

TOWN OF YARMOUTH

SOUTH YARMOUTH

MASSACHUSETTS 02664

BOARD OF HEALTH

TO: THE TOWN OF YARMOUTH BOARD OF HEALTH
& INTERESTED PARTIES

FROM: DALE D. KARNES, HEALTH OFFICER
TOWN OF YARMOUTH

DATE: AUGUST 16, 1978

SUBJECT: TOWN OF YARMOUTH BOARD OF HEALTH
SUB-SURFACE SEWAGE DISPOSAL REGULATIONS

ENCLOSED ARE THE SUB-SURFACE SEWAGE DISPOSAL REGULATIONS HEREBY PROMULGATED BY THE TOWN OF YARMOUTH BOARD OF HEALTH, TO REPLACE TOWN OF YARMOUTH SEWAGE DISPOSAL REGULATIONS ADOPTED 8-29-73 AND 2-20-75.

THESE REGULATIONS ARE ADOPTED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 111, SECTION 31, AS AMENDED, MASSACHUSETTS GENERAL LAWS TER. ED. AND ARE BEING ADOPTED TO SUPPLEMENT, CLARIFY, MODIFY, AND AUGMENT THE PROVISIONS OF TITLE V, OF THE STATE ENVIRONMENTAL CODE.

APPLICANTS SHALL REFER TO THE MASSACHUSETTS ENVIRONMENTAL CODE FOR BASIC REQUIREMENTS.

THESE TOWN OF YARMOUTH SUB-SURFACE SEWAGE DISPOSAL REGULATIONS SHALL TAKE EFFECT ON AUGUST 25, 1978.

NO REGULATIONS HEREIN SHALL BE ENFORCED RETROACTIVELY.

RESPECTFULLY SUBMITTED,

DALE D. KARNES, HEALTH OFFICER
TOWN OF YARMOUTH

Note: Change in fees effective September 1, 2008:

Repair of septic system:	\$ 55.00
New septic system:	\$110.00
Disposal Installer's License:	\$ 80.00
Percolation Tests:	\$ 90.00

The Town of Yarmouth Board of Health sub-surface sewage disposal regulations contained herein have been reviewed by Attorney John C. Creney, Esq., Legal Counselor for the Town of Yarmouth.

Copies of the regulations herein have been submitted to the following:

Commissioner David Standley
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
100 Cambridge Street, Boston, MA 02202

Paul T. Anderson, Regional Engineer
Department of Environmental Quality Engineering
Southeastern Regional Office
Lakeville, MA 02346

Attorney General Francis X. Bellotti
State House, Beacon Hill
Boston, MA 02133

August 18, 1978



Dale D. Karnes, Health Officer
Town of Yarmouth, Massachusetts

Sub-Surface Sewage Disposal Regulations

REGULATION 1: ENFORCEMENT

For purposes of enforcing these regulations, the Health Agent, or a designated agent of the Board of Health shall be the approving authority.

REGULATION 2: GENERAL REQUIREMENTS

- 2.1 DISPOSAL WORKS CONSTRUCTION PERMIT - No individual sewage disposal system or other means of sewage disposal shall be located, constructed, altered, repaired, or installed until a permit for such work has been issued by the agent of the Board of Health. At the time of filing of the application with said agent, a fee shall be charged. The fee for new construction shall be \$25.00. The fee for repair shall be \$15.00. Fees for permits shall not be returned if repair or construction is abandoned.
- 2.2 DISPOSAL WORKS INSTALLERS PERMIT - Each disposal works installer shall be required to complete a (simple) septic installer's test questionnaire and execute a memorandum of understanding to qualify as an applicant for an installer's permit. The fee for a disposal works installer's permit shall be \$25.00.
- 2.4 APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT - A disposal works construction permit shall become void if the installation of a sub-surface sewage disposal system is not completed and in operation within six (6) months from the date of issue of such permit. Following submission of re-application, a new permit may be issued by the agent of the Board of Health. The fee for re-application shall be \$25.00.
- 2.5 PLAN OF SEWAGE DISPOSAL SYSTEM - As part of the application for a disposal works construction permit to install, construct, or repair (if applicable) a sewage system in the Town of Yarmouth a plan of the proposed system is required (Reg. 2.4). Emergency repairs to existing systems may commence immediately; however a plan of the proposed repairs as required by this regulation must be submitted to the agent of the Board of Health within 72 hours. The plan is to be prepared by one of the following:
- (1) Registered Professional Engineer (Civil)
 - (2) Registered Professional Engineer (Sanitary)
 - (3) A Registered Sanitarian
 - (4) Other professional authorized by law.

