



TOWN OF PELHAM

Office of the Selectmen

Town Hall
6 Village Green
Pelham, NH 03076

Tel: (603) 635-8233
Fax: (603) 635-8274
selectmen@pelham-nh.com

BOARD OF HEALTH WASTE DISPOSAL SYSTEMS REGULATIONS CHAPTER 295

**Adopted November 1, 1977
Amended August 6, 2013**

295-1. Authority

Pursuant to the authority granted by RSA 147:1, the Health Officers of the Town of Pelham hereby adopt this chapter for the Town of Pelham which shall remain in full force and effect until such time as they are amended or repealed.

295-2. Purpose

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the Town of Pelham by making provisions for the safe disposal of human and other waste materials; the supply of adequate potable and palatable water for human consumption, fire suppression and other uses; the prevention of the spread of illness and disease; the prevention of the pollution of our streams, brooks, ponds, lakes, watersheds and water supplies; the proper maintenance of animals; and such other things as may be properly regulated by health regulations in a manner that will require a minimum expenditure of Town funds.

295-3. Severability

If any term, part, provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, by any court of competent jurisdiction, such determination shall be deemed to invalidate only the Article, section, term, provision, subdivision, paragraph or part thereof affected, and it shall be presumed that this chapter would have been passed without such invalid portion and that every other Article, section, paragraph, provision or part of this chapter shall be deemed valid and shall continue in full force and effect.

295-4. Greater restriction or higher standard to govern.

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction or other regulations or the higher standard shall govern.

295-5. Violations and penalties

Any person, corporation or other entity who violates this chapter ~~shall~~ **may** be fined not more than twenty-five dollars (\$25.00) for each offense. A separate offense shall be deemed to have been committed for each day a violation of this chapter exists or occurs.

295-6. Authority to enforce

The Health Officers or their Agent shall have the authority to order any violator of this chapter to abate the violation and shall have the authority to seek appropriate judicial assistance in enforcing these lawful orders.

295-7. Amendments

This chapter may be amended in accordance with RSA 147.

295-8. Interpretation

In matters of judgment or of interpretation of this chapter, the opinion of the Health Officers shall prevail.

295-9. Applicability

The provisions of this chapter apply to privately-owned residential waste disposal systems.

295-10. Definitions

FLOODPLAINS - Land areas in or within twenty-five (25) feet of any land that would be flooded by a one-hundred-year flood, the scope of said flood to be determined by reference the Federal Insurance Administration Flood Hazard Boundary Map No. 33 011 040 01-08; dated February 22, 1974, or any duly adopted revision thereof.

IMPERMEABLE SUBSTRATUM - Any soil layer having a percolation rate slower than one (1) inch in thirty (30) minutes. Bedrock, ledge, rotten ledge and shale are deemed to be “impermeable”.

LEDGE AREA - Land areas with ledge at or within two (2) feet of the land surface.

LEGAL RESIDENT - A person whose name properly appears on either the voter registration of the Town of Pelham or as defined by RSA 21:6.

NHDES - New Hampshire Department of Environmental Services

PRINCIPAL RESIDENCE - A residence occupied by a legal resident of the Town of Pelham more than one hundred eighty (180) days of each year.

SEASONAL HIGH-WATER TABLE - The highest level of the groundwater table during the wettest season of the year.

SEASONAL PROPERTY - Any property within five-hundred (500) feet of Little Island Pond, Gumpus Pond, Harris Pond and Long Pond, not occupied on January, 1, 1990, as the principal residence of a legal resident of the Town of Pelham.

STEEP SLOPES - Land areas having slopes in excess of twenty-five percent (25%).

WASTE DISPOSAL SYSTEM - Any sewage disposal or treatment system, other than a municipally owned and operated system, which receives sewage or other wastes, or both, from property used as a permanent or temporary residence.

YEAR-ROUND PROPERTY - An existing property shall be considered to be used or occupied full time, if, prior to January 1, 1990 the residential structure met the following:

- (a) Had been occupied for nine (9) or more months out of twelve (12) consecutive months; or
- (b) It met all of the following criteria:
 - a. The structure had and continues to have insulation;
 - b. The structure had and continues to have a heating system;
 - c. The structure was and continues to be served by a potable, year-round water supply

- d. The structure had and continues to have indoor plumbing and a wastewater disposal system that does not discharge untreated wastewater directly to surface waters; and
- e. The structure was and continues to be served by an AC electric power supply

295-11. Toilets and lavatories required; waste systems to comply.

No person, corporation or other entity shall occupy, lease to any other person, corporation or other entity or permit any other person to occupy a building or any other part of a building as a dwelling unit, sleeping apartment or tourist cabin unless such building shall have in it readily accessible adequate toilet and lavatory facilities, property ventilated and constructed and kept in proper sanitary condition, and unless said building is provided with an approved waste disposal system.

Waste disposal systems which have not been identified as a health nuisance under RSA 147 on the date of the adoption of this chapter shall be deemed to be approved systems. All waste disposal systems constructed, installed, replaced or repaired after the effective date of the adoption of this chapter shall require formal approval of the Health Agent of the Town of Pelham, as provided by this chapter, before they are constructed, installed, replaced or repaired or placed in operation.

295-12. Design and installation to comply with state provisions.

- A. All waste disposal systems shall be designed and installed in accordance with the regulations and design criteria adopted by the NH DES.
- B. No waiver by the NH DES of its design regulations and criteria shall be binding on the Town of Pelham, unless and until the waiver is approved by the Pelham Health Agent or by a majority vote of the Pelham Board of Health in cases where the Health Agent defers action to the Board of Health.
- C. All septic systems shall be covered with Geotextile Filter Fabric Mirafi 140 NS #6842 or equivalent.

