

Shared Systems

Does the municipality prohibit shared systems?

Issue Overview According to Title 5, a shared system serves more than one facility or more than one dwelling on a single facility. Title 5 does not define a system serving condominium units on the same facility as a shared system. Condominium owners with a “common system” may share a leaching facility, and will either jointly or individually own and maintain the septic tanks. Title 5 allows shared and condo/common systems, although places on these systems more restrictions than on conventional systems.

Many municipalities require that systems be located on the same lot as the dwelling it serves, which would prohibit “shared systems” but not condo systems. Some regulations state explicitly that “shared systems are prohibited” - which might implicitly mean that the municipality in practice also prohibits condo/common systems, if the municipality, as a policy, uses a broader definition of “shared systems” than Title 5 grants. A few municipalities prohibit “systems that serve multiple units.”

Research Coding The answer is coded Yes if the municipality (1) requires that a system be located on the same lot as the dwelling it serves, (2) explicitly prohibits “shared systems,” or (3) prohibits systems that serve multiple units. Municipalities that require a system to be on the same lot as the dwelling it serves may allow condo systems.

Acton *Does the municipality prohibit shared systems?*

Yes Section 11-7.5: "A sewage disposal system shall be located on the same lot as the structure it serves."

Section 11-7.6: "The Board of Health may grant variances to Regulation 11-7.5 if an applicant is able to document their ability to control the area where the septic system is located and if the applicant submits a financial plan detailing how the system will be maintained and replaced when necessary."

(Action Septic Regulations, Article 11. Minimum Requirements for the Disposal of Sanitary Sewage in Unsewered Areas)

Note: in survey received from Acton on 3/21/05, it is noted: "available through regulated variance procedure."

Amesbury *Does the municipality prohibit shared systems?*

No No reference in the Amesbury regulations to restrictions on shared systems.

Ashland *Does the municipality prohibit shared systems?*

No Researcher found no reference to a prohibition of shared septic systems in the Ashland Regulations.

Auburn *Does the municipality prohibit shared systems?*

No No reference in the Auburn regulations to restrictions on shared systems.

Avon *Does the municipality prohibit shared systems?*

No

Ayer *Does the municipality prohibit shared systems?*

Yes From Section IX Subsurface Disposal System Locations, e, "[a]n individual sewage disposal system and all connecting sewer lines shall be installed on the same lot as the facility(ies) discharging sewage into said system."

(Town of Ayer Board of Health Rules for On-site Disposal, Supplemental to the State Environmental Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Title 5, Adopted 2001)

Bellingham *Does the municipality prohibit shared systems?*

No Survey received from Bellingham Health Agent Mike Graf on 6/1/05 marks that Bellingham has local septic regulations. He writes that they were adopted before 1995 and the Title 5 changes in 1995 superceded most of the local regulations. The only answer he marked as "different from Title 5" is the setback from wells.

Berkley *Does the municipality prohibit shared systems?*

No No reference in the Berkley regulations to restrictions on shared systems.

Berlin *Does the municipality prohibit shared systems?*

No From the regulations in Section III, M. Multiple Use,
"a. An individual subsurface sewage disposal system and all connecting sewer lines shall be installed on the same lot as the building serviced by said system. One septic system shall serve one house only, unless a shared system as provided for in Title 5 (310 CMR 15.290) has been approved by the Berlin Board of Health.
b. Shared systems will only be approved if each individual lot proposed to use such systems can support a subsurface sewage disposal system which can meet the requirements of Title 5 and local regulations without variance. The area proposed which could support a subsurface sewage disposal system on each lot shall not be used for any other purpose. The Board may require financial and legal guarantees to insure system inspection, maintenance, repair and replacement will occur without delay or expense to the Town."

Further, the town does regulate the maximum amount of sewage effluent that may be discharged per acre (which in turn effects number of residents per lot size). From Section IV, Location, E. Hydraulic Overloading, "The maximum amount of sewage effluent that may be discharge is 400 gallons per acre per day."

Beverly *Does the municipality prohibit shared systems?*

No The researcher found no reference in the Beverly Regulations to a prohibition of shared septic systems, and was also informed by Joseph Reale that Beverly follows Title 5 in regard to all septic matters except minimum leaching field size.

Billerica *Does the municipality prohibit shared systems?*

Yes The second sentence of this section indicates that "[a]ll subsurface sewage disposal systems must be designed and contained on the lot or property it is to service."

According to the Billerica Board of Health Rules & Regulations, section 5.3.007 (adopted November 20, 2000), "All subsurface sewage disposal systems for new construction of single family dwellings shall be designed to accept a minimum flow of four hundred forty (440) gallons of effluent per day. All subsurface sewage disposal systems must be designed and contained on the lot or property it is to service. If a four hundred forty (440) gallon per day design cannot be achieved, then a system may be designed for a design flow of three hundred thirty (330) gallons per day only if a deed restriction limiting the use of the dwelling to three (3) bedrooms is provided. The deed restriction shall state: "This dwelling is restricted to use as a three (3) bedroom home. Any change in use shall require written approval from the Board of Health." No new system shall be designed for less than three hundred thirty (330) gallons per day."

