

# Board of Health Building Permit Review Guidelines Flowchart

Town of Sherborn – Board of Health Regulations

## Appendix A

### BOARD OF HEALTH GUIDELINES TO OBTAIN A BUILDING PERMIT

Revised April 1996, November 1997, March 1998, June 2000, December 2001, April 2003, April 2004,  
August 2004, March 2005, April 2006, April 2009, April 2012

#### I. For:

1. Additions to existing buildings
2. Accessory buildings
3. Alterations to existing buildings
4. Change of use or additional use

#### II. REASON AND AUTHORITY

Title 5 – The State Environmental Code

310 CMR 15.02(7) – “No Building permit, foundation permit, special building permit ... shall be issued until ... a Disposal Works Construction Permit has first been obtained, unless the Board of Health determines that the sewage disposal system is adequate for the proposed alteration or addition to an existing dwelling.”

**While all applications are considered on a case-by-case basis, the following guidelines will normally prevail.**

#### III. MINOR CHANGES AND/OR ADDITIONS TO SINGLE FAMILY DWELLINGS:

The following will normally receive Board of Health approval as long as the required setbacks of the Board of Health are observed. No septic system modifications will be required unless there is an on-going sewage overflow. Submission of the “Owner’s Certification of Negative Impact of Minor Construction on Wells and Septic Systems” will be required:

- (1) Unheated porch, unheated breezeway, windows or chimney
- (2) Enclose existing porch or breezeway without adding hearing
- (3) Detached accessory structures such as tool sheds, storage buildings, garages or gazebos
- (4) Bathrooms (as long as no waste is mechanically pumped to the septic tank, i.e. ejector pump)
- (5) An increase in gross floor area of less than 50% of the original building, where existing rooms will be enlarged and no rooms added
- (6) Interior room revisions with no change in building area and no increase in room count. (This does NOT include the creation or construction of bedrooms, additional kitchens, or additional rooms on the second floor or higher).

#### IV. MAJOR CHANGES AND/OR ADDITIONS TO SINGLE FAMILY HOMES:

Approval of Major additions, consisting of an increase of gross floor area of 50% or more, will require:

- (1) That the septic system has been in constant use for at least twelve (12) consecutive months, has been inspected using the State Title 5 inspection procedure performed by a Massachusetts certified septic system inspector, and found not to be in a state of failure, *and*
- (2) That the septic system has documented capacity sufficient to support the building it serves.
- (3) Simultaneous septic installation shall be allowed on renovation and addition construction projects to existing dwellings. The simultaneous septic installation must be completed

# Board of Health Building Permit Review Guidelines Flowchart

prior to the insulation inspection.

## V. ADDITIONS TO SINGLE FAMILY HOMES WITH ADDED BEDROOMS:

- A. Approval of an addition or renovation to a single family home that results in the addition of any bedroom\* will normally require the septic system to be in compliance with the existing codes and regulations and not be in a state of failure.

\*This determination is complex and based on both local and state regulations. It is recommended that applicant seek the advice of a qualified professional or request an appointment for consultation with the Board of Health Agent by filing for a Preliminary Building Permit Review. There is a fee for this consultation.

### B. WHAT IS A BEDROOM?

A bedroom is any room other than a kitchen, dining room, bathroom, den, playroom, family room, and/or library on the first floor. ALL ROOMS ABOVE THE FIRST FLOOR ARE BEDROOMS.

Any space, not otherwise exempted by the above paragraph, having an area greater than 120 square feet shall be considered a bedroom.

Any room (not equipped as a kitchen) on any level that has a door leading directly into a bathroom with a tub or shower is considered a bedroom.

In all cases for a single family dwelling unit, the number of bedrooms shall not be less than one-half (1/2) the total number of rooms in the unit rounded down (if necessary) to the closest whole number. For systems installed after March 31, 1995 (Implementation date of the State Title 5 revisions), the calculations of one-half (1/2) the total number of rooms rounded down (if necessary) shall only apply to dwellings of more than eight (8) rooms.

