

**TOWN OF NORTH ATTLEBORO  
BOARD OF HEALTH**

**RULES & REGULATIONS FOR SEPTIC SYSTEMS & CESSPOOLS**

SECTION I: AUTHORITY

The Board of Health of the Town of North Attleborough, acting under the authority of Chapter 111, Section 31, of the General Laws and amendments and additions of the Commonwealth of Massachusetts hereto, and by any other power thereto enabling, and acting thereunder and in accordance therewith have, in the interest of and for the preservation of the public health have duly made and adopted the following rules, regulations, and specifications for wastewater treatment or disposal systems.

SECTION II: PURPOSE

The purpose of these regulations is to protect all existing and potential ground and surface water supplies in the Town of North Attleborough, as well as their recharge areas, from contamination due to septic system or cesspool failure.

SECTION III: DEFINITIONS

The following definitions shall apply in the interpretation, implementation and enforcement of these regulations.

- 3.1 “Person” shall mean any individual, association, group, business, proprietor, partnership, corporation, firm, trust or unit of government.
- 3.2 “Owner” shall mean any person named in a deed on file with the Bristol County Registry of Deeds as the legal and rightful owner of a residential or commercial property subject to these regulations.
- 3.3 “Residential or commercial property” shall mean any combination of land and buildings used for human habitation or the operation of a business engaged in the sale of goods and/or services.
- 3.4 “Common sewer line” shall mean any underground pipe or network of pipes used to convey sewage to a wastewater treatment facility.
- 3.5 “Septic system” Shall mean any subsurface sewage disposal system, which includes both a holding tank and a leaching facility.
- 3.6 “Cesspool” shall mean any subsurface sewage disposal system consisting of a pool or pit into which sewage is discharged and from which it seeps.
- 3.7 “System Inspector” shall mean any Registered Sanitarian; Certified Health Officer; Massachusetts Registered Professional civil, Environmental or Sanitary Engineer, or a Department of Environmental Protection-approved System Inspector as defined in 310 CMR 15.340 (1,b).

#### SECTION IV: GENERAL REQUIREMENTS

No system or facility to be used for treating, neutralizing, stabilizing or disposing of wastewater from homes, public buildings, commercial or industrial buildings, or any types of establishments, shall be located, constructed, altered, repaired, or installed until a permit for such a location, construction, alteration, repair, or installation shall have been issued by the Board of Health.

No building or plumbing permit shall be issued until the Board of Health has approved the proposed lot as suitable for human habitation and a disposal works construction permit has first been obtained. An application for such a permit shall be supplied by the Board of Health. Such application shall be accompanied by a design plan.

No occupancy permit shall be issued for any dwelling or other building to be inhabited until the Board of Health has approved such dwelling or other building, and the lot as suitable for human habitation.

In order for the Board of Health to take action on an application for a permit for the construction of such a facility or system, it is necessary that the applicant take the following steps:

- A. Secure the services of a qualified engineer, experienced in matters of wastewater treatment and disposal who will prepare the design for the proposed system or facility and shall conduct or otherwise arrange for the necessary soil and other tests required for proper design. The engineer shall notify the Board of Health at least three (3) days prior to conducting such soil tests for the purpose of obtaining an appointment such that the tests shall be performed in the presence of a representative of the approving authority if it so requires. Engineer or Registered Sanitarian, hereto referred to as Engineer.
- B. Submit fee payment, two (2) copies of the application form, and three (3) copies of the prepared plans and report of the design engineer, which must include all of the data requested in specifications of the Board of Health.
- C. When the application has been acted on, the applicant will be notified. If approved, one copy of the application and a stamped "APPROVED" copy will be returned to the applicant. If not approved, one copy of all the material will be returned to the applicant with written advice as to the reasons for disapproval. The Board of Health shall not approve any plan unless it is complete in all respects, and has any and all changes required by the Board of Health inscribed or drawn on the plan by the design engineer.
- D. Construction of such systems or facilities shall be made by firms or individuals who have obtained a disposal works installer's permit from the Board of Health to perform such services. The installer shall notify the Board of Health at least three (3) working days prior to start of construction to determine the inspection requirements. The Board of Health has 48 hours to inspect any septic system from time of request for inspection: weekends and 7 holidays not included.

