

BUILDING REGULATIONS ORDINANCE

TOWN OF LEE, NEW HAMPSHIRE

MARCH 11, 2008

ARTICLE I

AUTHORITY AND PURPOSE

Pursuant to the authority conferred by Chapter 156, re-codified chapter 674:51 New Hampshire state statutes, the Town of Lee, New Hampshire State Statutes, the Town of Lee Hereby adopts in official town meeting of March 13, 1956 and as revised in town meeting on March 14, 1991, March 1992, March 1993, March 1994, March 1995, March 1996, March 1999, March 14, 2001, March 8, 2005 and March 11, 2008 the following ordinance.

The purpose of this ordinance is to provide minimum building standards for any construction within the Town of Lee in order to promote the general welfare of the town; to protect the health and safety of its residents; to conserve the value of land; to control water and groundwater pollution; to conserve shore cover, and to protect wildlife habitat.

ARTICLE II

DEFINITIONS

Abutter- Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration.

Abandonment- The visible or otherwise apparent intention of an owner to discontinue the use of a building or premises or the removal of a characteristic equipment or furnishings used in the performance of any nonconforming use without its replacement by similar equipment or furnishings. Abandonment of over one year requires the replacement with a conforming use under local ordinance.

Accessory Use or Structure- A use or structure subordinate to the primary or principal use or structure on the same lot and serving a purpose customarily incidental to the principal use or structure.

Aquifer A geological formation composed of rock or sand and gravel that contains significant amount of potentially predictable potable water as identified on the zoning map for the Town of Lee, New Hampshire, as the Aquifer Conservation District.

Alteration As applied to a building or structure shall mean a change or rearrangement in the structural parts of facilities other than repairs that would affect safety, size, wiring, ventilation, heating or plumbing.

Buffer Zone Denotes the area between the building site and the property lines as required by ordinance. This area must not be denuded or defaced and may not include any man-made structures, or paving including the storage of materials.

Building Any structure used or intended for supporting or sheltering use or occupancy.

Building Height – The vertical distance measured from the lowest point of grade to the mean between the lowest eave and the ridge of the building not to include chimneys or antennas or other non habitable space.

Building Inspector – The officer for the Town of Lee charged with the authority of enforcing and administering these codes. He may also be the Code Enforcement Officer.

Building Permit – Issued by the Building Inspector to the property owner following a review of all building plans according to the terms of this ordinance which allows on site construction to proceed.

Building Site – The area occupied by the structure (s) including yard and area required for setbacks, supporting facilities, access and lighting.

Code Enforcement Officer – Officer to the Town of Lee charged with the enforcement of all local regulations.

Condominium – Real property or any interests therein lawfully submitted by the recordings of a condominium instrument pursuant to RSA 356-B.

Contractor – Person retained by the property owner with the responsibility of construction.

Conversions The making of a physical change to a structure, previously used only as a seasonal residence, or the land on which it is situated which would permit the structure thereon to be used for year round living.

Conversion/Condominiums – Pertains to a property which prior to the recordings of a condominium instrument pursuant to RSA 356-B, was inhabited as a duplex or a multifamily dwelling.

Coverage Shall mean the percentage of the land area covered by the building site.

Day Care Center – A facility providing less than twenty-four (24) hour child care for more than five children.

Duplex A structure housing two (2) dwelling units of approximately the same size; ownership may be one or more parties. Each of the units has separate entrance.

Dwelling Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

Dwelling Unit – One or more rooms, including cooking facilities and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Dwelling Area Means those areas used for daily living measured by interior wall measurements and shall not include unheated garages, attics, enclosed porches, cellars or areas occupied by heating and ventilating equipment. Dwelling area shall be presumed to be 70% of gross area unless evidence is submitted otherwise.

Driveway Any designated vehicular access from a lot to a public or private right of way.

Excavation A land area which is used or has been used for the commercial taking of earth including all slopes.

Flood Plains (Flood Hazard Zone) shall mean the channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The regulatory floodway shall be as delineated on the flood insurance rate maps and flood boundary maps of the Town of Lee, dated 1986, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

Frontage, Road: The contiguous length of the lot bordering on a public right of way.

Frontage, Water: The contiguous length of the lot bordering on the water. Water frontage may not be used to meet road frontage requirements.

