



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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TO: Kim Hallquist, Town Administrator
Board of Selectmen (BOS)
FROM: Lucy A. St. John, AICP
Planning and Zoning Administrator
FOR: Tuesday, September 8, 2015
RE: Surveys and Building Permit process

This memo is in response to the ZBA memo dated July 27, 2015 to the Board of Selectmen (BOS) and the August 17th BOS discussion on this topic.

Should a survey be required as part of the building permit application process? If so, when and under what circumstances; for all building permits, for just some properties, or as deemed appropriate by staff?

The tax maps are often used by residents when reviewing details of their property and submitting information required as part of the building permit application process. The disclaimer on the tax maps regarding the accuracy of the tax maps does not seem to dissuade property owners from using them when submitting a building permit application.

Key points to consider as part of this discussion:

- ✓ Surveys can be costly.
- ✓ It is the property owner's responsibility to know where their boundary lines are located.
- ✓ People often think the edge of the road is where their property line is located.
- ✓ Deeds often include statements which are vague and non-precise such as 10 feet +/- to the old oak tree pass the red barn, some or none of these "landmarks" may still exist.
- ✓ If the lot is on a septic, a more detailed septic plan may be in the file, showing details of the lot.
- ✓ Most towns do not have a NH licensed surveyor on staff to verify private boundary locations, as this could be a potential liability to the Town and most Town Code Enforcement staff are not licensed NH surveyors.
- ✓ The Zoning of Adjustment (ZBA) and Planning Board (PB) can require as part of their application process that a survey be submitted.
- ✓ Many building permits do not pertain or relate to ZBA or PB applications.

Should a survey be required or not be required? Some qualifications might include:

- For all new construction, including additions to existing structures.
- For all new construction greater than 200 square feet or some other number.
- If the property is located near a wetland, stream or floodplain.
- If the property is located in the Shoreland Overlay District?
- Pools, decks and shed, or any building less than so many square feet, for example if the proposed building is less than 200 square feet.

Attached to this memo are responses from several New Hampshire communities per staff's request on Plan-link. The responses are from Amherst, Bedford, Belmont, Hopkinton, Litchfield, Newmarket, Newport, Plymouth, Wakefield, and Steve Keach, Keach-Nordstrom-Associates, Inc. What I take from these responses are that most towns don't require a survey but may ask for one if deemed necessary, they also rely on the information submitted by the applicant, and most staff do not have the qualifications (not being NH licensed surveyors) to make boundary line assessments. A couple towns, Hopkinton and Bedford require a certified plot plan stamped by a NH surveyor.

Recommendation:

Staff recommends that the Board of Selectmen consider requiring as part of the building permit application process a survey in the following circumstances:

- ✓ If the proposed structure is greater than 200 square feet and within fifty (50') feet of a stream, wetland or other waterbody included in the Shoreland Overlay District and a boundary survey plan has not been completed in the last twenty (20) years and submitted to the Town.
- ✓ That a certified plot plan stamped by a NH licensed land surveyor be submitted prior to any foundation or footing being poured for any building greater 500 square feet, with the exception that if the building is on a lot and the setbacks are clearly two (2) times the required setbacks no certified plot plan is required. For example, if a house is proposed on a 5 acre site, and the maximum setback back is 50 feet, they demonstrate that they will be at least 100 feet (50 x 2) from the property lines.