## SECTION V: SPECIFICATIONS FOR SEPTIC SYSTEMS

THE BASIC SPECIFICATION FOR SUCH SYSTEM DESIGNS SHALL BE TITLE V OF THE STATE SANITARY CODE, EXCEPT AS PROVIDED OTHERWISE, IN THESE RULES AND REGULATIONS, WHICH INCLUDE MORE STRICT REQUIREMENTS.

### A. PLANS

Plan of property (drawn to a scale not less than 1"=30'), showing: the source of water supply; the location of house, garage, and/or other structures; layout and profile of sewage disposal system; location of water line, and other underground utilities (where applicable), driveway, foundation drain (where needed), manholes and cleanout plugs and location of any streams, brooks, great ponds, rivers, swamps, wetlands, and drains, within 150 feet of the sewage disposal system. The plan shall show sufficient spot elevations, usually including elevation of road, basement floor, top of foundation, garage floor, elevation schedule for sewage disposal system including invert elevations at house foundation, entrance to septic tank, entrance to distribution box, the leaching system components, the finished grade of the construction area. A benchmark shall be shown on the plan.

In addition to the layout of the sewage disposal system a suitable area shall be designated as being reserved for such expansion of the disposal system as may become necessary. The area so designated shall provide for a 100% relocation of the leaching area and to be in an area suitable for sewage disposal in accordance with these regulations. Complete design of such "expansion" leaching structures shall be included.

Sufficient additional elevations shall be shown including final grades at each of the four corners of the building to indicate clearly how the surface draining is to be handled. In some cases it shall be necessary to consider effect on nearby properties. No "low spots" that allow "ponding" of rainfall runoff shall be permitted.

ALL WELLS OR OTHER KNOWN WATER SUPPLIES WITHIN 200 FEET FOR DWELLING OR OTHER FACILITIES HAVING DESIGN FLOWS OF 1000 GALLONS PER DAY OR LESS OF THE PROPOSED LEACHING AREA OR EXPANSION AREA SHALL BE LOCATED AND SHOWN ON THE PLAN. The distance shall be 500 feet for dwellings or other facilities having design flows greater than 1000 gallons per day.

Construction of the septic tank and distribution box, and longitudinal and cross-section details of the leaching system, shall be in accordance with the detailed drawings included in these rules and regulations.

Materials to be used for the building sewer and all distribution lines shall be specified by the designer and noted on the plan.

All sewage disposal system designs for dwellings shall include provisions for proper number of bedrooms, dishwasher and automatic clothes washer. Garbage grinders are NOT recommended for the proper performance of the septic system.

All plans submitted must show name of applicant for whom plans have been prepared, date, scale, location of lot, locus of site, and must be legibly signed by a qualified engineer responsible for the design.

Upon request, a conference can be arranged with an engineer of the Board of Health's choosing to review a proposed layout before final plans are drawn up for submission to the Board of Health for approval.

No basement floor shall be constructed less than 18 inches above the high ground water elevation. No building permit for a dwelling or other inhabitable shall be issued until the Board of Health has approved the proposed lot as suitable for human habitation. The practice of filling land which is ordinarily submerged during any portion of the year, in order to provide for sufficient area to make it suitable for building purposes, is not considered an acceptable practice, and such lands are considered as not suitable for human habitation. It is suggested that anyone contemplating the purchase of land for building purposes make careful inquiry into the problems of maximum water table, drainage, and soil conditions before committing themselves to an irrevocable purchase agreement.

Bottom of any leaching facilities shall be minimum of four (4) feet above the normal maximum ground water table in all cases and five (5) feet above maximum ground water where perc rates are two minutes/inch or less.

