

ADU & septic
questions

Lucy St. John

From: Deb Langner
Sent: Thursday, December 01, 2016 10:17 PM
To: Steven C. Root
Cc: Lucy St. John
Subject: Re: Proposal to Amend New London Zoning Ordinance Regarding ADUs

Hi Steve,

As always, thanks for the update! Let me try to work through your questions and comments:

(1)

If a lot has access to town sewer, but is not attached (still using its own septic system), if the owner proposes to add bedrooms or add an ADU, would the owner need to get a hip-pocket design approved by DES, or is it good enough that the owner could hook up to the sewer in the event of failure?

I spoke with Richard to get a feel for how many houses this includes--there are about a dozen homes which could be hooked to the sewer but are not. Per Richard, many of these houses did not hook in because they had a new septic system, but as those systems have begun to fail, households have been slowly hooking into the system. In theory, the sewer hookup would be a reasonable hip pocket design, assuming that the reason for not hooking in to the sewer was simply because there was a functioning septic system already in place.

(2)

Do you know offhand what the hook-up charge is for the sewer system in NL?

The cost to connect to the sewer is \$1/square foot of living space, with a \$2000 minimum. So a 1000 sqft home would be \$2K. This does not include the cost to run the lines, so there would be additional sitework charges, depending on distance from the line, etc. Minimum usage cost is currently \$405 a year.

(3)

In our Zoning Ordinance, Article II, Section 8 (I expect you know this provision well), subsection c provides (*emphasis added*):

If construction, alteration, or expansion of an Accessory Building on a property includes bathroom facilities and space that may be used as guest quarters, *the Health Officer may require the design and, if the existing system is 20 years old or older, the construction* of a new or modified sub-surface sewage disposal system that will support the potential loading at the site. If any bathroom facilities are installed in an Accessory Building, subsurface sewage disposal system modifications must be designed and approved by the NH Department of Environmental Services *and installed* at the site to provide for the disposal of effluent from the new bathroom facilities.

I am familiar with this ordinance, I believe we voted it in around 2012ish? Initially, I thought this would be mostly about people adding bathrooms to their workshop/garage spaces so they didn't have to trudge back to the house, but it has been brought into play primarily for gyms, yoga studios, and overflow guest spaces more than garages.

(4)

It seems to me that a detached ADU would be an "Accessory Building." Do you have a view on whether an attached ADU is an Accessory Building?

An accessory building is defined as "a building subordinate to the main building on the Lot and used for purposes customarily incidental to those of the main building". Traditionally, I believe this was viewed as garages, workshops, and sheds, not living spaces. The question is, are they 2 distinct beasts, or does one overlap the other? I actually would not call either form of ADU an accessory building, but certainly would like to get that language clarified!

(5)

The second sentence seems to give broader authority to require actual installation of an upgraded septic system than does the first sentence, which seems to limit the authority to require construction to the situation of a 20+ year old system. Do you have broader authority under the second sentence or is the second sentence contained by the limits in the first sentence?

This sounds like a great question for Town Counsel. I personally interpret the language as giving the HO greater authority to actually require a new installation, but this has never been put to the test.

(6)

At the very least, would you agree that or a detached ADU (if allowed) that will have a septic system, does this provision allow you to require actual construction of an upgraded system if the existing system is inadequate (not just if it is failing) and 20 or more years old?

Because I don't place ADUs in the same category as accessory buildings, I don't believe this provision applies, but would love clarification.

(7)

If a bathroom were being added to an accessory building on a lot for which sewer was available, could you or would you require hook up to the sewer instead of septic upgrades?

This seems like a case-by-case kind of scenario. If the accessory building is a garage/workshop and it is really just a new toilet/sink to save steps (not an added load on the system), I can't imagine making someone link to the sewer. The cost to add a new line into the existing septic would be the logical choice.

These are great questions that should be added to the subcommittee's discussion list! I will include Lucy in this message so that she can pass them along.

Best,
Deb

Lucy St. John

From: Deb Langner
Sent: Thursday, December 01, 2016 10:49 PM
To: Lucy St. John
Subject: new regs from DES that may require a new ISDS to be installed

Hi Lucy,

Here is the information from Dawn. The reg starts by discussing failing systems, but then sort of takes a turn at (b). The issue is that these new replacement approvals required for any addition fall under this (b), so based on that, the replacement system could be required to be installed if the system does not have any recorded construction or operational approval. Dawn said that currently every case falling under this reg is being individually assessed.

Deb

Env-Wq 1004.21 When Installation of Replacement ISDS Required.

(a) If approval of a replacement ISDS is obtained pursuant to Env-Wq 1004.19 relative to systems in failure, the replacement ISDS shall be installed prior to the expiration of the approval as specified in Env-Wq 1004.19(d).

(b) If approval of a replacement ISDS has been obtained pursuant to these rules for any reason other than to address a system in failure as covered by (a), above, the replacement ISDS shall be installed if the existing ISDS:

- (1) Has not received construction approval and approval to operate under these rules or predecessor rules in Env-Ws 1000, unless the applicant submits documentation to show the existing ISDS was repaired or replaced in kind in compliance with requirements in place at the time the work was done; or
- (2) Fails or otherwise needs to be repaired or replaced.

Please feel free to email me if you have specific examples. We can work through them.

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Visit [DES Land Resources Management](#) for helpful tools and information!  
The information contained in this electronic message and any attachments to this message may contain confidential or privileged information and is intended for the exclusive use of the addressee(s). Please notify the Department of Environmental Services – Subsurface Systems Bureau immediately at (603) 271-3501 or reply to [dawn.buker@des.nh.gov](mailto:dawn.buker@des.nh.gov) if you are not the intended recipient and destroy all copies of this electronic message and any attachments

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**From:** Deb Langner [mailto:Health@nl-nh.com]  
**Sent:** Wednesday, October 19, 2016 8:00 AM  
**To:** Buker, Dawn  
**Subject:** new regulation for lakefront properties

Good morning Dawn,

Thank you for taking the time to talk with me yesterday. Could you please send me the link to the new policy on replacement systems for lakefront homes that you mentioned yesterday? With the amount of lakefront property in New London being among the highest in the State, I suspect this will have an impact on several projects being considered.

Best Regards,

Deb Langner

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