COMMONWEALTH OF MASSACHUSETTS
TOWN OF SCITUATE
BOARD OF HEALTH

SUPPLEMENTARY RULES AND REGULATIONS FOR DISPOSAL OF SANITARY SEWAGE

I. Authority to Promulgate:

In accordance with applicable provisions of 310 CMR 11.00, Title I of the State Environmental Code and under the authority of Chapter 111, Section 31 of the General Laws and any other powers enabling the Board of Health of Scituate to adopt regulations, these rules and regulations as a supplement to Title 5 of the Environmental Code of the Commonwealth of Massachusetts from time to time in force and effect are hereby adopted and previous Supplementary Rules and Regulations are hereby amended and restated in their entirety effective pursuant to a unanimous vote of the Board.

The purpose of these regulations is to provide a greater degree of protection to the water resource district and to afford homeowners a reasonable size system with a greater degree of protection, especially in areas of poor soil percability and/or high groundwater. Further, it should be noted that to a great degree these regulations are less stringent than those local Title 5 regulations in existence until the effective date of this promulgation.

Section I - Percolation Test and Test Pits

1. For new construction, four test pits and three perc tests are required.

2. Easements. When new sewage disposal systems are to be constructed in adjacent easements, the number of perc tests must meet minimum Title 5 requirements of (1) perc test in each of the active and reserve areas. Further perc tests may be required at the discretion of the health agent in order to prove consistent physical and soil conditions.

Section II - Plans

1. Plans submitted for new construction, upgrades, repairs, etc., shall include:

a) Four (4) sets of plans stamped by a Professional Engineer or Registered Sanitarian, and where applicable by a Registered Land Surveyor.

b) A set of house floor plans labeled as to use.

c) Plan should be drawn to 1" - 20" scale.

d) Contours at 2' intervals shall be indicated.

e) Profile and cross-sections of the sewage disposal system shall be shown indicating all components and construction details.

f) For all systems in fill, the limit of excavation by elevation must be specified as well as the number of cubic yards of fill necessary for the project.

g) On maximum feasible upgrades, all items of non-compliance with full Title 5 must be listed on the plan.

h) All pipes in trenches or leaching fields must be capped.

i) Any system covered 50% or more with 3' or more of cover material must be vented.

j) All septic tanks are required to have an outlet tee filter that is approved by the Scituate Board of Health. The exception to this requirement is when innovative/alternative technology is used in the system design and the need for such a filter is contraindicated because of the treatment process.
(Voted 4/7/97)

k) The design of all mounded sewage disposal systems and/or sewage disposal systems up gradient of abutting properties shall include an evaluation of the runoff and drainage. The design of said system will assure that runoff is handled on site and does not create puddling or any nuisance conditions.
(Voted 4/7/97)

l) All design plans requiring Board of Health approval must submit four (4) sets of complete plans to the Board of Health office.

(Voted 10/11/06)

m) All design system notes shall be located on the right side of the design plans. The name block of the designer will be located in the lower right hand corner of the plans and include the name, address, and telephone and fax numbers, e-mail addresses and professional stamps. Above this block will be located the address of the property, the map, lot and block number of the property using a 3-digit system and the name and address (if different) of the owner and applicant if not the same as the owner of record.

(Voted 6/3/00)

n) All benchmarks shall relate to town datum and be according to Mean Sea Level. No assumed benchmarks will be acceptable unless approved by the Scituate Board of Health.

(Voted 6/3/00)

In addition, all engineering done in Humarock or other coastal tidal areas, the height at groundwater in lieu of higher mottles must be adjusted for a minimum 11.0 feet high tide. The height of high tide on the day of the perc must be stated and the adjustment shown. No adjustment is required if the tide is higher than 11.0 feet.

B. Building Sewer/Sewage Line

1. A building sewer or sewage line to D-box or soil absorption system shall have a setback equal to those setbacks for a septic tank outlined in 310 CMR 15.211(1).

C. Wetlands Lines

1. All wetlands lines on subdivision and sewage disposal system design plans shall be verified by Conservation prior to submittal to the Board of Health.