All leaching facilities constructed after April 1995, even from older approved plans (before April 1995), shall be installed according to the current Title V, 310 CMR 15.00.00 specifications, ie: tanks with three (3)\_to 20 inch covers, schedule 40 PVC pipe in leaching trenches, ... etc.

**B SUBDIVISIONS:**

- 1 Procedure for review of preliminary plans of a Subdivision by the Board of Health. The Board of Health or its designee shall review inspections as are necessary to evaluate such plans properly. Within 45 days after submission of a preliminary plan the Board of Health shall tentatively approve such preliminary plan, with or without modifications suggested by it or agreed upon by the person submitting the plan, or shall disapprove such preliminary plan. In the case of disapproval it shall state its reason therefor.
- 2 Procedure for Review of Definitive Plans of a Subdivision by the Board of Health. The Board of Health, or its designee, shall review such plans and make such inspections as are necessary and shall report to the Planning Board within 45 days after the definitive plans and other data are filed with the Board of Health as required in Section 81-U of Chapter 41 of the General Laws and by this regulation. The report shall make specific findings as to which, if any, of the lots shown on such plans cannot be used for building sites without injury to the public health, shall include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof. Failure to so report shall be deemed approval by such board.

When reporting to the Planning Board to indicate its findings, the report shall be in one of the following forms:

- A Approval of plan as submitted
- B Disapproval of the plan or any part thereof with such findings as are made by the Board of Health, or
- C Disapproval of each lot on the plan for failure of the developer to provide sufficient information.

In regard to specific lots which are disapproved for building sites, the Board of Health shall make recommendations which, if followed, will provide for review of the disapproval and subsequent approval if the lots are then found suitable for building sites according to the requirements of this article.

- 3 Plans and Technical Data: the owner or developer of a proposed subdivision shall submit to the Board of Health plans and technical data required under Section 4 to 6 inclusive of this regulation. The Board may employ an engineer to review septic plans and any other special projects
- 4 Plat: A plat of the subdivision drawn to scale properly dated and titled, containing the following information, shall be submitted by the owner or developer of a proposed subdivision.
  - A Scale 1" equals 30' or less
  - B Location of Key
  - C Layout of streets
  - D Dimensions and area of each lot
  - E location of proposed storm drains and points of discharge of same
  - F Drainage easements
  - G location of sources of private water supply
  - H Location of percolation test pits and deep observation pits
  - I location of proposed sewage disposal facilities, with the elevation of the bottom of the leaching beds, trenches, or leaching pits shown.
  - J Location of proposed public water lines throughout subdivision
- 5 Topographical Map: A topographical map, which should be superimposed on the plat, showing existing and proposed contours at two feet intervals, shall be submitted by the owner or developer of a proposed subdivision, it shall show the location of streams, ponds, swamps, open or subsurface land drains, outcroppings of ledge, and other topographical features needed to evaluate the site.
- 6 Profiles of Streets: A profile of the streets shall be submitted showing existing and proposed profiles, catch basins, manholes, and slopes and sizes of all storm drains and sanitary sewers.

## C SOIL TESTS AND TEST HOLES

A minimum of two (2) stabilized rate percolation tests must be made at the proposed elevation of the leaching area: one in the area in which it is to be located, and one in the “expansion” area. More than two (2) tests shall be required where the soil structure or percolation rate varies, or where large disposal areas are required. Additional deep test holes must be excavated to determine the nature of the subsoil. Presence of ledge, the elevation of the maximum water table, etc. Generally, at least three (3) deep test holes, one at each extremity of the leaching area, and one in the expansion area, will be required. The results of the percolation tests and soil examination must be tabulated, showing dates, pertinent evaluations, soil logs to a depth of four (4) feet below the elevation of the bottom of the leaching facility, and results obtained, with locations of all test holes located on the plan. The time for each incremental inch drop of the test shall be included on the plan or report. In addition to the percolation tests, grain size analysis of the soil shall be required whenever the design flow is greater than 1000 gallons per day.

