



Board of Health

TOWN HALL • 19 WASHINGTON ST. • SHERBORN, MASSACHUSETTS
01770
508-651-7852 • FAX 508-651-7868

BOARD OF HEALTH REGULATORY CHANGES

APPROVED AT 10/4/2023 PUBLIC HEARING

These regulations are effective 11/9/2023 (date of publication)

(1) Regulation I, SEWAGE DISPOSAL:

3.4.0 SEWAGE SYSTEM DESIGN PLANS

3.4.1 PLAN REQUIREMENTS - The following shall be placed on the plan:

- A. A drawing to scale (1"=10'; 1"=20'; 1"=30', as the situation may warrant) indicating dimensions of the building and building lot showing placement of the proposed building, individual subsurface sewage disposal system and additional area for 100% expansion of the disposal area (as defined in Section 10.2 of these regulations), driveway, well site and water service.
- B. The location of all drains, natural features such as ledge or rock outcropping, distance to existing wells and sewage disposal systems on adjacent lots and any other type of construction which may be pertinent for placement and design of a proper disposal system.
- C. The location of any watercourses, including streams, brooks, ponds, swamps, marsh or other wetlands.
- D. The precise locations of all manholes, catch basins, clean-out drain plugs, drains or known sources of water supply within 200 feet of the proposed sewage disposal system.
- E. Two benchmarks and datum plane notation. One of the benchmarks shall be within fifty (50) feet of the proposed leaching area.
- F. A locus map including the distance to the nearest intersecting street.
- G. The results of the soil logs, as provided by the soil evaluator, soil classification and maximum water table elevations encountered for all test holes, and the name of the individual who witnessed the tests for the Board of Health.

3.4.2 DESIGN REQUIREMENTS - The design of the proposed individual subsurface sewage disposal system shall be shown in detail, with benchmarks and datum plane notes including the following:

- A. Elevation of existing and proposed contours at two (2) foot intervals, bottom of leach lines or pits, ledge, hardpan, till or any watercourses. Streams, ponds, swamps, marsh or other wetlands (as defined in Chapter 131, Section 40 of the Massachusetts General Laws), or any surface or subsurface drains shall also be included.
- B. Invert elevation of the house sewer, inlet and outlet pipes of septic tank, inlet and outlet pipes of distribution box, elevation of the trench bottoms (base of stone), beginning and end of pipes in the trenches and proposed elevations of the system in the expansion area.

3.4.3 AS BUILT PLANS

- A. AS BUILT PLANS shall be required showing the exact location of the on-site subsurface sewage disposal system and well after each system has been installed. These shall be submitted on a new plot plan signed by a registered sanitarian, civil or sanitary engineer. There shall be included a certification by said sanitarian or engineer that the system, including final grading, has been constructed in accordance with the approved plan and the terms of the permit. This plan shall be submitted before the final inspection is made by the Board of Health and before a Certificate of Compliance is issued. This AS BUILT PLAN shall remain on file at the Board of Health office.
- B. A computerized copy of all AS BUILT plans (or, if AS BUILT plans are not computerized, final approved septic plans) shall be submitted when such plans are produced on computerized systems. Copies to be submitted shall be in a commonly accepted format able to be "read" by the Town of Sherborn GIS system.

3.4.4 PLAN CHANGES - A new application and fee shall be required when in the opinion of the Board of Health:

- A. A plan is substantially changed or
- B. Additional soil test(s) must be conducted.

(2) Regulation I, SEWAGE DISPOSAL:

Section 4.0 – APPLICATION PROCEDURES

A. SOIL TESTING PLAN REQUIREMENTS

A complete application shall consist of the "Application for Water Table and Percolation Tests" signed by the property owner, the required fee, a drawn-to-scale locus plan no smaller than drawn on a scale of 50-feet to an inch, showing the proposed lot, the proposed location of the test holes, the distance to the nearest intersecting street, and shall indicate generally the location of any water supplies, disposal systems, or wetlands within 200-feet of the lot being tested. If there are no water supplies, disposal systems or wetlands within that distance, it shall be so stated on the plan.

