



TOWN OF DIGHTON

OFFICE OF

BOARD OF SELECTMEN-BOARD OF HEALTH

979 SOMERSET AVENUE DIGHTON, MA 02715

PERCOLATION TEST REGULATION

I. Procedure to obtain a percolation test:

A. Appointments for percolation tests must be made in writing to the Chairman, Board of Health, or by telephone to the current percolation test agent a minimum of 10 working days (Monday through Friday excluding observed holidays) in advance of the desired percolation test date. The percolation test agent will assign the date and be given the address of the test. The percolation test agent shall notify the Conservation Commission or its representative in writing or by telephone of the assigned date.

1. Housing developments. The engineer or registered sanitarian must make the formal request.

2. Individual house lots. The engineer or registered sanitarian must make the formal request (signed by the property owner).

B. The request must contain:

1. The name, address, and telephone number of the property owner, his/her designated representative as in 1a(2) above, the Developer or the developers' engineer, as applicable.

2. The verified Assessors' map and lot numbers, the number and name of the street on which the property is located.

3. A written statement from the Dighton Conservation Commission or its agent regarding jurisdiction shall be requested of the Conservation Commission or its agent at least ten working days (Monday through Friday excluding observed holidays). The person requesting the percolation test is responsible for obtaining this statement from the Conservation Commission or its agent. A copy of the Conservation Commission statement, titled "Conservation Commission Site Review Findings" is attached.

4. The Conservation Commission or its agent shall provide the Percolation Test Agent a copy of the completed Conservation Commission Review Statement not later than five working days (Monday through Friday excluding observed holidays) prior to scheduled percolation test.

5. The Board of Health will notify the requestor of additional requirements, if any that result from Conservation Commission wetlands determination. A letter titled "Title V Wetlands Requirements" will be sent to the requestor **within 10 working days (Monday through Friday excluding observed holidays) after receipt of the "Conservation Commission Site review Findings" statement by the Board of Health.**

6. A copy of the scaled-engineered drawing addressed in paragraph 2b of this regulation.

7. A check, payable to the "Town of Dighton", for two hundred dollars (\$200) paid to the Percolation Test Agent prior to the test.

8. A check, payable to the "Town of Dighton", for twenty - five dollars (\$25) paid to the Conservation Agent prior to making a Conservation Site Review as required by Section B; Paragraph 3; of these regulations.

II. Lot Marking (must be complete prior to Conservation review and prior to testing):

A. All lots to be tested shall have their boundaries clearly marked with wooden stakes or metal pipes. The stakes or pipes must protrude at least three feet above ground level and are to be completely painted with florescent orange paint. In wooded areas or areas with dense undergrowth, florescent orange plastic tape shall be affixed to a tree or tall bush in the immediate area of the marker stake or pipe to assist the percolation test agent in locating landmarks. The following shall be marked as described above:

1. All corners shall be clearly marked unless a subdivision plan is not final. In this instance we will accept surveyed, proposed roadway station markers

2. All changes in boundary line direction greater than five (5) degrees shall be marked at the point of direction change. The marker shall indicate the direction and relative magnitude of the change.

3. All lot boundaries that exceed two hundred (200) feet in length shall be marked at intervals not greater than two hundred (200) feet.

B. A certified Botanist shall flag all wetland areas. All flagging and proposed percolation test sites or radius shall be indicated on a scaled-engineered drawing. Copies of this drawing must be provided to the Percolation Test Agent and the Conservation Commission for review. No percolation tests will be performed until this requirement is met.

C. If the above requirements are not completed prior to Conservation Agent review, the Conservation Agent shall collect twenty-five (\$25) check made payable to the "Town of Dighton" per additional visit (prior to review) until they have been completed.

III. Testing Requirements:

A. Two percolation test pits are required per lot as per 310 CMR, Title V of the State Environmental Code.

1. The test is deemed successful if the requirements of Title V of the State Environmental Code and applicable Town of Dighton regulations are met. The maximum acceptable percolation rate is 20 minutes per inch, as voted by the Dighton Board of Health on January 7, 2004.

2. If a successful test cannot be achieved with the first two pits, each additional pit is charged at seventy-five dollars (\$75) per pit dug.

3. Additional fees must be paid to Town of Dighton Percolation Test Agent on the day of the percolation test. Fees are to be paid by check to the "Town of Dighton." Fees for additional pits must be paid regardless of whether or not a successful percolation test is obtained.

B. Tests are to be accomplished by either a Professional Engineer or a Sanitarian registered by the Commonwealth of Massachusetts.

C. Percolation tests (**excluding repairs**) will not be conducted within 100 (one hundred) feet of wetlands.

D. Rivers and their tributaries may contribute to a surface public and/or private water supply. To protect water supplies, the Board of Health requires a minimum distance of 100 (one hundred) feet between the wetlands that support these rivers and streams and a septic system and 200 (two hundred) feet between these streams and a septic system or whichever is greater. The location of the Coles River, the Segregansett River, the Three Mile River, and their tributaries as well as the tributaries of the Taunton River are defined by the most current United States Geological Survey (USGS) map published.