## VI. FLOOD, FIRE, OR NATURAL DISASTER:

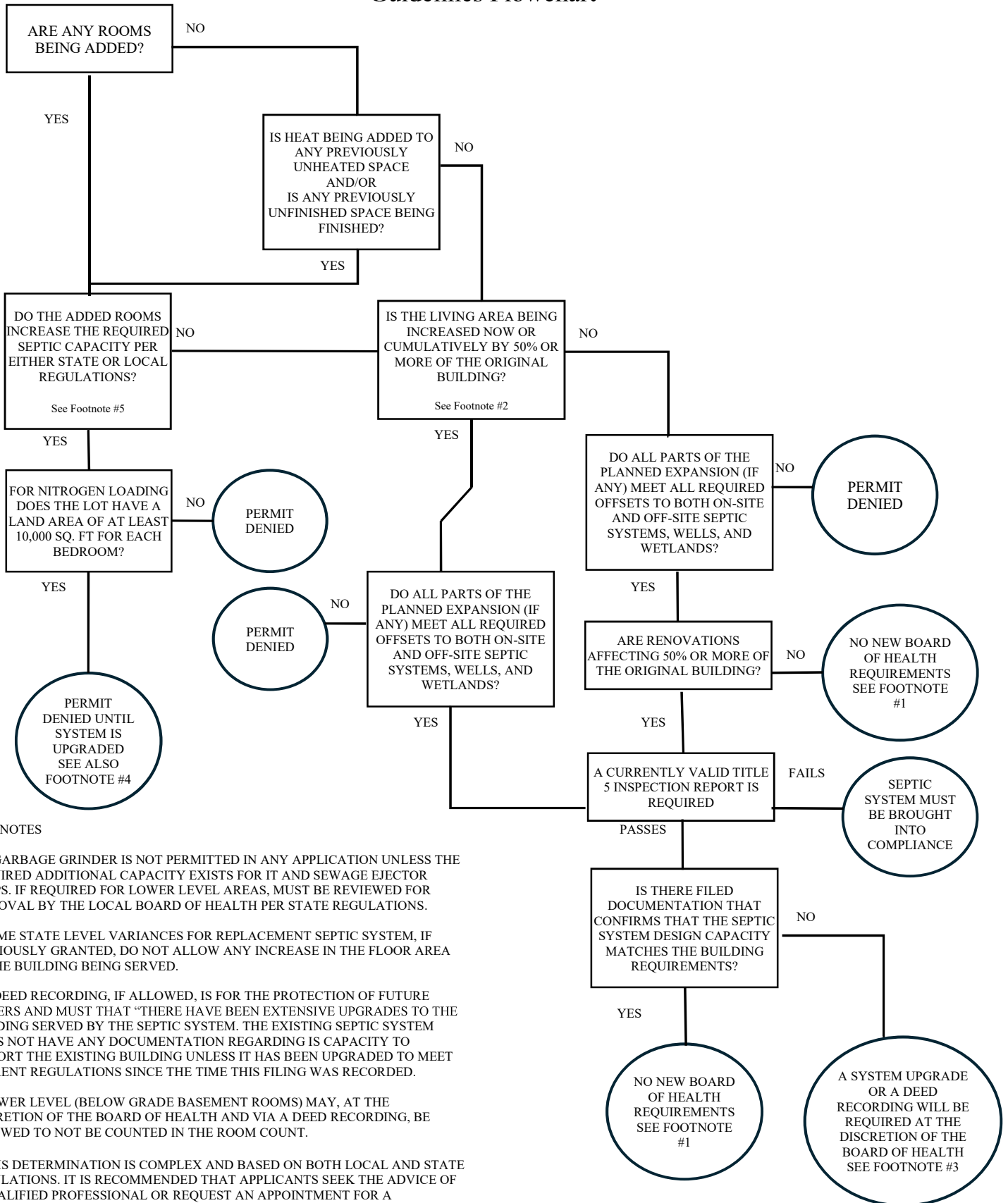
No septic system modification will be required, provided that there is a direct replacement of the damage, with no increase in floor area, and with no change in foundation, and provided that there is not an on-going sewage overflow.

## VII. DEMOLITION AND RECONSTRUCTION OF EXISTING STRUCTURES:

Demolition and reconstruction of existing structures may be allowed provided:

- (1) If there is no increase in design flow, the removal of a dwelling and reconstruction elsewhere on the lot is not considered new construction provided it meets requirements of all other Town boards and departments.
- (2) If there is an increase in design flow, the new dwelling shall overlap with any portion of the footprint of the existing dwelling.
- (3) For the purpose of designing a replacement system, all single family dwellings shall be considered to have a minimum of three (3) bedrooms; provided no Title 5 variances are required.
- (4) The septic system received its Certificate of Compliance within the past 2 years, or 3 years if written records are submitted proving the system has been pumped annually.
- (5) State requirements shall be met when using Innovative/Alternative Technologies.

# Board of Health Building Permit Review Guidelines Flowchart



## FOOTNOTES

- 1- A GARBAGE GRINDER IS NOT PERMITTED IN ANY APPLICATION UNLESS THE REQUIRED ADDITIONAL CAPACITY EXISTS FOR IT AND SEWAGE EJECTOR PUMPS. IF REQUIRED FOR LOWER LEVEL AREAS, MUST BE REVIEWED FOR APPROVAL BY THE LOCAL BOARD OF HEALTH PER STATE REGULATIONS.
- 2- SOME STATE LEVEL VARIANCES FOR REPLACEMENT SEPTIC SYSTEM, IF PREVIOUSLY GRANTED, DO NOT ALLOW ANY INCREASE IN THE FLOOR AREA OF THE BUILDING BEING SERVED.
- 3- A DEED RECORDING, IF ALLOWED, IS FOR THE PROTECTION OF FUTURE OWNERS AND MUST THAT "THERE HAVE BEEN EXTENSIVE UPGRADES TO THE BUILDING SERVED BY THE SEPTIC SYSTEM. THE EXISTING SEPTIC SYSTEM DOWS NOT HAVE ANY DOCUMENTATION REGARDING IS CAPACITY TO SUPPORT THE EXISTING BUILDING UNLESS IT HAS BEEN UPGRADED TO MEET CURRENT REGULATIONS SINCE THE TIME THIS FILING WAS RECORDED.
- 4- LOWER LEVEL (BELOW GRADE BASEMENT ROOMS) MAY, AT THE DISCRETION OF THE BOARD OF HEALTH AND VIA A DEED RECORDING, BE ALLOWED TO NOT BE COUNTED IN THE ROOM COUNT.
- 5- THIS DETERMINATION IS COMPLEX AND BASED ON BOTH LOCAL AND STATE REGULATIONS. IT IS RECOMMENDED THAT APPLICANTS SEEK THE ADVICE OF A QUALIFIED PROFESSIONAL OR REQUEST AN APPOINTMENT FOR A PRELIMINARY BUILDING PERMIT CONSULTATION WITH THE BOARD OF HEALTH AGENT. THERE IS A FEE FOR THIS CONSULTATION.