Foundation The basis upon which any structure is supported and shall include any systems acceptable under the terms of the Lee Zoning Ordinance, the BOCA building codes and this ordinance.

Health Officer Shall mean the officer appointed by the State of New Hampshire under the authority of RSA 147 who is charged with the responsibility of enforcement of all local health and safety requirements.

In-Law Unit – Shall mean a separate dwelling unit which is contained within a single family residence on a conforming lot. Such unit shall have no more than one (1) bedroom and shall be no larger than six hundred and fifty (650) square feet. The primary unit shall be owner occupied.

Land Use Regulations – Any and all zoning, subdivision, building codes or other environmental regulations promulgated either by the Town of Lee or by the State of New Hampshire.

Leaching Area the land on a building site which is used for waste water disposal and shall include all slopes and required area for buffering and setback from the property lines as set forth in state and local regulations.

Lot of Record A distinct tract of land recorded in a legal deed and filed in the Registry of Strafford County, New Hampshire prior to April 9, 1966.

Manufactured Housing (Manufactured Home) Any structure, transportable in one or more sections which in the traveling mode is eight body feet or more in width and forty (40) body feet in length or when erected on site, is three hundred twenty (320) square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required facilities.

Mobile Home Park – A tract of land on which there are sited or it is proposed to be sited more than one manufactured home but where it is intended that ownership of all lots is to be maintained by a single owner and where the lots are intended to be rented or leased to individuals who will place manufactured homes thereon.

Mobile Home Subdivision – A tract of land where it is proposed that a number of manufactured homes be located, each sited on an individual lot with the intention that the home be placed thereupon.

Multi-family Structure – Shall mean a residential structure containing more than two dwelling units.

Multi-family Development Complex – Shall mean two or more multifamily structures on the same site.

Non-conforming Use – The use of any structure or property which does not conform to the use regulations of the zone in which the use exists and which is permitted because it was in lawful existence as such prior to the adoption of related ordinances or was permitted by variance. The nonconforming status shall not apply to any expansion or change in this use.

Occupancy Permit – Shall mean the certificate issued by the Building Inspector which permits the use in accordance with the approved plans and specifications which is issued following an on site inspections and certifies compliance with state and local regulations.

Planning Board – Shall mean the Planning Board for the Town of Lee for which authority is set forth in RSA 673:1.

Presite Built Housing – (Modular Home) Shall mean any structure designed primarily for residential occupancy which is wholly or in substantial part, made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development property standards for local building codes for installation and assembly on the building site. This shall not include manufactured housing.

Private Road – Shall mean any road serving more than one single family house lot for which the right of way is not held by either the town or the state.

Right of Way – Includes all town, state and federal highways dedicated to the public use. Shall include the land on either side as covered by statutes or as deeded to determine the entire right of way.

Residing – Shall mean replacing or covering the pre-existing surface of a framed building with materials such as, but not limited to, wood products, vinyl, stucco, or aluminum.

Re-subdivision – Shall mean the combining of existing lots of record, and/or their subsequent division.

Seasonal – Refers to less than 183 calendar days.

Seasonal Dwelling – Any structure which is capable of being used as a dwelling but which, because of lack of heating, water, sewage, treatment facilities, electrical or cooking facilities or any factor relating to the land on which the structure is situated cannot be conveniently used continuously on every day of the calendar year.

Setback – Shall mean area required by state or local ordinances designated from the property lines to the closest building or parking area.

Scenic Road – Those roads so designated as such by vote of town meeting restricted by state statutes pertaining to the clearing and the widening and other changes related to such roads.

Shoreline Conservation District – Shall mean all land within one hundred feet (100 feet) of the shoreline of the Lamprey River, Little River, North River, Oyster River, Dube Brook, Chelsey Brook and Wheelwright Pond. Shore shall be defined as the average high water line of the above bodies of water.

Signs – Shall mean a structure, building was or other outdoor surface or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of any person.

Structure – Shall mean anything which is constructed or man-made and shall include but not be limited to paving, leaching areas, wells and all buildings.

Street – A public right of way.

Subdivision – Shall mean the division of a lot, tract or parcel of land into two or more lots for the purpose of sale, lease, or rent, condominium development or building development thereon. Mobile Home Parks are also included herein.

