

REGULATIONS OF THE ASHBY BOARD OF HEALTH

September 2005

The Ashby Board of Health, under the provisions of Chapter 111, Section 31, Massachusetts General Laws, hereby adopts the following regulations:

SECTION A.

Pursuant to 105,410.000, Chapter II of the State Sanitary Code, "Minimum Standards of Fitness for Human Habitation".

1. No water well of any sort may be installed within one hundred (100) feet of any subsurface sewage disposal system.
2. No well installed to provide water for human consumption shall be located within twenty-five (25) feet of the bounds of any road.
3. Any well installed to provide water for human consumption shall be constructed in accordance with the standards set forth in the latest edition of the Manual of Individual Water Supply Systems, US Environmental Protection Agency, Water Supply Division.
4. A water quality analysis must be taken and performed on each private well intended for drinking or culinary purposes. The water quality analysis shall consist of a) chemical and bacteriological (including sodium) analysis; b) volatile organic analysis (VOA) by EPA method 524; with a GC/MS search of any extra peaks found.
5. Test sample collection for water analysis must be by an approved laboratory technician or other approved by the Board of Health. The water analysis and testing must be certified by a laboratory approved for the purpose by the State of Massachusetts and acceptable to the Board of Health. No Building Permit shall be issued until the water supply shall be of quality satisfactory to the Board of Health.
6. "No water well of any sort may be installed on or within 500 feet of the property boundary of any property designated by the Ashby Board of Health as an existing or closed landfill, including but not limited to the former Ashby landfills on Greenville Road and Wheeler Roads and the Tire Pile property on Foster Road." (Adopted 14 October, 1993; modified by unanimous vote of Board on May 22, 2000)

7. No water well of any sort may be constructed or destructed without first having made application to the Nashoba Associated Boards of Health for a well permit. Such permit shall be required to fulfill Town of Ashby Regulation A - 5

(Adopted 6 September, 1994)

8. If the water samples described in #5 are not of satisfactory water quality as determined by the Board of Health, The Board of Health may, at its sole option and discretion, permit use of the water well for human consumption if a treatment system is installed on the water supply which results in acceptable water quality on the effluent from the system. If a water treatment system is required to obtain water of acceptable quality from the well, a notation shall be added to the deed for the property. The notation on the deed shall state that a water treatment system to reduce the concentration of {identify the contaminant of concern} to acceptable levels in the residence's potable water supply is required to keep the building fit for human occupancy. Occupancy of the property shall not occur until satisfactory evidence has been provided to the Board of Health that the required notation has been added to the deed.

(Unanimously Adopted at a scheduled meeting on December 13, 1999 by C. Morgan, M. Krapf and C. Allen)]

A9. The arsenic concentration in untreated water from any potable water supply well installed in the Town of Ashby after the effective date of this regulation may not exceed 10 parts per billion. If the arsenic concentration exceeds 10 parts per billion, a water treatment system must be installed on the well that will reduce the arsenic concentration in the water to less than 10 parts per billion, and a notice must be placed on the deed that states that water treatment is required to reduce the arsenic concentration to less than 10 parts per billion.

(Unanimously Adopted at a scheduled meeting on August 13, 2001 by C. Morgan, M. Krapf and C. Allen; modified by unanimous vote of the same Board in a scheduled meeting April 8 2002).

A10. For all structures constructed after September 1, 2004, and for all new water supply wells installed after September 1, 2004, the water supply well for a structure must be located on the same lot as the structure.

A11. Well yield for a new water supply well shall be determined by a pumping test that lasts, at a minimum, for four hours. The depth to water shall be measured before and after the pumping test, and the yield calculations shall consider the volume of stored water pumped during the test.

(Regulations A10 and A11 Unanimously Adopted at a scheduled meeting on July 26, 2004 by C. Morgan, M. Krapf and C. Allen).

SECTION B.

Pursuant to 310 CMR 15.00, Title V of the State of Environmental code, "Minimum Requirements for the Subsurface Disposal of Sanitary Sewage".

1. The Board of Health shall require that each individual lot in a subdivision, for which a Definitive Plan has been submitted, shall meet all applicable requirements of Title V and the Ashby Board of Health. Two (2) deep observation holes and two (2) percolation tests must be performed on each lot to prove a suitable primary and expansion area for each lot.

2. Groundwater determination shall be made during the months of February, March, and April when the groundwater table is at its highest level. This requirement may be waived by the Board of Health if weather conditions, the location of the property, soil structure, and other related data establish that a test made at some other time of year will produce the same results regarding maximum groundwater elevation as would be obtained if the test were made during the months of February through April. If a waiver is granted, the Board of Health reserves the right to make allowances in determining the maximum groundwater elevation.