A perforated 10-foot pipe will be installed in the deep trench and a water table reading will be taken in seven (7) days in the presence of the Health Agent.

## D SEPTIC SYSTEMS CAPACITIES

Septic tanks and distribution boxes shall be utilized unless otherwise specifically permitted by the Board of Health. Tanks and boxes shall be reinforced concrete construction and of approved design. The concrete distribution box for the tile filled system shall have sufficient outlets so that each line shall be connected separately to the distribution box. Additional openings, plugged off, shall be provided to facilitate future extensions to the system. The septic tank and distribution box details included in the rules and regulations are on file in the Board of Health office.

- 1
  - a. – Septic tanks shall have minimum liquid capacities of 1500 gallons.
  - b. – Greasetrap tanks shall have minimum liquid capacities of 1,000 gallons.
    - (1) All food service establishments and retail food stores with deli shall have a grease trap attached to all ware washing sinks, dishwashers and garbage grinders before any connection in the building sewer. The trap shall be sized in accordance to Massachusetts State building codes and plumbing codes and all applicable permits from the Building Department. Consult with the plumbing inspector.
    - (2) All outside grease traps shall be pumped and maintained on a monthly basis. All pump slips shall be copied to the Board of Health.
    - (3) All inside grease traps shall be cleaned routinely as necessary. A Maintenance log shall be kept in the kitchen and cleanings dated and noted.
- 2 Restaurants: 300 percent of the daily flow as estimated from the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger.

3 Schools: 200 percent of the daily flow as estimated from the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger.

4 Other: 150 percent of the daily flow as estimated from the State Sanitary Code, Title 5, or actual water meter readings, whichever is larger. (non-residential)

## E. LEACHING FACILITIES

### 1 GENERAL

Leaching fields or leaching trenches shall be used and shall be constructed in accordance with the detailed drawings in these rules and regulations on file in the Board of Health office. The bottom of any leaching facilities shall be a minimum of four (4) feet above the normal maximum ground water table in all cases.

Leaching chambers or leaching pits will not be approved except under unusual necessitating circumstances, such as replacement of a “failed” leaching area on a lot that has insufficient space to provide for leaching trenches or leaching fields.

### 2 MINIMUM LEACHING AREA

The minimum leaching area to be installed shall be determined as set forth in Title 5 but no less than 330 gallons/day.

## F. DISTANCES

The location of disposal facilities shall be in accordance with the rules and regulations of Title 5 of the State Sanitary Code and also in accordance with the following:

All sewage disposal systems will be placed 50’ from a lot line that occurs at a street unless otherwise authorized by the Board of Health-example: repairs to existing dwellings.

No sewage disposal system of a single dwelling shall be constructed within 100 feet of any known well, or other source of water supply or tributary, including storm drains, thereto.

Distances from a sewage system to a wetland or great pond, swamp, brook, or tidal water; as defined in chapter 151B, Section 1, of the General Laws:

- a. single dwelling – 75 feet
- b. multiple dwelling – 100 feet
- c. any facility with a flow greater than 1000 gallons/day – 100 feet

Such distances are considered minimum and may be increased for multiple dwellings or higher volume sewage discharges. These distances shall be determined by the Board of Health on an individual basis, depending upon the particular circumstances.

## G. INSPECTIONS

Notification of the Board of Health shall be made in accordance with Section 1 of these specifications. Ordinarily, there shall be an inspection upon excavation of the leaching area, when the finished grading of the lot is completed. The entire system, including the building sewers, shall remain exposed for the second inspection, and the distribution box shall be filled with water. In addition, a five (5) gallon container of water shall be available at the site of the distribution box for testing purposes. Further, a transit or level will be set up at the site for both inspections by the installer.

All septic systems will require an as-built plan of the septic system construction, and a final grade as-built with contours, within 14 days of completion to receive a Certificate of Compliance. The plan shall be no less than 1" = 40', have all elevations of the system, including top of foundation and ties for the system to the house and shall be prepared by a qualified engineer.