Special Exception – The use of land or buildings that is permitted, under the terms of the Lee Zoning Ordinance by the Board of Adjustment following due public hearing upon satisfactory compliance with conditions set forth by statute and local land use regulation to permit the granting of such.

Test pit – Shall mean soil tests which are performed according to requirements set forth in this ordinance section in the presence of the Health Officer and with reports to the appropriate town agency submitted by an approved soil scientist for the purpose of building development, specifically the location of sub surface waste water treatment.

Undevelopable Land – Shall mean land designated as (1) Wet Soils or (2) floodplains or (3) having slopes greater than 15%.

Wet Soils¹ – *Shall mean those soils classified as poorly or very poorly drained as defined by the Soil Drainage Class Interpretive Limits section of Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Version 2.0 January, 1999, published by the Society of Soil Scientist of Northern New England (SSSNNE Special Publication #3), or the current version of this publication. Agricultural*

¹ March 2005

waste storage facilities, constructed and operated in accordance with NHDAMF (New Hampshire Department of Agriculture Markets and Food) best management practice guidelines, shall not be construed as a wet soil area for the purpose of this ordinance.

Variance – A relaxation of the terms of the ordinance (Building Regulations or Zoning Ordinance) granted by the Board of Adjustment following due public hearing where it is demonstrated that statutory requirements pertaining to the granting of such variance have been satisfied.

Zoning Board of Adjustment – Board appointed by the Selectman for the purpose of hearing appeals and administering special provisions by ordinance dealing with variances, special exceptions and administrative decisions as set forth in RSA 674:33. Shall mean the Board of Adjustment for the Town of Lee.

ARTICLE III

APPLICATION

A. Application Requirements

No construction, renovation, alteration, reconstruction or additions to any building or structure shall be undertaken in the Town of Lee without first obtaining the proper permit from the Code Enforcement Officer. In addition to the above, permits shall also be required for:

1. Replacement of septic tanks or leachfields;
2. Inground pools;
3. Wells;
4. Paving;
5. Tennis Courts or other major site improvements;
6. Demolition.

No structure shall be put to any different use until a permit has been issued and any necessary approval(s) as applicable have been obtained from the Zoning Board of Adjustment or the Planning Board.

Permits must be obtained for the placement or replacement of mobile homes on site. Permits must be obtained for the relocation of any structure.

Exempted from permits are the following:

- 1) Papering and painting of structures;

- 2) Fencing;
- 3) Landscaping;
- 4) Roof Covering: (as defined in the BOCA Nations Code-1990);
- 5) Residing;

B. Fees²

Fees for Building Permits shall be determined by the Governing Body as provided in RSA 674:51; sections III-(d).

C. Application Process

Application for building permit must be filed with the Building Inspector for the Town of Lee and shall be filed on the appropriate town forms.

It shall contain the following information: Names, and address and signature of the applicant and property owner, the date, the location of the property and a complete description including building plans of the proposed construction.

The following information must also be submitted with the application for building permit:

- 1) Tax Map Number;
- 2) Site Plan showing the location of all the existing and proposed buildings and improvements (well and septic system) including dimensions and the distance to abutting property lines;
- 3) Site plan showing the location of all adjacent wells and septic systems;
- 4) Approved septic system design;
- 5) Schedule of doors and windows;
- 6) Driveway approval from appropriate state or local officials
- 7) Appropriate fees.

D. Review Process

Applications shall receive action by the Building Inspector within ten days of submission of a completed application.

² March 2005

Upon receipt of the application, the Building Inspector shall take such action as may be indicated in the way of investigation or public hearing to acquaint himself with the merits. He may refer the application to the Board of Adjustment if he finds that the proposed structure does not conform to the ordinances of the Town of Lee. The permit may be denied for just cause. In such case, the inspector shall submit to the applicant in writing a statement of the reasons for denial.

Expiration A building permit shall become void unless construction is commenced within six (6) months of the date of application approval unless such time is extended by the Building Inspector. The construction shall be completed within one year from the date of issuance of the permit unless the time for completion has been formally extended. The Building Inspector may upon application in writing grant one or more extensions of the permit period. Such extensions may not exceed a six (6) months period each.

Posting A building permit shall be visibly posted at the construction site.