In addition, the site plans must be prepared by a Registered Land Surveyor and must bear his seal and signature. The submitted plans must show the property and building to be served by the proposed sewage disposal system, the location of such system; the precise location of manholes, and clean-out plugs; location of any streams, drains, or other known sources of water within 200' of the proposed system; existing and proposed contours of the land, (two foot interval contours may be required by the agent of the Board of Health due to elevation variations) lot lines, and distances necessary to satisfy requirements set forth in Regulation 3.7; a detailed layout of the proposed system, including inverts, elevations of the septic

tank, distribution box, leaching pipes or pits, dimensions of leaching area or pits, including spacing of pipes or pits; size and gradation of stones used in the disposal field; location and depth of the observation pits, location and results of percolation tests, including the name of the agent of the Board of Health who witnesses the test; elevation of the highest water table and soil log; a cross section showing elevations drawn through the property lines and building foundation walls, septic tank, leaching field or pits, and the centerline of the street if system is in front of the building; assessors map number, and the parcel number; in a flood plain zone the bench mark, shall be based on mean sea level. In addition, provisions shall be made on the plan for the endorsement of approval by the agent of the Board of Health. No permit shall be issued until the plan (submitted in quadruplicate) has been reviewed and endorsed by the agent of the Board of Health.

- 2.6 USE - Dwellings with expansion attics shall provide a septic system according to the total number of finished and/or unfinished bedrooms.
- 2.7 BUILDING ALTERATIONS/FOUNDATION EXTENSIONS - The owner or other person(s) having control over any existing buildings(s) hereafter seeking to alter, add to, or extend existing foundation(s), shall not commence construction under a building permit until first obtaining a permit for the alteration of the sewage disposal system (if applicable) from the agent of the Board of Health. Septic tanks must be installed for any building(s) being altered, added to, or extending existing foundation(s) (if applicable) that do not already have an existing septic tank. Tank size to be determined in accordance with Regulation 6 of Title V, of the Department of Environmental Quality Engineering.
- 2.8 CERTIFICATE OF COMPLIANCE - Occupancy of any such affected structure(Regulation 2.7) shall not take place until a Certificate of Compliance has been issued by the agent of the Board of Health as relating to the design of the plans, material, and the construction of the completed installation of the sewage disposal system.
- 2.10 INSPECTION - The Board of Health requires that all construction be inspected by the agent of the Board of Health before backfilling. Prior notice of at least 24 hours for a final inspection must be provided to the agent of the Board of Health. A Certificate of Compliance will not be issued unless all construction has been completed in accordance with the approved plan, and required inspection. If an installer must make any changes during the installation of a septic disposal system which diverts from the original approved plans, permission must first be obtained from the agent of the Board of Health and the engineer, or sanitarian who drew up the prepared plans. The agent and the engineer, or sanitarian, shall then re-inspect and approve the proposed installation change. Upon approval, the engineer, or sanitarian shall file corrected plans with the agent of the Board of Health.
- 2.17 CONSTRUCTION IN FILL - Construction of leaching facilities in clean granular fill is permissible when the following conditions exist:

