

INSTRUCTIONS FOR VARIANCE HEARINGS

The following are procedures required for BOH review of a request for a variance from Article 7 of the Rules and Regulations of the Sharon Board of Health and/or Title 5 of the State Environmental Code:

PLEASE NOTE: It is the applicant's responsibility (following discussions with the Town's Engineering Department at 217R South Main Street) to schedule a hearing with AND to ensure that all materials are received by the Board's Health Administrator – Town Office Building at 90 South Main Street — no later than TWO WEEKS PRIOR to the scheduled hearing date to allow the Board members adequate time for appropriate review of materials. Materials for hearings will NOT be accepted by the Health office more than 30 days in advance of the scheduled hearings OR LESS THAN 14 DAYS IN ADVANCE OF THE SCHEDULED HEARINGS.

Applicant must provide an original and 5 copies of each of the following:

1. Letter requesting the waiver/variance from Article 7 and/or Title 5. This request **MUST BE SIGNED BY THE PROPERTY OWNER.**

Reference must be made to specific section of Article 7 and/or Title 5.

Decisions from other Town Boards, as well as timeline of decisions from other Town Boards, if Applicable, must be included.

FOR NEW CONSTRUCTION:

Letter must include statement indicating how the denial of the request (enforcement of the section in Article 7 and/or Title 5) would do manifest injustice to the applicant.

Letter must also include proof that the same degree of environmental protection required under the provision(s) can be achieved without strict application of this particular provision.

Letter must also include certification that the proposed system is in compliance with Title 5.

FOR UPGRADES:

Proof of maximum feasible compliance must be included.

Copy of property record card obtained from Sharon Assessors' office must be attached.

2. Plan must be in complete compliance with Plan Requirements as shown in Article 7. The Health Administrator must received at least 3 standard sized plans plus 3 copies of the plan scaled down to 8.5" x 11". These are in addition to the 3 copies required by the Health Agent for Engineering.

3. The applicant must, at his own expense, notify all abutters by certified mail of the variance sought and the reasons therefore at least 10 days prior to the hearing. Applicant may obtain abutters' list (200') from Assessors' office at 781-784-1500 x207. Notification must reference the specific provisions of Article 7/Title 5 from which variance(s) are sought...and the date, time, and place where the application will be discussed. Proof of certified mailing must be provided to the Health Administrator by the hearing time.

Once the above procedures have been complied with, the BOH may schedule a hearing for the variance:

IMPORTANT:

1. ALTHOUGH IT IS NOT REQUIRED, THE BOARD ADVISES ALL APPLICANTS TO BRING THEIR TECHNICAL EXPERT(S) TO THE HEARING SINCE BOARD MEMBERS WILL PROBABLY HAVE QUESTIONS.

2. APPLICANTS MUST DEMONSTRATE WHY A CONFORMING SYSTEM CANNOT BE BUILT.

3. AN OPINION MAY NOT BE RENDERED THE NIGHT OF THE HEARING.

NO HEARING WILL BE SCHEDULED UNTIL ALL THE APPROPRIATE PAPERWORK HAS BEEN PROVIDED TO THE HEALTH ADMINISTRATOR...INCLUDING RECOMMENDATIONS FROM

CONSERVATION AGENT, ZBA, PLANNING BOARD, WHERE RELEVANT. IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE THIS IS DONE WITHIN THE APPROPRIATE TIME FRAME.

On April 25, 2005, the members of the Sharon Board of Health voted unanimously to establish a fee structure for monies to be deposited into the Board of Health Fund for Monitoring Compliance with Septic Variances (Septic Variance Revolving Fund). The purpose of this fund is to support the efforts of the Board of Health to protect public health through the successful management and oversight of all required reporting and testing requirements placed on onsite wastewater disposal installations that have been and will be approved for installation requiring mandated variances.

Monies to be deposited into this fund will be generated from:

An annual compliance fee for each onsite wastewater disposal installation requiring a variance from the requirements of Title V and/or Article 7, upon which reporting and testing requirements have been imposed including, annual, or more frequent pumping, testing, or other actions by the owner, as required by their variance from Title V or Article 7:

1. For Residential Systems:

- A. Annual compliance fee of \$50 for residential on-site sewage disposal systems (not including I/A systems) requiring at least one variance, but with the following restrictions only:
Scheduled pumping required, e.g., annual pumping; low-flow toilets; water-saving devices, etc.; and notice of restrictions to be recorded at the Registry of Deeds.
- B. Annual compliance fee of \$100 for residential onsite wastewater disposal installations including Innovative/Alternative Systems, requiring at least one variance, with the restrictions listed above, in addition to signed O&M agreement to be provided to the Board of Health with specific testing requirements and annual report to Board of Health.

2. For Commercial Systems:

- A. Annual compliance fee of \$100 for commercial on-site sewage disposal systems (not including I/A systems) requiring at least one variance, but with the following restrictions only:
Scheduled pumping required, e.g., annual pumping; low-flow toilets; water-saving devices, etc.; and notice of restrictions to be recorded at the Registry of Deeds.
- B. Annual compliance fee of \$200 for commercial onsite wastewater disposal installations including Innovative/Alternative Systems, requiring at least one variance, with the restrictions listed above, in addition to signed O&M agreement to be provided to the Board of Health with specific testing requirements and annual report to Board of Health.

All compliance fees will be due to the Board of Health office on January 1st of each year.

These funds will be deposited into the revolving fund to help ensure that septic systems approved for installation with variances are complying with the responsibilities assigned by the BOH. The ongoing annual review of such compliance may then be handled in a more systematic manner by the hiring of someone for this specific task.

SHARON BOARD OF HEALTH Policy on determining “existing flow” for the purposes of septic system design.
Voted December 18, 2006

Background

Property owners must upgrade their septic systems when they increase the design wastewater flow to the system above the original design flow (“existing flow”).

Wastewater flow calculation procedures are defined in Massachusetts Regulation 310CMR15.000. For residential systems, the existing flow is based on the number of bedrooms. For non-residential systems the existing flow is based on characteristics of the structure as outlined in 310 CNR 15.000.

Policy:

1. When plans for a previously approved septic system application showing design flow for the existing system is on file at the Sharon DPW, the “existing flow” shall be determined by the design flow represented on the original plans or approved application.

However, IF the property owner voluntarily chose to build a larger system than required by the number of bedrooms at the time of original construction, or than required by the characteristics of the non-residential structure, **AND IF** a variance was required to install the original system, the “existing flow” shall be determined by the number of bedrooms (in the residential structure) or the design flow (of the non-residential structure) at the time of original installation, not upon the size of the system originally built.

2. If there is no information on file at the Sharon DPW regarding existing design flow, the “existing flow” shall be determined by:

- A. For Residential Structures:** the number of bedrooms listed on the assessors card at the time the system was originally installed; OR, if no card is available, the oldest available assessors’ record following original system installation shall be used.
- B. For Non-Residential Structures:** The design flow of the structure at the time of system installation or, if that is not available, the oldest available record following system installation.

Note: When determining the new design flow for an expanded residence, the Sharon Board of Health shall use the definition of bedroom found in Article 7 of the Rules and Regulations of the Sharon Board of Health to calculate design flow.