ARTICLE IV

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Lee may also be the Building Inspector. the officer shall be appointed annually by the Board of Selectmen, compensation to be determined annually by said board. He shall be the administrative officer of this ordinance. He shall receive applications and fees for the erection or alteration of structures; or of plumbing and electrical wiring as set forth in this ordinance.

The officer shall keep complete records of all permits issued and accept and deposit with the Town Treasurer all fees collected by him under this ordinance.

The officer may issue permits for the remodeling and/or construction of any structure if the proposal complies with the law of the state of New Hampshire, of this ordinance and all other town ordinances and by-laws.

ARTICLE V

CODES³

The following codes are hereby adopted and made part of this ordinance:¹

³ Amended March 13, 2007

1. International Building Code/2006 Edition, published by International Code Council, Inc., with BOCA; Building Officials & Code Administrators International, Inc., ICBO; International Conference of Building Officials and SBCCI; Southern Building Code Congress International, Inc.
2. International Residential Code for One and Two Family Dwellings/2006 Edition, published by International Code Council, Inc., with BOCA; Building Officials & Code Administrators International, Inc., ICBO; International Conference of Building Officials and SBCCI; Southern Building Code Congress International, Inc.
3. International Plumbing /2006 Edition, published by International Code Council, Inc. with BOCA; Building Officials & Code Administrators International, Inc., ICBO; International Conference of Building Officials and SBCCI; Southern Building Code Congress International, Inc.
4. BOCA National Fire Prevention Code/2006 Edition, published by Building Officials & Code Administrators International, Inc.;
5. NFPA National Electrical code, 2005 Edition, published by National Fire Protection Association;
6. NFPA 101, Life Safety Code, 2006 Edition, published by National Fire Protection Association;
7. New Hampshire Energy Code, as adopted by the Public Utility Commission 1986 and any and all amendments hereto;
8. International Mechanical Code/2006 Edition, published by International Code Council, Inc. with BOCA; Building Officials & Code Administrators International, Inc., ICBO; International Conference of Building Officials and SBCCI; Southern Building Code Congress International, Inc.
9. NFPA 13, Installation of Sprinkler Systems, 2007 Edition, published by National Fire Protection Association;
10. NFPA 13D, Installation of Sprinkler Systems in One & Two Family Dwellings & Mobile Homes, 2007 Edition, published by National Fire Protection Association;

¹ Amended March 11, 2003

11. NFPA 13R, Installation of Sprinkler Systems in Residential Occupancies Up To & Including Four Stories in Height, 2007 Edition, published by National Fire Protection Association;
12. NFPA 31, Standard for the Installation of Oil Burning Equipment, 2006 Edition, published by National Fire Protection Association;
13. NFPA 58, Standard for the Storage & Handling of Liquefied Petroleum Gases, 2004 Edition, published by National Fire Protection Association;
14. NFPA 72, National Fire Alarm Code, 2007 Edition, published by the National Fire Protection Association.
15. NFPA 211, Standard for Chimneys, Fireplaces, Vents & Solid Fuel-Burning Appliances, 2006 Edition, published by National Fire Protection Association.
16. NFPA 54, National Fuel Gas Code, 2006 Edition, published by National Fire Protection Association.
17. NFPA 30A, Automotive and Marine Service Station Code, 2003 Edition, published by the National Fire Protection Association.
18. NFPA I, Uniform Fire Code, 2006 Edition, published by the National Fire Protection Association. Exception: NFPA 5000, as referenced in the Uniform Fire Code shall not become part of the code. The International Building Code is the adopted state building code as well as locally adopted.
19. NFPA 720, Standard for the installation of a carbon monoxide (CO) warning equipment in dwelling units, 2005 edition, published by the National Fire Protection Association. Detectors must include a digital readout indicating the Parts Per Million (PPM).

No Structure including manufactured housing shall be erected, located, altered, rebuilt, substantially repaired or remodeled unless in compliance with the above listed codes where applicable.

ARTICLE VI

INSPECTION PROCESS

During the construction process, the structure shall be available for unannounced inspections at any time during the normal working day to the Building Inspector. In addition, it shall be the responsibility of the applicant to inform the Building Inspector upon completion of the following construction phases and to allow opportunity for the required inspection prior to commencing work. The Building Inspector shall respond to the applicant and conduct the inspection within three (3) days of the requested inspection. The contractor (or property owner) shall give the building inspector a twenty-four (24) hour notice for any required inspections. The building inspector shall keep accurate records of the inspection visits, noting any deficiencies. The applicant shall correct any deficiencies prior to proceeding with the construction.