Sub-Surface Sewage Disposal Regulations

- (A) When the impervious material can be excavated to pervious material below, and be replaced with clean fill; and the underlying pervious strata is at least four (4) feet thick.
 - (B) Where a depth of at least four (4) feet of pervious material is natural soil, and can be maintained below the bottom of the leaching area. In no case will excavation be allowed into impervious material without penetrating into pervious material as in Regulation 2.17A.
- 2.18 MULTIPLE USE - The common use of an individual sewage system by more than one property, dwelling, or other premise is prohibited, unless written approval is obtained from the agent of the Board of Health. The sewage disposal system shall be located on the one lot which it serves.
- 2.19 MAINTENANCE - Every owner or agent of premises in which there are any private sewers, individual sewage disposal systems, or other means of sewage disposal shall keep the sewer, sewage disposal system, or other means of sewage disposal in good repair. It is the recommendation of the Board of Health that all of the aforementioned systems be cleaned at least once every two years. Should the owner or agent of any premise fail to keep the disposal facility in proper working condition, the agent of the Board of Health shall cause the disposal facility to be cleaned, or repaired, with all expenses incurred to be paid by the owner or agent of the premise(s) so involved.
- 2.22 RESERVE AREA/EXPANSION - All plans submitted for review and approval shall contain an additional area reserved for future expansion of the disposal field, being at least equal to the area of the disposal field. The expansion area must conform to all requirements of the regulations herein and to Title V of the D.E.Q.E. The expansion area is to be kept open and may not be built upon with the exception of movable structures such as tool houses and above ground swimming pools. However, movable structures may not be constructed should they preclude the expansion area from conforming to the minimum distances as established in Regulation 3.7 of Title V.

REGULATION 3: LOCATION

- 3.4 PERCOLATION TESTS & OBSERVATION HOLES - All percolation tests shall be conducted in accordance with the requirements of Title V of the D.E.Q.E. and shall be performed on each lot where a septic system is to be constructed except where the agent of the Board of Health deems it unnecessary, which information shall also be recorded on both the application and the submitted plan (Reg. 2.5). All percolation tests shall be performed in the presence of the agent of the Board of Health with prior notice of 48 hours provided to the agent of the Board of Health. Percolation tests shall be conducted during the "High Water" time of year, (November through June). If tests are conducted during the months of July through October, the following conditions shall be met to qualify for approval:
- (1) Two (2) deep observation holes shall be made on each lot, with no silt, clay, or other impermeable soils found, up to a depth of 10'.

- (2) That the water table is not within ten (10) feet from the surface of the ground.

If the aforementioned specified conditions are not met and other substantiating data is not available, the percolation test must be re-scheduled for the "High Water" time of year period. Soil with an average percolation rate slower than twenty (20) minutes per inch will be considered unsuitable for sub-surface disposal of sewage by the agent of the Board of Health. Percolation test results will be recorded in the Health Department office and may be utilized for a period of two (2) years from the date of the actual test. New percolation tests and observation holes may be required as needed to comply with any new code requirements. Before a percolation test can be scheduled, a fee of \$10.00 shall be paid at the Health Department office.

- 3.7 DISTANCES & LOCATION OF DISPOSAL FACILITIES - The location of the disposal facilities shall be such as to provide between it and the component a distance not less than those listed in the following table. The set-back distances required below are changes from Title V; for additional detailed set-back requirements, refer to Title V of the D.E.Q.E.

POTABLE COMPONENT	SEPTIC TANK	LEACHING FIELD PIT & CESSPOOL
Surface water supplies, or tributaries:	100 feet	100 feet
Well or suction line:	100 feet	150 feet
NON-POTABLE COMPONENT	SEPTIC TANK	LEACHING FIELD PIT & CESSPOOL
Watercourses, including streams, ponds, open & sub-surface drains:	50 feet	100 feet

The grades of roads in sub-divisions adjoining any water shall not be less than six (6) feet above the mean high water of lakes, ponds, streams, tidal waters, flats, and all tributaries of such tidal waters and flats. Foundations of dwellings shall not be less than two (2) feet above the highest point of the road affronting each lot. No fill shall be deposited when the water table is within four (4) feet of the original grade. Where fill is deposited it shall be in compliance with the regulations set forth in Title V of the D.E.Q.E.

REGULATION 20: VARIANCE

Variances may be granted under the following provisions only: The Board of Health may vary the application of provisions of the

regulations herein (except where expressly forbidden elsewhere in Title V of the D.E.Q.E.) with respect to any particular case when, in its opinion, one, or both, of the following conditions exist:

- (A) The enforcement thereof would cause manifest injustice and/or hardship.
- (B) The applicant can prove beyond a reasonable doubt that the same degree of environmental protection as required under the regulations herein can be achieved without the strict application of the applicable provision in question.

