

**TOWN OF BOLTON, MASSACHUSETTS  
BOARD OF HEALTH REGULATIONS  
REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF SANITARY  
SEWAGE**

Originally issued: October 25, 1977

Revised: 5/21/84; 2/19/85; 8/19/86; 9/29/86; 10/28/86; 1/21/87; 2/23/88; 3/22/88; 1/14/91; 12/3/92;  
7/11/95; 12/12/95; 9/10/96; 4/30/99; 10/30/01; 4/26/05; 8/9/11, **2/13/2018**

The Commonwealth of Massachusetts State Environmental Code 310 CMR 15.000 (Title 5) shall be considered a minimum standard for the design and installation of sewage disposal systems. The Bolton Board of Health has enacted the following regulations, as authorized by MGL, Chapter 111, Sec. 31, Sec. 127 and CMR 15.003 (3), (4) and (5).

In any case where a conflict arises between a provision of this regulation, and the provisions of zoning, building, fire safety, or other code of the Town of Bolton or the State Sanitary Code, the provision which in the judgment of the Bolton Board of health establishes the higher standard for the protection of public health and safety shall prevail.

Title 5 of the State Environmental Code (hereafter called Title 5) shall be considered the minimum standard for the design and installation of subsurface disposal systems for sanitary sewage in the Town of Bolton. In addition, the Bolton Board of Health has issued the following supplemental regulations to Title 5. The intent of these supplemental regulations is to provide for inadequacies and/or deficiencies in the requirements of Title 5 as they apply to the Town of Bolton.

The applicant should be aware of the obligation to comply with the requirements of Wetlands Protection Act MGL Chapter 131, Section 40 and the Town of Bolton By-Laws, Section 1.18: Wetlands By-Law.

**REGULATION 1: Permits**

All permits issued under 310CMR of Title 5 must be reviewed and approved by the Bolton Board of Health before any construction can begin. Permits issued under Section 15.019, 15.020, and 15.502 or Title 5 by an agent for the Bolton Board of Health will be valid in the Town of Bolton unless the permit holder is notified by the Bolton Board of Health.

**REGULATION 2: Groundwater Elevation**

Using 15:102 and 15:103 of Title 5, the Department of Environmental Protection required offset will be required if mottling is definitive. An additional foot offset will be required if "in season" observation is used. Evidence of historic mottling may be submitted.

**REGULATION 3: Percolation Test**

Testing will be done in accordance with Title 5 sections 15:104 and 15:105 except for the following:

- a) A minimum of one test must be done in each area as defined in Title 5.
- b) Additional tests may be required, particularly where soil conditions vary or as determined by the Approving Authority.
- c) If a trench system w/reserve between trenches is proposed, 2 percolation tests are required.

**REGULATION 4: Distances**

No disposal facility or water supply shall be closer than the distances stated to the components listed in the following table. The distance shall be increased where required by conditions particular to the location.

Component	Septic Tank (feet)	Leaching Facility (feet)	Building Sewer (feet)
Private water supply, irrigation well or suction line	50(1)(4)	100(1)(4)	50(4)
Water supply line (pressure)	-	-	-
Property line	10	15	-
Edge of traveled way	35(3)	35(3)	-
Cellar Wall, foundation drain or inground swimming pool	10	20	-
Wetland, bordering vegetated wetland and surface water of any type	50100	100(2)	
Subsurface drains	10	10	-
Leaching catch basin or dry well	10	25	-
Ledge (surficial or by test hole observation)	-	25	-
Leaching facility servicing: a separate building	-	30	-

**Notes:**

- (1) In area of known or suspected ledge, the sewage disposal system (including the septic tank) must be at least 100 feet from any shallow wells. If the septic tank is installed in the groundwater table the septic must be 100 feet from any shallow wells.
- (2) If 100' as required is not possible, 75' will be considered. However, enhanced nitrogen reduction must be provided in the design of the system.
- (3) The 35' to be measured from edge of pavement to component. This may be reduced if it appears that the location would not interfere with future road widening or realignment.
- (4) See Well Regulations for complete well requirements.

## **REGULATION 5: Garbage grinders**

Garbage grinders are not allowed.

