

**SECTION G**  
**TOWN OF AMHERST**  
**SEPTIC SYSTEM ORDINANCE**

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## **SECTION G**

### **SEPTIC SYSTEM ORDINANCE**

#### **ARTICLE I - PREAMBLE & HISTORY**

- A. Pursuant to authority granted under RSA Chapter 147, I, on April 12, 1976, the Amherst Board of Health, consisting of Dr. James Starke and the Board of Selectmen, adopted these Septic System Ordinance in order to promote public health, safety, and welfare of the citizens of the Town of Amherst, New Hampshire. This ordinance, which became effective on May 15, 1976, were subsequently amended by the Board of Health on June 25, 2003, and May 28, 2014.

#### **ARTICLE II - PURPOSE**

- A. The purpose of this ordinance is to prevent the pollution of water supplies, ground water, and surface water of the Town of Amherst by reason of inadequate sewer or lack of proper wastewater disposal system accommodations.

#### **ARTICLE III - APPLICABILITY**

- A. No person shall construct any structure from which sewage or wastewater will discharge; nor construct, repair, or alter any wastewater disposal system within the Town of Amherst without prior approval of plans and specifications by both the Town of Amherst and the New Hampshire Department of Environmental Services (NHDES) pursuant to authority of Chapter Env-Wq 1000 of the New Hampshire Code of Administrative Rules.
- B. Conversion of Seasonal Dwellings. No person shall convert any structure, which here-to-date has been maintained and/or occupied as a seasonal dwelling (such as a camp or cottage) to year-around residential use prior to installation of an approved wastewater disposal system conforming to the requirements of this ordinance and which has received a valid "Approval for Operation" number issued by NHDES. If the lot is non-conforming with respect to minimum lot size, the septic design may incorporate an approved effluent pre-treatment processor in the system. For the purpose of this ordinance, the term "seasonal dwelling" shall mean a dwelling which:
1. Was listed as seasonal through the 1976 seasonal listings database, and as currently listed on the assessing property record card; or
  2. Has historically been occupied for not more than six (6) consecutive months during a given calendar year.

- C. Change of Occupancy or Use. No person shall change the occupancy or use or increase occupant loads of any structure prior to an evaluation by a licensed septic designer of current wastewater disposal system capacity. If insufficient capacity is determined for the proposed occupancy, use, or loading, a new wastewater disposal system design shall be required by both the Town of Amherst and the NHDES prior to the issuance of any permits.

#### **ARTICLE IV - PERMIT REQUIRED**

- A. Septic permits shall be obtained from the Town of Amherst and, if required, from the NHDES prior to:
1. Alteration, repair, or replacement of any existing wastewater disposal system, including septic tank replacements. New replacement tanks must be properly sized for existing (or proposed) flow based on NHES requirements in effect at the time of replacement.
  2. Construction of any new wastewater disposal system.
  3. Construction of a structure from which wastewater will discharge. Building permits for construction work shall not be issued unless and until both NHDES and local approvals for the wastewater disposal system intended to serve that structure have been issued and are on file at the Community Development Office.
  4. Conversion of a seasonal dwelling to year-round residency.
  5. Septic Evaluation is required for any change of use, occupancy, or increase in occupant loads. If the results of the evaluation determine insufficient capacity of the existing system for the proposed change of use, occupancy, or loading, a new septic system design must receive State and Town approval for construction prior to issuance of a building permit. For commercial uses, installation shall be required prior to the issuance of a certificate of occupancy. Loading which exceeds current allowable lot loading standards shall not be permitted.

#### **ARTICLE V - PERMIT APPLICATIONS, FEES, AND PROCEDURES**

- A. In order to obtain a septic permit required pursuant to the provisions of this ordinance, a property owner or his/her authorized agent must file the following documents with the Community Development Office:
1. A completed Town Septic Permit Application signed by the homeowner.
  2. Payment of the application fee payable to the "Town of Amherst." A schedule of application fees, as established by the Board of Selectmen, is on file at the Community Development Office.