E. Dewatered percolation tests are not allowed.

IV. Retesting. Lots shall be retested (and testing fees paid):

A. If the boundaries of the original lot(s) have changed and at least one of the original successful test pits is no longer located within the boundaries of the original lot(s).

B. If the soil has been significantly disturbed. This includes, but is not limited to, significant soil removal, cut and fill operations, or any form of soil compaction (static or dynamic).

C. For any other reason deemed necessary by the Board of Health.

V. Cancellations:

A. The requestor must notify the Percolation Test Agent of any cancellations a minimum of two working days (Monday through Friday excluding observed holidays) in advance. Failure to provide minimum notification will result in a \$50 (fifty dollar) fee payable to the Town of Dighton by the requestor. This fee must be paid prior to any percolation testing being accomplished on the property in question or for the requestor or for the owner of the property.

B. The cancellation fee does not apply in the event of a weather-related cancellation. (i.e. snowstorm, excessive rainfall, hurricane, etc.)

VI. Resolution of Disputes:

Any disputes with the findings and recommendations of the Town of Dighton Percolation Test Agent must be addressed, in writing, to the Chairman, Board of Health.

VII. Compliance:

Failure to comply with the requirements of this regulation by the requestor may result in delayed or rescheduled percolation testing.

VIII. SEVERABILITY: THE INVALIDITY OF ANY PORTION OR PROVISION OF THIS BY-LAW SHALL NOT INVALIDATE ANY OTHER PORTION OR PROVISION HEREIN.

The soil percolation testing regulation adopted on July 24, 1996 and all subsequent revisions thereto was updated and adopted at a regular meeting of the Dighton Board of Health held on June 16, 2004.


Chairman, Conservation Commission


Chairman, Board of Health


Member, Board of Health


Member, Board of Health

attachment: Conservation Commission Review Statement

DATE: _____

TO: DIGHTON BOARD OF HEALTH

FROM: DIGHTON CONSERVATION COMMISSION

SUBJECT: CONSERVATION COMMISSION SITE REVIEW

1. On _____ a representative from the Conservation Commission visited the following site to conduct a wetlands determination for the purpose of a Perc Test:

Address and/or Assessors Map and Lot page number

2. The site determination was requested by:

Name(s) of requestor(s) or Firm (as applicable)

Number and Street (as applicable)

Town

State

Zip Code

Telephone (Home/Work)

3. The Conservation Commission has concluded that the Perc Test proposed on the above site IS/IS NOT found to be within 100 feet of a wetlands resource area.
4. The Conservation Commission has concluded that the Perc Test proposed on the above site IS/IS NOT found to be within 200 feet of any rivers or ponds.

If because of site constraints, the Perc Test cannot be conducted outside of these resource areas the applicant is required to file a written Request for a Determination of Applicability or Notice of Intent application with the Conservation Commission. This application should be the standard form as set forth by the Massachusetts Department of Environmental Protection (DEP).

Additional Comments:

Agent, Conservation Commission

TO: _____
 Name(s) of requestor(s) or Firm (as applicable)

Date: _____

Number and street

City/town/state/zip

FROM: Dighton Board of Health

SUBJECT: Title V Wetlands Requirements

Site location: _____
Address and/or map and lot number

The above site was visited by a member of or an agent of the Dighton Conservation Commission on _____ to accommodate the Dighton Board of Health's Percolation Test Regulation concerning wetlands. The Conservation Commission has concluded that:

_____ No Wetlands, are not found within 100 feet of the proposed perc site. No additional Title V wetlands requirements.

_____ No Rivers, Streams, or ponds are found within 200 feet of the proposed perc site. Not additional Title V wetlands requirement.

_____ A wetland resource, stream, or pond has been found near the above site. Therefore, the Board of Health requires the applicant(s) have a botanist, certified by the Commonwealth of Massachusetts, flag the extent of the wetlands on the site. The applicant must submit a scaled engineered drawing which locates the flagged areas and the proposed percolation test sites as required in paragraph 2b of the current Board of Health Percolation Test Regulation. In addition, this plan must be filed as A Notice of Resource Area Delineation (ANRAD) prior to the scheduling of a perc test.

NOTES:

1. Percolation tests will not be conducted within 100 (one hundred) feet of wetlands or within 200 (two hundred) feet of a river, stream or pond.

2. Rivers and their tributaries may contribute to a surface public and/or private water supply. To protect water supplies, the Board of Health requires a minimum distance of 100 (one hundred) feet between the wetlands that support these rivers and streams and a septic system and 200 (two hundred) feet between these streams and a septic system or whichever is greater. The location of the Coles River, the Segregansett River, the Three Mile River, and their tributaries as well as the tributaries of the Taunton River are defined by the most current United States Geological Survey (USGS) map published.

3. The location of the Coles River, the Segregansett River, the Three Mile River, the Taunton River and their tributaries are defined by the most current United States Geological Survey (USGS) map published.

Chairman, Dighton Board of Health