

TOWN OF EDGARTOWN
WASTEWATER DEPARTMENT
BEDROOM REGULATION

WHEREAS, the Town of Edgartown, through the Edgartown Wastewater Commission (the "Commission") and otherwise, seeks to protect and improve the environmental health and quality of Edgartown Great Pond (the "Pond"), and reduce and/or mitigate the adverse impacts of nitrogen loadings to the Pond;

WHEREAS, the Town, through the Commission and otherwise, has already taken numerous steps to protect and improve the environmental health and quality of the Pond, including but not limited to the design, construction and operation of the wastewater treatment facility on West Tisbury Road in Edgartown (the "Facility"), which now removes nitrogen from wastewater through an advanced tertiary treatment system and discharges the treated effluent into the Pond watershed;

WHEREAS, the Town, through the Commission and otherwise, continues to seek to identify and implement the most appropriate measures for reducing and/or mitigating the adverse impacts of nitrogen loadings to the Pond;

WHEREAS, the Town is now participating in the Massachusetts Estuaries Project ("Estuaries Project"), which is a collaborative effort among coastal communities, the DEP, and the School of Marine Science and Technology at the University of Massachusetts in Dartmouth, aimed at addressing the problems associated with excessive nitrogen loadings to sensitive coastal embayments;

WHEREAS, the Town anticipates that in the coming months, the Estuaries Project will provide updated technical data on the sources of nitrogen within the Pond watershed and the Pond's nitrogen loading limit, and help the Town to identify and implement the most promising measures for reducing and/or mitigating the adverse impacts of nitrogen loadings to Pond; and

WHEREAS, the Town has voluntarily entered into a Memorandum of Understanding with the Massachusetts Department of Environmental Protection ("DEP"), which reflects the parties' mutual recognition of the importance of allocating a significant portion of the Facility's remaining available capacity to treat and dispose of wastewater from sources located within the Pond watershed and the Town has agreed to set aside capacity at the facility to accept 100,000 gallons per day of sewage flow from the Edgartown Great Pond Watershed;

WHEREAS, it is understood that, after setting aside the aforementioned 100,000 gallons per day, there will be approximately an additional 200,000 gallons of flow that can be allocated, received, treated, and disposed of at the facility.

NOW THEREFORE, and in order to (a) fairly distribute such remaining capacity to and among existing and future residential users, and (b) further and support the Town's long-term goal of managing, protecting and enhancing the environmental health and quality of the Pond, the Commission hereby adopts the following regulation;

1. The Commission will regulate the wastewater flow from existing and future lots connected to the sewer system by establishing a maximum number of bedrooms per lot. A lot is a parcel of land in one ownership, with definite boundaries, occupied or suitable to be occupied by or for a certain use.
2. The areas of town which will be covered by this regulation are as follows; R-5, R-20, R-60, RA-120, R-120
3. For the purposes of this Regulation, a bedroom shall be defined as follows:

A room which, in the judgment of the Commission or its designated agent, provides sufficient privacy so that it may be used primarily for sleeping, and which has all of the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than 7'3";
- (c) for existing houses, a ceiling height of no less than 7'0";
- (d) an electrical service and ventilation; and
- (e) at least one window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms; however, a room indicated on a building plan for use as a den, study, library, office or any comparable use that, in the judgment of the Commission or its designated agent, is capable of being used as a bedroom shall be considered as a bedroom for purposes of this regulation.

4. Existing and future lots shall be allowed four (4) bedrooms for the first ten thousand (10,000) square feet of lot area. (The Commission incorporates the definition of "lot area" contained in Section 2.23 of the Edgartown Zoning By-laws for purposes of this regulation).
5. Existing and future lots shall be allowed one (1) additional bedroom over and above the four (4) bedrooms allowed by Section 3 for each additional five thousand (5,000) square feet of lot area over the initial ten thousand (10,000) square feet of lot area identified in Section 3 up to a maximum of seven (7) bedrooms per lot.
6. Non-residential wastewater flow shall be calculated by using the sewage flow design criteria established in Section 15.203 of 310 C.M.R. (also known as Title V of the State Environmental Code) based on the maximum number of allowable bedrooms under Section 4.
7. Lots owned by the Town are exempt from this regulation.

8. Owners of lots who wish to tie into the sewer system or who wish to increase the wastewater flow from their properties must submit a complete permit application.
9. The Wastewater Commission reserves the right to grant exceptions based on a case by case basis if in the opinion of the Commission there is a benefit to the town.

EDGARTOWN WASTEWATER COMMISSION

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Date: 9/21/09

By: Timothy H Connelly

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Date: 9/21/09

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