

Approved on March 16 2023

TOWN OF NEW DURHAM, NEW HAMPSHIRE

REGULATIONS PERTAINING TO CERTAIN SUBSURFACE  
WASTEWATER  
DISPOSAL SYSTEMS IN THE LAKE MERRY MERRYMEETING AREA  
AND  
SURROUNDING WATER BODIES IN NEW DURHAM

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## **Section 1. Authority**

New Hampshire Statutes- Title X Public Health

- RSA 128:5 Town Health Officers- Duties
- RSA 147:1 Nuisances; Toilets; Expectorations; Rubbish and Waste-Toilets; Local Regulations
- RSA 147:8 Nuisances; Toilets; Drains; Expectorations; Rubbish and Waste- Toilets; Drains
- RSA 147:10 Nuisances; Toilets; Drains; expectorations; Rubbish and Waste- Nuisances; When: Regulations

## **Section 2. General Purpose and Intent**

1. Protect the quality of the surface water in the Lake and Ponds and
2. Protect the quality of ground water which is the drinking water supply for private wells; and
3. Protect health through the prevention of human contact with sewage and related pathogens; and
4. Prevent nuisances relating to public health; and
5. Provide a protective approach towards septic systems posing higher risk and significance of failure; and
6. Ensure the safety and adequacy of sanitary disposal systems.

### **Section 3. Applicability**

These regulations apply to sewage disposal systems or other means of on-site sewage or gray water disposal, including but not limited to discharges from dishwashers and laundry washing machines, located wholly or in part within 250 feet of the shoreline of Lake Merrymeeting and Ponds within the Town of New Durham.

### **Section 4. Septic System Evaluation and Certification Requirements**

In instances where there is no valid subsurface system design approval on file with the NH Department of Environmental Services, owners shall certify to the Health Officer that the existing septic system or other means of on-site disposal is not in failure as defined by NHDES in RSA 485-a: 2 IV.

The basis of the certification shall be a current, complete, written evaluation of the site disposal system or systems performed by a NH certified or licensed septic system Inspector. The written evaluation will be on forms supplied by the Town of New Durham.

Once regulations are adopted by Selectboard, The Town of New Durham shall notify owners of property subject to Section 5.

Within 12 months of said notification, the current property owner shall submit the required evaluation and certification to the Towns Health Officer,

Subsequent to the initial certification, re-certification will be dependent upon the evaluation form submitted to Health Officer. This could be yearly up to every 5 years before the initial certification date.

The re-certifications end upon installation of a new NHDES approved septic system with o

## Section 5. Installation of Replacement Septic System Requirements

Installation of replacement septic systems shall be required as follows:

1. In instances where there is a valid subsurface system design approval on file with the NH Department of Environmental Services and when a Building Permit Application includes a proposal to increase the number of bedrooms (either by adding bedrooms or converting rooms to additional bedrooms) that exceeds the number of bedrooms included in the NHDES subsurface system approval:
  - (A) The Building Permit Application shall include a valid NHDES Construction Approval for the additional number of bedrooms (loading); AND
  - (B) A valid NHDES Operational Approval for the additional number of bedrooms (loading) shall be required prior to the issuance of the associated Occupancy Permit.
  
2. In instances where there is no valid subsurface system design approval on file with the NH Department of Environmental Services and when a Building Permit Application includes a proposed expansion of the building that would either horizontally or vertically create or increase the area of living space,
  - (A) the Building Permit Application shall include a valid NHDES Construction Approval; AND
  - (B) A valid NHDES Operational Approval shall be required prior to the issuance of the associated Use and Occupancy Permit.
  
3. In instances where there is no valid subsurface system design approval on file with the NH Department of Environmental Services and when a Building Permit Application includes a proposed expansion of a building or new structure that would increase the area of lot coverage
  - (A) The Building Permit Application shall include a valid NHDES Construction Approval.

## **Section 6. Administration, Enforcement and Appeal**

These regulations shall be administered and enforced by the New Durham Health Officer.

Any appeals relating to the administration of the regulation shall be made to the Selectboard.

## **Section 7. Violation and Penalty**

Failure to comply with notices " maybe subject to enforcement action and assessment of fees, costs, and expenses as permitted by law."

## **Section 8. Definitions**

For the purposes of the administration of these regulations, the following definitions shall apply:

1. Health Officer- Meaning the individual subject to the provisions of RSA 128:1-7.
2. Failure- Defined in RSA 485-A: 2 IV means the condition produced when a subsurface sewerage or waste disposal system does not properly contain or treat sewage or causes the discharge of sewage on the ground surface or directly into surface waters, or the effluent disposal area is in the seasonal high groundwater table.
3. Living Space- enclosed space capable of being occupied including but not limited to kitchens, bathrooms, dens, bedrooms, living rooms, sunrooms and three season porches. Living space does not include attic spaces, crawl spaces, open decks and open porches.
4. Permitted Designer- means an individual who holds a current authorization under RSA 483-A: 35, I, to design individual sewage septic systems.

## Section 9. Certification of Approvals

The forgoing regulations were approved by the New Durham Health Officer and the New Durham Select Board:

Max DeWolf

Rand P. Gyn

Dorothy J. Lavel

Date: 3/28/2023

## Section 10. Certification of Recording, Publication and Posting

The forgoing regulations was recorded with the Town Clerk on March 28, 2023

The Forgoing regulations was posted in the following two (2) public areas: Town Hall and Post office.

Alicia Housel

Town Clerk