

TOWN OF STOW

BOARD OF HEALTH REGULATION

Effluent Filter – The outlet pipe of each septic tank shall have a replaceable effluent filter. The reason for this requirement is to keep solids in the septic tank and protect the leaching area from solid carryover.

Two-compartment Tank – A two-compartment, or two single compartment tanks shall be installed in accordance with The State Environmental Code Title V: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Section 15.224: Multiple Compartment Tanks. The reason for this requirement is to improve the separation of solids and protect the leaching area from solid carryover.

Adopted January 20, 2005

REGULATION FOR THE DRAINAGE AND MINIMUM DEPTH TO WATER TABLE OF SEPTIC SYSTEMS

AUTHORITY

This regulation is enacted under authority which includes, but is not limited to one or more of the following: Massachusetts General Laws, Chapter 111, Sections 31, 122, 122A 127, 143, 155, 187, Sections 310 CMR (Code of Massachusetts Regulations) 11.02 and CMR 15.003. Board of Health regulations are an exercise of the power under which various levels of government are responsible for protection of the public, health, safety, welfare, and the environment.

PURPOSE

This regulation of the Stow Board of Health has been enacted for the purpose of protection of the citizens of the Town of Stow and also the protection of the environment. The Town of Stow relies upon on-site subsurface systems for the disposal of sewage, and upon groundwater for its water supply, from either public or private on-site wells. There are considerable areas of severe geologic conditions, which consist of poorly drained soils, shallow soil depth to fractured ledge and groundwater, wetlands, flood plain, and contributing areas to the water supply.

As a minimum code, Title 5 is incomplete and ambiguous in certain specifications and silent on other topics, specifically regarding the adding or removing of fill material or otherwise modifying the topography of an area, which often has unforeseen effects on its hydrology and drainage. Accordingly, local Board of Health regulations are necessary to assure more complete protection from sewage overflows to the ground surface, which are sources of filth and disease, and also to assure more complete protection from potential pollution of groundwater, wells, surface waters, and wetlands. Local regulations are also necessary for purposes of efficient administration and management, as well as for additional guidance in the process of construction of septic systems. These regulations seek to minimize the health risks associated with unforeseen changes in groundwater and drainage at or near septic systems. These regulations do not conflict with Title 5, but rather complement them, and provide additional guidance.

SITING AND DESIGN REQUIREMENTS

Septic systems to serve new construction must meet the following siting and design requirements:

No system shall be sited in an area which, due to drainage, soil characteristics, or topography, may result in seasonal inundation or flooding of any part of the soil absorption system or leaching area.

Topography, drainage, and soil characteristics shall not be modified in, near, or up-gradient from a septic system in such a way as to result in possible seasonal inundation or flooding of any part of the soil absorption system or leaching area.

No system shall be sited in an area that has less than two feet of naturally occurring pervious materials above the high groundwater elevation.

The finish grade of a septic system leaching area shall not be modified by more than a mean level of two feet averaged over the entire area of the soil absorption system.

UPGRADING OF SEPTIC SYSTEMS/ADDITIONS TO EXISTING DWELLINGS REGULATION

For any addition to an existing dwelling requiring the upgrading of a septic system, the owner will have a 25 day time limit, after the beginning of construction of the dwelling addition, to complete the installation of the septic system.

Adopted 11/5/85
Amended 11/21/96

TIME LIMIT OF TESTS

All testing performed prior to the adoption of the new Title 5 Regulations, March 31, 1995, will have a 2 year limit on outstanding permits.

Adopted 2/7/96

PERCOLATION AND DEEP PIT TESTS REGULATION

The Board of Health requires that there be a minimum of 2 percolation tests and 2 deep pit tests for each proposed primary disposal area. At the discretion of the Approving Authority additional percolation tests and deep pit tests may be required depending on suitability of soils and test results.

All the results of percolation and deep pit tests of a lot shall be shown on the application for the sewage disposal system serving that lot.

The design of a leaching facility or system shall be at least 25 feet from any percolation or deep pit test which is found to be not acceptable.

Adopted 7/23/85

Amended 11/21/96, 11/1/95, 1/6/87, 9/17/85

LEACHING AREA REQUIREMENT REGULATION

A leaching area shall have an effective square footage to handle 150% of the estimated design flow, as defined in Section 15.02 of Title 5.

Septic systems designed for more than 1,000 gallons per day shall allow a minimum of one square foot of leaching area per gallon of design flow.

Adopted 2/16/88

Amended 11/21/96

REGULATION CONCERNING ADDITIONS OR RENOVATIONS TO EXISTING DWELLINGS NOT MEETING TITLE 5

No addition or increase in gross floor area or impervious surface (including garages, barns, sheds, swimming pools, etc.) will be allowed on any Lot whose subsurface sewage disposal system does not meet current Title 5 requirements, unless it can be demonstrated to the satisfaction of the Board of Health that the proposed addition or increase does not negatively impact the ability of the Lot to support construction of a new or upgraded subsurface sewage disposal system that does comply with Title 5 requirements.

Rationale: Subsurface sewage disposal systems that were installed prior to Title 5 or that do not meet Title 5 requirements are prone to fail at some point in the future. While it is not essential that a non-failing but non-compliant system be upgraded at the time of an unrelated addition or renovation on the property, it **IS** essential that such an addition or renovation does not block the ability to upgrade the system in the future; for example, if the renovation entailed building upon the Reserve Area, or otherwise constraining septic system placement such that a compliant system could not be built. This regulation ensures that it will be possible to build a compliant Title 5 system on the Lot at some future time, should that become necessary.

INTERCEPTOR DRAINS

The Board of Health does not permit interceptor drains except by variance. Each case regarding interceptor drains will be decided individually.

Adopted 4/16/85

MINIMUM DISTANCE BETWEEN WATER BODY AND SEPTIC SYSTEM DISPOSAL AREA REGULATION

A septic system shall be no closer than 100 feet to a wetland or water body; and no water body shall be constructed within 150 feet of a disposal area, unless the applicant can show to the satisfaction of the Board of Health that there will be no deleterious affect on the quality of the groundwater; if the applicant can so prove, then the water body shall be constructed no closer than 100 feet to a disposal area.

Adopted 10/1/85

Amended 2/4/86

FLOOD PLAIN REGULATION

No new and replacement sewage disposal facilities, or any part of such facilities, shall be located in an area subject to periodic flooding, or within 50 feet of such an area and at an elevation less than the flood plain elevation. Indication of areas subject to flooding are: (1) the flood plain caused by the floods up to and including the 100 year flood; (2) the Flood Plain District of the Stow Zoning Map.

Adopted 12/18/79

Amended 10/21/86

REGULATION GOVERNING APPLICATION REVIEW FEES UTILIZING A SPECIAL MUNICIPAL ACCOUNT

The Board of Health may enact regulations and special municipal accounts may be set up under Chapter 111, Section 31 and Chapter 44, Section 53G of the Massachusetts General Laws.

When reviewing an application for a septic permit or in the subdivision review process, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project or potential impact on the health and safety of the residents of the Town. The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants to assist in the review of an application.

In hiring outside consultants, the Board may engage engineers, planners, lawyers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations.

Funds received by the Board pursuant to this section shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which the review fees are collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the permit of application.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

An applicant is urged to consult with the Board of Health concerning the scope and cost of any studies the Board may recommend. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Any

amount of the deposit remaining after the issuance of permits for the proposed project plus any remaining accrued interest will be repaid to the applicant or the applicant's successor in interest. Any person or entity claiming to be an applicant's successor shall provide the Board with documentation establishing such succession in interest.

Adopted 12/11/90

Reg. municipal account