B. SEPTIC SYSTEM PLAN REQUIREMENTS

As required by M.G.L. c. 111, s.31E, the Board of Health shall act upon a complete Disposal Works Construction Permit Application within forty-five (45) days from the date upon which such complete

application is filed with the Board of Health. If a determination on a complete application is not rendered within forty-five (45) days, the said permit shall be deemed to have been granted. A complete application shall include:

1. A completed “Disposal Works Construction Application” form signed by the property owner and the associated fee, which is set by the Board of Health from time to time;
2. Plans as described in Sections 3.4.1 and 3.4.2 above;
3. A written copy of an Administrative Approval, Negative Determination of Applicability, or Order of Conditions from the Sherborn Conservation Commission pursuant to the application being submitted;
4. A permit approving the suitable source of water supply pursuant to Regulation II, DOMESTIC WATER SUPPLY, or a complete application for the same as defined therein. This requirement shall not apply to replacement systems in which the existing well is not being changed.
5. An “Environmental Health Impact Report” and “Environmental Health Permit”, if required under Regulation III – PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT.

C. SEWAGE SYSTEM DESIGN PLAN SUBMITTAL

An application for a well construction permit and for a disposal works construction permit shall be on such form and in such detail as the Board of Health shall prescribe, and shall be submitted simultaneously if both are required with the required fee(s). The application(s) and plan shall conform to the State Codes and the Sherborn Board of Health regulations. Before a permit can be issued, the applicant shall submit five (5) copies of such plans, prepared by a qualified registered sanitarian, civil or sanitary engineer, bearing their stamp and signature, with street and assessors map number clearly indicated.

(3) Regulation II, DOMESTIC WATER SUPPLY:

II Water Supply

(4) Regulation II, WATER SUPPLY:

1.1

In order to enforce the provisions of Article II of the State Sanitary Code, Regulation 4, “Water Supply”, a permit from the Board of Health shall be required for the development of a suitable source of water supply prior to the start of any construction on a building or buildings where water will be used. The State is the permitting authority for Closed Loop Geothermal Ground Source Heat Pump Wells. No building permit shall be issued for the construction of a building which would necessitate the use of water therein, unless a suitable supply of water is available from a well located on the Property where the building is to be constructed, or a connection to a semi-public or public water supply is available.

(5) Regulation II, WATER SUPPLY:

1.3 PERMIT APPLICATION

For the purposes of this regulation, a complete application shall include:

1. A completed “Well Construction Permit Application”, signed by the property owner and the associated fee which is set by the Board of Health from time to time.
2. A plan drawn to scale indicating boundary lines of the applicant’s property, the location and number of wells, as required under Sections 6.0 and 7.0 herein, and the location of all existing and proposed structures and septic systems within 200-feet of each existing or proposed well on the applicant’s property, and the location of any existing or proposed driveway, right-of-way, or traveled way, as defined in Sections 2.5, 2.6, and 2.7.
3. The location of areas subject to the jurisdiction of the Conservation Commission pursuant to the Wetlands Protection Act, M.G.L. c. 131, s. 40 and the regulations promulgated thereunder as 310 CMR 10.00; the Town of Sherborn General Wetlands By-Law (Chapter 17 of the General By-Laws), and the Town of Sherborn Wetlands Regulations.
4. Written approval from the Conservation Commission in the form of an Administrative Approval, Negative Determination of Applicability, or Order of Conditions from the Conservation Commission for the proposed well location.
5. If a new or replacement sewage disposal system is required, a complete “Disposal Works Construction Permit” application, as described in Regulation I – Sewage Disposal, Section 4.0(B), is required.

The complete application shall be considered filed on the date upon which it is filed with the Board of Health by the person who is seeking the permit or their authorized representative.

(6) Regulation II, WATER SUPPLY:

2.0 DEFINITIONS

2.1 WELL

Includes any pit, pipe excavation, spring, casing, drill hole or other source of water to be used for any purpose of supplying water in the Town of Sherborn and shall include but not be limited to dug wells, driven or tubular wells, drilled wells (artesian or otherwise), springs, gravel packed, or gravel walled wells, and gravel developed and wash borings.