Section III – Piping

1. No 90-degree bends of pipe are allowed between the septic tank and the D-box.

2. Schedule 40 PVC is the minimum standard for all piping within a sewage disposal system. Other material may be approved by the Director of Public Health.

Section IV – Retaining Walls

1. All retaining walls shall be designed by a structural engineer and said design shall be submitted with the septic design.

2. All retaining walls shall be staked out prior to construction by the engineers.

3. All retaining walls shall be inspected and certified by the structural engineer as meeting the design and requirements of Title V including being waterproof.

4. All retaining walls shall be located no closer than (5) feet to a property line for repairs. For new construction, a retaining wall greater than (5′) five feet in height, cannot be built closer than (10′) ten feet to the property line and a retaining wall greater than (10′) ten feet in height cannot be built closer than (15′) fifteen feet from the property line. The horizontal distance shall be measured from the wall face to the property line. The height of the wall shall be measured from the base at finished grade to the top of the wall. Manufacturer's specifications must be submitted with the proposed plans.

   (Voted 10/11/06)

5. No changes in shape, construction, or location of a retaining wall shall be made without written approval of the structural engineer and the Board of Health or its agent.

Note: Previous #6 in this section has been intentionally deleted.
(Voted 10/11/06)

6. The location of all retaining walls shall be included on the as-built plans of the sewage disposal system.

Section V - Shared System and Septic System Sewer Configuration and Easements (Entire Section Voted 7/28/97)

1. For new construction, any septic system need not be located on the same lot provided State Title 5 requirements are met and there is an easement of at least (10') ten feet in width to access all components of the septic systems including force main.

(Voted 10/11/06)

2. Shared systems or side-by-side systems in easements can utilize common easements for their facilities provided the fact has already been proven that via lot configuration, the septic system components can be located on the same lot or the building(s) it serves.

3. Said common easement shall be of adequate size and accessibility to service all components contained in that easement either within the easement bounds or from an adjacent private or public way.

4. The ownership and maintenance of common easements and/or lots containing septic system components of shared and side-by-side systems shall be the responsibility of a homeowner's association or other such legally constituted group acceptable to the Scituate Board of Health and/or Massachusetts Department of Environmental Protection (DEP) which are connected to said systems. Said agreement shall conform to 1995 Title V, Section 15.290 inclusive and be subject to a "Grant of Title V Covenant and Easement" as prescribed in Appendix 1 to the 1995 Title V.

Note: Previous #4 and #6 in this section have been intentionally deleted.
(Voted 10/11/06)

Section VI - Subdivisions

1. Review fees established for subdivisions (fee schedule available in Board of Health office).

2. A minimum of two (2) sets of Professional Engineer (P.E.) and Professional Land Surveyor (P.L.S.) stamped plans and accompanying documents must be submitted. The Scituate Board of Health may request up to two (2) additional copies of all submitted items.

3. Plans shall include soil logs and perc test information if performed in the subdivision.

4. Drainage calculations shall also be supplied (stamped by a P.E. or hydrologist) where applicable.

5. Particular attention shall be taken not to have lots graded to drain onto abutting properties.

6. The Board of Health may require fencing as determined necessary around wet basins.

(Voted 10/11/06)

7. All proposed and/or existing easements shall be shown.

8. Any approved perimeter plans, Form A plans, and preliminary subdivisions shall be so stated in the application letter with effective approval dates given.

Section VII - As-Built Plans

1. A designer or his agent must inspect the initial excavation prior to and after backfilling of a system.

2. The designer must notify the applicant of the requirement for an as-built plan in writing.

3. The as-built plan shall be drawn to a 1" - 20' scale and include elevations of all system components including any inlets and outlets, show any bends in pipes and setbacks to the dwelling structures, and property lines.

4. The as-built plan must be submitted to the Scituate Board of Health and approved before any Certificate of Compliance can be issued.