## H. REVISIONS TO DESIGN

The septic system shall be constructed in strict accordance with the approved plan. No changes may be made without prior written approval of the Board of Health.

### SECTION VI: PERCOLATION TESTS

- A. Percolation tests may be performed all year. The Board of Health may adjust the water table dependent upon the amount of rainfall.
- B. All persons performing percolation tests must be recognized and must be permitted by the Board of Health. A soil evaluator must be present and licensed by the Town of North Attleboro.
- C. All persons performing soil site evaluations must be recognized and must be permitted by the Board of Health.
- D. All persons performing Title 5 system inspections must be recognized and must be permitted by the Board of Health.
- E. All persons licensed by the Board of Health to pump and haul septage in the town of North Attleboro shall submit to the Board of Health, monthly, a list or copies of the pumpouts. The list shall include: the location of the pumpout, the owner's name and address, the gallonage pumped, date of pumping and specify if the system is a cesspool or a septic tank. Anyone not in compliance with this section may be subject to suspension or revocation of their license.

### SECTION VII: TITLE V SYSTEM INSPECTIONS

- 1. All inspections shall be conducted by a State certified and Town of North Attleboro licensed inspector.
- 2. Any property with a cesspool shall be deemed a failure and upgraded appropriately to meet compliance.

3. All cesspools must be abandoned per 310 CMR 15:354:1.
4. Title V inspection reports shall be submitted to the Board of Health within 30 days of the inspection.

#### SECTION VIII: CONNECTION TO COMMON SEWER LINES

No owner of a residential or commercial property in the Town of North Attleboro may transfer ownership to another person if a septic system or cesspool is in use on the property and the property is located on or adjacent to a public way that is served by a common sewer line. The owner must abandon and replace the subsurface sewage disposal system with a connection to the common sewer line before the transfer in ownership, provided the sewer connection is acceptable to and approved by the Board of Public Works. All excavation, construction and related work must be completed prior to the transfer in ownership. The owner must provide documentation of the sewer connection to both the prospective buyer and the Board of Health, unless all work was completed prior to the property being offered for sale.

#### SECTION IX: PRE-SALE MAINTENANCE OF SUBSURFACE SEWER DISPOSAL SYSTEMS

Prior to the transfer of any residential or commercial property in the Town of North Attleboro on which an existing septic system must remain in use due to lack of access to a common sewer line, the owner must, in accordance with Title 5 of the Massachusetts Environmental Code (310CMR 15,000), engage the services of a System Inspector to inspect the subsurface sewage disposal system and, if it is not operating properly, hire the necessary contractor(s) to maintain, repair or replace the system, as necessary. All related work must be completed prior to the transfer in ownership. The owner must provide documentation of all applicable work performed and any opinion(s) rendered to both the prospective buyer and the Board of Health, unless all of these actions occurred prior to the property being offered for sale.

#### SECTION X: RESPONSIBILITY OF REAL ESTATE AGENTS AND MORTGAGE LENDERS

No property shall be sold until the Board of Health has issued upon receipt of the Title 5 inspection, a letter of compliance. Any Real Estate agent, broker or other person representing the owner of a residential or commercial property in the Town of North Attleboro, which is offered for sale, shall provide that person with a copy or summary of these regulations. Any banker, mortgage lender or other person accepting a loan application from the prospective buyer of a residential or commercial property in the Town of North Attleboro shall provide that person with a copy or summary of these regulations.

SECTION XI: CONNECTIONS TO TOWN SANITARY  
SEWER SYSTEM REQUIRED

- A. Owner(s) of residential or commercial property located in the Town shall connect the structures located on their property by a sufficient drain in accordance with existing building and public works requirements to any new sanitary sewer line installed by the Town that abuts their property and would provide a suitable gravity drain to said line from the property. Said connection shall be completed within one or two years of reasonable notice of the availability of the line for connection by the Board of Public Health of the Town. Through the permitting and inspection process of the Board of Public Works for such connections, the Board of Public Works shall notify the Board of Public Health of the completion of each connection.
  