2.2 WATER SYSTEMS

Includes structures, pipes, valves, fittings, tanks, pumps, motors, switches, controls, and other apparatus and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment or purification of water for any use whether or not inside a building.

2.3 PRIVATE WATER SUPPLY

Any water system serving or intending to serve water on one property, business, or residence as described in Section 7.0. The system shall be contained on the property and shall include all of the

sources, treatment works and distribution lines to the point where distribution takes place within the building on the property.

2.4 SEMI-PUBLIC WATER SUPPLY

Any water system serving or intending to serve water for human consumption, human contact or domestic uses, or for purposes including, but not limited to: multiple dwellings, restaurants, food processing, food preparation, and/or food service, schools, institutions, campgrounds, recreational camps for children, state/town forests, parks, beaches, and agriculture. Semi-public water supplies serve more than one single family home on a single property or one single family home and one accessory dwelling unit, but have service connections and/or usage levels below the thresholds for Public Water Supplies as defined and regulated by 310 CMR 22, and may include one or more wells associated with a project as defined in Sherborn Board of Health Regulation III, Section 5.0.

2.5 DRIVEWAY

A private road giving access from a public way to a building on abutting grounds, including common driveways. When a common driveway special permit application is required from the Planning Board for any project that includes water supply, the application to the Board of Health shall be filed simultaneously with the application to the Planning Board.

2.6 RIGHT-OF-WAY

A strip of land within which is built a public road; a path or route that may lawfully be used.

2.7 TRAVELED WAY

The component of the thoroughfare between the curbs, or when there is no curb, the area between the edge of the traveled surface on both sides on which vehicles normally travel.

(7) Regulation II, WATER SUPPLY:

3.0 SANITARY PERFORMANCE

The well contractor shall observe sanitary measures and precautions in the performance of well development work in order to prevent pollution or contamination of the well. Use of water from streams, swamps, or abandoned wells for drilling or development shall be prohibited.

(8) Regulation II, WATER SUPPLY:

4.0 WELL DRILLERS

Well drillers must be certified by the Massachusetts Department of Environmental Protection. A copy of such certification shall be available onsite for the Agent's review.

(9) Regulation II, WATER SUPPLY:

6.0 WELL LOCATION

The distance from a well to a sewage disposal system shall be maximized.

- A. No well shall be less than one hundred twenty-five (125) feet from a leaching area located downhill from such well.
- B. No well shall be less than one hundred fifty (150) feet from a leaching area located uphill from such well.

- C. When the soil percolation rate is less than three (3) minutes per inch, those distances shall be increased by a minimum of twenty-five (25) feet.
- D. Wells shall be located no less than fifty-five (55) feet from the edge of the traveled way or fifty (50) feet from the edge of the right-of-way, whichever is greater. Wells shall be located no less than twenty (20) feet from a driveway.
 - 1. When protected in a manner approved by the Board of Health, the well may be located no closer than five (5) feet from a driveway.
- E. Private wells shall be located no less than twenty-five (25) feet from any lot line, seventy-five (75) feet from any adjacent well, ten (10) feet from any building or projection thereof, and fifty (50) feet from any part of the subsurface sewage disposal system.
- F. If permitted by the Board per Section 7.0, wells used for irrigation purposes shall be located no less than twenty-five (25) feet from any lot line, one hundred fifty (150) feet from any adjacent well, ten (10) feet from any building or projection thereof, and fifty (50) feet from any part of the subsurface sewage disposal system .
- G. Any well(s) for a semi-public water supply shall meet the following additional requirements:
 - 1. Each well to be used as a source for a semi-public water system shall be centered within a protective area whose horizontal radius is determined by whichever of the following is larger: 100-feet or the value calculated by the equation:
Protective radius in feet = $(150 \times \log \text{ of pumping rate in gpd}) - 350$
 - 2. Any such protective area shall be entirely contained within the project's property.
- H. The distance may be increased by the Board of Health when, in its opinion, adverse conditions exist.