5. All mounded sewage disposal systems or sewage disposal systems up gradient from abutting properties require topographic as-built plans be provided of the area where the sewage disposal system components are located. Such plans will include the immediate area around the sewage disposal system components for an area of fifty (50) feet or as may be necessary to evaluate and assure breakout of effluent does not occur. Such topographical conditions must be included on the final as-built plans (stamped by a Certified P.E./P.L.S.) submitted to the Board of Health for approval.

(Voted 4/7/97)

Section VIII - Installers

1. No person shall engage in the construction, alteration, installation, repair, or do any work upon a sewage disposal system without first obtaining a Disposal Works Installer's Permit from the Board of Health. All new applicants for a Disposal Works Installer's Permit must take an examination at the Health Department office. All new applicants must achieve a grade of at least seventy (70) on this examination in order to obtain a Disposal Works Installer's Permit. Permit holders may not subcontract out the construction, alteration, installation or repair work on a sewage disposal system unless the sub-contractor also has passed the examination and has received a Disposal Works Installer's Permit. A new applicant must provide a paid application form as well as the required insurance forms and appear before the Scituate Board of Health for final approval. The permit shall expire annually on December 31st. There will be a fee charged each year to receive or renew a permit. After a Public Hearing, the Board may revoke or fail to renew an individual's Disposal Works Installer's Permit if that individual, although hired to do so, has by his actions willfully refused to carry out the work on any sewage disposal system that is specified in the plans approved by the Board of Health Agent or the Board of Health or disregards instruction by the Board of Health Agent regarding construction of a system, especially a repair.

2. All disposal works contractors shall utilize hay bales or sedimentation fencing to prevent on-site erosion or erosion and sedimentation onto abutting properties, streets or driveways. Said control measures should stay in place until ground cover has been established.

(Voted 4/7/97)

Section IX - Title V Inspectors (Entire Section Voted 7/28/97)

1. All persons conducting Title V inspections as per 310 CMR 15.00 in the Town of Scituate shall be permitted by the Scituate Board of Health. The permit fee shall be $25.00 per year.

2. After a public hearing, a permit to conduct Title V Inspections in the Town of Scituate may be suspended or revoked for cause.

3. The determination of groundwater for Title V inspections shall be done by actual groundwater observation in the months of March or April, by soil

evaluation by a DEP approved soil evaluator at any time of year, or other method approved by the Scituate Board of Health Director. Any mottles observed during groundwater observation in March and April shall be noted for the record and used as groundwater elevation if higher than observed groundwater.

Section X - Pumper/Hauler

1. Pumpers/Haulers of septage permitted by the Scituate Board of Health must submit monthly lists of those addresses pumped on a form approved by the Scituate Board of Health. These lists are to be submitted to the Board of Health office by no later than the tenth of the following month. Failure to submit such lists will be considered valid reason for suspension of the permit.

Section XI - Variances

1. Any variance requested for local Scituate Title 5 regulations must be written on the plan as well as on an approved Scituate Board of Health form.

2. Abutter notification must be in accordance with 310 CMR 15.

3. Variances from 310 CMR 15 must also be written on a Scituate Board of Health form.

4. Any previously granted variance shall be so noted on the design plan with the date the variance was granted.

Section XII - Disclaimer

By the issuance of any permit under these Regulations, or approvals pursuant to these Regulations, the Board of Health of the Town of Scituate or any agent, servant, or employee of it or any person acting for it, does not assume any responsibility for the successful operation of any sewage disposal system. No liability is incurred by the Town by reason of approval for construction of individual sewage disposal plans. Approval by the Board of Health of individual sewage disposal systems is based on plans and specifications supplied by the applicant. No guarantee is intended or implied by reason of any advice given by the Board of Health or representative thereof.

Section XIII - Severability

If any portion, sentence, or clause of these regulations is held invalid, the remainder of the regulations shall remain in full force and effect.

Section XIV - Enforcement

Any violation of these regulations shall be subject to a minimum penalty of fifty ($50.00) dollars per violation to whatever the maximum penalty is afforded by current law. The Board of Health may option that the enforcement of these regulations be by non-criminal disposition. Each and every day that a violation exists shall be considered to be a separate violation under these regulations.