

CHAPTER 3  
LOCAL REGULATIONS

**Section 1 Definitions**

1. **Board:** shall mean the Town of North Reading Board of Health.
2. **Board Designee:** shall be an agent of the Board of Health appointed in accordance with Massachusetts General Law Chapter 111 Sections 27 and 30.
3. **Exam:** Shall mean a Health Department disposal system installer exam
4. **Health Agent:** shall mean a person or persons appointed by the Board in accordance with Massachusetts General Law Chapter 111 Section 27 and 30.
5. **Department:** shall mean Massachusetts Department of Environmental Protection(DEP)
6. **MAHB:** shall mean the Massachusetts Association of Health Boards.
7. **Installer:** shall mean a person who is duly licensed by the Board to construct, repair, or replace on-site subsurface sewage disposal systems in the Town in accordance with Massachusetts State Environmental Code, Title 5, 310 CMR 15.00, and the Board's Regulations.
8. **Town:** shall mean the Town of North Reading.

**Section 1A Administrative Procedures – Disposal System Installer Permits:**

1. No individual shall engage in the construction, upgrade, modification, emergency repair, or expansion of any on-site system without first obtaining a Disposal System Installer's Permit from the Board.
2. All applications, original and renewal, will be subject to initial review by the Health Agent or Board Designee for completeness and, if complete, be submitted to the Board for final review and approval or denial.
3. Disposal System Installer Permits shall be valid for a period of one (1) year from the date of issue.
4. All applications for a disposal system installer permits must be on a form approved by the Board of Health. Applicants must meet the following eligibility criteria:
  - Permits pursuant to 310 CMR 15.019 ("Installer's Permits") from other municipalities within the Commonwealth of Massachusetts.
  - (1) One current letter of reference from a Health Director/Agent from municipalities where licenses are held.
  - A Commonwealth of Massachusetts Department of Public Safety Class 2 Heavy Equipment Operators License – Hoisting License.
  - A current Commonwealth of Massachusetts Department of Motor Vehicle license and proof of registration for vehicles to be used for installation of a disposal system.
  - Commonwealth of Massachusetts Department of Industrial Accidents – Workers compensation Insurance – If applicable.

- A Certificate of Liability Insurance proof of possession of at least \$100,000 general liability insurance.
5. All applications for a disposal system installer permit must take an exam administered by the Board and receive a passing grade of at least 80%.
  6. All applications must be accompanied by payment of the applicable fee.
  7. All applications for renewal of disposal system installer permits must be submitted at least forty five (45) days prior to the date of expiration and must be accompanied by payment of the applicable fee. All renewal applications will be renewed by the Board annually.
  8. All renewal applications for disposal system installer permits will be required to meet and maintain annually the eligibility requirements outlined in Section 1A (4) of this regulation.
  9. The Board may refuse to issue a disposal system installer permit, initial or renewal, based on one or more of the following grounds. Each of the following grounds shall constitute full and adequate grounds to refuse to issue a license. The notice of refusal shall provide the grounds upon which the denial is based.
    - Failure to submit a completed North Reading Installer Permit application and fee in accordance with the Board of Health's application procedure.
    - Failure to maintain the annual eligibility requirements outlined in Section 1A (4) of this regulation.
    - Failure to achieve a passing grade of at least 80% on the North Reading Installer's exam.
    - Failure to comply with the Board of Health septic system installer project management obligations.
    - Any past denial, refusal or revocation of a North Reading or any other city/town disposal system installer's permit.
    - Denial of entry of agents of the Board of Health or the Department or any attempt to impede the work of a duly authorized agent of the Board or the Department.
    - Providing false or misleading statements to the Board or the Department.
    - Soliciting or advertising in the Town of North Reading without first obtaining a North Reading disposal system installer permit.
    - Evidence that the installer has installed, repaired or replaced a system or any portion thereof without first obtaining a disposal system construction permit or in a manner that does not meet the requirements of Title 5 and/or the local regulations, or that the installer has allowed the use of any such system without first receiving a Certificate of Compliance in accordance with 310 CMR 15.021.
    - The applicant has been convicted of, plead guilty or nolo contendere to, or has, in an administrative or judicial proceeding, admitted facts sufficient to find that s/he is guilty of or responsible for violations of Title 5 or local regulations related to the work of a disposal system installer or any crime reasonably related to the qualifications, functions, and duties of a disposal system installer.
    - Failure to pay any federal, state, or local taxes, fees, assessments or fines as required by law, pursuant to M.G.L. c. 62C, § 49A and Section 104 of the Town's General Bylaws;
    - Failure to comply with Title 5 and/or local regulations/bylaws related to the installation or repair of on-site septic system disposal systems.

