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# **Town of Boylston Massachusetts**

## **Rules and Regulations Board of Health**



**Revised November 24, 2003**

**Effective January 1, 2004**

**I. TESTING**  
**Subsurface Sewage Disposal Systems**

**Deep Hole and Percolation Tests**

The Boylston Board of Health will follow the testing criteria of State Environmental Code Title V with the following exceptions:

1. Testing may be conducted year round. However, if in the opinion of the Board or its Agent, the estimated high ground water levels cannot be accurately determined, excavation of deep hole observation pits will be required between December 15 and April 15 and the groundwater levels recorded.
2. As of July 1, 1995, the owner will provide for a Mass. State Approved Soil Evaluator to be present at all Deep Observation Hole Testing.
3. Test data is good for one (1) year. Extensions may be granted upon receipt of a letter from a registered professional engineer certifying that no changes have been made to the landscape, elevations or soil structure of the proposed areas or adjacent areas since the testing date.

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**II. PLANS & DESIGN REQUIREMENTS**  
**Subsurface Sewage Disposal Systems**

The Boylston Board of Health will follow the plans and design criteria of State Environmental Code Title V with the following exceptions:

1. Applications must be filled out in full, signed by owner and submitted with the proper fee.
2. Application must be submitted at least seven (7) days prior to the regular monthly meeting of the Board for review.
3. Five (5) sets of plans will be submitted for review.
4. Approved plans are good for two years. Requests for extensions may be granted upon receipt of a letter from a registered professional engineer certifying that no changes have been made to the landscape, area storm drainage system, elevations or soil structure of the proposed areas or adjacent areas since the testing date.
5. One (1) revision will be allowed. Subsequent revisions will be considered upon receipt of revision review fee.
6. The expansion area will be a separate area, not allowed between the trenches, and shall be no closer than ten (10) feet to the primary area.
7. Garbage grinders are not permitted.
8. Minimum square footage of a soil absorption system will be 750 square feet.

9. The leaching area shall be a minimum of 100 feet from any open water, brook, stream, intermittent stream, or other wetland resource.

10. Offsets to property lot lines for the soil absorption system (SAS) for new construction shall be a minimum of 25 feet from the front property line and 20 feet from all other property lines.

11. (a) Systems that have a SAS, either primary or reserve, located more than 200 feet from the house shall not be allowed, unless permitted by the Board of Health. In determining whether the SAS may be permitted, the Board will consider:

- 1) Whether the SAS is located within daily sight of the property owner.
- 2) Proximity to the property lines – 100 feet minimum setback for the SAS.
- 3) Accessibility for maintenance and repair.
- 4) Cleanouts (or access manholes if a force main).
- 5) Protection from frost damage.
- 6) Alternative locations.
- 7) Consultation with the Conservation Commission if the SAS requires a crossing or impacts a wetland resource area.

(b) This regulation shall not apply to a repair system.

12. (a) No portion of SAS shall be further than 50 feet of a test hole.

(b) If less than 30 minutes per inch, the minimum requirement will be two (2) deep holes; one perc test in both primary and reserve. 30-60 minute perc rates in both primary and reserve will require two (2) deep holes and three (3) perc tests (to be made at the discretion of the Health Agent).

13. All components of the septic system must be on the lot being served by the system.

14. All components of the sewage disposal system shall be accessible from the lot being served for the purposes of maintenance and repair. Acceptable access shall be considered a 15-foot wide path or roadway suitable for a septic or a gravel truck to pass safely.

15. For development of four or more lots, including subdivision or frontage lots, a master plan depicting the location of all components of the proposed and abutting (within 100 feet of the property lines) sewage disposal systems and wells, topography, test holes, wetland resource areas and ledge outcrops shall be submitted to the Board.

16. SAS designed for systems with a percolation rate between 30 and 60 minutes per inch shall be dosed.

17. Testing and fees are in accordance with the attached schedule. Additional fees will be required for lots with slower percolation rates (30-60 minutes per inch) to accommodate the testing requirements.

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**III. ALTERATION, CHANGE OF USE & REPAIRS  
Subsurface Sewage Disposal Systems**

Superseded by 310 CMR 11.00–17.00 dated 9/23/94, “State Environmental Code Title V”.