For new home construction, the following inspections shall be required:

- 1) Plan review prior to construction;
- 2) Foundation Inspection;
- 3) Inspection following framing;
- 4) Open Wall inspection of electrical wiring and plumbing following installation;
- 5) Insulation;
- 6) Prior to occupancy.

Occupancy permit shall be issued following final inspection for any new dwelling unit to include additions and new homes and garages attached or unattached.

Inspections for accessory buildings shall include:

- 1) Plan review;
- 2) Foundation (if applicable);
- 3) Any above inspections as required;
- 4) Final Inspection.

Inspections for building additions shall conform to that for any new home as applicable.

In-ground pools shall be inspected following excavation and completion.

In major construction projects, at the discretion of the building inspector, a consulting engineer shall be employed by the town to oversee the building construction. Costs for such services shall be borne by the applicant.

ARTICLE VII

COMMERCIAL OR PUBLIC BUILDINGS

A. Commercial or Public Buildings

No building permit shall be granted for the construction, addition or expansion, of any commercial or public building unless such structure has been granted a site approval by the Lee Planning Board in accordance with the Site Plan Review Regulations for the Town of Lee. If such structure is located in the residential zone, it shall also require a special exception or variance from the Zoning Board of Adjustment.

B. Knox Box⁴

All commercial buildings constructed in the commercial zone after July 1, 2007 shall have a surface or recessed rapid entry system, i.e. Knox Box, with key(s) to access the building, fire alarm panel and other spaces as determined by the Fire Chief, Deputy Chief, or their Designee.

C. Fire Alarm System(s)⁵

All commercial buildings constructed or expanded in the commercial zone after July 1, 2007 shall have a fire alarm system installed under NFPA 72, National Fire Alarm Code, 2007 edition. The following shall also be required, in that, all commercial buildings, regardless of square footage constructed or expanded in the commercial zone shall provide a monitored fire alarm system that is either tied to the Lee Fire Department's Dispatching center or a monitoring center approved by the Fire Chief, Deputy Chief, or their Designee. All fire alarm systems panel boards cabinets and or devices shall be keyed with a "CAT 30" type key. The requirement for the alarm system may be waived by the Fire Chief, Deputy Chief, or their designee after review of the building or expansion of existing buildings.

ARTICLE VIII

ZONING REGULATIONS

⁴ Added March 13, 2007

⁵ Added March 13, 2007

All lots used for residential purposes must conform to the requirements set forth in the Lee Zoning Ordinance. All lots used for commercial purposes shall conform to the requirements set forth in Article VI of the Lee Zoning Ordinance.

A. Wet Soils Zone No structure, with the exception of wells and well housing shall be constructed within seventy-five (75) feet of the Wet Soils Conservation Zone as delineated on the Zoning Maps for the Town of Lee. A septic system shall not be constructed within one hundred twenty-five (125) feet of a Wet Soils Zone.

B. Aquifer District Construction within the aquifer conservation district must comply with the regulations set forth in Article XIII of the Lee Zoning Ordinance. No more than ten per cent (10%) of a lot or tract within the aquifer Conservation district shall be covered by pavement, roofing or materials impervious to water.

C. Shoreline Conservation District Building permits shall not be issued for construction within one hundred (100) feet of the shores of the Lamprey River, the Oyster River, the Little River, the North River, Dube Brook and Chesley Brook and Wheelwright Pond. Shoreline shall be defined as the average high water line.

D. Nonconforming Structures In the case where an existing structure predates zoning and is nonconforming, an addition or modification to the existing structure must conform to the restrictions which are in effect at the date of application for the building permit. Nonconforming construction will be permitted as a replacement for the existing use where the new construction does not constitute an additional or greater nonconformity with existing ordinances.

Where a nonconformity is to be expanded, or changed in use, a variance shall be sought as set forth in the Lee Zoning Ordinance.

E. Grandfathered rights are rights (or uses) which pre-exist local zoning regulations, April 9, 1966. this use shall be permitted to continue in its present state but may not be extended in area, changed to another nonconforming use or reestablished after discontinuance for one year or more. (See Nonconforming structures above.)