3. Four copies of all plans and specifications for the construction of the planned wastewater disposal system. Where the application will be submitted to NHDES via their Subsurface E-Permitting system, only one copy of plans and specifications is required;
  4. A completed State application for NHDES Construction Approval; and
  5. For applicants who elect to have the Town transmit the approved plans to the NHDES Subsurface Systems Bureau, the applicant is also required to submit a separate check for the State of NH application fee and a postage paid envelope addressed to the “NHDES – Subsurface Systems Bureau.”
- B. The Community Development Office staff shall review the application within seven (7) business days of receipt of a full and complete application package. In the event it is determined the application fully complies with all applicable requirements of this ordinance, four (4) copies of the plans will be stamped “approved” by the Town of Amherst, and three (3) copies will be returned to the applicant, or if provided for in Section V A.5, forwarded on to the NHDES. For applications being submitted to NHDES via their Subsurface E-Permitting system, the Town Approval sheet will be stamped “approved” by the Town of Amherst and an electronic copy transmitted to the applicant for submission to the NHDES.
- C. In the event the Community Development Office determines that the proposal fails to conform to one (1) or more requirements of this ordinance, the application will be returned to the applicant with a memorandum outlining required corrections necessary for approval.

## **ARTICLE VI - INSPECTIONS AND APPROVAL FOR OPERATION**

- A. Once a septic permit has been approved by both the Town and the State, the Town permit is issued to both the homeowner and the contractor. Once work authorized under the septic permit has commenced, the owner or his/her contractor must contact the Amherst Community Development Office in advance to schedule each required inspection. Failure to contact the Community Development Office may result in the revocation of the septic permit and subject the owner and/or contractor to municipal enforcement action.
- B. The following shall be inspected by a representative of the Amherst Community Development Office after notification by the Applicant that the site is ready for such inspection:
1. Test pits, percolation tests
- C. Inspections shall generally be completed within two (2) business days of receipt of notice requesting such inspection by the Community Development Office.
- D. The outcome of each required inspection shall be provided to the owner or his/her authorized agent by the Community Development Office. A wastewater disposal system shall not be backfilled or operated until the final inspection is approved by the State.

- E. In the case of septic systems for new construction, no person shall occupy or offer for occupancy any structure from which sewage or wastewater will discharge unless and until the NHDES and the Community Development Office have each issued an Approval for Operation of the wastewater disposal system intended to serve the premises and the Community Development Office has issued a Certificate of Occupancy for such structure.

## **ARTICLE VII - SYSTEM REPAIR OR REPLACEMENT**

- A. Repair or replacement of any existing wastewater disposal system shall be subject to the requirements of these Septic System Regulations as well as applicable requirements of the NHDES.
- B. In-Kind Replacement. The Community Development Office may issue a permit for “in-kind” repair or replacement of a wastewater disposal system provided:
1. Such “in-kind” repair or replacement qualifies for a permit by rule under the provisions of RSA 485-A:33, IV(a); and
  2. The bottom of the bed is located not less than twenty-four (24) inches above the estimated seasonal high water table..
  3. With the exception of “1” and “2” above, all other requirements of this ordinance shall apply to in-kind replacement systems.
- C. Prior to repair or replacement of any existing wastewater disposal system, the owner and/or their authorized agent shall obtain those State and local permits required pursuant to the requirements of Article IV of this ordinance.

## **ARTICLE VIII - NEW CONSTRUCTION**

- A. Prior to construction of any new wastewater disposal system or a wastewater disposal system intended to replace an existing wastewater disposal system where such construction is not eligible for approval as an “in-kind” replacement under the provisions of Article VII of this ordinance, the owner and/or their authorized agent shall obtain those State and local permits required pursuant to the requirements of Article IV of this ordinance.

## **ARTICLE IX - TEST PIT & PERCOLATION TEST REQUIREMENTS**

- A. Prior to preparation of septic design plans for any alteration, repair, or construction of a new or “in-kind” wastewater disposal system, a test pit or test pits shall have been excavated and have been recorded by a septic system designer, licensed by the NHDES in accordance with the provisions of RSA 483-A:36. In all instances:

1. A minimum of one (1) test pit shall be located within the leaching area of the planned wastewater disposal system;
  2. The results of all test pits excavated on the subject lot or parcel shall be reported on design plans submitted with a septic permit application, and
  3. Each test pit must be excavated to a depth sufficient to demonstrate the bottom of the proposed wastewater disposal system is to be situated at an elevation sufficient to satisfy applicable minimum vertical separation distances to estimated seasonal high water and/or impermeable substratum as outlined in XI (A) 5 and XI (A) 6 of this ordinance.
- B. Prior to preparation of septic design plans for any new wastewater disposal system or for any replacement system not eligible for approval as an “in-kind” replacement under the provisions of Article VII of this ordinance, a percolation test shall be conducted by a permitted designer, and the results shall be reported on design plans submitted with a permit application.
- C. The following shall be considered impermeable material for the purpose of this ordinance as cited in Article XI and XII.
1. Any soil material which has a percolation rate of greater than thirty (30) minutes per inch.
  2. Ledge/bedrock.
  3. Clay.
  4. Hardpan, fragipan, or “rotten ledge.”