Bolton *Does the municipality prohibit shared systems?*

No "Shared systems will only be approved if each individual lot proposed to use such systems can support a subsurface sewage disposal system which can meet the requirements of Title 5 and local regulations without variance. The area proposed which could support a subsurface sewage disposal system on each lot shall not be used for any other purpose. The Board may require financial and legal guarantees to insure system inspection, maintenance, repair and replacement will occur without delay or expense to the Town of Bolton." From the Bolton Board of Health, Requirements for the Subsurface Disposal of Sanitary Sewage, Regulation 8.a (Adopted 1977, Amended 2001).

Boxborough *Does the municipality prohibit shared systems?*

Yes "The use of subsurface sewage disposal system by more than one lot is prohibited. The system shall be located entirely within the lot being served by the system." From Town of Boxborough Subsurface Disposal of Sewage Regulations, Section 4.9 (Adopted 10/18/00).

Boxford *Does the municipality prohibit shared systems?*

Yes From Section 201-11. Shared systems, "The use of a subsurface sewage disposal system by more than one lot is prohibited."

(Boxford, Chapter 201 Subsurface Sanitary Systems)

ECS - 10/29

Boylston *Does the municipality prohibit shared systems?*

No No reference in the Boylston regulations to restrictions on shared systems.

Bridgewater *Does the municipality prohibit shared systems?*

Yes On 11/9/04 researcher called the Bridgewater BOH, and was told that shared systems are prohibited. Exceptions can be made for some condo projects, e.g. Micah's Landing.

“Each residential dwelling unit shall have its own separate sewage disposal system and all sewage systems must be located on the same lot as the building they are serving.” From The Town of Bridgewater's Wastewater Rules and Regulations, Design Requirements, no. 14 (Adopted 1989)

Canton *Does the municipality prohibit shared systems?*

No John Ciccotelli, Director of Public Health, on 8/24/04, said that Canton does not prohibit shared septic systems.

There is no mention of shared systems in the regulations.

Carlisle *Does the municipality prohibit shared systems?*

No From Subpart B: Siting of Systems, 15.100 General Provisions, “[s]ewage disposal systems shall be located on the same lot as the dwelling to be served.” (Town of Carlisle Supplementary Regulations for Sewage Disposal Systems, Adopted 12/1/83, effective with amendments 7/1/98)

The regulations do address shared systems with regulations regarding "shared systems and condominiums" at Town of Carlisle Supplementary Regulations for Sewage Disposal Systems, Section 15.290-15.293, (adopted 12/1/83, effective with amendments 7/1/98):

15.290-15.293 Shared Systems and Condominiums

1. The Board of Health will set the amount of the application fee for such systems from time to time.
2. An insurance policy, bond, or other financial instrument must be provided to guarantee long term operation and maintenance of the system and shall have a face value not less than the current replacement cost of the system as determined by a professional engineer, registered sanitarian or licensed installer and shall be submitted annually along with the annual sewage disposal system report to the Board of Health. (See 9D)
3. The land in which the system is located shall be permanently set aside by deed as commonly owned land. The deed shall accurately locate the boundaries of the septic system, including the septic tank(s), distribution box(s), and leaching field(s). The deed shall permanently prohibit construction of any building or structure above or below ground, grazing of any livestock above the field or tank, planting of any vegetation above the system other than grass or Board approved vegetation, use of the site for disposal of rubbish or other debris, and shall in general prohibit any use above or below the system not specifically approved by the Board of Health. These same prohibitions shall apply to the designated reserve area.
4. Maximum flow shall be limited to 5,000 gallons per day. Design flow for the septic system shall be based on 165 gallons per day per bedroom.
5. Garbage grinders are prohibited in all housing units sharing any septic system components and a deed restriction shall be recorded on the master deed.
6. Septic systems shall be pumped annually. (See 10A)
7. A cumulative water meter shall be installed in each dwelling unit and read once a year and a report filed with the Board of Health. (See 10E)
9. An authorized representative shall be appointed by the Homeowner's Association to be the liaison with the Board of Health and in the event of an identified septic system failure shall be authorized to proceed with the necessary repairs.

10. The Association representative shall submit the annual sewage disposal system report to the Board of Health which report shall include:

- a. report of annual pumping
- b. certified inspection report (extent of inspection to be determined by the Board)
- c. updated replacement cost of the system
- d. copy of current replacement provision policy, bond or other financial instrument
- e. annual water usage per dwelling unit.

On survey received from Carlisle on 4/22/05, the answer to the question "Does the municipality prohibit shared septic systems" was changed from yes to no.

Carver *Does the municipality prohibit shared systems?*

No No reference in the Carver regulations to restrictions on shared systems.

Chelmsford *Does the municipality prohibit shared systems?*

No No prohibition in the Chelmsford Regulations to shared septic systems.