(10) Regulation II, WATER SUPPLY:

7.0 NUMBER OF WELLS

In recognition that groundwater is a shared resource and that well placement may impact access and use for abutting property owners, only one well per property, business or residence shall be allowed. Multiple lots associated with one owner, association, business or residence shall be considered a single property for the purposes of this requirement. Installation of an additional well(s) to supply a multi-dwelling project, a property zoned, assessed, and operated as commercial agricultural land, or another need not specified shall require the submittal of an application to the Board for evaluation. The application shall include justification for the additional well(s) and a plan to demonstrate no adverse impact to nearby wells or water resources. The Board may place conditions on approved additional well(s).

No well shall be used to supply more than one dwelling (Chapter 40, Section 54 MGL) unless permitted as a Public Water Supply (310 CMR 22) by MassDEP or as a Semi-Public Water Supply (Regulation II, Section 2.4) by the Board of Health.

(11) Regulation II, WATER SUPPLY:

8.0 PUMP HOUSES

Pump houses, and pump rooms shall be installed in accordance with the current version of USEPA's Manual of Individual and Nonpublic Water Supply Systems. Pit-less adapters or pit-less units shall be installed in accordance with the current version of the National Sanitation Foundation's standard for pit-less well adapters.

(12) Regulation II, WATER SUPPLY:

11.0 WELL SPECIFICATIONS

11.1 WELL YIELD

There shall be a minimum yield of 300-gallons per bedroom per day at twenty (20) lbs. per square inch (psi) at the highest fixture services. System capacity for “semi-public” water supplies must be adequate to meet the projected needs.

11.2 STORAGE

All demands for water shall be provided from storage in a pressure tank. Pressure tanks for individual home installations shall be of a diaphragm type and have a minimum capacity of thirty-six (36) gallons. Pressure tanks may be installed in series to meet storage volume requirements.

11.3 WELL INSTALLATION AND DEVELOPMENT

Wells shall be installed and developed in accordance with Sherborn-specific regulations and MassDEP’s current Private Well Guidelines.

11.4 STATIC WATER LEVEL

If the static water level in a well is shallower than the depth to bedrock for the well boring once development of the well is completed, the licensed well driller shall determine the reason(s) for the level and provide a written statement to the Board of Health regarding whether the well is inappropriately drawing from overburden groundwater and requires corrective action.

(13) Regulation II, WATER SUPPLY:

12.0 WELL PERFORMANCE TESTS

A log of the well, showing depth and type of overburden, depth of casing installed below surface grade, diameter of casing and diameter of the hole in the rock, static water level and the pumping rate which can be sustained for at least four (4) hours, at a constant drawn down depth.

- A. A pump test shall be made with the faucet open to waste for a four (4) hour constant pumping period using a pump capable of producing a flow rate at least twice that specified in 12.0(G) below.
- B. In the event the well is exhausted during the initial four (4) hour pump testing period, the faucet shall be so regulated after suitable well recovery (of not more than thirty (30) minutes) in order to allow pumping at a constant rate for an additional four (4) hours at a constant draw down depth to determine the yield.
- C. A sustained pumping rate of two (2) gallons per minute for a four (4) hour period shall be the minimum rate.
- D. The well (after pump testing) shall recover to within ninety-five percent (95%) of the original static water level within a twenty-four (24) hour period.
- E. Testing and evidence to show satisfactory well yield and recovery shall be demonstrated in the presence of the Agent for the Board of Health.

- F. The results of all testing shall be submitted on an approved form to the Board of Health for approval and the well contractor shall be responsible for all data submitted.
- G. Quantity tests shall be performed by competent pump or well drilling contractors and a well shall produce a supply for each dwelling unit served by an onsite well as follows:

<u>WELL DRAWING DEPTH</u> (minimum)	<u>WELL YIELD GPM – 4 HRS.</u>
to 100 feet	5
100 to 200 feet	4
200 to 300 feet	3
300 and over	2

- H. Well flushing shall be performed only as necessary and only by certified well drillers or other well management professionals. Board of Health approval is required prior to flushing a well for more than twelve (12) hours in total. The Board of Health may impose additional requirements for flushing that exceeds twelve (12) hours in total.