## **REGULATION 6: Obscure System Locations**

If a portion of a Septic and Sewage Disposal System is located out of the improved portion of the lot and/or out of site from the commonly used areas, the Board of Health will require a deed notification as to the need to inspect on an annual basis and maintain the Septic and Sewage Disposal System.

## **REGULATION 7: Shared Systems**

- (1) An individual sewage disposal system and all connecting sewer lines shall be installed on the same lot as the facility(ies) discharging sewage into said system.
- (2) Shared systems will be approved for new construction following determination of the number of lots by the Board. The board will require:
  - a. A plan showing the conventional lots with their systems. This plan must be Title 5 (310 CMR15) and local Board of Health variance free.
  - b. Complete design plans for some, or all of the proposed conventional lots, of the Board's choosing, to verify that their designs would be variance free.
  - c. The proposed lot plan utilizing the shared system.
  - d. Written response from all relevant Town of Bolton Boards (Planning, Conservation, etc) that they would approve the number of lots shown on both the conventional and shared system lot configurations.

The Board may require financial and legal guarantees beyond those required by DEP, to insure system inspections, maintenance, repair and replacement will occur without delay or expense to the Town of Bolton.

A provision to power pumps with emergency power must be provided.

## **REGULATION 8: Subdivided Lots**

When one or more lots are subdivided from a parcel of land with a structure discharging into a disposal system, a plan showing the location for the septic tank, leaching system, well, and a leaching system expansion area must be submitted for the existing structure on the subdivided lot. The future sewage disposal expansion area for the existing structure must meet Bolton Board of Health regulations for a new subsurface sewage disposal system. The plan must be prepared by a registered professional engineer or registered sanitarian and receive Board of Health approval prior to approval of subsurface sewage disposal works construction permits for lots subdivided from the original parcel with the existing structure.

## **REGULATION 9: Locus Maps**

- (1) Any permit for a subsurface sewage disposal system must be accompanied by a locus map showing all proposed and existing wells and proposed and existing subsurface sewage disposal system components on the lot and all components within two hundred (200) feet on abutting lots of the proposed and existing wells and the proposed and existing onsite subsurface sewage disposal systems. For wells and subsurface disposal systems over 150' from the proposed and

existing wells and the proposed and existing onsite subsurface disposal system, direction and distance can be denoted.

- (2) If a proposed project contains three (3) or more lots, the Board of Health requests three (3) copies of a master plan be submitted showing the lot lines; topography, proposed septic system, well and house site locations, wetlands, surface water, drains, easements and flood plain information. This plan must be submitted prior to the submission of individual lot plans for approval. A site visit may also be required.
- (3) It is the responsibility of the applicant or applicant's agent to identify, in writing, the location of a project in relation to Zone I, Zone II and IWPA for public water supplies and potentially productive aquifers which are all aquifers delineated by the U.S.G.S. as a high or medium yield aquifer, 100 year flood plain, surface water supplies, tributaries to surface water supplies.

#### **REGULATION 10: Alternative Systems**

The Board of Health may establish any special conditions necessary to ensure adequate protection of public health and safety and the environment, and to ensure appropriate evaluation inspections, maintenance repairs and replacement. Such conditions may include without limitation: specification of site of effluent characteristics; flow limitations; monitoring; inspection maintenance; testing; and reporting requirements; a requirement that a certified operator operate the system; and financial assurance mechanisms. The Board of Health may also specify changes or modifications of requirements otherwise applicable to conventional systems and that are appropriate for use of the alternative systems. Prior to the approval of an alternative system for new construction the applicant must demonstrate that the lot can support a subsurface sewage disposal system meeting Title 5.

#### **REGULATION 11: 100 Year Flood Zone**

- (1) No septic tank or humus/composting toilet shall be constructed in a 100 year flood zone, except a septic tank that replaces a tank in existence on the site as of March 31, 1995 that has been damaged, removed or destroyed, where placement of the tank outside of the 100 year flood zone, either horizontally or vertically, is not feasible. Where reconstruction of a system in existence on March 31, 1995 occurs or reconstruction of a building or buildings is allowed in accordance with the wetlands protection act and 310 CMR 10.00, it shall be presumed to be feasible to elevate the tank if the building is elevated above the 100 year flood zone.
- (2) No soil absorption system shall be constructed in a 100 year flood zone, unless
  - (a) the system is to serve a building or buildings that were in existence on March 31, 1995 or reconstruction of such building or buildings where allowed in accordance with the wetlands protection act and 310 CMR 10.00:
  - (b) there is no increase in design flow from such building or buildings;
  - (c) no connection to a public sewer or shared system is available;
  - (d) the owner or applicant cannot site the system elsewhere;