Cohasset *Does the municipality prohibit shared systems?*

No The Cohasset Regulations do include two additional requirements.
First, "at the discretion of the Board, the applicant for a subdivision plan, condominium or shared system proposing on site disposal will have the plans reviewed by a consultant agreeable to the Board of Health and at the expense of the applicant." The Cohasset Board of Health Supplemental Rules and Regulations to Title V of the State Environmental Code 310 CMR 15.00, Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of Onsite Sewage Treatment and Disposal Systems and or the Transport and Disposal of Septage, Section 15.020(8) (applicable as revised on 1/11/2000).

Second, "in new construction where shared systems are proposed or for the construction or upgrade for a system with a flow greater than 2,000 GPD, a hydrogeologic report prepared by a professional engineer experienced in this field shall be required as part of the Board of Health permit." Supplemental Rules and Regulations, Section 15.220 (3).

Concord *Does the municipality prohibit shared systems?*

No No reference in the Concord regulations to a prohibition of shared septic systems.

Douglas *Does the municipality prohibit shared systems?*

No No reference in the Douglas regulations to restrictions on shared systems.

Dover *Does the municipality prohibit shared systems?*

Yes The Dover regulations do not prohibit shared systems, but limit them in the following manner:

"(19) In 15.290, Shared Systems, add the following:

"The Board of Health may establish any special conditions necessary to ensure adequate protection of public health and safety and the environment and to ensure appropriate evaluation and testing. Such conditions may include, without limitation: specification of site of effluent characteristics; flow limitations; monitoring; testing; and reporting requirements; a requirement that a certified operator operate the system; or financial assurance mechanisms. The Board of Health may also specify changes or modifications of requirements otherwise applicable to conventional systems that are appropriate for use of the shared systems." Code of the Town of Dover, Massachusetts, Part II, Chapter 217, Section 217-3(19) (updated through 8/1/2004).

Survey received from Dover on 5/4/05 changed the answer to "yes."

Dracut *Does the municipality prohibit shared systems?*

No Representative of the Board of Health said (10/13/04) that they only enforce one regulation that supplements Title 5 -- the setback from wetlands.

Dunstable *Does the municipality prohibit shared systems?*

No No reference in the Dunstable regulations to restrictions on shared systems.

Duxbury *Does the municipality prohibit shared systems?*

No No reference in the Duxbury regulations to restrictions on shared systems.

Easton *Does the municipality prohibit shared systems?*

No No prohibition in the Easton regulations of shared septic systems.

Essex *Does the municipality prohibit shared systems?*

No No reference to a prohibition of shared septic systems in the Essex Regulations.

Foxborough *Does the municipality prohibit shared systems?*

No No reference in the Foxborough regulations to a prohibition of shared septic systems.

Georgetown *Does the municipality prohibit shared systems?*

Yes "New residential dwellings in which separate dwelling units are owned by different and distinct owners and daily flow is less than fifteen thousand (15,000) gallons per day shall have a separate septic system for each unit. Those multi-unit dwellings owned by one (1) entity such as an association shall be governed by regular Title V and Georgetown Board of Health septic system design criteria, provided that any future property transfer stipulates in the deed that there shall be a single owner who shall be responsible for septic system maintenance." From the Georgetown Bylaws Chapter 462, Sewage Disposal, Section 8 (G) (Adopted 1974, Amended 1999).

Gloucester *Does the municipality prohibit shared systems?*

No No reference in the Gloucester regulations to restrictions on shared systems.

Grafton *Does the municipality prohibit shared systems?*

No No reference in the Grafton regulations to restrictions on shared systems.

"Plans utilizing alternative technology shall be accompanied by data on the use and design as well as MADEP approval status. The name and telephone number of the Alternative Technology Company shall be on the plan." From the Town of Grafton's Supplement to Title V, "Design" n. 17 (Revised 2004).

Groton *Does the municipality prohibit shared systems?*

Yes From SECTION I – REGULATIONS FOR SUBSURFACE SEWAGE DISPOSAL, C.Design Requirements,
"4.The sewage disposal 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."

(Town of Groton Sewage Disposal Requirements, Adopted 2001, Amended 2003)

Groveland *Does the municipality prohibit shared systems?*

Yes "Shared systems shall not be allowed for new construction."

From the Rules and Regulations of Sewage Disposal, Section II (10) (Adopted 1997).

Halifax *Does the municipality prohibit shared systems?*

No No reference in the Halifax regulations to restrictions on shared systems.

Hanover *Does the municipality prohibit shared systems?*

Yes From the "Design Requirements" section, "7.All sewerage systems must be located on the same lot as the building they are serving."
(Rules and Regulations Disposal of Wastewater in the Town of Hanover, Massachusetts)

Hanson *Does the municipality prohibit shared systems?*

No The regulations only cover what needs to be presented in submitted plans.

Harvard *Does the municipality prohibit shared systems?*

No No reference in the Harvard regulations to restrictions on shared systems.

Haverhill *Does the municipality prohibit shared systems?*

Yes "An individual subsurface sewage disposal system and all of its components, parts, including any required fill, shall be located on the same lot as the structure it serves." Regulation promulgated 1999.