- Failure to comply with provisions of 310 CMR 15.000. Such other reasons not stated in 310 CMR 15.000 which demonstrate that the applicant is not suitable for receipt of a permit or that he/she poses a risk to public health and or safety.
10. Disposal system installer permits may be suspended or revoked by the Health Agent or the Board for any of the reasons set forth in Section 1A(9) of this Regulation.
  11. Any person aggrieved by the refusal to issue or renew or the suspension or revocation of a disposal system installer permit may request a hearing before the Board in accordance with Section 15 of this Regulation. The decision shall remain in effect pending any request for hearing or further appeal and no work shall be done by the installer unless and until the permit is issued or reinstated.
  12. All Health Department requested applications for disposal system construction permit, septic system installer project management obligation form and certificates of compliance will be reviewed, approved and signed off by the appointed health agent or designee of the Board.

## **Section 2 Sewage Disposal Installation**

1. No building permit shall be issued until the Board of Health has approved the proposed lot as suitable from a sanitary point of view.
2. A plot plan and a letter of procedure, including a percolation test, and water table determination performed by a registered Sanitarian or engineer approved by the Board of Health must be submitted.
3. The system shall be installed in accordance with all the laws of Massachusetts and all the regulations of the Board of Health.
4. The system shall not be covered until inspected.
5. The Board of Health may require modification at any time if adverse conditions are encountered that were not known originally.

## **Section 3 Systems for Newly Constructed Buildings**

1. Soil absorption systems serving newly constructed buildings shall be located on the same property as the proposed building.
2. No building sewer, force main or gravity sewer serving new construction shall cross a wetland to reach a septic tank or soil absorption system.
3. No building sewer, force main or gravity sewer serving new construction shall go off the property or into a private or public way to reach a septic tank or soil absorption system.

## **Section 4 Septic Tank:**

1. Liquid Capacity: Minimum 1500 gallons.
2. The septic tank shall be water tight and made of concrete or other material approved by the State.
3. Add 50% capacity if garbage grinder is used.

## **Section 5 Distribution Box**

1. A standard distribution box shall be provided between the septic tank and the disposal field.

## **Section 6 Disposal Bed**

1. The disposal bed shall be minimum of 800 sq. ft.
2. The size of the disposal bed may be increased or decreased depending upon the amount of water to be disposed of if conditions warrant.
3. 12" of washed, crushed stone will be used under the leaching pipe and 3" of pea stone over.
4. A minimum of 3 laterals shall be used. Minimum distance between laterals 3'.
5. Any change from these regulations must be approved by the Board of Health.

## **Section 7 Percolation Tests**

1. All percolation tests taken in the Town must be observed by the Health Agent or Board Designee.
2. Only a Registered Professional Engineer or Registered Sanitarian in the Commonwealth of Massachusetts may perform percolation tests, water table determinations, and soil analyses for subsurface disposal of sewage in North Reading.
3. Addendum: Effective immediately, all percolation tests taken within the confines of North Reading, Massachusetts, are to be taken at a minimum depth of 36 inches below the existing grade, in natural soil only.

