

TOWN OF NANTUCKET BOARD OF HEALTH UPGRADING OF SUBSTANDARD ON-SITE SEWAGE DISPOSAL SYSTEMS

LOCAL REGULATIONS 66.00

66.00 upgrading of substandard on site sewage disposal systems.

A. purpose.

These regulations are intended to protect the public health and general welfare by ensuring the upgrading of substandard sewage disposal systems in a manner which will protect the quality of the ground water on the Island of Nantucket.

B. Authority.

These regulations are adopted by the town of Nantucket's Board of Health as authorized by Massachusetts general Laws, Chapter 111, Section 31.

66.01 Compliance requirements .

A. Systems of domestic sewage disposal which do not presently comply with the minimum standards specified by the state and local regulations shall be brought in to compliance when:

A.1 An application for a building permit for which expansion of the existing system is required is filed with the proper departments. The soil absorption system shall comply with the maximum separation and/or set back distance attainable up to 300 feet without the use of a lift pump.

A.2 Any property transfer, not exempt, takes place. Exempt property transfers are defined in section 66.03 B.

66.02 Compliance standards.

A. All subject systems shall comply with the minimum standards of the 1978 State Sanitary Code, and with current local regulations to the maximum extent possible, meaning that systems shall be located as close to the horizontal separation distance requirements as lot contours and size allow unless the attainable increase in required

horizontal separation distance is 20 feet or less. Systems which can not meet 1978 Title Five standards shall require a variance (sec. 67.06).

- B. Prior to selling, conveying, or transferring title to real property in Nantucket which contains an existing system, the owner thereof shall have had an inspection of said system by a system inspector certified by the State, indicating that said system is functioning, non-functioning, or in failed condition.
- C. The inspection shall take place not more than 270 days prior to, or 180 days after the transfer of property. The Agent of the Board of Health must receive the signed official inspection form and/or Certificate of Compliance within seven (7) days of the inspection.

66.03 EXEMPTIONS.

- A. The systems described in the following paragraphs shall be exempt from this upgrade regulation to the extent therein provided.
 - A.1 Any system complying with the 1978 State Sanitary Code as evidenced by an “as-built” plan on file with the Nantucket Board of Health which permit is dated less than three (3) years from the date of transfer and has proof of annual pumping shall be exempt from this compliance standard and no inspection of the system shall be required.
 - A.2 Any system which complies with the 1978 State Sanitary Code as evidenced by an “as-built” plan on file with the Nantucket Board of Health which has been inspected less than three (3) years from date of transfer and has proof of annual pumping shall be exempt from these compliance standards and no inspection of the system shall be required.
- B. Any transfer of real-estate which qualifies for a (b) through (l) exemption, inclusive, from the Nantucket Island Land Bank fee imposed by Chapter 669 of the acts of 1983 of the Commonwealth of Massachusetts, as amended, as more specifically set forth in Section 12 of such Act, as amended shall also be exempt from these upgrade upon transfer compliance requirements unless said transfer is to a third party for fair market, monetary consideration.

- C. Whenever a person has submitted a subdivision, or preliminary subdivision plan followed within 7 months by a definitive plan, or a plan referred to in M.G.L. Chapter 41, Section 81P as the case may be, the land shown on such plan shall be governed by the provisions of the State Environmental Code and Board of Health Regulations, if any, which differ from the health codes which are in effect at the time of first submission of the plan. Such provisions shall apply while the plan is processed until rejected, or if approved, until three (3) years from the date of filing pursuant to M.G.L. Chapter 111 Section 127P.**
- D. Notwithstanding the general effective date of these regulations in section 67.08, the effective date of this upgrade upon transfer requirement (Section 66.01 A. 2 et. Sec.) shall be February 1, 1991.**