"All condo/duplex housing which is built within the city of Haverhill, and is to be served by a private sewage disposal system, must provide separate septic for each dwelling unit. Each system must meet all of the requirements of Title V of the Massachusetts State Environmental Code." (Regulation passed 1990).

Hingham *Does the municipality prohibit shared systems?*

Yes According to Bruce T. Capman, RS, Executive Health Officer, "technically yes." However, Mr. Capman commented that Hingham is considering a shared septic system for a municipal school. (6/22/04)

Further, from Section IV. Design Requirements for Sewage Disposal Systems and Plants, "2. A Sewage Disposal System (SDS) or Plant must be located upon the same Lot as the structure to be served by it."

"3. All components of the Sewage Disposal System shall be located no greater than 200 feet from the Structure to be served by it..."

(Town of Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage, Amended 1990)

Holliston *Does the municipality prohibit shared systems?*

Yes From Section VII. Alternative, Innovative and Shared Systems, "Except for upgrades for "failed" systems, construction or use of shared systems are prohibited until, in the opinion of the Board of Health, sufficient financial and management safeguards are available to assure the protection of the public health, safety, and the environment in the Town of Holliston."

(Holliston BOH OSDS Regulations, Adopted 1997)

Hopedale *Does the municipality prohibit shared systems?*

No The Board of Health (11/30/04) indicated that the only local requirement for septic systems related to filters.

Hopkinton *Does the municipality prohibit shared systems?*

No From Section 6.2.2 System location, "[s]ystems may be located on separate lots from the facility it serves provided the design is approved through the shared system approval process specified in 310 CMR 15.290 through 15.293."

(Hopkinton Sewage Disposal Regulations, Adopted 2004)

Ipswich *Does the municipality prohibit shared systems?*

No "An individual sewage treatment/disposal/holding system and all its component parts, including any required fill shall be located entirely on the same lot as the facility which it serves and may not cross a lot line, right of way, unaccepted or accepted street or easement, unless: the design is for a shared septic system as provided for in Title 5, or a permanently recorded easement has been provided to allow access for operation and maintenance in an area 10' beyond the septic system."

From Ipswich's Supplements to Title 5, Section 2.4 (Adopted 2002).

Kingston *Does the municipality prohibit shared systems?*

No No reference in the Kingston regulations to restrictions on shared systems.

Lakeville *Does the municipality prohibit shared systems?*

No No reference in the Lakeville regulations to restrictions on shared systems.

Lancaster *Does the municipality prohibit shared systems?*

No From Section 6.7 Shared Systems,
"a)An individual sewage disposal system and all connecting sewer lines shall be installed on the same lot as the facility(ies) discharging into said system.
b)Shared systems will only be approved if each individual lot proposed to use such systems can support a subsurface sewage disposal system which can

meet the requirements of Title 5 and local regulations without variance. The area proposed which could support a subsurface sewage disposal system on each lot shall not be used for any other purpose. The Board shall require financial and legal guarantees to insure system inspection, maintenance, repair and replacement will occur without delay or expense to the Town of Lancaster."

(Regulations of the Lancaster Board of Health, Adopted 1999)

Leicester *Does the municipality prohibit shared systems?*

No No reference in the Leicester regulations to restrictions on shared systems.

Leominster *Does the municipality prohibit shared systems?*

No No reference in the Leominster regulations to restrictions on shared systems.

Lexington *Does the municipality prohibit shared systems?*

No Code of Lexington, ARTICLE XII, On-Site Sewage Disposal Systems [Adopted 9-14-1999]

D. Alternative systems. The Board of Health may consider alternative on-site disposal system designs to those described under Title Five of the Environmental Code. The Board of Health will approve only those alternative designs accepted by the Department of Environmental Protection.

G. New construction. The Board of Health will not approve alternative systems for new construction unless the lot involved can also support a system that is fully compliant with Title Five of the State Environmental Code, without variance. The area on the lot where a standard septic system might be placed must not be built upon or covered with an impermeable surface.

Lincoln *Does the municipality prohibit shared systems?*

No Lincoln does prohibit shared septic systems in new construction in Residence 1 district, with exceptions. The regulations state that "common or shared systems will not be allowed except for new construction in Residence 2, 3, and 4 districts and in selected remedial situations as approved by the Board of Health." (Town of Lincoln, Board of Health Supplementary Health Regulations, 1996.)

Researcher examined the Zoning Map of Lincoln, as posted on ordinance.com and the zoning district, Single Residence 1 is the largest of all the zoning districts.

"15.100 General Provisions

(5) All components of a subsurface sewage disposal system shall be constructed within the confines of the lot appurtenant to the structure for which the disposal system is design and constructed.

(6) The immediately preceding provision may be waived in R-1 cluster, R-2, R-3 and R-4 zoning districts when specifically necessary to accomplish the stated objectives of such districts. Subsurface sewage disposal systems may be constructed within the confines of designated common land, within said districts, subject to review and approval of the Board of Health and Planning Board."

Littleton

Does the municipality prohibit shared systems?