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**IV. SUBDIVISIONS  
Subsurface Sewage Disposal Systems**

Superseded by 310 CMR 11.00–17.00 dated 9/23/94, “State Environmental Code Title V”.

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**V. DUPLEXES, CONDOMINIUMS & ASSOCIATIONS  
Subsurface Sewage Disposal Systems**

Superseded by 310 CMR 11.00–17.00 dated 9/23/94, “State Environmental Code Title V”.

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**VI. MAINTENANCE FOR EXISTING CONDOMINIUMS,  
APARTMENTS AND MULTI-FAMILY DWELLINGS  
Subsurface Sewage Disposal Systems**

Superseded by 310 CMR 11.00–17.00 dated 9/23/94, “State Environmental Code Title V”.

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**VII. COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL  
WASTES  
Subsurface Sewage Disposal Systems**

Superseded by 310 CMR 11.00–17.00 dated 9/23/94, “State Environmental Code Title V”.

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**VIII. INSTALLERS AND INSTALLATIONS  
Subsurface Sewage Disposal Systems**

1. Installer’s permits will be valid for one year, January 1 to December 31, and must be renewed annually.
2. To receive a permit, installer must hold a current valid Installer’s Permit from the Boylston Board of Health, or must produce letters of reference from two (2) other Boards of Health.
3. Installer’s permits must be obtained at least seven (7) days prior to the beginning of Subsurface Sewage Disposal System installation.

4. The Board of Health Agent must be notified at least seven (7) days prior to Subsurface Sewage Disposal System installation.
5. The site shall be inspected at the time of excavation to determine whether or not the soils are consistent with those tested. No work shall continue until approved by the Board of Health or its Agent.
6. The installer shall not backfill any installation until obtaining an as-built plan and certification statement from the Design Engineer or other Engineer indicating that the system was installed in the general location approved, that the invert elevations are within acceptable limits of the approved plan, and that all distances, and setbacks, are as indicated on the as-built plan.

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**IX. MINIMUM SANITATION STANDARDS FOR PRIVATE & SEMI-PUBLIC WATER SUPPLY**

**A. TERMS:**

1. WELL. The word “well”, so used in these regulations, shall include any pit, pipe, excavation, spring, casing, drill hole, or other source of water to be used for any purpose of supplying potable water in the Town of Boylston, and shall include dug wells, drive or tubular wells, drilled wells (artesian or otherwise) and springs gravel packed, gravel walled wells, gravel developed and wash boring.
2. WATER SYSTEMS. The words “water systems”, as used in these regulations, shall include pipes, valves, fittings, tanks, pumps, motors, switches, controls and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment or purification of water for any use whether or not inside a building.
3. PRIVATE WATER SUPPLY. The term “private water supply” means any water system serving or intended to serve water for human consumption or for domestic uses on one lot. The system shall include all of the sources, treatment works and distribution lines to the point where distribution takes place within the building.
4. SEMI-PUBLIC WATER SUPPLY. The term “semi-public water supply” means any water system serving or intended to serve water for human consumption or for domestic uses or purposes to multiple dwellings of two or more units or to more than one multiple dwelling under a single ownership and located on the same lot and shall include: roadside restaurants, dairies, schools, institutions, motels, mobile home parks, bottling plants, campgrounds, recreational camps for children, state forests, parks and beaches. This designation also applies to “Non-Community” water supply systems as defined by the Safe Drinking Water Act.

## B. WELLS:

1. No well, semi-public or private water supply shall be constructed until a "Well Construction Permit" has been obtained from the Board of Health or its Agent. The fee for this permit shall be set annually by the Board of Health.
2. A plot plan shall be required at the time of application to the Board of Health indicating the location of the proposed water supply, distance to the property lines, septic or waste disposal system locations, locations of any ponds or streams, proposed location of dwelling and any other information deemed necessary by the Board of Health or its Agent.
3. All wells, semi-public or private water supplies shall be located at least 25 feet from any street and 100 feet from any cesspool or septic leaching system in the vicinity, and other distances as required per the State Sanitary Code, Title V, Regulation 3.2 or any applicable regulations of any successor Agency. (See Board of Health Regulation 3.7A in Section I.)
4. Well drillers or well contractors shall have a valid Massachusetts Well Drillers License and, upon completion of a well, furnish the Board of Health with a copy of the "Water Well Completion Report".

