

Town of Northwood, NH
Shoreline Septic Systems Ordinance

1. Authority

- a. This ordinance is adopted pursuant to New Hampshire RSA 147:1 in order to protect water quality, prevent nuisances, health hazards, and pollution in Northwood's water bodies.
- b. Further, pursuant to New Hampshire RSA 485-A:29, IV, towns and cities may enforce regulations that are more stringent than state standards, provided that they are consistent with the state's public health and environmental protection goals.

2. Purpose

The purpose of these regulations is to safeguard public health by regulating wastewater disposal systems near all waterbodies that are subject to the provisions and requirements of the New Hampshire Shoreland Water Quality Protection Act (SWQPA). If any part of the system is within 250' of a reference line of a waterbody, then the entire system will be subject to the provisions of these regulations.

A properly designed, installed and maintained septic system should provide many years of service without the risk of system failure. Untreated wastewater from improperly maintained septic systems can contaminate ground and surface water. It is therefore essential that property owners conduct regular maintenance and pumping in order to avoid public health risks.

3. Definitions

- a. Health Officer – the individual appointed by the Select Board who is responsible for protecting and promoting public health within the Town of Northwood and is subject to the provisions and requirements of RSA 128.
- b. NHDES – New Hampshire Department of Environmental Services.
- c. Reference Line – is the edge of the water body at its full volume, from which setbacks, such as the limits of the protected shoreland, are determined.
- d. Shoreland Water Quality Protection Act (RSA 483-B)¹ – establishes buffers known as “protected shoreland” located along public waters (waterbodies). Public waters include:
 - i. Lakes, ponds, and impoundments greater than 10 acres;
 - ii. Year-round flowing waters (streams and rivers) of fourth order or higher;
 - iii. Designated rivers and river segments.
- e. Estimated Seasonal High-Water Table (ESHWT) - the level at which the uppermost soil horizon contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth.

¹ The SWQPA also includes coastal waters, being all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and associated tidal rivers, tidal marshes, rivers, and estuaries; however, is not applicable to Northwood.

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4. Applicability

This regulation applies to all properties within the Town of Northwood where any part of the septic system is located within the 250' buffer from the reference line of waterbodies which are subject to the Shoreland Water Quality Protection Act.

These provisions do not absolve property owners from the State of New Hampshire's regulation of wastewater management permitting requirements under NH RSA 485-A and Administrative Rules Env-Wq 1000 that establish the technical and permitting standards for septic systems enforced by the NHDES.

5. Regulations

- a. All septic systems applicable to this ordinance shall be pumped every 3 years. Property owners are required to provide documentation of pumping to the Town, upon request.
- b. Septic systems for which there is a NHDES approval on record prior to May 13, 1995, or at which time the stem exceeds 30 years of age:
 - i. Within 2 years of this ordinance going into effect, a NH credentialed septic system evaluator or a credentialed septic system designer shall be hired by the property owner to conduct a septic system evaluation. A copy of the evaluation shall be provided to the Town. The evaluation must also include confirmation that the existing bed bottom is at least 2 feet above the ESHWT. Property owners are strongly encouraged to have their septic system evaluated every 5 years thereafter and submit the septic evaluation reports to the Town.
 - ii. If the septic system evaluator determines that the septic system shows signs of failure, requirements of Section 6 of these regulations shall be met.
- c. Septic systems for which there is no NHDES approval on record:
 - i. A NH credentialed septic system designer shall be hired by the property owner to determine if the septic system is in failure. A copy of the determination shall be submitted to the Town. This determination is due two years after this ordinance goes into effect. Property owners are strongly encouraged to have their septic system evaluated every five years thereafter, and to submit the evaluation report to the Town. The evaluation must include confirmation that the existing bed bottom is at least 2 feet above the ESHWT.
 - ii. If the septic system designer determines that the system is in failure, requirements of Section 6 of these regulations shall be met.
- d. With evidence of septic system failure, the Health Officer has the authority to require a septic system evaluation at the cost to the property owner.

RSA 128:5 authorizes the municipal Health Officer to require a remedy to failing septic systems. NHDES administrative rules require failed septic systems to be remedied within 180 days.

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6. Requirements for Replacement of Septic Systems

Installation of a replacement NHDES approved Septic System shall be required as follows:

- a. When a septic system is in failure: A septic system is in failure when a subsurface 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 located less than 2 feet above the ESHWT.
- b. When there is a valid subsurface system design approval on file with the NHDES 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 currently installed NHDES subsurface system approval.

7. Waivers

- a. The Health Officer may, on a case-by-case basis, approve applications for waivers to these regulations, and may grant waivers for the following:
 - i. A septic system that uses 50% or less of its capacity on an annual basis.
 - ii. A septic system that is in use, either through seasonal or intermittent occupancy, for less than 6 months of a 12-month period.
 - iii. The requirements of RSA 485 A:39 may be waived if an evaluation was completed within 180 days of the property transfer.
 - iv. Septic systems within 250' of the reference line of a waterbody, where evidence can be provided to the Health Officer that shows that the septic system will not impact a waterway should the system fail (e.g. the septic system is downhill from a waterway).
 - v. Up to 4 inches of the required 2-foot separation to the ESHWT.
- b. Waivers shall not be granted for rental or commercial properties.

8. Septic System Evaluation and Certification Requirements

- a. When there is no approved septic system design on file with NHDES, property owners shall certify that the existing septic system is not in failure. Property owners shall provide documentation that is acceptable to the Health Officer for review.
- b. As of September 1, 2024, RSA 485-A:39 requires that prior to the transfer of any waterfront property using a septic system that is within 250' of the reference line of a public waterway, the buyer, at their expense, shall have the septic system evaluated by a NH credentialed septic evaluator. An evaluation report shall be submitted to the Health Officer.

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9. Fines and Penalties

- a. Any property owner who is found to be in violation of any part of these regulations shall receive written notification, via the Health Officer, stating the details of the violation and will have 90 days to correct any deficiencies.
- b. A property owner in violation shall be subject to penalties as provided for in statute. The Town of Northwood may pursue violators in the District Court pursuant to RSA 502-A:11-a, I, or in the Superior Court pursuant to RSA 502-A:11-a, II.
- c. Pursuant to RSA 147:16, occupancy permits may be withdrawn if continued occupancy of a structure becomes a nuisance to the public health.

10. Fees

- a. All costs associated with compliance of this ordinance shall be the responsibility of the property owner.
- b. See the Town of Northwood fee schedule for all applicable fees.

11. Effective Date

These regulations shall go into effect on August 1, 2025.