- (e) the septic tank or humus/composting toilet is sighted outside of the 100 year flood zone, either horizontally or vertically;
- (f) the system achieves required separation from high groundwater elevation required by 310 CMR 15.212; and
- (g) any portion of the soil absorption system that is within the 100 year flood zone is a leaching bed or trench system or any other system constructed in accordance with the wetlands protection act and 310 CMR 10.00.

#### **REGULATION 12: 1978 Environmental Code**

In situations where the 1978 Environmental code, Title 5 applies, the Bolton Regulations in effect prior to March 31, 1995 must be met.

#### **REGULATION 13: Variances**

The Board will determine if a hearing is required based on negative impact to abutting properties and the Town as a whole. Written assent to a proposed project from potential affected abutters will be accepted. Otherwise, all variance requests shall require notification of the abutting property owners, and a public hearing. In the event of the subdivision of a parcel, the abutters of any lot of the subdivision are considered to be the abutters of the original parcel in addition to the owners of any lots already developed. This holds until all lots within the subdivision have been developed. Abutting properties are defined as all parcels and lots within 300' of the original parcel. This 300 foot requirement may be reduced by the Board based on the variance requested.

The applicant shall post a legal notice in a local newspaper a minimum of ten (10) days before the scheduled hearing date; the application shall bear the expenses of the posting. The notice shall state the date, time, and place of the hearing; the location and owners of the property, the local regulation for which the variance is requested, and, in the case of offset variances, the regulation and proposed distances. The applicant shall present proof of the hearing notice to the Board at the onset of the hearing.

In addition, a written notice of the variance hearing request and hearing date, time, place of hearing, the location and owners of the property and the local regulation(s) for which the variance is requested is to be sent to the abutters by registered or certified mail ten (10) days before the hearing date. The application shall present the mailing receipts to the Board of Health at the onset of the hearing. The notice shall include language that the abutter may attend the meeting in person or by mailing the Bolton Board of Health a letter of concern to be received by the Board prior to the hearing date and time.

#### **REGULATION 14: Subsurface disposal system sizing:**

- a) The total number of rooms for a single family dwelling shall be the total number of rooms, not including any bathrooms, hallways, unfinished cellars, and unheated storage areas.
- b) For new construction, the number of bedrooms shall be defined as the maximum of: three (3) or the total number of rooms, as defined in 15(a), divided by two (2) rounded down.
- c) For new construction, the subsurface disposal system must be sized to support the number of bedrooms calculated in 15(b). No deed restrictions for the number of bedrooms will be allowed, without prior approval of the Board.



- d) For additions, and house renovations, the Board, at its discretion, can require a deed restriction limiting the number of rooms that can be used as bedrooms, or require the system to be upgraded to support the additional rooms in the house.

**REGULATION 15: Sewage disposal during construction**

All construction sites must provide for sewage disposal during construction. This can be via Port-o-potty or equivalent on site, or access to adjacent structures providing for waste disposal. Any facilities must be within 200 yards of the construction site. These alternate waste disposal services must remain on site until the occupancy permit is issued.

**REGULATION 16: Substantive Procedures**

Substantive Procedures shall be performed as specified in 105CMR400.1

**REGULATION 17: Severability**

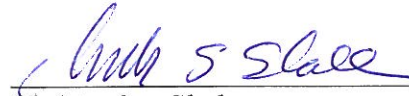
Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.


**REGULATION 18: Effective Date**

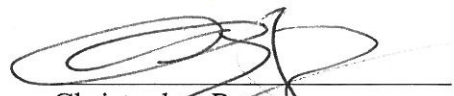
This Amendment shall take effect upon its passage.

Bolton Board of Health

Date: 2/13/15

  
\_\_\_\_\_  
Christopher Slade  
Chair

  
\_\_\_\_\_  
Scott Powell  
Clerk

  
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Christopher Rogers  
Member