## C. CONSTRUCTION, SANITATION, PRODUCTION AND QUALITY:

1. The well contractor or any party installing accessory equipment shall observe reasonable sanitary measures and precautions in the performance of his work to prevent contamination of the well and/or water supply. Each time the well is opened or repaired, the well contractor shall disinfect the well and its accessory parts in accordance with accepted standard and practices as defined by the Massachusetts Department of Public Health's publication on "Rural Water Supplies".
2. Wells must be properly curbed and covered so as to prevent the entrance of contamination and to divert surface drainage away from the well.
3. Well casings into consolidated rock shall have at least 6" inside diameter. Casings shall extend into consolidated rock a minimum of 5 feet. When rock conditions indicate the possibility of a poor seal of the casing, the well driller or contractor shall be required to demonstrate that the seal will prevent the entrance of surface water. Dug wells and other wells construction so as to draw water from other than consolidated rock, shall be constructed to exclude all surface water for a depth of 10 feet below the finished grade. Such construction shall include watertight casings, the use of sealed well tile and/or impervious grouting or other non-permeable materials around the casing to a minimum depth of 10 feet from the finished grade.
4. The well and/or water system shall be required to deliver a minimum rate of flow of 5 gallons per

minute for four (4) hours of continuous running. This water rate of flow requirement may be adjusted accordingly by the Board of Health or its Agent when large storage areas exist in the well or when large pressure tanks are provided.

5. The water supply system shall be able to provide a minimum of 200 gallons per day per bedroom at 40 P.S.I. at the highest fixture served. Well or water supply storage tanks shall not have a capacity of less than 42 gallons.
6. Chemical and bacterial analysis of the well water shall be furnished to the Board of Health or its Agent within thirty (30) days after the well yield has been demonstrated. No "Well Construction Permit" shall be validated until the above information has been furnished to the Board of Health or its Agent.
7. The specific tests and data required by the Board of Health, from an approved water-testing laboratory, are shown in Exhibit 3.3.
8. Prior to sampling for these tests, the well shall be disinfected (see Regulation 3.1) and pumped for a minimum of two (2) hours or until the residual chlorine content is less than 0.01 MG/L (PPM). The well shall then be pumped a minimum of two (2) additional hours before sampling. The testing laboratory shall test the bacteria sample for residual chlorine and shall not accept for bacteria testing any sample showing a residual chlorine level of over 0.01 MG/L.
9. The holder of a permit for a semi-public water supply shall furnish the Board of Health with a bacteria and chemical analysis report from an approved laboratory annually before renewal of the water permit is issued.

## D. PUMP HOUSES, PITS:

1. Pump house, pump or pipe pits and wells shall be designed and constructed so as to prevent flooding and/or the entrance of pollution or contamination.
2. Pump houses and pump rooms or pitless adapters shall be in accordance with the U.S. Public Health Service publication titled "Manual of Individual Water Systems" as currently published.
3. All well casings are to extend a minimum of 6" above the finished grade at the wellhead.
4. All well casing tops and casing caps shall not be buried below finished grade and shall be located so that flooding cannot occur. Pitless adapters extending above the finished grade are recommended.

E. PIPES AND EQUIPMENT:

1. The installation of pipes shall be such that they are protected from crushing and/or attack by rodents and freezing.
2. Dissimilar metals should be discouraged in the water system. The use of non-conductive plastic inserts between pipes and fittings or the installation of sacrificial anodes is helpful in minimizing electrical corrosion problems.
3. Electrical service grounds and acceptable lighting protection are required for all well pumps. In no case shall these or any other electrical connection be grounded to the well casing.
4. All lines from the well to the dwelling or building served shall be at least one-inch diameter pipe of an acceptable material.
5. All wells are to be vented and of such a design so as to keep all foreign materials from entering the vent and the well.
6. An acceptable check valve is required between the pitless adapter and the water storage tank. Pressure relief valves are also required ahead of the gate valve in the line before the water storage tank.

F. PROHIBITIONS:

1. Surface water supplies for private or semi-public water supplies shall be prohibited.
2. Cisterns shall be prohibited.
3. Cross connections shall be prohibited. No cross connection between a private or public source of water supply shall be allowed unless approved by the State.

