessors denies an application for an abatement of a sewer assessment, either in whole or in part, an applicant may appeal to the Appellate Tax Board upon the same terms and conditions as a person aggrieved by a refusal of the Assessors to abate a tax. G.L. c. 83, § 16E. For information on filing an appeal with the Appellate Tax Board, see <https://www.mass.gov/filing-an-appeal-with-the-appellate-tax-board>.

Dated: April 9, 2020