

MANCHESTER-BY-THE-SEA BOARD OF HEALTH

POLICIES, PROCEDURES AND
LOCAL ADDENDA TO TITLE 5

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I. LICENSES AND PERMITS

1.1 Disposal System Construction Permit ["DSCP"] No DSCP shall be issued until a septic plan has been approved. The permit shall be issued only to an installer with a valid Manchester license. The permit shall be signed by the installer thereby creating a contractual obligation between the installer and the Town. Said contract is the property of the Town and cannot be transferred, assigned or the conditions as set forth, extended or modified without the written consent of the Board of Health and the installer. All DSCPs shall be valid for two [2] years upon payment of any fee.

A completed application shall consist of the DSCP properly filled out, including the signature, fee paid, and the submittal of the required number of plan copies.

Attached as Appendix 1.1 is the form for Application for a DSCP.

1.2 Septic Hauler Permit The applicant for such permit shall, at all times comply with the requirements of 310 C.M.R. 15.000 (herein after referred to as "Title 5") sections 15.502 through 15.505 of Title 5 when transporting, hauling or disposing of any septic contaminated soils, water, solids or compost. All vehicles engaged in the applicant's operation may be required to be made available to the Board of Health for inspection. The application shall be filled out completely and the appropriate fee paid prior to the scheduling of any vehicle inspection.

Attached as Appendix 1.2 is the form for Application for a Septic hauler Permit.

1.3Septic Installers Permit. No septic system shall be installed, modified or repaired within the Town of Manchester-by-the-Sea unless the contractor is in possession of a valid septic installer's permit. Permits shall be valid for a twelve [12] month period. Installers who hold a valid permit in the Town may elect to renew their permit by providing the Board of Health with a current Department of Public Safety hoisting license, a copy of liability and workers compensation insurance, a completed contract, a signed workmen's compensation affidavit, and the required fee. The signed contract is an obligation by the installer to provide service in compliance with Title 5 and the Manchester Addenda to Title 5 to a third party through the licensing agent, the Board of Health. Those contractors who do not have a hoisting license, but subcontract this work, must provide a copy of the operators hoisting license and state who the operator is and any substitutes. All subcontractors must provide proof of insurance, even if provided by the General Contractor.

Applicants requesting a septic installers permit shall pass an exam which is comprised of questions concerning Title 5 and practical engineering. The passing score is 85%. Failure to meet the minimum passing grade shall result in retesting. Failure to pass the exam on a second attempt will result in the applicant having to wait six months before being able to retest.

The Board may restrict the right of a licensed installer to obtain a permit to install a septic system if, in the opinion of the Board, the scope of work exceeds the capability or experience of the licensed installer. .

The installer shall provide to the Board a completed "System Certification" within thirty [30] days of completion of any installation prior to receiving a Certificate of Compliance. Failure to provide system certification shall affect licensure.

Septic System Abandonment forms must be completed and provided to the Board upon completion of work.

Septic contaminated material excavated from a job site may be reused on site, provided a plan for its reuse is approved. Stockpiling of contaminated soil off site within the confines of a "contractors" yard requires written permission from the Board. Transfer of liquefied septage contaminated soil and materials shall be within a vehicle designed to provide containment of all liquid. Transfer shall be by a licensed hauler who shall provide to the Board the end destination of said septage.

Attached as Appendix 1.2 is the form for Application for a Septic Installers Permit.

2. REGULATIONS AND POLICIES

2.1 Septic "As Built" Plans. All septic installations shall require "as built" plans submitted by the design engineer in accordance with Title 5 15.021(3). Said plan shall conform to the minimums as outlined in 310 C.M.R. 15.220. Should the soil absorption system be located less than the [10] feet from a property line, the "as built" plan shall bear the seal of a registered land surveyor. The "as built" plan shall also note any deviations or changes in the actual construction layout which differ from the approved drawings.

"As built" plans of pumped and dosed systems shall be required to verify the float heights and pumping time to ascertain compliance with the approved design. All systems which require a proprietary subcontract will require a letter from the subcontractor indicating that the portion of the system installed or sold by the company was in compliance with the manufacturers standards when installed. Said "as built" plan shall be submitted prior to the issuance of a Certificate of Compliance.

2.2 Installer's Certificate of System Construction. All septic installers currently licensed by the Board of Health shall submit, upon completion of the construction, repair or alteration of a septic system; a written certification in accordance with Title 5 15.021(3). Said certification shall be completed on a form supplied by the Board. Any changes or modifications made in the actual field location of any component must be listed and accounted for on the certification. No Certificate of Compliance shall be released until the Board is in receipt of this certification. Failure to provide certification or falsification of the certification shall be grounds for a license suspension.

Attached as Appendix 2.2 is the form for System Certification.