F. Flood Hazard Areas shall comply with the Town of Lee Model Floodplain Ordinance as set forth in the Lee Zoning Ordinance Article XIX.

ARTICLE IX

MINIMUM BUILDING STANDARDS

A. Building Height – The maximum height of any building shall be thirty-five (35) feet which shall be measured from the lowest point of grade to the mean between the lowest eave and the ridge of the building. It shall not include any chimneys, antennas, cupolas or other non-habitable extensions of the building.

B. Minimum Living Area – Each dwelling unit shall have a minimum living area of five hundred (500) square feet.

C. Setbacks and Buffer Zones – No building and/or additions to any structures shall be permitted within the designated setback area or buffer zones as set forth in the Lee Zoning Ordinance Articles as applicable.

D. Manufactured Housing and Pre-site Built Housing: Manufactured housing and pre-site built housing shall comply with all standards set forth herein. There shall be no relocation or placement of mobile homes on site without first obtaining a building permit. Manufactured Housing shall also comply with the HUD standards and the New Hampshire Energy Code.

E. Wells Any drilled well shall be installed by a licensed driller. The application for such building permit shall contain the license number of the driller.

A new well, drilled or dug, shall not be placed closer than forty (40) feet to an undeveloped lot line or less than one hundred twenty-five (125) feet from an existing or proposed septic system leach bed. Permit application for said well shall contain a site plan showing the distance to any abutting leach bed areas.

F. Seasonal Conversions – All standards contained herein shall apply to a residence which may be used only for seasonal residence. A seasonal residence shall not be converted to year round use unless all of the health and safety standards for the Town of Lee can be satisfied including the installation of an appropriate waste water disposal system.

G. Lighting – All exterior lighting shall illuminate downward so not to project any glare or distraction to passing traffic. Lighting shall be designed such that it provides illumination only upon the property to which it is intended.

H. Signs – Signs shall conform to all specifications set forth in the Lee Zoning Ordinance Article XVII. A sign shall not be erected or replaced without first obtaining a sign permit from the Building Inspector. The application for such permit shall include an accurate drawing of such sign including all dimensions. A site plan shall show the designated location of the sign on site including the distance from the property lines and right of way. The application shall also describe proposed construction materials for the sign and shall describe the illumination (and hours of illumination) which is intended.

I. Fuel Storage Tanks – All proposed fuel storage tanks for the storage of petroleum or petroleum products shall comply with the New Hampshire Water Supply and Pollution Control Commission standards WS 411. These regulations shall apply to all tanks of any capacity whether or not the WSPCC invokes jurisdiction. In addition, these tanks shall comply with the standards set forth in the Lee Zoning Ordinance Article XIII and the Federal Resource Conservation Recovery Act.

J. Septic Systems – No building permit shall be issued unless the applicant has first obtained approval from Water supply and Pollution Control Division for the State of New Hampshire for a waste water disposal system.

In the case of an existing system, no building addition or replacement or conversion from seasonal to year-round shall be approved in excess of the limits (as shown on the approved plans) of the in-ground disposal system. If no approved plans are on file, it will be the responsibility of the applicant to provide acceptable proof of existing system size and condition.

Permits must be obtained from the health officer for any new system or for the replacement or enlargement of any existing system. New systems and replacement system (or improved or modified systems) shall be inspected in accordance with the schedule set forth below.

The following standards shall apply for any septic system:

A septic system shall be designed for each building lot in accordance with the following regulations and the regulations of the New Hampshire Water Supply and Pollution Control Division.

A septic system shall be located on the same lot as the principal use except where a common area is available for a community system.

K. Oil Burner Inspections prior to the issuance of Occupancy Permits.⁶

An Occupancy Permit shall not be issued until the Fire Chief, Deputy chief, or their Designee has issued an oil burning appliance permit for a new dwelling or commercial building where applicable. (State of New Hampshire Form DSFS-7, Revised 07-95, or subsequent editions).