No

While the Littleton Regulations do not prohibit shared septic systems, they do increase the standards that must be met for a shared system to be installed:

"REGULATION 9: Shared systems- Shared systems will only be approved if each individual lot proposed to use such systems can support a subsurface sewage disposal system which can meet the requirements of Title 5 and local regulations without variance. The area proposed which could support a subsurface sewage disposal system on each lot shall not be used for any other purpose. The Board may require financial and legal guarantees to insure system inspection, maintenance, repair and replacement will occur without delay or expense to the Town of Littleton." The Town of Littleton Board of Health Regulations, Requirements for the Subsurface Disposal of Sanitary Sewage, Regulation 9 (applicable as revised 8/11/03).

Lunenburg

Does the municipality prohibit shared systems?

Yes

The town of Lunenburg does specify that the sewage disposal facility must be on the lot that it serves.

From Article IV: Sewage Disposal, Section 8, "[t]he sewage disposal 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."

On 10/18/04, the researcher called the Board of Health (978.582.4135), and the staffperson confirmed this amendment was added to prohibit shared systems.

(Town of Lunenburg Board of Health Regulations, Adopted 1921, Amended 2002)

Manchester-by-

Does the municipality prohibit shared systems?

No

No reference to the prohibition of shared septic systems in the Title V amendments.

Mansfield

Does the municipality prohibit shared systems?

No

No reference in the Mansfield regulations to restrictions on shared systems.

Marshfield

Does the municipality prohibit shared systems?

No

Survey received on 5/3/05 from Marshfield (completed by Peter Falabella, Director of Public Health) marks the answer as "no."

In regards to the restriction cited below, Mr. Falabella wrote in an email (5/25/05): "We do not prohibit shared systems."

"All sewage disposal systems must be located in their entirety on one lot or parcel of land, it being the same lot or parcel on which the facility producing the sewage is located." From Marshfield Rules and Regulations for the Disposal of Sanitary Sewage, Section 2.3 (Adopted 1978, Amended 2000).

Medfield

Does the municipality prohibit shared systems?

Yes

From Section IV. General Regulations, "6. On-Site Wasterwater System Limitations: The use of an on-site sewage disposal system by more than one property or more than one single dwelling is prohibited, except for upgrades of failed systems in situations where it is deemed the preferable solution by

the Board of Health."

Further in Section VIII. Alternative, Innovative and Shared Systems, "Except for upgrades for "failed" systems, construction or use of shared systems are prohibited until, in the opinion of the Board of Health, sufficient financial and management safeguards are available to assure the protection of the public health, safety, and the environment in the Town of Medfield."

(Medfield BOH OSDS Regulations, Adopted 1995)

Medway *Does the municipality prohibit shared systems?*

No "The use of an individual sewage disposal system by more than one property, dwelling, or other premise is prohibited unless approved in accordance with the provisions of Title V." Medway Board of Health, Rules and Regulations for the Subsurface Disposal of Sanitary Sewage, Section D1 (2/92, revised 2/95).

Merrimac *Does the municipality prohibit shared systems?*

No No reference in the Merrimac regulations to restrictions on shared systems.

Middleborough *Does the municipality prohibit shared systems?*

No No reference in the Middleborough regulations to restrictions on shared systems.

Middleton *Does the municipality prohibit shared systems?*

No No reference in the Middleton Regulations to a prohibition of shared septic systems.

Millbury *Does the municipality prohibit shared systems?*

No No reference in the Millbury regulations to restrictions on shared systems.

Millis *Does the municipality prohibit shared systems?*

Yes "4. Multiple Unit Systems: There shall be a separate septic system for each dwelling. A dwelling shall not contain more than a maximum of either five (5) two-bedroom units or the equivalent ten (10) bedrooms."
Millis Board of Health Subsurface Sewage Disposal Systems Regulations, Section 4 (effective 9/1/95)

Natick Does the municipality prohibit shared systems?

No No reference found in the Natick regulations to a prohibition of shared systems. According to Roger Wade, Director of Public Health, (8/5/04) Natick does not prohibit shared septic systems but also does not encourage it. He said that Natick has only a few shared septic systems.

Newbury Does the municipality prohibit shared systems?

No No reference in the Newbury regulations to restrictions on shared systems.

Norfolk Does the municipality prohibit shared systems?

Yes NORFOLK BOARD OF HEALTH REGULATIONS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS

VIII. ALTERNATIVE, INNOVATIVE AND SHARED SYSTEMS

For alternative, innovative, or shared systems, the Board of Health may establish any special conditions necessary to ensure adequate protection of public health and safety and the environment, and to ensure appropriate evaluation and testing. Such conditions may include without limitation: specification of site of effluent characteristics; flow limitations; monitoring; testing; and reporting requirements; a requirement that a certified operator operate the system; or financial assurance mechanisms. The Board of Health may also specify changes or modifications of requirements otherwise applicable to conventional systems that are appropriate for use of the alternative, innovative, or shared systems.

Except for upgrades for "failed" systems, construction or use of shared systems are prohibited until, in the opinion of the Board of Health, sufficient financial and management safeguards are available to assure the protection of the public health, safety, and the environment in the Town of Norfolk.

