



**TOWN OF DOUGLAS
BOARD OF HEALTH**

REGULATION NO. 006

**ENVIRONMENTAL IMPACT STUDY
FOR CERTAIN PRELIMINARY OR DEFINITIVE
DEVELOPMENT PLANS**

I. AUTHORITY:

Acting under the authority of Massachusetts General Laws, Chapter 111, Section 31 and by any other power thereto enabling, the Douglas Board of Health hereby adopts the following regulation.

II. ENVIRONMENTAL IMPACT STUDY:

The Board of Health when reviewing any preliminary or definitive plan for subdivision, any multi-family development plan, any condominium plan, any commercial or industrial development plan or any other type of development plan which the Board of Health is required to review or finds appropriate to review due to anticipated significant impact on public health, safety, welfare or convenience within the Town, may require, at the applicants expense, an environmental impact study of the proposed development.

III. PURPOSE:

The purpose of the environmental impact study is to evaluate and determine the impact on the environment of the proposed development and to ensure that all practicable means and measures will be undertaken to protect the safety, health, convenience and general welfare of the inhabitants of Douglas and ensuring sanitary conditions in the development. When deciding whether or not to require such an environmental impact study the Board shall take into consideration such things as the potential for air pollution, water pollution, flooding, improper sewage disposal, pesticide pollution, excessive noise, drainage, impairment and eutrophication of river, streams, flood plains, lakes, ponds, or other surface or subsurface water resources including the impact on public water supplies and aquifers.

IV. CONTENT:

The environmental impact study shall contain such information, data and analysis to describe the nature and extent of the proposed development and its environmental impact; all measures being utilized to minimize environmental damage; any adverse short-term and long-term environmental consequences which cannot be avoided should the development proceed as proposed; and

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reasonable alternatives to the proposed development which would better protect the public health. The Board, in requiring any such study, shall outline the scope and issues which the applicant should address in the study; provided however, that the following minimal information shall be required from any applicant proposing a subdivision or other type of development, residential or nonresidential which the Board feels is appropriate (for example an industrial subdivision, condominium development, multi-family development or other major development):

A. Water supply.

The proposed sources of water supply shall provide water of a quantity and quality in accordance with Town, State and Federal water supply standards for domestic source. In the case of sites to be served by on-site wells, a hydrogeological evaluation shall be performed by a qualified engineer or hydrogeologist, at the expense of the applicant, to be reviewed by the Board of Health for this determination. The proposed project must comply with applicable Board of Health well and state public water supply regulations.

B. On-site sewage disposal.

The applicant shall submit evidence that the proposed location of the development has soil conditions suitable for the subsurface disposal of sanitary or other applicable types of wastewaters in accordance with the regulations of the Board of Health along with all applicable state and federal regulations (e.g., data for a sufficient number of test holes, soil logs, maximum groundwater elevations, etc.). Disposal of wastewaters shall not degrade the ground or surface waters in a manner inconsistent with their proposed use. For any development having twenty (20) or more lots or a minimum total design wastewater flow of 9,000 gallons per day, a hydrogeological evaluation shall be performed by a qualified engineer or hydrogeologist, to be reviewed by the Board of Health for this determination.

C. Drainage.

The applicant shall demonstrate that the proposed development shall not cause an increase in either the total volume of stormwater runoff discharged off site or total rate of stormwater runoff discharged off site, as compared with the respective discharge off site prior to the development. Such condition shall be required for storms of 1, 10, 50 and 100 year return periods.

In cases where stormwater runoff control cannot, in the opinion of the Board of Health, be appropriately implemented because of extremely poor infiltrative and permeability characteristics of the soil, the requirement as regards volume may be waived by the Board of Health, provided the applicant provides such additional preventive measures to prevent any increase in elevation or duration of downstream flood events.

No channelization of surface runoff shall be allowed offsite without the written consent of the owner of the land affected, in the form of a permanent grant or easement, recorded at the Registry of Deeds.

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If detention or retention ponds are utilized, slopes shall be no steeper than four (4) horizontal to one (1) vertical and design water depth shall not exceed three (3) feet. Minimum bottom slope shall be two percent (2%).

The plans for the proposed development must clearly show, in overlay fashion, any Flood Plain Drainage watershed areas on the locus site. A topographical map of the property must be included with five (5) foot or lesser contours referring to Mean Sea Level and showing the location and elevation of all test holes, how the surface drainage is to be handled, including nearby affected areas, and all pertinent physical features, including ponds, swamps, wetlands, water supplies, seasonal watercourses, swales and areas of ledge and rock.

V. PLAN/REPORT SUBMITTAL:

Subdivision Preliminary Plan. While state law does not require submittal of a Preliminary Plan to the Board of Health and it is therefore optional under state law, such submittal is hereby required under these rules and regulations if it is expected that the Board of Health will make a report to either the applicant or the Planning Board at the time of Preliminary Plan evaluation by the Town.

Timely submittal to the Board of Health will give an opportunity for the applicant and other Town agencies to define the requirements and concerns of the Board of Health early in the planning stage. Failure to submit the required material to the Board of Health will result in an adverse finding.

The Board of Health stresses the importance of a Preliminary Plan submittal and strongly encourages applicants to meet and discuss the proposed project with the Board so that any questions or concerns regarding a possible environmental impact study may be fully discussed.

Subdivision Definitive Plan. The applicant shall submit the definitive plan to the Board of Health according to the procedure specified in M.G.L. Chapter 41, Section 81U. In order for the plan to be considered "complete" it shall include all items required to be submitted to the Planning Board including an appropriate fee which may be set from time to time by the Board of Health.

In accordance with M.G.L. 41, Section 81U the Board of Health has 45 days to review the plan(s) and report to the Planning Board its approval, approval with conditions or disapproval. For those plans which may have a significant impact on the public health, safety, welfare or convenience and thus may require an environmental impact study, it is again emphasized that a Preliminary Plan be submitted to the Board of Health so that the applicant may have sufficient time to develop and complete said study for submittal with the Definitive Plan.

Incomplete submittals shall be returned as incomplete forthwith to the applicant, following a vote of disapproval by the Board of Health, without review and the Board of Health shall notify the Town Clerk and the Planning

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Board of that action. Such action by the Board of Health shall constitute a report disapproving the plan as not reviewable. The plan must then be resubmitted and must demonstrate that it meets all Board of Health requirements before it shall be considered approved. The applicant may request, in writing to the Board of Health, waivers for any of the requirements of these rules and regulations. The Board of Health may, by vote, grant any such waiver request if it finds that such waiver will not be injurious to the public health, safety, convenience and general welfare. Failure to submit adequate or correct data or information as required by these rules and regulations will constitute grounds for Board of Health disapproval of the site as a whole or of individual lots therein.

Further, any approval of a subdivision Definitive Plan shall not be deemed to be an approval or permit for any individual wastewater system on any lot contained therein.

Any Other Development Plan. For any development plan other than residential subdivision the applicant shall be required to submit the necessary plan and information to the Board of Health concurrently with the required plan submittal to the Planning Board and/or Zoning Board of Appeals.

Applicants for any residential or nonresidential development which requires any Town permit or approval are strongly encouraged to submit Preliminary Plans to the Board of Health and to meet and discuss the proposed development with the Board so that any questions or concerns regarding a possible environmental impact study may be fully discussed.

VI. SEVERABILITY.

If any portion, or sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force.

RATIFIED: 7/10/07

BOARD OF HEALTH

Justin Lapham, Chairman

David McCallum, Vice Chairman

Joseph Yacino, Agent

Robert Brazeau

Pauline Labrecque