## **ARTICLE X - INSTALLATION REQUIREMENTS**

- A. Upon issuance of all required NHDES and local permits, the wastewater disposal system shall be constructed in strict accordance with the approved plans and specifications. Deviation from the approved plans and specifications may be permitted, but only after receipt and approval of amended plans and specifications by the Community Development Office and if applicable, the NHDES.

## **ARTICLE XI - DESIGN & CONSTRUCTION REQUIREMENTS**

- A. The following design and construction requirements shall apply to the design and construction of all wastewater disposal systems:
1. The effluent disposal area component of any leaching type wastewater disposal system shall be constructed on or over land having not less than forty-eight (48) inches of natural (original) soil above impermeable material as defined in Article IX C of this ordinance.

2. The effluent disposal area component of any leaching type wastewater disposal system shall be constructed on or over land having not less than eighteen (18) inches of natural (original) soil above the estimated seasonal high water table elevation.
3. The effluent disposal area component of any leaching type of wastewater disposal system shall be constructed on or over land having a natural (original) slope of not more than twenty-five (25) percent.
4. Except as noted herein, no component of an on-site wastewater disposal system shall be situated:
  - a. Less than seventy-five (75) feet from any existing or proposed water well; or
  - b. All submitted plans shall include a note clearly stating compliance with these separations.
  - c. Precast concrete or high density polyethylene structures such as septic tanks, grease traps, and pump stations, as well as associated sewer lines may be situated as close as fifty (50) feet to an existing or proposed private on-site water well provided such structures are constructed so as to be water-tight and all sewer lines are constructed of SDR 26 or better pipe having water tight joints.
5. Distance to Estimated Seasonal High Water Table (ESHWT):
  - a. If perc rate is slower than 5 min/inch, bedbottom must be 48” above ESHWT.
  - b. If perc rate is faster than 5 min/inch, bedbottom must be 60” above ESHWT.
  - c. Exception – In the case of “in-kind” replacement system reconstruction, Article VII shall govern.
  - d. Redesign of an existing system not meeting replacement in-kind requirements of Article VII must be 24” above ESHWT.
6. The bed bottom of the effluent disposal area component of any leaching type of waste disposal system shall be constructed not less than forty-eight (48) inches above impermeable material as defined in Article IX C of this ordinance. Replacement systems may request a waiver of this Section from the Community Development Office under Article XII.E.
7. All wastewater disposal systems shall be located so as to provide reasonable and convenient access to septic tanks, grease traps, and pump stations for pumping and other routine maintenance activities including but not limited to pump station repair and effluent filter replacement.
8. If, in the opinion of the Community Development Office staff, unique conditions having the potential to affect successful installation and long-term operation of any proposed on-site wastewater disposal system are present on the site of any proposed on-site wastewater disposal system, the Community Development Office shall reserve the right to request or require the submission of supplemental site specific technical information prior to approval of a septic permit application.
9. If, upon submission of an application for a septic permit under this ordinance, it is determined that a lot has physical limitations of an extent that precludes design and construction of a

wastewater disposal system conforming to each specific requirement of this ordinance, the Community Development Office shall withhold permit approval until such time as:

