



TOWN OF UPTON

Board of Health – Rules and Regulations

SECTION ONE - TITLE 5 SUPPLEMENT

I. TESTING

- A. Deephole testing and Percolation testing for new homes shall be taken from September 1, to May 31. The testing season will close during the months of June, July, and August.
- B. Deephole and Percolation testing for repair of an existing septic system may be completed at any time of the year.
- C. There will be a fee for each lot tested. A fee will also be imposed on all testing not cancelled within 48 hours of the scheduled testing date.
- D. New septic systems shall not be sited in areas with percolation rates slower than 30 minutes per inch. Soils with percolation rates between 30 - 60 minutes per inch may only be used for upgrade/repair of existing septic systems where no other suitable area for sewage disposal is available and where approval has been granted in accordance with these local rules and regulations.
- E. The following arrangements must be made before any percolation and Deephole testing can be completed;
 - 1. Application for testing must be submitted to the Board of Health office and all fees must be paid in advance.
 - 2. Arrangements must be made for a licensed soil evaluator, licensed engineer, Board of Health agent, and backhoe to be on scene.
 - 3. Lots must be marked or staked out clearly.
 - 4. Lots must be taped off from boundaries and from wetlands.
- F. The Board reserves the right to require additional testing if in its opinion this should be necessary
- G. All test holes must be filled in before leaving the testing site.

II. DESIGN PLANS

- A. All septic designs submitted for review must show the lot number/letter that it was tested as *only*. No changes are permitted to the lot numbers, nor may letters or numbers be added. If the lot was tested as lot # 1, the plans must be submitted as lot # 1. This is for Board of Health purposes only.
- B. Plans must show an area locus of the lot.
- C. All wetlands must be shown on the design plan. If no wetlands are present within 100' of the septic system, the design must state so.
- D. A permanent benchmark must be shown for all lots.
- E. Private wells must be shown on all designs. Any changes to the location of the well must be shown on the as-built plan. If town water is available for hook-up, the design must state so.
- F. As-built plans must be submitted before any final house inspection or Certification of Compliance is issued.

III. CONSTRUCTION

- A. All septic systems must have a ***minimum*** set back of 100 feet from wetlands so classified by the Conservation Commission.

IV. INSPECTION

- A. All septic systems and perimeter or curtain drains must have the following inspections during construction;
 - 1. Bottom of leaching area, bed, trench, pit and/or curtain drain if one is required.
 - 2. After stone and pipe are installed.
 - 3. Rough and or final grade.
- B. Sufficient and reasonable time (48 hours) must be given when requesting an inspection. The Board of Health Clerk must be contacted for the Agents availability and to arrange for an inspection.
- C. When requesting an inspection, the correct lot or house number must be given and must be clearly marked and seen from the entrance to the property for the Agent or Board Member.

SECTION TWO - WELLS

Well permits must be obtained from the Board of Health office before the installation of any new well and all regulations under the **Town of Upton, Private Well Regulations** must be adhered to. A full version of these regulations may be obtained from the BOH clerk.

SECTION THREE - ANIMALS

All owners of large animals (bovine, equine), must hold a permit issued by the Board of Health stating the type and number of large animals at their residence . A minimal fee will be imposed to cover the cost of an annual inspection, required by the Department of Agriculture. Such licensing is in accordance with Commonwealth of Mass. General Law # 111, Section 155. All regulations under the **Town of Upton Regulations Governing Large Animals** must be adhered to. A full version of these regulations may be obtained from the BOH clerk.

SECTION FOUR – TOBACCO

- A. All retailers selling tobacco products must first obtain a tobacco permit from the Board of Health, and all regulations must be adhered to under the Board of Health's **Regulations for Sale of Tobacco Products to Minors**. A full version of these regulations may be obtained from the BOH clerk.
- B. All smoking on the sand and green areas of the town beach, also known as Kiwanis Beach, is prohibited. Smoking will be allowed in the parking lot area as well as the sport fields located separate from the beach area. First time offenders will be issued a verbal warning. Second offense will result in a fine of \$100.00

SECTION FIVE – FLOURIDATION

No fluoridation shall be added to the municipal water system without the prior approval of the Board of Health and the majority vote of the community of Upton at a town meeting.

SECTION SIX – SOLID WASTE

The town of Upton prohibits any solid waste material originating outside the boundaries of the Town of Upton and/or collected outside the boundaries of the town of Upton, to be staged, stored or processed within the Town of Upton, unless prior written approval is given by the Board of Health. Any person failing to comply with this order shall upon conviction be fined \$1,000.00 per violation. Each day's failure to comply with this order shall constitute a separate violation.

SECTION SEVEN - FILL

In accordance with the authority under Mass. General Laws, c. 11, Sec. 31, the Upton Board of Health hereby promulgates the following regulation.

The purpose of this regulation is to protect the public health, welfare and the environment by ensuring that all fill brought on a project site does not result in the release or dispersal of contaminants that may present unacceptable risks to public health and welfare.

Fill as used in this regulation shall mean clean, uncontaminated, non-indigenous soil placed beneath, above, and/or around the project site. Fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, sawdust, machinery or machinery parts.

The Board of Health reserves the right to inspect any fill used in connection with a project requiring a local permit from the Building Department, Board of Health or Planning Board. The Board of Health may require one or more of the following:

- A. Fill to be of the same soil composition as original soil on site
- B. Fill not to exceed the levels of toxicity of the existing soil on site or be greater than the recommended limits of soil standards set by the Department of Environmental Protection, whichever is less.

- C. Certified lab testing of fill material. Testing must be received by the Board of Health at a minimum of 48 hours prior to fill being released on site.

When applicable, all fill must comply with the proposed drainage calculations submitted under the site plan review for the Conservation Commission, Board of Health or Planning Board.

Any person who violates this regulation shall be punishable by a fine of \$1,000.00. Each day's failure to comply shall constitute a separate violation.

SECTION EIGHT - MISCELLANEOUS

- A. These regulations shall be effective on and after October 9, 1997, and so remain until modified or amended by the Board of Health. They are enacted by the Upton Board of Health under authority which includes but is not limited to one or more of the following; Mass. General Laws, Sections 31, 122, 122A, 127, 143, 155, 187, 188, 310 CMR 11.00 – 17.00. Board of Health Regulations are an exercise of the police power under which the various levels of government are responsible for protection of the public health, safety and welfare.
- B. All fees are subject to change.
- C. The Board of Health has created these regulations which exceed the minimum requirements in order to better protect the towns wetland areas, to assure the proper installation of private septic systems, and to assure safe drinking water is provided upon the installation of a new well.
- D. All requests for a variance from these Rules and Regulations must be made to the Board in writing.