2.3 Septic System Abandonment. In fulfilling the requirements of 310 C.M.R. 15.354, the Board of Health shall require all currently licensed septic installers to provide a completed copy of a "Septic System Abandonment Form". Any septic system consisting of a septic tank, leaching pit, cesspool, drywell, galley or chamber shall be emptied of its content prior to backfilling with sand or stone. Evidence of pumping and filling shall accompany the abandonment form. No Certificate of Compliance shall be issued for a repair or new components to an existing septic system unless and until there is an abandonment form filed with this department. The contents of any septic component including, but not limited to, effluent, soil, pipes, concrete, stone and fill shall be disposed of in accordance with the provisions of this document.

Attached as Appendix 2.3 is the form for Septic System Abandonment.

2.4 Two Compartment Tanks & Effluent Filters. All septic tanks shall be constructed of two compartments with a concrete baffle. The larger capacity area is to provide detention and storage, while the second is to act as a clarifier. A MA/DEP approved septic tank filter shall be installed on the outlet side of the second compartment. Filtering capacity of these filters should not exceed 3/16ths

of an inch. Both manholes should be either at grade or buried no deeper than six [6] inches. Manhole risers may be constructed of high-density polyethylene or concrete.

Information on the filter and the maintenance shall be presented to the owner by the installer.

2.5 Plan Submission and Review. In order for a septic plan to be placed on the agenda of the next regularly scheduled meeting of the Board of Health, the applicant must comply with the provisions herein.

A complete plan application must be submitted to the Board office no later than 12:00 noon, fourteen [14] calendar days prior to the Board meeting at which an agenda entry is requested.

A copy of the Board's septic system plan review checklist should be completed and attached to the plans submitted to the Board.

Incomplete submittals will not be placed on the Board's meeting agenda, rather the designer/applicant will be requested to make and submit any necessary revisions.

Plan submittals that include variance requests may require the Board to advertise a Public Hearing and may also require the applicant to notify abutters by certified return receipt mail. Said advertising and notification will require additional up front time to satisfy these requirements.

Pursuant to M.G.L. Chapter I I L §3 1 E the Board of Health has forty-five [45] days from receipt of a complete submittal in which to act on a septic design plan.

Attached as Appendix 2.6 is the form for Plan Review Checklist.

2.7 Soils Testing. Soil tests shall be scheduled with the Board's Health Agent and shall comply with the provisions below.

Applications To Schedule Soil Testing shall be completed and submitted to the Board of Health Office. The required soil test witnessing application fee, shall be submitted at the time the application is filed. The application fee is to be paid for each lot or parcel to be tested and allows the applicant up to four [4] hours, or one half day, morning or afternoon, of testing or monitoring.

The application for soil testing may only be made by a professional engineer or registered sanitarian. The application must include a plot plan, survey or subdivision plan. The soil evaluator for this testing must be a DEP Certified Soil Evaluator.

All percolation tests and deep observation holes shall be performed in accordance with strict adherence to the Commonwealth's State Environmental Code Title 5 and the Manchester Addendum Title 5.

The soil evaluator shall submit a report of his test results to the Board within sixty [60] days of the date of the test, along with a drawing or sketch showing the test hole locations established from physical features and landmarks such as control survey stakes, trees or other natural permanent features on the property.

Where applicable, the drawing or sketch should show test hole locations relative to major rock outcroppings, wetlands, salt or freshwater marsh, streams, ditches, pipes, drains, wells, drives, roads, structures and the like.

Without exception, no test holes shall be left open overnight. Should there be equipment failure, weather or any delays, the applicant shall take full responsibility to see that the test holes are properly backfilled that day.

All utilities shall be located in the field prior to digging.

Attached as Appendix 2.7 is the form for Application To Schedule Soil Testing.

- 2.9 **Innovative and Alternative Technology (I/A).** The Board of Health will allow the use of alternative septic systems approved by the Massachusetts Department of Environmental Protection under Title 5.

3. LOCAL ADDENDA TO TITLE V

3.1 Deed Restriction. In the case of an existing, non-conforming property that is having a septic system upgrade, the Board of Health may choose to impose a deed restriction on the property, limiting the number of bedrooms to the number noted on the septic system design plan.

3.3 Definition of Existing Approved Capacity. The design flow of a system in use and as authorized by the Certificate of Compliance issued by the Board or the Massachusetts Department of Environmental Protection.

3.4 Building Permits. The Board reserves the right to request an applicant for a building permit to submit to the Board the location and components of the existing septic system serving the dwelling to review for conformity to Title 5 and the Manchester Addenda to Title 5. In the event an applicant for a building permit seeks to expand an existing structure in such a way as to increase the demands upon any on site sewage disposal system and the applicant is unable to satisfy the Board of Health that the existing septic system serving the structure as expanded complies with the provisions of Title 5 and the addenda thereto adopted by the Town of Manchester, such applicant must request a variance in writing from the terms of Title 5 and the addenda. Such request must specify the provisions from which relief is being sought and state all grounds for the granting of the relief.