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X. TRASH & SEWAGE HAULER REGULATIONS

(Effective 9/15/2002)

The Board of Health, Town of Boylston, Massachusetts, in accordance with and under the authority granted by Sections 31A and 31B of Chapter 111 of the M.G.L., adopts the following Trash and Sewage Hauler Regulations for the collection, storage and transportation of garbage, sewage, rubbish, offal or other related items.

1. Each vehicle, trailer, or combination will require a permit from the Board of Health.
2. The Board of Health has the right to approve or disapprove sites proposed or utilized for storage of such items. In order to obtain or retain approval, a site must be maintained in a safe, neat, clean and odor-free manner.
3. Each Hauler must have a valid State Permit on file with the Board of Health.

4. The annual permit fee is \$100.00 per vehicle, trailer or combination.
5. Each vehicle will display the name, phone number and State permit # of the company.
6. Each vehicle will be cleaned and deodorized and disinfected at an approved location on file with the Board of Health, as necessary to prevent and/or eliminate any offensive odors.
7. Each vehicle will be impervious to the weather and fitted with waterproof tops, sides and bottoms when hauling garbage, offal, sewage, or related items.
8. The Hauler must make vehicles available for inspection as to sanitation, safety, and appearance.
9. The Hauler may be required from time to time to provide the Board of Health with information on loads.
10. Recycling is mandatory in the Town of Boylston. At a minimum, paper, cardboard, glass, plastic #'s 2, 3, 4 & 5 and metal cans and its tonnage is reportable to the Board of Health on an annual or semi-annual basis.

**PENALTIES:**

**As pursuant to Chapter 111 MGL Section 31B, a fine not less than \$50.00 per day per incident or more than \$2,000.00 per day per incident shall be imposed.**

These regulations replace that section of the Board of Health Rules and Regulations previously adopted July 15, 1991 and entitled Trash Hauler Regulations.

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XI. ENFORCEMENT

A. VARIANCES:

1. The Board of Health may vary the application of any provision of this article with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice: provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth.
2. Variance. Grant of Special Permission, Expiration, Modification, Suspension of: Any variance or other modification authorized to be made by this article may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or modification authorized to be made by this article may otherwise be revoked, modified, or suspended, in whole or part, only after the holder therefore has been

notified in writing and has been given an opportunity to be heard in conformity with the requirements for an order and hearing.

**B. GENERAL ENFORCEMENT:**

The provisions of Article 1 of this Sanitary Code shall govern the enforcement of this article.

**C. APPEAL:**

Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

**D. PENALTIES:**

1. Any person who shall violate any provision of this article for which penalty is not otherwise provided in any of the General Laws or in any other provision of this article of the Sanitary Code shall, upon conviction, be fined not less than \$10.00 or more than \$500.00.
2. Any person who shall fail to comply with any order issued pursuant to the provisions of this article shall, upon conviction, be fined not less than \$10.00 or more than \$50.00. Each day's failure to comply with an order shall constitute a separate violation, suspended in whole or in part, only after the holder thereof has been notified in writing.

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**XII. FOOD ESTABLISHMENT**

All food establishments are strictly enforced according to the State Sanitary Code and inspected a minimum of twice yearly. Those food establishments which do not comply with the State Sanitary Code will have their licenses revoked.

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**XIII. SPECIAL ACCOUNT – PLAN/PROJECT REVIEWS**

As provided by Chapter 593 of the Acts of 1989, Massachusetts General Laws, Chapter 44, Section 53G, and pursuant to Massachusetts General Laws, Chapter 111, Section 31, the Boylston Board of Health adopts the following regulations for the establishment of a Special Account, effective upon publication:

The Boylston Board of Health may impose reasonable fees for the employment of outside consultants, engaged by the Board of Health, for review of any application submitted to the Board of Health pursuant to its regulations adopted under Chapter 111, Section 31 of the Massachusetts General Laws, the requirements of the Subdivision Control Law, the State Environmental Code, any of its regulations, or any other State or Town statute, by-law, or regulation, as they may be amended or enacted from time to time.

Funds received by the Board pursuant to this regulation shall be deposited with the Town Treasurer who shall establish a special

account for this purpose. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the permit applications.