North Andover Does the municipality prohibit shared systems?

No From Part C: Design, 9.00 General Design Requirements, 3. Multiple Use, "The use of a subsurface sewage disposal system by more than one lot shall follow requirements of 310 CMR 15.290 through 15.293."

(Town of North Andover Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Amended 1997)

North Attleboro Does the municipality prohibit shared systems?

No No reference in the North Attleborough regulations to restrictions on shared systems.

North Reading Does the municipality prohibit shared systems?

Yes From the "Systems for Newly Constructed Buildings" Section, "1. Soil absorption systems serving newly constructed buildings shall be located on the same property as the proposed building."

Northbridge *Does the municipality prohibit shared systems?*

No No reference in the Northbridge regulations to restrictions on shared systems.

Norton *Does the municipality prohibit shared systems?*

No "All shared, condominium, and commercial systems must be pumped every (2) years and inspected every 3 years." From Norton Rules and Regulations of the Board of Health, Section 3.1 (Revised 2002).

"The applicant shall establish a fund to be reserved specifically for repairs to and/or replacement of the communal sewerage system and the subsurface disposal system. The fund shall be funded by assessments on all owners of units within the development and served by that system or other method acceptable to Town Counsel and the Board of Health. At the time each unit is purchased by the initial buyer, the developer shall assess and collect, or pay itself, an initial payment that shall be deposited in the fund. The sum of the initial payments shall total one hundred fifty percent of the certified constructions cost of the communal system. As monies are removed from the fund for any reason they shall be replaced by further assessments over a reasonable time, not to exceed three years, such that the fund is available for repairs to and/or replacement of the septic system in perpetuity." From Norton Rules and Regulations of the Board of Health, Section 3.16 (L) (Revised 2002).

"Should municipal sewer service become available at the locus, the applicant or its successors in ownership, operation and maintenance of all units in the development [must hook up] to said sewer within two yeas of the notice of the sewer availability" From Norton Rules and Regulations of the Board of Health, Section 3.16 (A) (Revised 2002).

Norwell *Does the municipality prohibit shared systems?*

No No reference to a prohibition of shared septic systems in the Norfolk regulations.

Pembroke *Does the municipality prohibit shared systems?*

No Under Section 15.290 of Pembroke Subsurface Sanitary Sewage Disposal Supplementary Rules and Regulations to State Environmental Code TITLE 5, shared systems are permitted as long as they pass department review.

"An approving authority may allow the use of shared systems, subject to any special conditions established pursuant to 310 CMR 15.293, for upgrade of existing systems, for new construction, or for increased flow to an existing system, in accordance with 310 CMR 15.290-15.292"

However, although shared systems can share their leaching area, each unit individual unit must have their own 1500 gallon tank. From the Pembroke Subsurface Sanitary Sewage Disposal Supplementary Rules and Regulations to State Environmental Code TITLE 5, Section 15.290(1)(Adopted March 1995).

"Each individual unit must have their own 1500 gallon septic tank with Zebel Filter or equal, and distribution box although may share a common leaching area"

From the Pembroke Subsurface Sanitary Sewage Disposal Supplementary Rules and Regulations to State Environmental Code TITLE 5, Section 15.290.2(g)(Adopted March 1995).

Pepperell *Does the municipality prohibit shared systems?*

No No reference in the Pepperell regulations to restrictions on shared systems.

Plainville *Does the municipality prohibit shared systems?*

Yes From 5.7 ALTERNATIVE, INNOVATIVE AND SHARED SYSTEMS,
"For alternative, innovative, or shared systems, the Board of Health may establish any special conditions necessary to ensure adequate protection of public health and safety and the environment, and to ensure appropriate evaluation and testing. Such conditions may include without limitation: specification of site effluent characteristics; flow limitations; monitoring; testing; and reporting requirements; a requirement that a certified operator operate the system; or financial assurance mechanisms. The Board of Health may also specify changes or modifications of requirements otherwise applicable to conventional systems that are appropriate for use of the alternative, innovative, or shared systems.

Except for upgrades for "failed" systems, construction or use of shared systems are prohibited until, in the opinion of the Board of Health, sufficient financial and management safeguards are available to assure the protection of the public health, safety, and the environment in the Town of Plainville."

(5. PLAINVILLE BOARD OF HEALTH REGULATIONS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR, AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS, Adopted 1996)

Survey received from Plainville on 6/10/05 marked the answer No.

Plymouth *Does the municipality prohibit shared systems?*

No No reference in the Plymouth regulations to a prohibition of shared systems.

The regulations do provide a definition for shared systems.

From 1.2, of "Regulation 1. Definitions", "Shared System. A septic system designed to address the disposal needs of multiple dwellings or dwelling units not held in common ownership. Multiple dwellings or dwelling units not held in common ownership, utilizing the same septic system on commonly owned land, does not constitute a shared system."