## **Section 8 Sewage Treatment Plants**

1. Sewage treatment plants shall be required for any construction having a water flow of 15,000 gallons or more per day.
2. Sewage treatment plant operators must be approved by the North Reading Board of Health; and be licensed by the Commonwealth of Massachusetts as required in Chapter 112, Section 87B BBB.
3. The North Reading Board of Health may require, even after approval, the dismissal of the operator if it is found that he is not maintaining the treatment plant properly.
4. The following distances must be maintained regarding the placement of sewage treatment plants.
  - a. 100 feet from residential property lines
  - b. 25 feet from commercial or industrial property lines.
  - c. No building of the treatment plant shall be within 50 feet of any other building on the property other than an accessory building.
  - d. These distances may be increased, if in the opinion of the Board of Health, they are not sufficient to adequately protect the health, comfort, and well-being of the neighborhood.
  - e. The fee for a sewage treatment plant permit shall be \$50.00. -

### **Section 9 Disposal Works Transfer Permit**

1. The Board of Health issues permits for new sewage disposal works construction which are valid for two years. If, within the two-year period, the subject property is sold, a transfer permit for the new owner must be obtained from the Board of Health. The fee for this permit shall be \$10.00. This regulation does not apply to repairs of septic systems. -

### **Section 10 Subdivision Rules & Regulations**

1. For residential zoning area R.D. requiring 120,000 square feet per lot, preliminary subdivision plans submitted to the Board of Health shall be disapproved until observation holes, spring time water tables, and percolation tests have been taken on each individual lot of the planned subdivision. Each lot must be clearly defined by staking to facilitate observation of the lot. The subdivision plan will be evaluated by the Board at such time as the above information is submitted -

### **Section 11 Subsurface Sewage Disposal Regulation**

1. No subsurface sewage leaching system or septic tank shall be constructed within 100 feet of any known source of public surface water supply or tributary thereto. No subsurface sewage leaching system or septic tank shall be constructed within 75 feet in the case of a single or duplex dwelling, or 100 feet in the case of commercial building, or of a multiple dwelling, as defined in Section one of chapter 151B, General Laws of Massachusetts, of the normal spring high water level of any great pond, stream, brook, river surface or subsurface drain, swamp, or wetland or of any mean high water for tidal water.
2. The Board of Health has voted unanimously to accept Aeration Chambers as a type of system for the subsurface disposal of sewage. A minimum of 600 square feet of chambers will be required. Homes with more than three bedrooms will require additional square footage of chamber space.

### **Section 12 Grease Trap Food Service Establishment**

1. A 5,000 gallon grease trap shall be required for all new food service establishments.
2. A 5,000 gallon grease trap shall be required for all existing food service establishments contemplating an increase in seating capacity or a change in the type of operation -

### **Section 13 Innovative/Alternative Systems**

1. Aeration Chambers a minimum of 600 square feet of chambers will be required. Homes with more than three bedrooms will require additional square footage of chamber space.
2. Geo Mat Systems A minimum of 600 square feet of chambers will be required. Homes with more than three bedrooms will require additional square footage of chamber space – **Current moratorium in place at this time.**
3. Distance from Leach field:

- a. Water lines 10'
- b. Drains 75'
- c. Catch Basin 100'
- d. Dist. Line max. length 100'
- e. Well 100'
- f. Wetlands 75'
- g. Garage Slab 10
- h. Foundation 20'
- i. Tank to foundation 10'

**Section 14: Appeal:**

In accordance with Chapter 1 of "Administrative Procedures" Section 1.2.004 Appeal of Administrative Decisions, any decision by the Health Agent or Board Designee may be appealed to the Board for further review. The Board may rescind, sustain, or modify any decision of the Health Agent. Said appeal must be filed within twenty-one (21) days of the date of the issuance of a decision.

**Section 15: Severability:**

If any paragraph, sentence, phrase or word of these rules and regulations shall be declared invalid for any reason whatsoever, the decision shall not affect any other portion of these rules and regulations which shall remain in full force and effect and to this end the provisions of these rules and regulations are hereby declared severable. Notwithstanding the provisions that may be in conflict with the Massachusetts General Laws, the revised by-laws, or ordinances of the North Reading, these rules and regulations will be binding upon all parties concerned.