

# Town of Brewster

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Health Department

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## Brewster Board of Health In-House Septic Local Upgrade Approval Policy

The Town of Brewster Board of Health hereby adopts the following policy concerning the procedure for making decisions on applications for local upgrade approvals and variances from the requirements of Title 5 and the Board's local septic system regulations.

This policy shall apply to review and approval of applications for Local Upgrade Approval and Variances under:

- MA State Environmental Code Title 5: 310 CMR 15.000
- Town of Brewster Regulations (including but not limited to subsequent related septic regulations)
  - o Regulation Regarding Variance Requests for On-Site Sewage Disposal Systems Applications
  - o Leaching Facility Set Back
  - o Real Estate Transfer Regulation

**A. The Brewster Board of Health hereby grants the Health Director and Agents the authority to review and approve all local upgrade approval applications (MA Title 5 and Local Town of Brewster Regulations) which propose no increase in existing design flows and if the design proposal meets the following design criteria:**

1. Septic upgrades/repairs for existing systems for routine local upgrade approvals as allowed under Title 5: 310 CMR 15.404-15.405 Maximum Feasible Compliance-Approvals for Upgrades and Contents for Local Upgrade Approval,
2. Septic upgrades/repairs for existing systems requiring a variance from Section 4 of the Board's Leaching Facility Set Back Requirement for ponds and lakes, provided that the leaching facilities are downgradient and seventy feet (70') or more from the bordering wetland edge of the pond or lake.
3. Septic upgrades/repairs for existing systems requiring a variance from Section 3 of the Board's Leaving Facility Set Back Requirements for surface water bodies (excluding ponds and lakes), provided that the leaching facilities are seventy feet (70') or more from the bordering wetland edge of the surface water body, as defined in 310 CMR 15.002.

**B. The Brewster Board of Health will require a full review by the Board of Health** for all variance applications if the application is for:

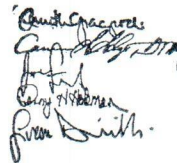
1. New Construction (per Title 5 definition)
2. Increase in septic design flows
3. Raze and replace of an existing structure, with or without increase in design flow
4. Any other requirement that does not qualify for local upgrade approval as set forth in 310 CMR 15.402-15.405
5. Any provision of the Board's local septic regulations not listed in Section A of this Policy.

**C. General Provisions**

- **All In-House Septic Local Upgrade Approvals approved by the Health Director or agents shall be presented to the Board of Health at their next scheduled meeting for approval under a Board of Health Consent Agenda.**
- **Any applicant aggrieved by a decision of the Director or agent can appeal the decision to the full Board of Health. A request for appeal shall be in writing and received by the Board of Health within 10 days of receipt of the Director/agent's decision. If no request for appeal is received within said 10 day period, the decision of the Director /agent shall be final.**
- **Notwithstanding the provisions of this Policy, the Director /agent or the Board can require that a particular application be reviewed by the Board, in their sole discretion.**

**APPROVED BY THE BREWSTER BOARD OF HEALTH:** December 18, 2019

**Board  
Of  
Health**

Handwritten signatures of the Board of Health members, including names like "Dustin Spacore" and "Gary H. Hemen".