(14) Regulation II, WATER SUPPLY:

15.0 WELL ABANDONMENT / DECOMMISSIONING OR REPAIR

- A. If a well fails and an emergency replacement well is requested, the failed well shall be abandoned and properly decommissioned by a certified well driller.
- B. ABANDONMENT / DECOMMISSIONING PROCEDURES
 1. Sand and Gravel Wells – Sealing materials are watertight substances that prevent water and contaminants from entering and seeping through abandoned wells. The proper procedure for the decommissioning of these wells will be the following: The casing will be cut off 4 feet below the surface. Fill material (clean sand, gravel or pea gravel, or crushed stone) will be used to fill the casing to within 10 feet of the top of the cut off casing. The upper 10 feet will be filled with a mixture of neat cement and 6% bentonite by weight. The plugging material shall be allowed to flow out the top and along the sides of the casing to assure that a proper seal is established. The upper 4 feet of soil from the top of the casing to the surface shall be properly compacted.
 2. Bedrock Wells – Bedrock well casings will be cut off 4 feet below the surface. To prevent the transport of fill material into fractures, it is recommended that larger diameter fill material, such as gravel or pea gravel, be used. The well will be filled to the base of the casing. The casing shall then be filled with a mixture of neat cement and 6% bentonite by weight. The plugging material shall be allowed to flow out and along the sides of the casing to assure that a proper seal is established. The upper 4 feet of soil from the top of the casing to the surface shall be properly compacted.
- C. WELL REPAIR PROCEDURES
 1. Only certified well drillers are authorized to alter or repair a well.

2. For wells that have undergone repair, a sample shall be tested for Total Coliform bacteria and other parameters deemed appropriate by the Board of Health prior to being returned to use.

(15) Regulation II, WATER SUPPLY:

16.0 PIPES AND EQUIPMENT

- A. All service pipes and connections shall be of non-toxic materials and meet the specifications of the current version of NSF/ANSI 61-2021 Drinking Water System Components – Health Effects.
- B. The installation of pipes shall be such that they are protected from crushing, freezing, and/or attack by animals or rodents.
- C. Dissimilar metals should be discouraged in the water system. The use of non-conductive plastic inserts between pipes and fittings or the installation of sacrificial anodes is helpful in minimizing electric corrosion problems.
- D. Electrical service grounds shall not be attached to water piping. All electrical service and controls of the well must be permitted, inspected, and approved according to Town and State regulations.

(16) Regulation II, WATER SUPPLY:

17.0 WATER QUALITY SPECIFICATIONS

(17) Regulation II, WATER SUPPLY:

17.1 SANITARY PROTECTION

Sanitary protection shall be incorporated into the construction of the well. All newly completed wells shall be disinfected and/or decontaminated in accordance with instructions from MassDEP's current Private Well Guidelines or suitably effective methods that are less toxic or less persistent. Disinfection and/or decontamination shall be carried out only by certified well drillers or other qualified professionals. A report of the disinfection procedures used shall be provided using the Board of Health's Well Disinfection and Decontamination Record form.

(18) Regulation II, WATER SUPPLY:

17.2 SAMPLING/QUALITY

A minimum of two (2) water samples shall be collected by a qualified professional and submitted to a state approved laboratory for analysis, consistent with the requirements of the Board of Health. One sample shall be taken when the well installation is completed and one shall be taken from a tap in the dwelling before occupancy. All results shall be submitted to the Board for approval. Acceptance of water quality shall also be based on its conformance to the normal characteristics of ground water in the area, as well as established state, federal, and Board of Health drinking water standards.