The Board of Health shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant and the amount of the fee to be charged to the applicant. Such notice shall be deemed to have been given on the date it is mailed or delivered.

The applicant may appeal the selection of the outside consultant to the Boylston Board of Selectmen, who may disqualify the outside consultant only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of an educational degree in or related to the field at issue, or three (3) or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Selectmen, and a copy received by the Board of Health, so as to be received within ten (1) days of the date of the notice of the selection of the consultant. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

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**XIV. HEALTH AGENT**

**A. REQUIREMENTS:**

The Health Agent must be a:

1. State Certified Soil Evaluator, and
2. Mass. Registered Sanitarian, or Mass. Registered Professional Engineer (Civil or Sanitary), or have a degree in Public Health, or must demonstrate equivalent experience and education.
  - a) If neither of these requirements are met, then the Agent must become a State Certified Soil Evaluator within six (6) months of being hired.
  - b) The only exception to this rule will be if the Agent is waiting for the State Certified Soil Evaluator exam to be graded.
  - c) The Health Agent is reappointed each year in June.

**B. DESCRIPTIONS AND DUTIES:**

1. The Health Agent is to observe, witness and enforce the State Sanitary and Environmental Codes and the Rules and Regulations for the Boylston Board of Health.
2. The Health Agent has no authority to alter any regulations in these provisions or any State requirements.
3. The Health Agent must keep and maintain a diary/daily journal. The Agent must enter into this journal:

- a) All test data and inspections on the day performed.
- b) A log of all designs, lot number, owner, permit number and date approved.
- 4. The Agent must represent the Board of Health at Hearings and before the Courts.
- 5. The Agent must be readily available by phone and on a regular basis.
- 6. The Agent will carry out duties and activities as directed by the Boylston Board of Health.

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XV. PERMITS/FEE SCHEDULE

	<u>RESIDENTIAL</u>		<u>COMMERCIAL</u>		
	<b>PERC RATE @</b>	<b><u>0-30 MPI</u></b>	<b><u>31-60 MPI</u></b>	<b><u>0-30 MPI</u></b>	<b><u>31-60 MPI</u></b>
New Construction & Repairs		\$250.00	\$750.00	\$300.00	\$1,000.00
Individual Soil Testing Deep Hole/Perc/Overnight Soaks		\$150.00	\$600.00	\$200.00	\$ 800.00
 <b><u>Plan Review</u></b>					
Individual Conventional SAS		\$150.00	\$200.00	\$300.00	\$500.00
Shared/Innovative/New Technology		\$300.00	\$300.00	\$500.00	\$500.00
Revisions		\$ 50.00	\$ 50.00	\$150.00	\$150.00
 <b><u>Construction</u></b>					
SAS Permit		\$250.00	\$300.00	\$500.00	\$500.00
Component Repair		\$100.00	\$100.00	\$100.00	\$100.00
Well Permit		\$100.00	\$200.00	\$200.00	\$200.00
Certificate of Compliance		\$ 50.00	\$100.00	\$100.00	\$100.00
*****					
Non-Hazardous Wastewater Holding Tank		\$500.00			
Trash/Septic Hauler Permit		\$100.00 Annual			
Septic Installer's Permit		\$100.00 Annual			
 <b><u>Food Service Permits</u></b>					
Full Service Restaurants		\$200.00 Annual		Convenience Store	\$ 50.00 Annual
Food Service		\$100.00 Annual		Residential Kitchen	\$ 50.00 Annual
Drive-Thru		\$200.00 Annual		Mobile Food Service	\$ 50.00 Annual
Churches		\$ 50.00 Annual		Temporary Food Service	\$ 50.00 Annual
Non-Profit Organizations		\$ 50.00 Annual			

**Recreational Permits**

Swimming Pools (Public & Semi-Public)	\$100.00 Annual
Bathing Beach (Public & Semi-Public)	\$100.00 Annual
Recreational Camps	\$150.00 Annual
Pig & Swine	\$ 25.00 Annual
Massage	\$ 100.00 Annual

**Office Fees**

Copies (per Sheet)	\$ .50
Large Documents or Plans	\$ 3.00
Research	\$ 15.00 per Hour

**75% OF FEE WILL BE CHARGED FOR CANCELLATIONS  
(unless notification occurs one (1) week prior to schedule date)**