3. Deep observation holes must be completely refilled within twelve (12) hours of being witnessed by the Board of Health or its agent.

4. A lot must be inspected by the Board of Health or its agent when it is clear of snow before a sewage disposal works construction permit may be issued.

5. Any dwelling used for summer occupancy only, may not be occupied year-round until a sewage disposal system meeting the requirements of Title V and Ashby regulations serves that dwelling.

6. There must be a minimum of at least four feet of pervious material between the bottom of the leaching facility and the ground water elevation and/or any impervious layer. (Modified by unanimous vote of Board (C. Allen, M. Krapf, C. Morgan) at a scheduled meeting on May 22, 2000)

7. Leaching facilities (including proposed expansion areas) must be located at least one hundred (100) feet from the nearest wetland, watercourse or wetland vegetation.

8. All plans submitted to the Board of Health must be drawn to a scale of one (1) inch to twenty (20) feet.

9. The length of the pipe between the septic tank and the distribution box shall not exceed one hundred (100) feet. **NOTE:** This regulation was modified by unanimous vote of the Board at a scheduled meeting on April 8, 2002, to read: *The total length of pipe between the point where the septic pipe leaves the building foundation and the septic tank shall not exceed 40 feet. The total length of pipe from the point where the septic pipe leaves the building foundation to the proximal point of piping in the treatment facility (leaching*

field) shall not exceed 200 feet. For the purposes of this calculation, the length of the septic tank or tanks, the distribution box, and any pumping chamber of other appurtenance shall be considered to be part of the total length of pipe. No individual leaching bed shall exceed 75 feet in length. There is a transition period in 2002 for implementation of the revised regulation. Contact the Board for details.

10. At least six feet of naturally occurring pervious materials must be in place over ledge; fill shall not be used to meet this requirement. (Modified by unanimous vote of Board at a scheduled meeting on May 22, 2000)

11. The distances required by Title V and the Ashby Board of Health are minimum distances and may be increased if, in the opinion of the Board or its agent, such an increase is required to protect the environment or the public health.

12. The area between trenches shall not be used for future expansion of a system.

13. Trenches in fill will be permitted, provided the fill is compacted in lifts no more than 6 inches and to the specifications of Ashby's Sanitarian. The system shall also be certified by the designing engineer or sanitarian
(voted July 18, 1995)

14. A minimum of ten (10) feet must be available between the primary and expansion leaching facilities.

15. The sewage disposal system, including the fill required to install the system, must be located on the same lot as the facility it is intended to serve; for the purpose of this regulation, a lot shall not be interconnected by an easement or right-of-way. (Modified by unanimous vote of the Board (C. Allen, M. Krapf, C. Morgan) on April 8 2002)

16. Holding or tight tanks shall not be used for sewage disposal in new or remodeled buildings.

17. No privy, humus, or self-contained toilet may be used without written permission of the Board of Health. Such permission shall indicate the period of time for which such a facility may be used and in no case shall exceed one (1) year. Permanently installed privies, humus, or self-contained toilets must receive written permission annually.

18. The minimum area of land (in square feet) available to each lot for the subsurface disposal of sewage and meeting the requirements of Title V and the Ashby Board of Health shall be:

| NUMBER OF BEDROOMS | PERC RATE | PITS | TRENCHES | BED | RESERVE AREA |
|--------------------|-----------|------|----------|------|--------------|
| 2-4 | 5 MIN | 600 | 525 | 800 | 100% |
| | 5-14 | 700 | 600 | 1000 | 100% |

| | | | | | |
|-----|--------|------|------|------|------|
| | 15-20 | 800 | 800 | 1200 | 150% |
| | 20 MIN | N/A | 1000 | N/A | 150% |
| 5-6 | 5 MIN | 700 | 600 | 1000 | 100% |
| | 5-14 | 800 | 750 | 1200 | 100% |
| | 15-20 | 1000 | 1000 | 1400 | 150% |
| | 20 MIN | N/A | 1200 | N/A | 150% |

6 ADD 200 SQUARE FEET FOR EACH ADDITIONAL BEDROOM.

19. When the Board issues a Sewage Disposal Works Construction Permit, the fee shall be the same as charged by the Nashoba Associated Boards of Health.

Except as noted, above regulations voted to adopt at a duly scheduled meeting of the Ashby Board of Health on the 12th day of February, 1986 by Board members Edwin Shepherd Sr. Waldemar Tiilikkala Herbert Bates.