(19) Regulation II, WATER SUPPLY:

17.3 LABORATORY TESTS

- A. A chemical, physical, and bacteriological analysis of water, conducted by a Massachusetts Certified Laboratory using EPA-approved methods for drinking water analyses, shall be required for private and semi-public water supplies. An initial non-compliant analysis result may be superseded by two subsequent and consecutive compliant results. Water that does not meet the accepted standards of agencies of the State or Federal Government or of the Board of Health for potable water supplies shall be grounds for the rejection of the well.
- B. A bacteriological test to indicate a 0 per 100 ml coliform density shall be required. Total Bacteria count shall also be determined at 35 C (35-degrees Celsius).
- C. Chemical and physical analysis, including testing for volatile organic compounds (using EPA Method 524.2 and updates) and PFAS (using USEPA Methods 533 or 537.1 and update) shall be required. Analysis shall be performed at least for pH, color, odor, iron, turbidity, manganese, ammonia nitrogen, nitrite nitrogen, nitrate nitrogen, alkalinity, total hardness, sodium, chlorides, lead, arsenic, volatile organic compounds (VOCs), and per- and polyfluoroalkyl substances (PFAS).
- D. Concentrations shall not exceed the following:

Color	15 units
Turbidity	5 Std. Turbidity Units
Manganese	0.05 mg/l
Nitrate Nitrogen	10 mg/l
Chloride	250 mg/l
Iron	0.3 mg/l
Sodium	* 20 mg/l
Arsenic	0.010 mg/l
Lead	0.015 mg/l
VOCs	Method Detection Limit
PFAS	Massachusetts Maximum Contaminant Levels (MMCLs) as promulgated and presented in 310 CMR 22.07G

*Sodium content exceeding this level shall be made known to the occupant(s) and/or owner(s) in writing and a copy of such notification, signed by the occupant(s) and/or owner(s), submitted to the Board of Health.

- E. Other parameters shall be evaluated as required on a case-by-case basis by the Board of Health to establish the water's suitability as a private or semi-public water supply.
- F. Water quality of semi-public water supplies shall comply with all requirements of Regulation II. Additional requirements may be specified by the Board of Health, as appropriate to the size and other characteristics of each semi-public water supply. Such requirements may include, but not be limited to, routine, periodic sampling and laboratory testing with a frequency of no longer than every 5 years, with dissemination of results to all service connections and the Board, and establishment of a formal financial and operational mechanism by the water supply owner(s) to enable ongoing sampling and laboratory analyses.
- G. If concentration(s) of volatile organic compounds or PFAS is confirmed above levels presented in sub-section D above, or the sodium concentration is greater than 28 mg/l, a document shall be attached to the deed and recorded in the South Middlesex Registry of Deeds which identifies

the chemicals, their concentrations, and their potential health effects. A whole house treatment system for the removal of volatile organic compounds or PFAS shall be installed if their concentrations exceed the standards defined in sub-section D.

H. If disinfection and/or decontamination of the well is required following installation and development, additional parameters shall be evaluated to identify whether the chemicals used in those procedures, or their by-products, are present.

(20) Regulation II, WATER SUPPLY:

17.4 WATER CONDITIONING

Permanent disinfection of a polluted supply shall be prohibited. If the natural water quality does not meet the physical and chemical criteria as listed in Section 17.3, water conditioning shall be required. Water softener or other treatment backwash shall not be discharged into the septic system. Treatment units shall be installed with the capability of by-passing such units during a repair event or other special action, or if the raw water no longer requires treatment.

(21) Regulation II, WATER SUPPLY:

18.0 ENFORCEMENT

A. The provisions of Title 1 of the State Environmental Code shall govern the enforcement of these regulations.

B. Orders: Service and Content

1. The Board of Health has the authority to investigate suspected or known violations of these regulations and may take actions as it deems appropriate for the protection of public health, safety, welfare, or the environment, and to enforce any of the provisions of this regulation.
If any investigation reveals a violation of these regulations, the Board may order the well owner to comply with the violated provision(s) and/or take other action.
2. The inspection and these regulations cannot be construed as a guarantee by the Town of Sherborn or its Agents that the water system will function satisfactorily.
3. The Board of Health may require a restriction to be recorded in the South Middlesex Registry of Deeds in cases that, in the opinion of the Board of Health, the water analyses show marginal compliance with the criteria of these regulations.