- a. The design has been revised to conform to all applicable requirements, or
  - b. The Board of Health has granted one (1) or more waivers from specific requirements of this ordinance.
10. All design plans submitted for a permit under this ordinance must clearly state whether or not the subject lot lies within the *blue shaded area* of the Aquifer Conservation Wellhead Protection District (ACWPD). Discharge to wastewater disposal systems situated in the ACWPD shall not exceed one thousand (1,000) gallons per acre per day. In addition, the effluent disposal area component of any leaching type wastewater disposal system situated in the ACWPD shall be located a minimum of one hundred (100) feet from the reference line of surface waters and wetlands as defined in the Zoning Ordinance. Plans submitted for designs within this district shall include a note clearly stating compliance with this required separation.
  11. All effluent disposal areas in the Town of Amherst shall be designed for a minimum percolation rate of twelve (12) minutes per inch.
  12. If and when any requirement of this ordinance is found to be in conflict with the requirements of any other applicable State or local code, the more stringent regulations or code requirement shall prevail.
  13. Water from sump pumps, foundation drains, area drains, roof drains, and other ground or surface water drainage systems shall not discharge into any wastewater disposal system.
  14. In applications where a pre-cast or preformed aeration chamber type of wastewater disposal system of a design acceptable to the Community Development Office staff is proposed, a forty percent (40%) reduction in the size of the effluent disposal otherwise required under this ordinance may be permitted for wastewater disposal systems serving residential properties.
  15. Geo-flow, Enviro-Septic, Eljin In-Drain, and other similar leaching type innovative systems approved for use in New Hampshire by the NHDES under provisions of Part Env-Wq 1024 of the New Hampshire Code of Administrative Rules and designed and installed in accordance with requirements of the NHDES and specifications of the applicable system manufacturer, may be substituted for conventional leaching systems provided:
    - a. The distribution of effluent throughout the disposal area is provided by one (1) of the following methods:
      - i. Pressure dosing;
      - ii. Single or multiple distribution boxes providing equal distribution of effluent to each individual row or segment of the effluent disposal system; or
      - iii. Serial distribution in a manner consistent with the system manufacturer's recommendations.
      - iv. Sloping systems are permitted within the design guidelines for the system.



16. All submitted plans must clearly delineate all streams, surface water, poorly drained and very poorly drained soils, and wetlands within one hundred (100) feet of all components of the proposed wastewater disposal system, if any. A note must appear on all submitted plans stating minimum distance to the items listed above if  $\leq 100$  feet. If distance to all of the above listed items is greater than one hundred (100) feet, a note indicating “no streams, surface water, poorly drained and very poorly drained soils, or wetlands are within one hundred (100) feet of all components of the proposed wastewater disposal system” must appear on plans.

## **ARTICLE XII - MISCELLANEOUS PROVISIONS**

- A. No septic lagoons or cesspools shall be permitted in the Town of Amherst.
- B. The contents of chemical or mechanical toilets shall be disposed of in a manner and location approved by the Amherst Board of Health and the NHDES as applicable.
- C. Periodic pumping and maintenance of septic tanks, grease traps, and other wastewater disposal systems shall not require a permit under this ordinance.
- D. Specifications and requirements contained in Chapter Env-Wq 1000 of the New Hampshire Code of Administrative Rules, as amended, regulating those matters that are the subject of this ordinance shall constitute minimum design, construction, and operational standards applicable to the Town of Amherst and are incorporated herein by reference. If and when any requirement of this ordinance is found to be more stringent than the New Hampshire Code of Administrative Rules, the requirement of this ordinance shall prevail.
- E. When, in the opinion of the Community Development Office, mandatory requirements of these Septic System Regulations would impose an unnecessary hardship upon an applicant proposing to repair or replace an existing wastewater disposal system, such requirements may be waived so as to provide reasonable and functioning facilities. In all other instances, requests for waivers from specific requirements of this ordinance must be approved by the Board of Health. Prior to granting a waiver from any specific requirement of this ordinance, the Board of Health shall find, by majority vote, that:
1. Strict conformity with the regulation from which such waiver has been requested would pose an unnecessary hardship to the applicant; and the granting of the waiver will not be contrary to the spirit and intent of this ordinance; or
  2. Specific circumstances relative to the property in question or special conditions inherent in the property itself indicates the waiver will properly carry out the spirit and intent of this ordinance.
- F. Any person aggrieved by a decision of the Community Development Office in the implementation or enforcement of this ordinance may appeal such decision to the Amherst Board of Health.

Adopted by the Board of Selectmen this 27 day of July, 2015, effective September 1, 2015.

Dwight Brew

Dwight Brew, Chairman

John D. Angelo

John D. Angelo, Vice-Chair

Nate Jensen

Nate Jensen, Clerk

Tom Grella

Tom Grella

Reed Panasiti

Reed Panasiti

Received and Recorded: 7/28/15, 2015

Nancy A. Demers, Town Clerk

Loren Fucci - Deputy