



Town of Carlisle
Office of
BOARD OF HEALTH
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TOWN OF CARLISLE DEED RESTRICTION POLICY

Under its authority as established in 310 CMR 15.00 (Title 5) and the Town Carlisle General Bylaws, section 3.24.3, the Board of Health is authorized to accept from a property owner a deed restriction in place of upgrading a septic system for a proposed addition.

The Board will consider an applicant's request for a deed restriction when the proposed addition results in a maximum increase of two rooms and has had a preliminary review by the Board's agent as to whether a restriction might be appropriate. The Board will consider the size of the addition, usage, age and functioning of the system and whether the system could be upgraded to include the design flow requirement for the new addition in full compliance with Title 5 and the Carlisle Supplementary Sewage Disposal Regulations.

Information Required:

An 8 1/2" x 11" (11" x 17" maximum) floor plan of the existing dwelling noting the total square footage of the dwelling, room dimensions and labels. The homeowner can prepare this if building plans are unavailable.

An 8 1/2" x 11" (11" x 17" maximum) floor plan of the proposed addition noting the total square footage being added, room dimensions and labels. It is not necessary for the Board to keep a full set of building plans on file, but it is helpful to have the plans for reference. Building construction plans can be returned to the owner.

A current Title 5 Inspection (within two years) or a current Certificate of Compliance for a new installation (within two years).

Septic Plan listing the existing capacity and installation date. If there is no septic plan on file, an engineered As-Built of the system must be provided showing the location of the system, estimating system capacity and ability to upgrade in full compliance with state and local regulations.

Engineered Survey Plan showing the location of the new foundation and the setbacks to the septic system, well, reserve area and any wetlands. The survey plan must verify that the new foundation does not infringe on the setbacks to the existing system or the ability to upgrade the system in full compliance with Title 5 and the Carlisle Supplementary Sewage Disposal Regulations when the system is replaced.

If there are no changes to the foundation, an approved septic plan, which includes a reserve area, will be sufficient.

If there is a question that the property may not be able to upgrade in full compliance, an engineered "conceptual" sewage disposal plan for a replacement system will be required.

If there is no septic plan available and it is not possible to estimate system capacity, location, or ability to upgrade, the system does not qualify for a deed restriction and must be upgraded for the purposes of the addition.

Application fee of \$25.00

Conditions of Approval:

Recording of the deed restriction at the Northern Middlesex Registry of Deeds and proof of recording submitted to the Board.

Recording of a garbage grinder restriction at the Northern Middlesex Registry of Deeds and proof of recording submitted to the Board. The Board requires verification that the disposal has been removed from the property.

System must be inspected every three years* from the date of the last Title 5 Inspection with a report filed with the Board of Health.

If the system fails the Title 5 Inspection, the system must be upgraded to reflect the actual room count and design flow criteria in accordance with 310 CMR 15.00, as it may be amended.

Applicants are advised that the above criteria are minimum requirements to be used as a guideline for the Board in making its decisions. Granting of a deed restriction in lieu of upgrading the septic system is a discretionary approval from the Board of Health. The Board has the right to request additional information and impose additional conditions necessary to protect the public health. Any application that the Board deems inappropriate for a deed restriction will be denied.

*This timeframe is for the purpose of maintaining a valid deed restriction. For the purpose of transferring a property the Title 5 Inspection is legally valid for only two years, but can be extended to three years if the system is pumped annually and pump out reports attached to the Inspection Report. Owners should consider pumping the septic tank annually so that the Inspection remains valid for transferring property under Title 5.