B20. No leaching facility shall be placed within 200 feet of an Outstanding Resource Water (ORW), or of any tributary to an ORW, or to a certifiable vernal pool. In the Town of Ashby, ORW include, at a minimum, all tributaries to the Squannicook River and all tributaries to the Fitchburg reservoir system. This regulation shall apply to all streams that contain water for at least 11 months of the year, and to all ponds fed and/or drained by such streams. ORW shall be as defined in 314 CMR 4, but shall include only those bordering vegetated wetlands that border directly on those streams to which the regulations apply. The setback is not applicable to bordering vegetated wetlands that principally border only on stream that contains water for less than 11 months of the year. (Adopted by unanimous vote of Board (C. Allen, M. Krapf, C. Morgan) at a scheduled meeting on May 22, 2000; modified by unanimous votes of same Board at a scheduled meetings on August 13, 2001, April 8, 2002, and March 24, 2003. Note that on march 23, 2003 the Board voted to considered any vernal pool for which a certification package has been submitted to the state agency and is pending certification to be considered as a certified vernal pool under the regulations. Modified to change “certified” to “Certifiable” on August 9, 2004 by unanimous vote of same board at scheduled meeting)

B21. No system constructed in fill shall obstruct sight lines for drivers on any public road, or on any private road serving more than one residence. (Adopted by unanimous vote of Board (C. Allen, M. Krapf, C. Morgan) in a scheduled meeting on May 22, 2000)

B22. Plans submitted to the Board to support applications for septic system permits must include, at a minimum but not limited to, the following features.

- a. A Site Location Map showing the location of the proposed features, taken from a USGS topographic quadrangle map of the area.
- b. A north arrow
- c. A bar scale
- d. The tax map and parcel number of the lot on which the proposed system will be located.
- e. The street address of the building, if one has been assigned.
- f. Plans must be drawn at a scale of one inch = 20 feet
- g. Plans must be presented on a 2-foot by 3-foot sheet.
- h. Property lines. If the property lines do not fit on the map at the 1:20 scale, then an inset map must be provided at a smaller scale showing the property lines and the proposed location of the septic system.
- i. A list of all variances to state and local regulations required for the proposed system, specifying the regulation for which a variance is necessary, and the regulation-required and varied values.
- j. Wetland boundaries within 250 feet of the proposed system, and applicable setback lines.
- k. The location of any well on the property, the location of any wells within 200 feet of the proposed system, and the applicable setback radius for each well.
- l. Other requirements as deemed necessary by the Board or its agent.

(Adopted by unanimous vote of the Board (C. Allen, M. Krapf, C. Morgan) on March 24, 2003)

SECTION C.

Variance From Ashby Rules and Regulations

1. The Board of Health may vary any section of the Regulations of the Ashby Board of Health (the "Board") with respect to any particular parcel of land when, in its opinion, the applicant has proven that the same degree of environmental protection provided by these Regulations would be achieved without strict application of the particular Section.
2. Each request for a variance shall be made in writing and shall state the specific variance sought and the reasons for the variance. The applicant shall send notice by certified mail, at his own expense, to all abutting land owners at least 10 days prior to the Board of Health meeting at which the variance request will be on the agenda. The notification shall state the specific variance sought and the reasons therefore

3. The variance must be approved by a majority vote of the Board. Any variance granted or denied by the Board of Health shall be in writing and shall contain a statement of the reasons for granting or denying the variance.

4. In considering a request for a variance, the Board shall take into consideration the population density of the area, the size and shape of the lot, slope, the suitability of the soil for percolation and drainage, existing and future water supplies, depth to ground water, impervious material, the area reserved for expansion of the subsurface disposal system, and relocation of water supply in case of failure.

Section C adopted 2 September, 1987 by unanimous vote of Ashby Board of Health.

Section D

D.1 During construction of new residences or structures for business occupancy, a permitted portable toilet must be maintained at the construction site unless suitable sanitary facilities are otherwise available on the property.

D.2 During construction of new residences or structures for business occupancy, a dumpster or rolloff container, either with a minimum capacity of 15 cubic yards, must be maintained at the construction site for waste disposal.

D.3 Stumps and wood debris generated during construction activities must be removed from the property and disposed of properly. For construction of new residences or business structures, occupancy permits will not be granted until 1) a receipt documenting disposal of wood waste generated during construction is provided to the board, or 2) satisfactory evidence is provided to the board that wood waste was not generated during construction. Such evidence may include a statement from the board's agent that wood waste requiring off-site disposal was not generated during the project.

Section D was adopted by unanimous vote of the Ashby Board of Health on March 24, 2003. D.1 and D.2 are effective for all permits obtained after March 24, 2002. D.3 is effective for all permits obtained after August 15, 2003.

Additional Board of Health regulations include Youth Access to Tobacco Regulations, MSW Transport Regulations, Large Animal Regulations, and Body Art Regulations, which are voluminous and published under separate cover.