- B. In environmentally sensitive areas as determined by the Board of Public Health of the Town where new sewer lines are installed by the Town, the property owner(s) shall complete the required connection(s) within six (6) months of reasonable notice from the Board of Public Health, weather permitting, but in no case in more than one (1) or two (2) years of said notice.

SECTION XII: VARIANCE

No variances shall be granted for environmentally sensitive areas or cesspools. Variances shall be considered for on-site disposal systems installed five (5) years or less before a sewer is completed. For example: if an on-site disposal system is installed two (2) years before a sewer line is completed, a three (3) year variance may be granted. The Board of Health may vary the application of any provision of these regulations, unless otherwise prohibited by state law or regulation, in any case when, in the opinion of the Board of Health, lot size restrictions or hydro geological conditions make enforcement of the provision impractical or the owner has demonstrated a degree of environmental protection equivalent to the required under these regulations. The Board of Health also may vary the application of any provision of these regulations in any case when, in the opinion of the Board of Health, enforcement will do manifest injustice or when the owner, by reason of having previously qualified for a real estate tax abatement due to financial hardship, can demonstrate that enforcement of the provision will impose an unreasonable burden, every request for a variance shall be made in writing on a form provided by the Board of Health and shall be subject to a public hearing before the Board of Health. The owner must at his or her sole expense notify all abutters by certified mail at least ten days prior to the public hearing and is responsible for payment of advertisement. Any variance granted by the Board of Health shall be in writing. Any denial of variance by the Board of Health shall also be in writing and shall contain a brief statement of the reasons for the denial.

### SECTION XIII: OTHER APPLICABLE LAWS

These regulations shall not be interpreted or construed to supersede or nullify the requirements of Title 5 of the Massachusetts Environmental Code (310 CMR 15,000) or any other applicable local, state or federal environmental protection or public health codes, regulations or statutes.

### SECTION XIV: RIGHT OF ENTRY

The Board of Health or its agent(s) may enter upon privately-owned property, with reasonable notice and at reasonable hours, for the purpose of ensuring compliance with these regulations.

### SECTION XV: ENFORCEMENT

Any person who violates any provision of these regulations shall be punished by a fine of not more than one hundred (\$100) dollars. Each day or portion thereof during which violation continued shall constitute a separate offense. If the violator holds any license(s) and/or permit(s) issued by the Board of Health, said license(s) and/or permit(s) may be suspended for up to twenty-four (24) hours for each violation. If more than one provision of these regulations is violated, each violation shall constitute a separate offense.

### SECTION XVI: SEVERABILITY

In the event that any provision of these regulations is declared invalid or unenforceable for any reason, all other provisions will be unaffected and shall remain in full force and effect. To that end, the provisions of these regulations are hereby declared severable.

### SECTION XVII: EFFECTIVE DATE AND AMENDMENTS

These regulations were approved by the Board of Health on May 8, 1997, at a legally posted meeting and shall take effect immediately after a summary of their provisions are published in a newspaper of general circulation in the Town of North Attleborough. Publication was made on June 20, 1997. As required by Chapter III, Section 31, of the Massachusetts General Laws, an attested copy of these regulations has been filed with the Massachusetts Department of Environmental Protection. These regulations may be amended by a majority vote of the Board of Health. Amendments shall take effect immediately after their publication in a newspaper of general circulation in the Town of North Attleborough.

Accepted by the Board of Health on 8 May 1997 at a legally posted meeting.  
Amended on April 9, 1998

Revised and approved on the 22<sup>nd</sup> of August, 2005.  
Reviewed and approved on 11<sup>th</sup> of October, 2005.

North Attleboro Board of Health

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Diane Battistello, Chairwoman

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Donald Bates, Member

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Susan Shaw, Member