Every request for a variance shall be made in writing on a form provided by the agent of the Board of Health and shall state the specific reason(s) for the variance being sought. Any variance granted by the Board of Health shall be made in writing and shall expire ninety (90) days from the date of issue.

Any denial of a variance shall also be made in writing and shall contain a brief statement stating the reason(s) for the denial.

REGULATION 27: SEVERABILITY

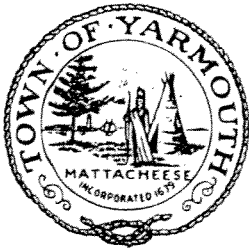
If any section, paragraph, sentence, clause, phrase, or word of the regulations herein shall be judged invalid for any reason whatsoever that decision shall not affect any other portion of the regulations herein which shall remain in full force and effect; and to this end the provisions of the regulations herein are hereby declared severable.

ADDITIONAL REGULATIONS

The Town of Yarmouth Board of Health reserves the right to adopt additional regulations as deemed necessary, or restrict or delete any of the herein mentioned regulations in the best interest of the Town of Yarmouth. All regulations herein are subject to various provisions as set forth in Title V of the D.E.Q.E.

A True Copy Attest:

Elizabeth A. Costa
Elizabeth A. Costa
Assistant Town Clerk



TOWN OF YARMOUTH

1146 ROUTE 28 SOUTH YARMOUTH MASSACHUSETTS 02664-4451
Telephone (508) 398-2231, Ext. 241 — Fax (508) 398-2365

BOARD OF HEALTH

ADVISORY LETTER

DATE: February 20, 2003

TO: Engineers and Registered Sanitarians

FROM: Bruce G. Murphy, R.S., C.H.O. *BGM*
Health Director

RE: Submittal Requirements for Septic System Construction/Repair

The following additional criteria will be required to be submitted with or listed on all septic design plans **effective March 17, 2003:**

FLOOR PLANS:

Due to a recent increase in discrepancies related to total number of bedrooms of a subject dwelling, **a not-to-scale floor plan of the dwelling will be required as part of the submittal materials for septic plan review.** The floor plan sketch may be included on the site plan or as a separate sheet to be attached to the septic plan with each room labeled appropriately.

Floor plan requirements for new construction will remain the same, as required by the Building Department. Additionally, at least one copy of the site plan, as well as a completed Title V Application with permit fee, must be submitted to the Health Department concurrently with the Building Permit Application to the Building Department.

LAND SURVEYOR STAMP:

The Town of Yarmouth Septic Regulations requires a professional engineer or a registered sanitarian stamp along with a professional land surveyor stamp on septic design plans. **In lieu of a professional land surveyor stamp, a reference plan of the subject lot depicting the house location, prepared and stamped by a professional land surveyor may be referenced on the subject site plan.** Additionally, a copy of the reference plan must be submitted with the site plan.

VARIANCES TO GROUNDWATER:

To alleviate potential problems with future additions, the following conditions will apply:

Existing 2 bedroom dwellings may design for the required minimum 3 bedroom size system if there are no variance requests to groundwater. If a variance to groundwater is requested, a 2 bedroom deed restriction must be recorded on the property deed if the septic is designed for either a 2 or 3 bedroom capacity system. **Variances to groundwater will not be granted for oversized systems unless a bedroom restriction is placed on the property deed.**

ZONE II – WELLHEAD PROTECTION AREAS:

To alleviate potential problems with future additions, the following conditions will apply:

Existing 2 bedroom dwellings may design for the required minimum 3 bedroom size system if the subject lot is large enough to meet the Zone II requirements for a 3 bedroom system (with or without an alternative septic system). If the subject lot does not meet the minimum lot size requirements based on a standard Title V system, a 2 bedroom deed restriction must be recorded on the property deed if the septic is designed for either a 2 or 3 bedroom capacity system. Oversized systems will not be granted for undersized lots based on the Zone II lot size requirements unless a bedroom restriction is placed on the property deed.

Required Bedroom Deed Restrictions must be noted on the septic plan.

Applications for Bedroom Deed Restrictions are enclosed and are also available at the Health Department.

If there are any questions, please contact the Health Department at 508-398-2231 X241.