(22) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

III PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT

(23) REGULATION III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

3.1 ENVIRONMENTAL HEALTH IMPACT REPORT (“EHIR”)

Any of the following activities requires submittal of a complete EHIR to the Board of Health:

- a. An application to construct ten (10) or more dwelling units served by an existing or proposed private way or by a common driveway, right-of-way, or traveled way;
- b. An application for approval of a subdivision plan;
- c. An application for approval of an Open Space Residential Subdivision under the Town of Sherborn Zoning Bylaws, Section 4.5;
- d. An application to construct a commercial or industrial building with a gross floor area exceeding 7500 square feet;
- e. An application for all or part of a project with a design sewage flow of 2000-gallons per day or greater;
- f. An application for approval of a Planned Unit Development (PUD) Special Permit as set forth in the Town of Sherborn Zoning Bylaws, Section 4.6;
- g. An application for approval of a Comprehensive Permit under M.G.L. c. 40B, s. 20-23; and/or
- h. Any plans that involve removal of sod, loam, clay, sand, gravel, stone (whether quarried or not) or other natural material from the premises of a property or project exceeding a volume of 350 cubic yards in total.

The EHIR report shall not be accepted for review by the Board of Health unless such report meets the criteria required by this and all other applicable Board of Health regulations that provides specific information relative to the operation of the proposed sewage treatment and disposal systems, including soil conditions, surface drainage calculations, hydrogeologic descriptions of groundwater resources and movement, effects of precipitation, and wastewater treatment methodology. None of the activities listed in this Section 3.1 may commence until the Board of Health has completed its review of the EHIR and, if required by this Section, an Environmental Health Permit has been issued.

[No changes proposed to the final two paragraphs of this section, both starting with “In accordance with ...”]

(24) REGULATION III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

3.2 ENVIRONMENTAL HEALTH PERMIT

The applicant for any project that meets the criteria stated above shall be required to obtain an Environmental Health Permit from the Board of Health.

(25) REGULATION III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

5.0 DEFINITIONS

5.1 Person

Every individual, partnership, corporation, firm, association, group, or governmental entity owning property or carrying on an activity subject to this regulation.

5.2 Board

Board of Health

5.3 Project

In determining whether a project is subject to EHIR, Semi-Public Water Supply categorization, and/or other requirements of Regulation III, the Board of Health shall consider the entirety of the project, including but not limited to any likely future expansion, and not separate segments thereof. The following criteria are considered when determining whether the various work or activities constitute one project, including but not limited to: whether the work or activities, taken together, comprise a common plan, regardless of whether there is more than one proponent or lot; any time interval between the work or activities; and whether the environmental health impacts caused by the work or activities are separable or cumulative. Phasing or other forms of project segmentation shall not evade, defer, or curtail application of Board of Health regulations pertaining to larger projects.

(26) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

7.0 WATER SUPPLY

The proposed source of water supply shall provide water of a quantity and quality in accordance with Town, State, and Federal water supply standards for use. In the case of sites to be served by onsite wells, a hydrogeological evaluation showing ground water flow directions, and the proposed placement of wells and septic systems. Zones of Contribution to wells shall be delineated except for the following: (a) Single- or Two-Family Dwellings; (b) Single-Family residential subdivisions; or (c) Projects where the required well yield is 1375-gallons per day or less. This evaluation shall be performed by a qualified engineer or geologist, at the expense of the applicant, to be reviewed by the Board of Health for this determination.

For semi-public water supplies, sufficient provisions shall exist to ensure future ownership and/or control over the protective area for each well, as established per Regulation II, Section 6.0(G), and associated land uses therein shall be limited to those directly related to the provision of water or shall have no significant adverse impact on the availability or quality of water for drinking, human contact, cleaning, water-using infrastructure, agriculture, and other uses. The Board may require additional protective measures that are determined to be suitable, customary, appropriate, or reasonable in serving or maintaining the interests of water quantity or quality.