(Plymouth Supplements to Title 5, Adopted 2004)

Plympton *Does the municipality prohibit shared systems?*

No From the amendment 15.290, "Shared Systems(6) The Town of Plympton shall hold a sum of money equivalent to the total of all planning and construction costs of the proposed shared system, but in no case less than \$30,000, in escrow for a minimum of 20 years. This money will be used to resolve any problems as deemed by the Board of Health. Any owner or owners who use the shared system may request after the 20 year period that any funds in this account be dispersed equally among the owners of record that use the shared system."

(Plympton Board of Health Title V Amendments)

Raynham *Does the municipality prohibit shared systems?*

No No reference in the Raynham regulations to restrictions on shared systems.

Rehoboth *Does the municipality prohibit shared systems?*

No No reference in the Rehoboth regulations to restrictions on shared systems.

Rockport *Does the municipality prohibit shared systems?*

Yes From the amendment dated December 8, 1988, "[r]egulation adopted which requires each septic system to be located on the same lot as the dwelling/structure it serves. In addition, the lot boundaries must be marked with permanent boundary markers before the septic system is installed."

(Rockport Private Well Water Supply Regulations, Adopted 1989)

Rowley *Does the municipality prohibit shared systems?*

No No reference in the Rowley regulations to restrictions on shared systems.

Salisbury *Does the municipality prohibit shared systems?*

No No reference in the Salisbury regulations to restrictions on shared systems.

Scituate *Does the municipality prohibit shared systems?*

No From Section IV - Shared System and Septic System Sewer Configuration and Easements (Entire Section Voted 7/28/97):

1. For new construction, the septic system must be located on the same lot as the building(s) it serves. Said lot may be of a "rat tail" configuration provided the "rat tail" portion is at least (10) feet in width. Exception - See #6
2. Shared systems or side-by-side systems in easements can utilize common easements for their facilities provided the fact has already been proven that via lot configuration, the septic system components can be located on the same lot or the building(s) it serves.
3. Said common easement shall be of adequate size and accessibility to service all components contained in that easement either within the easement bounds or from an adjacent private or public way.
4. Any lot used for a shared or side-by-side system shall not be considered buildable.
5. The ownership and maintenance of common easements and/or lots containing septic system components of shared and side-by-side systems shall be the responsibility of a homeowner's association or other such legally constituted group acceptable to the Scituate Board of Health and/or Massachusetts Department of Environmental Protection (DEP) which are connected to said systems. Said agreement shall conform to 1995 Title V, Section 15.290 inclusive and be subject to a "Grant of Title V Covenant and Easement" as prescribed in Appendix 1 to the 1995 Title V.
6. A private easement for a sewage disposal system accessing, crossing or located on an abutting buildable lot shall only be considered by the Scituate Board of Health Title V variance. The applicant must demonstrate the inability to locate said system on his/her own lot or to develop a shared system. Said variance is subject to any limitations already specified in 1995 Title V 310 CMR 15.00.

Scituate Supplementary Rules and Regulations for Disposal of Sanitary Sewage, Section II(1)(k) (effective 4/7/97)

From Scituate zoning bylaw:

420 Residence District Uses

420.1 Permitted Uses

M. Components of septic systems on separate lots from dwellings served. Notwithstanding the requirement of Zoning By-law 200, Definitions. Accessory Use (that an accessory use shall be located on the same lot where the principal use is located), a soil absorption system for a septic system may be located on a parcel separate from the residential lot that it is to serve, provided that no dwelling shall be located on the separate parcel. Such a separate septic system parcel shall not be subject to the dimensional requirements of Zoning By-law 610 Lot Size Regulations for Dwellings, but shall not be considered a building lot for any purpose other than for the siting of a septic system.

Sharon *Does the municipality prohibit shared systems?*

Yes 7/26/04 Phone conversation with Jim Andrews, Health Agent for Engineering -- For condos, it is not prohibited. For single family, it is only allowed if it has been permitted by the state. He illustrated by saying that you can have two lots next to each other where it is not buildable for a system in one lot, but it is in the other lot. So by having the shared system, suddenly that unbuildable lot is buildable - and that is what they are regulating against. In subdivisions, he said that there is an allowance for environmental concerns, so that shared septic systems can be installed if it meets the minimum flow for each house in the subdivision. He illustrated by saying that you can have a 25 lot subdivision where each house has its own septic systems along the road where the runoff flows into a wetlands area or you can have a shared system for all 25 that is placed in location uphill from the wetlands area.

Researcher found no reference in the regulations to shared systems.

Sherborn *Does the municipality prohibit shared systems?*

No According to Ellen Hartnett at the Sherborn Health Board, Sherborn does not prohibit shared septic systems. She noted that no one has such systems and no one has put them in.

Researcher also found no reference in the Sherborn regulations to a prohibition of shared systems.

Shirley *Does the municipality prohibit shared systems?*

Yes From amendment 5.1.1, "[s]hared systems as defined by 310 CMR 15.002 Title 5, shall be prohibited unless evaluated by the Board of Health for consideration of a disposal works permit, provided suitable soil testing has been performed. Every facility/dwelling considered for inclusion to the shared system shall be capable of supporting an individual disposal system meeting all requirements of Title 5, 310 CMR 15.000."

