

Draft May 2, 2021
Use of Individual IA's in Falmouth (More Thoughts)

- I. Areas Covered: those properties where 25% or more of a lot lies within 300 ft. of an impacted waterbody that has a TMDL.
- II. Areas and Time Lines for the use of IA's with respect to present and future sewers:
 - A. Areas presently sewered that have sewer service areas delineated by Town Meeting (eg. New Silver Beach, Little Pond).
 - B. A Future Project that Town Meeting has designated with a sewer service area and funding has been appropriated.
 - C. Future Planning Areas that have preliminary sewer service areas delineated in a State approved CWMP and the potential of funding within 10 yrs. (eg. TASA).
 - D. Long Range Areas with planning horizons greater than (10yrs.?) (eg. Seacoast Shores).
 - E. Areas not likely to ever to be sewered but lie within 300 ft. of an impacted waterbody.
- III. Use of IA's in areas A-E
 - A. No IA use within defined sewer service areas.
 - B. IA's not employed in sewer service area. Board of Health manages Title 5 Systems until sewer construction begins (usually within 5 yrs.).
 - C. IA's not required within planned sewer service area, failed Title 5 systems brought back to Title 5 standards.
 - D. IA's required within 300 ft. of the waterbody for:
 - a. new construction
 - b. substantial improvement
 - c. at transfer of Title
 - d. at Title 5 failure
 - e. at time trigger
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 - a. new construction
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Definitions.

1) Alternative Onsite Septic Systems (I/A's) / Enhanced Nitrogen Removal Systems.

Systems designed to provide or enhance on-site sewage disposal which either do not contain all of the components of an on-site disposal system constructed in accordance with 310 CMR 15.100 through 15.255 or which contain components in addition to those specified in 310 CMR 15.100 through 15.255 and which are proposed to the Falmouth Board of Health and/or the Massachusetts Department of Environmental Protection (MADEP), or an agent authorized by the MADEP, for Remedial, Pilot, Provisional, or General use approval pursuant to 310 CMR 15.280 through 15.289.

2) New Construction Title 5(310 CMR 15.002)

Construction of a new building for which an occupancy permit is required

3) Substantial Improvement of a Structure

A permit that results in any combination of, repair, reconstruction, rehabilitation, addition or other improvement of a structure, performed within any twelve-month period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the initial improvement or repair is started. For the purposes of this definition, "substantial improvement" commences when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. For the purposes of this definition, in Velocity V Zones "substantial improvement" also includes any addition(s) or combinations thereof to a structure that would add more than 200 square feet of gross floor area. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Building Commissioner and which are the minimum necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued federal or state designation as a historic structure.

[Amended ASTM 4-6-1992, Art. 12; AFTM 11-13-2001, Art. 6, approved 3-15-2002]

The issuance of an additional building permit within 3 years of the above permit will trigger an upgrade of the septic system to an IA.

4) Transfer of Title

Conveyances of real property for consideration over \$100.

5) Failure of Septic System Title 5 (310 CMR 15.303)

6) Time Trigger

If after 15 years an upgrade of the septic system has not been triggered by 2-5 as described above the septic system must be upgraded with an IA.

Special Case

In area D where we know we plan to sewer in the distant future (more than 10 yrs.) and an IA has been installed and is working as permitted, the property owner at the time the sewer is completed must begin to pay the sewer betterment. However, the property owner may defer hooking to the sewer as long as the IA is operating as permitted. In doing so the owner avoids the annual sewer charge associated with water use until the property actually hooks to the sewer.

Registry of Deeds

To avoid the situation where owners claim ignorance of the bylaw. When properties included in the scope of the bylaw are issued any building permit, the Town shall record at the Registry of Deeds the existence of the 15 year Time Trigger. Making everyone do this at the onset of the bylaw would seem to be onerous. The above gets them slowly.