



# TOWN OF HARWICH MASSACHUSETTS

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[Home](#) > Harwich Board of Health-Bedroom Definition

## Harwich Board of Health-Bedroom Definition

### TOWN OF HARWICH BOARD OF HEALTH LOCAL REGULATION TO SUPPLEMENT TITLE 5 STATE ENVIRONMENTAL CODE BEDROOM DEFINITION FOR THE PURPOSE OF SIZING A SEPTIC SYSTEM AND FOR BUILDING PERMIT REVIEW

#### 1. Authority.

In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Harwich Board of Health hereby adopts the following regulation to supplement the provisions of the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage (hereinafter, "Title 5").

#### 1. Purpose.

The purpose of this regulation is to provide a greater degree of protection to environmental and public health, to protect groundwater from contamination, prevent the spread of disease, and provide greater clarification of the definition of "bedroom" as that term is used by the Board in applying the provisions of Title 5 and the Harwich Board of Health Regulations pertaining to on-site sewage treatment and disposal systems. This regulation is intended to assist the Board of Health in sizing a subsurface sewage disposal system, and to be utilized during Health Department building permit review.

#### 1. Definition.

To the extent application of this definition will not result in an interpretation less stringent than the provisions of Title 5 or the minimum room areas and habitable space within the State Building Code 700 CMR, the term "bedroom" shall be defined as follows for the purpose of sizing a subsurface sewage disposal system and for building permit review (proposed and existing):

**Bedroom:** Any portion of a dwelling which is designed to furnish the minimum isolation necessary to potentially be used as a sleeping area.

Minimum isolation shall be interpreted as meeting the following criteria:

(a) floor space of no less than 70 square feet

(b) an electrical service and ventilation; and

(c) at least one egress window which meets the definition of emergency escape and rescue opening in accordance with the State Building Code 700 CMR.

Living rooms, dining rooms, kitchens, hall, bathrooms, unfinished cellars, and unheated storage areas over garages are not considered bedrooms. A finished room over a free standing or attached

garage or finished basement space are considered a bedroom if it meets the bedroom definition criteria.

Privacy Elimination: A room that meets the definition of a bedroom may be altered with the following options, including but limited to:

- (a) Removal of privacy door and construction of a minimum 4' cased opening for existing construction or a 5' cased opening for new construction (rooms previously finished without benefit of a permit shall be considered new construction); or
- (b) Existence of two separate 3' cased openings that combine to be greater than or equal to 6'; or
- (c) If it is necessary to walk through a room to access another room, then the walk through room is not considered a bedroom because privacy is not provided.
- (d) Loft area consisting of three walls and a half wall not exceeding 42" in height
- (e) Bonus rooms in basements or above garages can eliminate privacy by having an open railing and no doors at the top or base of the stairways
- (e) Unheated Sunroom/Porch. A heated Sunroom/Porch must provide direct access to another room with the minimum cased opening requirements

#### 1. Design Flows.

An applicant must design and install systems using design flows for the number of bedrooms determined hereunder unless the Harwich Board of Health makes the specific determination, after a public hearing, that a system using design flows for a smaller number of bedrooms will not negatively impact the public health, safety, welfare, or the environment and unless the Board of Health approves an appurtenant deed restriction, running with the land and in favor of the Board, limiting the property to the smaller number of bedrooms.

#### 1. Floor Plans and Inspections.

To determine compliance with any provision of the foregoing regulation, a current floor plan must be filed with the Harwich Board of Health for the Health Agent to make a determination as to bedroom count for the review of building permits, title five inspection reports, subsurface disposal permits, and sewer connection applications. If the Health Agent deems it necessary, he or she may refer the determination of the bedroom count to the Board of Health for a vote. If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence would be helpful to confirm the bedroom count, the Health Agent shall have the authority to inspect the premises and report back to the Board his or her findings.

**Adopted:** September 20, 2022

**Effective:** September 21, 2022

#### **Harwich Board of Health**

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