(27) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

8.0 SEWAGE DISPOSAL

The applicant shall submit evidence that:

1. The proposed location of the project has soil conditions suitable for the subsurface disposal of sanitary or other applicable types of wastewaters in accordance with the regulations of the Board of Health along with all applicable state and federal regulations.
2. Wastewater disposal shall meet the strictest minimum standards of current Commonwealth of Massachusetts or Federal regulations of surface or ground waters. For any subdivision having ten (10) or more dwelling units or any project having a minimum design wastewater flow of 2000 gallons per day, a hydrogeological evaluation shall be performed by a qualified engineer or geologist, at the expense of the applicant, to be reviewed by the Board of Health for this determination. Hydrogeological evaluations shall include determination of geologic stratigraphy, determination of groundwater flow directions, determination of maximum groundwater elevation, determination of minimum groundwater elevation when relevant, evaluation of water table mounding, and prediction of down-gradient water quality impacts. Maximum groundwater elevation shall be determined by the Board and as adjusted by the method described in "U.S. Geological Survey, Water Resources Investigations, Open File Report 80-1205 – Probable High Groundwater Levels in Massachusetts", or subsequent revisions thereof.

(28) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

9.0 SPECIAL INDUSTRIAL AND COMMERCIAL REQUIREMENTS

These regulations shall apply to any and all industrial or commercial projects or for any other project except for the construction of single- and two-family dwellings. These regulations shall also apply to industrial or commercial operations conducted on residential dwelling property of any size, and also to any hobbyist operation that utilizes materials on the Massachusetts Substance List.

[No changes proposed to the remaining six paragraphs of this section.]

(29) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

10.0 BEDROCK DISRUPTION

Bedrock disruption means any activity performed upon ledge or bedrock, including, but not limited to, hammering, drilling, and blasting, and any other activity that breaks up and/or removes portions of ledge or bedrock; bedrock disruption shall not include water well drilling. The following requirements shall apply to bedrock disruption in excess of 10-cubic yards:

- A. A permit shall be required prior to any bedrock disruption activities in excess of 10-cubic yards being conducted on a property or as part of a project. A permit application form must be completed and submitted to the Board.

[No changes proposed to remaining sub-sections B, C, and D of this section.]

(30) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

13.0 EARTH REMOVAL STANDARDS

13.1 SUBMITTAL REQUIREMENTS

Plans for any proposed earth removal operation exceeding 350-cubic yards of material per project shall be filed with the Board of Health and shall contain the following information and meet the following criteria:

[No changes proposed to remaining parts A-O of this section.]

(31) Regulation III, PUBLIC AND ENVIRONMENTAL HEALTH REVIEW REGULATIONS AND STANDARDS FOR SELECTED SITE DEVELOPMENT ACTIVITIES OR OTHER SPECIAL CONDITIONS, OR FOR OTHER THAN A SINGLE-FAMILY DWELLING ON A SINGLE LOT:

14.0 ENVIRONMENTAL HEALTH IMPACT REPORT – SCOPE AND GENERAL SUBMITTAL REQUIREMENTS

Plans submitted pursuant to this regulation shall include but not be limited to the following:

1. Proposed source of water supply
2. Data for a sufficient number of test holes, soil logs, maximum ground water elevations, and properly conducted percolation tests to:
 - a. Demonstrate clearly that the soil conditions are generally suitable for subsurface sewage disposal and will meet the needs of the project. In the case of a subdivision, each and every lot shall be shown to be suitable for such purpose.
 - b. To determine the pattern of ground water flow.
3. A topographical map of the property, with contours referring to Mean Sea Level, showing the location and elevation of all test holes, how the surface drainage is to be handled, including nearby affected areas, and all pertinent physical features, including ponds, swamps, wetlands, seasonal watercourses, swales, areas of ledge and rock. Also, wherever applicable, an overlay of Flood Plain, Drainage Watershed areas, USDA Soil Map Characterization for soil type and hydrologic group, USDA Soil Limitations for Septic Tank Sewage Disposal, and Aquifer Designation.

[No changes proposed to remaining parts 4-9 of this section.]