295-13. Septic tank and leach field capacities.

All buildings serviced by a sewage disposal system will be deemed to have at least three (3) bedrooms per dwelling unit, except age restricted housing and accessory dwelling units. Buildings within age restricted housing projects shall be considered two (2) bedrooms for design purposes. Accessory dwelling units shall be considered one and one-half (1 1/2) bedroom for design purposes.

295-14. Leach bed locations; alternate leach field capacity.

- A. Leach beds shall not be located on wetlands, wetland conservation district (WCD) buffers, floodplains, ledge areas or steep slopes, and the bottom of all leach beds shall be at least four (4) feet above any impermeable substratum and at least four (4) feet above the seasonal high water table at the center, **or** no less than what is specified in a NHDES letter of approval for that component of the system. All leach beds shall have at least three (3) feet of natural soil between the entire bottom of the leach field and impermeable substratum. In all cases, no part of the leach bed shall be less than two (2) feet above seasonal high water table.
- B. All new residences shall have an alternate leach field area capable of supporting a leach bed designed and installed in accordance with this chapter.

295-15. Minimum land areas.

- A. One (1) acre in size.
- B. When computing minimum land areas under this section, impermeable substratum, wetlands, floodplains, ledge and steep slope areas shall not be counted.

The minimum land areas imposed by this section shall not apply to:

- 1. lots with existing residential structures,
- 2. lots that have received subdivision approval from the Pelham Planning Board,
- 3. lots which receive their water from a public water system operating under a new Hampshire Public Utilities Commission franchise or a privately owned community water system managed by a homeowner's association

295-16. Setback distances.

Septic tanks, leach beds, dry wells and sewer lines shall be located at least the minimum distances shown on the following table from the items listed on the following table:

	Septic Tank	Leach Beds	Sewer Lines
Group 5 Soils (poorly drained)	50 ft.	50 ft.**	
Group 6 Soils (very poorly drained)	75 ft.*	75 ft.**	
Ponds, year round streams and brooks	75 ft.*	100 ft.**	
Natural slopes over 25%	25 ft.	50 ft.	
Private Wells	75 ft. *	75 ft.	50 ft.
Lot lines	10 ft.	10 ft.	

*may be reduced to 50 feet with SDR 26 pipe or better and the septic tank and pump chamber is sealed and grouted to prevent infiltration and exfiltration.

** A reduction in the above listed setback distances may be approved by the Pelham Health Agent if a NHDES approved aerobic or other treatment system is installed between the septic tank and the effluent disposal area.

Burial of tree stumps, brush, and or construction materials shall not be located within the protective well radius. This restriction shall be noted on all septic design plans.

295-17. Conversion of seasonal systems.

Waste disposal systems which, as of January 1, 1990, were being used to service seasonal property shall not be converted to service year-round property until the Health Agent certifies in writing that the waste disposal system has been designed and constructed in accordance with the provisions of this chapter.

295-18. Copies of plans submitted before building permit issued.

No building permit for any building required by 295-11 to have toilet facilities shall be issued by the Building Inspector until three (3) copies of the plans for the waste disposal system have been submitted to and approved in writing by the Health Officers or their duly appointed agent.

295-19. Health Officers to prepare forms.

The Health Officers or their agent shall prepare such forms as in their opinion are necessary to fully record the approvals and inspections required by this chapter.

295-20. Plans to be prepared by professional.

All sewage disposal system plans shall be prepared by a Subsurface Disposal System Designer licensed with the State of New Hampshire.

295-21. Test pits; approval of plans.

- A. The digging of all test pits and the determination of soil types and soil percolation rates shall be witnessed by a duly appointed agent of the Health Officers of the Town of Pelham. It shall be the duty of the agent to verify the soil types, seasonal high water table and soil percolation rate. The verification of the agent shall be attached to all waste disposal system plans and applications submitted to the NH DES.
- B. All waste disposal system plans must be approved in writing by the agent before they are submitted to the NH DES.
- C. The agent shall review and approve or reject all plans and applications within ten (10) working days. It shall be the duty of the agent to mail or deliver all such approved plans directly to NHDES within twenty four-hours of their approval. Plans not approved or rejected within the then (10) working days shall be deemed approved and shall be mailed or delivered to the NHDES by the Health Officers within fifteen (15) days of their receipt.

295-22. Approval required before covering.

- A. All septic system bed bottom preparations shall be inspected and approved by the Health Agent prior to the placement of fill and a note shall be provided on the submitted plan.

- B. No waste disposal system shall be covered until it has been inspected and approved in writing by:
1. The contractor or subcontractor who installed the system
 2. A representative of the NH DES (except in case of repairs or replacements of existing systems.)
 3. The Health Agent.
- C. No liability is incurred by the Town or its Agent by reason of any approval of subdivision plans or any approvals to construct or use a sewage or waste disposal system. Approval by the Town of Pelham or its Agents of sewage and waste disposal systems and subdivision is based on plans and specifications supplied by the applicant.

295-23. Inspection and fee schedules to be established.

The Pelham Board of Health or their Agent shall establish an inspection schedule and a fee schedule for all inspections, reinspections, certifications and approvals.

295-24. Repair or replacement.

- A. The repair and/or replacement of all waste disposal systems shall require a permit from the Health Agent and shall be made in accordance with this chapter. In those cases where the literal enforcement of this chapter would create an unnecessary hardship, then a waiver must be sought and approved by the Health Agent. In no case shall a waiver be granted that would create a health hazard.
- B. The minimum lot size requirements imposed by 295-15 of this chapter shall not operate to prevent the repair or replacement of existing waste disposal systems.

295-25. Effective date:

Adopted: November 1, 1977

Amended and approved: August 6, 2013