



# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



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### Public and Environmental Health Program Policies, Procedures, and Guidelines

#### Bedroom Definition and Bedroom Count

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During the disposal works construction permit and/or building permit application approval process, whenever the maximum number of allowable bedrooms is in question, some research is required to determine whether the site is located within a nitrogen sensitive area, to determine the number of bedrooms previously approved on the disposal works construction permit on file, and to determine the capacity of the system. It may also involve some additional research at the Building Division Office to determine whether any room additions were approved in the past.

For a proposed addition or renovation, full house plans are required showing both the existing and proposed layout. When there is a discrepancy in the records, there may be a need to request an affidavit from the owner of the home clearly indicating the number of bedrooms in existence at the property before 1986 if located within a zone of contribution to public water supply wells (or before July 2008 if the property is located inside a Saltwater Estuary District only). Full house plans together with a properly written affidavit from an existing and/or previous property owner may be used to resolve an issue of the existing versus allowable number of bedrooms at a particular property.

#### Bedroom Definition

According to the State Environmental Code, Title V, a "bedroom" is a room providing privacy, intended primarily for sleeping and consisting of 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. A proposed finished room located on a separate floor and within a separate structure (e.g. over a detached garage, a finished attic, sleeping loft, a finished room within a bunkhouse) is presumed to be a "bedroom."



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## Public Health Division

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### OPTIONS FOR RESOLVING YOUR BEDROOM COUNT ISSUE

**Are you being told that your application for permit consists of too many bedrooms or other rooms that are considered “bedrooms?” Here are various options for rectifying this issue:**

- A. **Eliminate Privacy** - Provide a minimum five (5) feet opening for new construction, four feet for existing construction (see back of page for more details);
  
- B. **Record a Deed Restriction** (see back of page for more details);
  
- C. **Submit a Neatly Drawn Full House Sketch Plan and Submit an Affidavit;** this is for pre-existing dwellings only. (see back of page for more details);
  
- D. **Construct a Secondary Treatment Unit** (see back of page for more details);
  
- E. **Offer Aggregate Land** (see back of page for more details);
  
- F. **Schedule a Hearing Before the Board of Health** (see back of page for more details).

NOTE: Assessor's records have no bearing in regards to the number of bedrooms at a dwelling.

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## MUTIPLE OPTIONS AVAILABLE FOR RESOLVING YOUR BEDROOM COUNT ISSUE

- A. **Provide a five feet opening** a minimum four feet opening is required for pre-existing construction where five feet is not possible (for example due to existing width of hallway where subject doorway is located) without any obstructions to eliminate or reduce "privacy" to a room which would otherwise be considered as a "bedroom." No glass doors, blinds, hanging beads, shower curtains, nor any other obstructions shall be installed within the five feet or four feet opening. Please submit full house plans with labeling each room within each level of the dwelling including within the basement, finished attic, and any outbuildings. Also include measurements of openings.
- B. **Provide a Deed Restriction-** The applicant may seek approval for a smaller number of bedrooms than are presumed in the "bedroom" definition by granting the Health Division a deed restriction limiting the number of bedrooms to the smaller allowable number.
- C. **Provide a House Plan and Provide an Affidavit-** Pre-existing Dwellings with additional bedrooms or other rooms which are considered "bedrooms," please submit full house plans with dimensions of openings to/from rooms and include labeling of the existing use of each room within each level of the dwelling. Include all rooms within the basement, finished attic, and any outbuildings. Also if this option is chosen, an affidavit shall be submitted from the owner or previous owner of the home clearly indicating what was/is the actual number of bedrooms in existence at the property since a specified date before 1986 if located within a zone of contribution to public water supply wells (Zone II, GP, or WP Districts, private wells), or a specified date before July 2008 if the property is located only within a saltwater estuary district
- D. **Construct a Secondary Treatment Unit-** There is a provision within Title 5 which allows for additional wastewater discharge flows if the subject property is located within a State designated Zone II and a secondary treatment unit is installed. For example on a 20,000 square feet parcel, it may be possible to obtain a permit for three (3) bedrooms if the proper secondary treatment unit is selected and installed. This option is not applicable for requests of four bedrooms or more within GP and WP districts; it's available within Zone II districts which are designated by the State. This option requires a hearing before the Board of Health for approval of the monitoring plan.
- E. **Offer Aggregate Land** - Schedule an Informal Discussion before the Board of Health first to discuss this option. Provide information relative to the proposed credit land (i.e. location, what is currently constructed there) and details regarding your proposal (i.e. number of bedrooms requested).
- F. **Schedule a Hearing Before the Board of Health-** You have the option of requesting an informal discussion before the Board free of charge. Four copies of such your request (i.e. written letter of request, full house plans) shall be submitted at least fifteen (15) days before the next scheduled meeting date. The Board meets monthly usually on the fourth Tuesday of each month. If instead you seek a variance, there is a required fee of \$95. Please be aware that there aren't any variance provisions within the Town of Barnstable Code relative to groundwater protection (GP) and well protection (WP) districts; therefore the Board does not have the ability nor the authority to grant variances in regards to the specific Town Ordinance which limits wastewater discharge flows to 330 gallons per acre per day within GP and WP Districts. There is however, a variance provision provided within the Saltwater Estuary Protection Regulation.