



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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For Planning Board Discussion  
November 1, 2016

## **Sanitary Protection** **Zoning Ordinance (ZO) Provisions**

### **Notes:**

The word “septic” is used eight (8) times in the current ZO:

- ✓ Article II, General Provisions, 2. Excavation, Removal, and Filling of Lands, c. Exceptions (iv), page 4.
- ✓ Article II, General Provisions # 8 Sanitary Protections, pages 5-6.
- ✓ Article XIII, Wetlands Conservation Overlay District, F. Special Provisions (1), page 51
- ✓ Article XX, Nonconforming, B. 1, page 81
- ✓ Article XXII, Streams Conservation Overlay District, E (9), page 91
- ✓ Article XXVI, Workforce Housing (N), page 115

The word “sanitary is used ten (10) times in the current ZO:

- ✓ Article II, General Provisions, Excavation #2, c, iv, page 4
- ✓ Article II, General Provisions # 8 Sanitary Protections, pages 5-6.
- ✓ Article II, General Provisions # 11 Temporary Structures, (b), page 11.
- ✓ Article III, Definitions # 74 Impact Fees (page 26) and # 154 Substantial Improvements (page 33).
- ✓ Article XIII, Wetlands Conservation Overlay District, K. Lot Size, (2), page 54.
- ✓ Article XV, Floodplain Overlay District, 2 (b), page 60

The word “leach” is used four (4) times, see references listed above for septic/sanitary. The word “leachfield” is not used in the Zoning Ordinance.

The word “sewage” is used one (1) in the current ZO:

- ✓ Article XX, Legal Nonconforming Uses, B (1, a), the last sentence, which read: Any expansion that increased the sewerage load to an on-site septic system, or changes or expands the use of a septic system shall require approval by the NH Department of Environmental Services (page 81).

Septic – Individual Sewage Disposal System - Suggestion is to include all provisions related to using a septic system in one section of the Zoning Ordinance. See also provisions of NHDES Env-Wq 1004.22 Expansion, Relocation, or Replacement of Existing Structures (adopted to be effective 10-01-16), as noted in email from Deb Langner, Town Health Officer dated Oct 31, 2016.

Septic – Individual Sewage Disposal System: Some draft language for discussion

1. No cesspool, septic tank or sewage disposal area shall be constructed or maintained less than 75 feet from the edge of a public water body; from a well; or from a dwelling other than that to which it is appurtenant.
2. No septic tank or leach field may be constructed or enlarged closer than 100 feet to any wetland.
3. All systems shall be designed, constructed and maintained in accordance with standards per NH Department of Environmental Services (NHDES). Any expansion that increases the sewerage load

to an on-site septic system, or changes or expands the use of a septic system shall require approval by the NH Department of Environmental Services. (NHDES).

4. No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
5. Soils information uses in evaluating the suitability of the site should be per NHDES requirements.
6. Distance to any streams (perennial and intermittent streams), shall be those observed in the field and any such streams identified on the current Zoning maps (note, not all streams are not included on the Zoning maps).
7. The installation of any new system, expansion, relocation, remodeling or replacement of an existing system shall require inspection by a certified septic evaluator and a copy of such inspection be provided to the Town Health Officer and a copy maintained in the property account file.

## Lucy St. John

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**From:** Deb Langner  
**Sent:** Monday, October 31, 2016 5:59 PM  
**To:** Lucy St. John  
**Subject:** septic language effective 10/16  
**Attachments:** EnvWq1004.22\_valid0ct2016.docx

Hi Lucy,

Attached please find the new State language regarding septic designs for existing homes/structures looking to do an addition. If a bedroom is being added, new plans are automatically required, but if ANY increase in the footprint is proposed, this language kicks in and the checklist must be evaluated, which includes:

Is the lot size 5 acres or greater? New plans not needed.

If the lot is less than 5 acres, is the ISDS more than 20 years old? If so, then new plans required.

The only real change in this language from EnvWq 1004.15 is that the 5 acres has specifically been included, where before it was in the language of the referenced RSA 485-A:38 IIa but not explicit in the EnvWq itself.

Deb

## **Env-Wq 1004.22 Expansion, Relocation, or Replacement of Existing Structures.**

2016-19 Adopted to be effective 10-01-16

(a) No construction approval or approval to operate from the department shall be required for the expansion, relocation, or replacement of any structure that meets the requirements of RSA 485-A:38, II-a,

namely:

- (1) The work does not increase the load on the ISDS serving the structure;
- (2) The ISDS serving the structure received construction approval and approval to operate from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement or the lot is 5 acres or more in size;
- (3) If the property is nonresidential, no waivers were granted in the construction approval or approval to operate of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils; and
- (4) The proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B, if applicable.

(b) Subject to (c), below, any expansion, relocation, or replacement of a structure that does not meet the requirements of RSA 485-A:38, II-a shall be considered new construction, for which an application for an ISDS to serve the structure shall be submitted in accordance with Env-Wq 1003.

(c) The expansion, relocation, or replacement of a structure shall not be considered new construction under (b), above, if:

- (1) The ISDS serving the structure received construction approval and approval to operate from the department more than 20 years before the date of the issuance of a building permit but otherwise meets the criteria specified in (a), above; and
- (2) The footprint of the structure will not change.

(d) For property in the protected shoreland, no structure shall be replaced, relocated, or expanded without the owner first determining that such replacement, relocation, or expansion will not violate RSA 483-B.