3.5 Inspections.

Inspections shall be required after the removal of unsuitable material or placement of fill. A second inspection shall occur when all components are installed prior to back-filling. A third inspection may occur when pumps or Innovative and Alternative technology is used, or alarms are part of a critical component. The installer is to notify the Board 24 hours in advance of need for inspection. When the construction of a disposal system has been completed except for the back filling, the Manchester Board of Health shall be notified so that a final inspection shall be made. An agent of the Board and the designer of the system or his authorized representative shall make the inspection. The inspection does not have to occur jointly. The design engineer shall certify the system as-built plans.

3.6 Definition of Septic System Abandonment. A system serving commercial, industrial or residential buildings is considered abandoned when occupation or use is terminated for a consecutive period of two (2) years. The septic system serving any building deemed abandoned shall be upgraded to the new construction guidelines as set forth in Title 5.

4. SEPTIC SYSTEM PLAN REQUIREMENTS

4.1 General Requirements. Location and installation of each individual sewage disposal system or other means of disposal, newly constructed or repaired, shall be such that with reasonable maintenance it will function in a satisfactory manner and will not create a nuisance or discharge into any wetland resource areas of the Town of Manchester as listed in Section 2.1 of the Town of Manchester General Wetland by-law.

In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, water supplies, depth to groundwater, presence of impervious material, soil classification and reserve area. No disposal system construction permit ("DSCP") as described in 310 C.M.R. §15.020 shall be issued until a representative of the approving authority has:

- [a] performed a site examination;
- [b] witnessed deep observation holes;
- [c] witnessed percolation tests;
- [d] obtained an approved disposal system plan; and
- [e] received evidence that all other Town approvals necessary have been obtained.

4.2 Applications. Application for all new construction and any alterations and major repairs, which in the opinion of the Board of Health are extensive, shall address the following in addition to § 15.203 and § 15.220 of 310 C.M.R.

Septic facilities and potable or agricultural wells within 100 feet of the septic system or any part thereof on immediately adjacent lots shall be indicated on the plan.

If a plan has been considered by the Board of Health meeting in a regular session, and a change in the plan is required, such a change or modification shall be made in such a way as to be easily distinguishable from the original proposal. Revisions shall be made distinguishable by including a revision date and an explanation of the change. This information shall be placed in the Title Block whenever possible.

All easements shall be clearly indicated on the plan and ownership of record of such shall be marked therein.

The plan shall include a statement which clearly reads:

"NO CHANGES ARE TO BE MADE IN THE FIELD WITHOUT THE APPROVAL OF THE BOARD OF HEALTH OR ITS DESIGNEE AND THE DESIGN ENGINEER."

Applications shall be considered complete when a completed DSCP application is completed, signed and dated and the application is accompanied by three (3) sets of plans, and the appropriate fee is rendered.

4.3 Benchmarks. Two permanent benchmarks referenced to U.S.G.S. shall be placed on or near the property and placed on plans submitted to the Board. All elevations, water table levels and other topographical features shall be U.S.G.S. elevations. In "VE" or "A" zones, the highest spring tide shall be shown on the plan using the Army Corps of Engineers Tide Charts or the spring high water rack line. One benchmark reference within fifty feet more or less of the septic system shall be indicated on the plan. A variance must be requested if the designer is unable to fulfill this requirement.

4.4 Structures. The plan shall include the location and elevations on the lot of any in-ground and above ground structure(s), including any swimming pools and storage tanks within 50 feet of the proposed or existing dwelling on the locus lot.

4.5 Distances. No septic tank or leaching facility shall be constructed within 100 feet of wetland resource areas of the Town of Manchester, as listed in Section 2.1 of the Town of Manchester General Wetlands By-Law or as defined in Title 5. An applicant who provides for the use of a State approved wastewater pretreatment system may request a variance from the Board of Health to decrease this 100 foot setback to a distance of no less than 50 feet.

4.6 Pumps. Force main pipes shall be installed to guard against freezing. Pressure dosed systems shall follow the DEP methodology as set forth in the DEP guidance letter. All electrical work shall be performed by a licensed electrician and shall require inspection from the electrical inspector with a sign-off provided prior to the issuance of a Certificate of Compliance.

4.7 Variances. In the event an applicant for a DSCP submits a plan for a subsurface sewage disposal system, and such plan is inconsistent with the terms of Title 5 and/or any addenda thereto adopted by the Town of Manchester, such applicant shall request a variance in writing. Such request must specify the provision from which relief is being sought and state all grounds for the granting of such a variance.

4.8 Notification. The applicant for a variance from the Town of Manchester's Addenda to Title 5 must notify all abutters by certified mail, return receipt requested at least ten (10) days before the Board of Health hearing/meeting at which the variance request will be on the agenda. Failure of the applicant to prove that such notice was given may be grounds for the denial of the request for a variance. No such notice is required if the applicant only seeks to repair an existing system and meets the required well and property line setback distances.

Severability. The invalidity of any section or provision of this addenda shall not invalidate any other section or provision, nor shall it invalidate any permit or determination previously issued.