

**Town of Falmouth**  
**Little Pond Sewer Service Area**  
**Eco-Toilet Betterment Exemption Program**  
**REGULATIONS**

Pursuant to the authority conferred upon the Town by Article 28 of the April, 2014 Annual Town Meeting and by the approval of voters of the Town of Question 1 at the annual town election held on May 20, 2014, the Town plans to construct and operate a sewer system to serve the area known as the Little Pond Sewer Service Area. All residential and commercial property located in the Little Pond Sewer Service Area will be required to connect to the sewer upon its completion and operation and each property in the Little Pond Sewer Service Area will be assessed betterments under Chapters 80 and 83 of the Massachusetts General Laws.

In accordance with the provisions of Chapter 73 of the Acts of 2014 enacted by the Massachusetts General Court and approved by the Governor of the Commonwealth on April 14, 2014, the Town, acting by its Board of Selectmen, may grant exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who are chosen to participate in the Town's Eco-Toilet Betterment Exemption Program (the "Program") by installing either composting toilets or urine diverting toilets, or any combination thereof, hereinafter called "eco-toilets" in all sanitary facilities on their property. Said Chapter 73 further requires that all participants adhere to all the requirements of the Program. These REGULATIONS set forth the terms and conditions of participation in the Program. Further these REGULATIONS are subject to amendments as the Board of Selectmen may adopt from time to time adopt in accordance with said Chapter 73.

1. The Program is limited to a maximum of 50 Properties within the Little Pond Sewer Service Area. Properties will be accepted for the program on a first-come, first-served basis. A property will be accepted for the program upon submission of a formal proposal to the Board of Health indicating completion of steps 3a and 3b in these REGULATIONS. A Property Owner who previously qualified for the Eco-Toilet Incentive Program must elect either the \$5,000.00 payment of that program or the betterment exemption of this Program.

2. Application to participate in the Program is initiated by contacting the Board of Health. Following approval by the Board of Health, the Property Owner must obtain all plumbing permits and commence installation no later than October 31, 2014.

3. Participation in the Program includes the following:

(a) Contact Falmouth Board of Health Agent (phone: 508-495-7485,  
email: [health@falmouthmass.us](mailto:health@falmouthmass.us))

- Questions are answered and if desired, a site visit to the property is scheduled to discuss installation.
- Information on eco-toilets is available on the Health Department homepage.

(b) Eco-Toilet Evaluation and Selection

- Property owner reviews product information, as well as installation and cost proposals from vendors and plumbers. Property owner makes decision on which eco-toilet system to install.

(c) Eco-toilet Permitting and Enrollment

- Property owner must hire a licensed plumber and obtain a plumbing permit.
- Property owner must obtain Board of Health approval of proposed installation, including approval of a maintenance plan. Board of Health reviews septic system for adequacy.
- Property Owner submits Participation Agreement to be executed by Town Manager. This Agreement constitutes an encumbrance on the property title.
- As soon as the installation has been completed and approvals have been obtained from the Plumbing Inspector (final inspection), the Board of Health Agent, and the Barnstable County Department of Health and Environment (grey water testing equipment and water meter installed (if needed)), the Town Manager executes the Participation Agreement. Installation is considered final only after the executed agreement is recorded at the Barnstable County Registry of Deeds, with recording fees to be paid by the property owner. This Agreement constitutes an encumbrance on the property title.

4. Following installation the Property Owner shall:

- (a) Pay for the installation of a sampling port for gray water from the Property, and allow access to the Property by a Barnstable County Department of Health and Environment representative for the purpose of sampling grey water upon request.

- (b) Provide access to all water use records for the Property.
- (c) Provide information on the occupancy of the Property.
- (d) Allow inspection of the eco-toilets during reasonable hours by appointment. Such inspections may include two inspections per calendar year by a representative of the Falmouth Board of Health.
- (e) Remove all toilets of unmodified traditional design (water flush without urine diversion) from the Property and not connect any such unmodified traditional design toilets to onsite septic systems.
- (f) Preserve the installation of and properly maintain eco-toilets(s).
- (g) Operate the eco-toilet(s) in accordance with the manufacturers' recommendations and report all problems encountered to the Falmouth Board of Health or their representative after contacting the system installer.
- (h) Submit a maintenance plan or service contract upon request and provide notice of all repairs and removal of compost, leachate and/or urine of the eco-toilet(s) to the Falmouth Board of Health.

5. The Property Owner shall bear all costs associated with participation in the Program, including converting conventional toilets located in the Property to eco-toilets and all maintenance and repair.

6. The Property Owner shall comply with all provisions of an eco-toilet monitoring and inspection plan adopted by the Falmouth Board of Health from time to time and approved by the Department of Environmental Protect and pay all fees associated with the monitoring and inspection plan.

7. Notwithstanding the provisions of any general or special law to the contrary, the Property Owner may, at the discretion of the Board of Selectmen after public hearing, opt to exit from the Program and connect the Property to the sewer system. Upon authorization from the Board of Selectmen, the Property Owner shall;

- (a) Disconnect and abandon any septic system serving the Property in accordance with all applicable codes and regulations.
- (b) Connect the Property to the sewer in accordance with all applicable codes and regulations.

- (c) Pay the Town all sewer connection fees.
- (d) Pay the Town retroactively all sewer betterment fees and accumulated interest, if any, as determined by the appropriate authority as if the Property had been connected to the sewer upon completion of its construction and operation.
- (e) Pay all costs associated with the conversion and connection to the sewer.

8. In addition to the provisions of paragraph 7, any Property Owner who removes any or all eco-toilets from the Property and replaces them with a conventional toilet without authority from the Board of Selectmen shall be subject to such penalties as the Board of Selectmen may adopt by regulation from time to time in accordance with said Chapter 73.

9. Upon execution of the Participation Agreement and conditional upon the Property Owner's continuous participation in the Program, the Town agrees to exempt the Property from sewer betterment fees related to the Little Pond Sewer Service Area.

10. The Participation Agreement is binding upon the Property Owner and all successors and assigns and shall be recorded in the Barnstable County Registry of Deeds at the Property Owner's expense.

11. **HOLD HARMLESS:** The Property Owner is voluntarily participating in the Falmouth Eco-Toilet Betterment Exemption Program and shall agree to hold the Town harmless for all damages of any kind that may result from installation of eco-toilet(s) at the Property.

12. The Town Manager is authorized to sign the Participation Agreement.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014

BOARD OF SELECTMEN OF  
THE TOWN OF FALMOUTH

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