(Shirley Board of Health Regulations for Sewage Disposal, Adopted 1984, Amended 1995)

Shrewsbury *Does the municipality prohibit shared systems?*

No No reference in the Shrewsbury regulations to restrictions on shared systems.

Southborough *Does the municipality prohibit shared systems?*

No No reference in the Southborough regulations to a prohibition of shared septic systems.

Sterling *Does the municipality prohibit shared systems?*

Yes From Section IV. Shared Systems, "a. Shared systems are prohibited."
(Sterling Board of Health, Adopted 1995)

Stoughton *Does the municipality prohibit shared systems?*

No The town engineer said (1/4/05) that the Septic Regulations (Adopted Sept. 1976) follow Title 5 in every way except that the area requirement for the leaching fields is doubled.

Stow *Does the municipality prohibit shared systems?*

No There is a requirement that proposals for a non-traditional subdivision layout "(including but no limited to PCD's or condominium ownership) or nontraditional septic system (including but not limited to shared systems or composting systems) must demonstrate that the same subdivision development density could be achieved using a traditional subdivision and septic system." Stow Board of Health Regulations, Section C, Regulations Concerning the Review of Definitive Subdivision Plans (adopted 11/21/96).

Sudbury *Does the municipality prohibit shared systems?*

Yes From Section XII. Septic System Location, "[a] subsurface disposal system must be on the same lot as the dwelling or building it serves."
Sudbury Rules & Regulations Governing the Subsurface Disposal of Sewage, Section VII (adopted 2/15/84, effective with amendments and revisions as of 3/26/98).

Sutton *Does the municipality prohibit shared systems?*

No No reference in the Sutton regulations to restrictions on shared systems.

Swansea *Does the municipality prohibit shared systems?*

No No reference in the Swansea regulations to restrictions on shared systems.

Tewksbury *Does the municipality prohibit shared systems?*

Yes No reference in the Tewksbury regulations to limits to the use of shared systems.

Survey received from Tewksbury on 3/24/05 marks that shared systems ARE prohibited. Since researcher could find no reference to it in the regulations.

According to Barbara Westaway, Operations Assistant, Tewksbury Board of Health, (5/13/05) Tewksbury does not allow shared systems as a matter of policy. She confirmed that shared systems are prohibited.

Topsfield *Does the municipality prohibit shared systems?*

No No reference in the Topsfield regulations to restrictions on shared systems.

Townsend *Does the municipality prohibit shared systems?*

Yes From Amendment 12.1, "[t]he sewage disposal 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."

(Townsend Board of Health Sub Surface Sewage Disposal Regulations, Adopted 2004)

Tyngsborough *Does the municipality prohibit shared systems?*

No No reference in the Tyngsborough regulations to restrictions on shared systems.

Upton *Does the municipality prohibit shared systems?*

No No reference in the Upton regulations to restrictions on shared systems.

Uxbridge *Does the municipality prohibit shared systems?*

No No reference in the Uxbridge regulations to restrictions on shared systems.

Walpole *Does the municipality prohibit shared systems?*

No No reference in the Walpole regulations to restrictions on shared systems.

Wayland *Does the municipality prohibit shared systems?*

No No reference in the Wayland regulations to restrictions on shared systems.

Wellesley *Does the municipality prohibit shared systems?*

No No reference in the Wellesley regulations to restrictions on shared systems.

West Bridgewater *Does the municipality prohibit shared systems?*

No No reference in the West Bridgewater regulations to restrictions on shared systems.

West Newbury *Does the municipality prohibit shared systems?*

Yes According to Section II (Minimum Design Requirements), C, "Multiple Use: The use of a subsurface sewage system by more than one lot is prohibited."
(West Newbury Board of Health Regulations for Percolation Testing and Septic Systems, Adopted 2003, Amended 2003)
There are no additional comments of variances or alternative technologies.

Westford *Does the municipality prohibit shared systems?*

Yes From Section 6.4, "[t]he disposal systems and all components shall be installed entirely on the same lot as the facility discharging sewage into said system."
Westford Board of Health Regulations, Requirements for the Subsurface Disposal of Sanitary Sewage, Section 6.4 (undated).

Weston *Does the municipality prohibit shared systems?*

Yes CHAPTER VI of the Weston Board of Health Regulations - SEWAGE DISPOSAL SYSTEMS, Section 2.1 (Adopted 2001, Amended 2002) "A sewage disposal system shall be located on the same lot as the structure it serves."

Wilmington *Does the municipality prohibit shared systems?*

No No reference in the Wilmington regulations to restrictions on shared systems.

Wrentham *Does the municipality prohibit shared systems?*

Yes From Section VIII. Alternative, Innovative and Shared Systems, "Except for upgrades for "failed" systems, construction or use of shared systems are prohibited until, in the opinion of the Board of Health, sufficient financial and management safeguards are available to assure the protection of the public health, safety, and the environment in the Town of Wrentham."

(Wrentham BOH OSDS Regulations, Adopted 1996)
