

**HOUSE . . . . . No. 5041**

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**The Commonwealth of Massachusetts**



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GOVERNOR

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*October 9, 2020*

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment House Bill No. 4865, “An Act establishing the Littleton Common Smart Sewer District in the town of Littleton.”

This bill was adopted in response to a home rule petition by the Town of Littleton and would permit the Town “notwithstanding any general or special law to the contrary,” to lay out, construct, maintain and operate a system of common sewers and drains that will be known as the “Littleton Common Smart Sewer District.”

I support the Town of Littleton’s desire to be able to establish the Littleton Common Smart Sewer District and the vast majority of this bill. I am concerned, however, that by allowing the Town to establish this sewer district “notwithstanding any general or special law to the contrary,” the bill would preempt relevant DEP requirements as provided under the Clean Waters Act, the Wetlands Protection Act and related regulations concerning the location of sewers within Littleton, for example in Zone A or Zone I of a public water supply, and the construction and operation of a wastewater treatment plant.

Accordingly, I recommend amending the bill by inserting after the phrase “Notwithstanding any general or special law to the contrary,” in the first sentence of Section 1 of the bill the following phrase:-

but subject to sections 26 through 53 inclusive of chapter 21 of the General Laws and section 40 of chapter 131 of the General Laws,

I approve the remainder of this Act.

Respectfully submitted

Charles D. Baker,  
*Governor*