A. Application

⁶ Added March 13, 2007

An application for septic system approval shall be filed with the Health Officer of the Town of Lee. Said application shall be submitted in four copies complete with the following information:

- a. Date of application
- b. Installation location including tax map number
- c. Plan showing the details of the design
- d. Site Plan of the lot including all dimensions, location of the Wet Soils and existing structures
- e. Tank Size
- f. Name and address of the contractor
- g. Location of the test pit within the leaching area
- h. Soil testing data by town's soil scientist
- i. Applicants name and address

B. Site Evaluation

- 1) The site evaluation shall be done by a soil scientist acceptable to the Planning Board.
- 2) The evaluation shall include soil color, texture, structure, consistency in each horizon, parent material, depth to seasonal high water table, depth to restrictive layers, depth to refusal (bedrock or clay), depth to free water, soil moisture (field condition), slope and soil profile.
- 3) Slope
 - a. A conventional systems shall not be placed on a land slope greater than fifteen (15) percent.
- 4) Test pits
 - a. There shall be a minimum of two (2) holes per system dug at a distance of fifty (50) feet apart. One of the Two approved test pits shall be located within the designed leachfield area. More test pits may be required by the Health Officer for each proposed leachfield area as site conditions warrant.
 - b. Test pits shall be dug in the presence of the health officer and shall be logged on appropriate worksheets by the soil scientist, to be promptly submitted to the Planning Board or the Health Officer. The soil scientist shall be selected by the applicant from an approved list (on file with the Planning Board.) The soil scientist shall be employed by the town, fees to be paid to the town by the applicant.
 - c. Test pits shall be dug to a minimum depth of ten feet or until ledge is encountered. The minimum depth to bedrock for an acceptable test pit shall be five (5) feet.
 - d. All test pits dug shall be recorded and information submitted to the appropriate town agency.

- e. Location of test pits shall take into consideration all setback requirements including those for lot lines, Wet Soils and shoreline districts and wells.
- f. Minimum depth to estimated seasonal high water table or restrictive layer (per soil manual for site evaluation in New Hampshire) shall be a least twenty-four (24) inches for a test pit to pass.
- g. On lots created through subdivision at least two (2) test pits shall pass in accordance with town regulations. On lots of record, both test pits shall meet minimum town requirements. However, in the case of substandard lots (grandfathered lots of record) or failed systems to be replaced, the health officer shall take into consideration inherent land conditions and make appropriate allowances to permit the improvement of the conditions on the property and surrounding properties and to minimize potential pollution hazards without allowing State standards to be jeopardized.

C. Design Requirement

1. Conventional Systems

- a. The bottom of the leaching bed must be four feet above seasonal high water table or restrictive layer.
- b. The bottom of the leaching bed must be eight (8) feet above bedrock or any impermeable substratum (any soil having a percolation rate of less than sixty (60) minutes per inch is considered impermeable).
- c. The receiving layer should extend around the leaching system at least seventy-five (75) feet laterally. There should be at least five thousand (5000) square feet of contiguous area suitable for a receiving layer. There shall be a minimum of one hundred twenty five feet (125) to poorly drained soils from the leaching area.

2. Raised or Mound Systems

- a. The bottom of the leaching bed must be four (4) feet above the seasonal high water table or restrictive layer.
- b. The bottom of the leaching bed must be eight (8) feet above bedrock or other impermeable substratum.
- c. The receiving layer should extend around the leaching system at least seventy-five (75) feet laterally. there should be at least five thousand (5000) square feet of contiguous area suitable for a receiving layer.
- d. The maximum allowed surface slope is fifteen percent (15%).
- e. The mound shall not be placed in depressions, at the bases of slopes, or on concave slopes unless suitable drainage is provided.
- f. A minimum of sixty (60) inches of natural soil is required above bedrock or impermeable soil layer.

- g. A minimum of twenty-four (24) inches of unsaturated natural soil is required between the original soil surface and seasonally saturated horizons.

D. Subsurface System Design

1. A conventional system shall be designed according to the design requirements of the New Hampshire Water Supply and Pollution Control Division.

2. Mound Systems

- a. The percolation rate for design of the size of the basal area (natural soil fill interface of the mound) shall be that of the original soil.
 - b. The fill material shall be medium, clean sand (.5 1mm)
 - c. All trees and excess vegetation must be cut and removed (leave the stumps cut at ground level in place).
 - d. Topsoil shall be stripped from the leachfield area, removed and stockpiled for final grading.
 - e. The bottom of the leach bed shall be at least four (4) feet above seasonal high water table for a restrictive layer.
 - f. At least six (6) inches of aggregate shall be placed under the distribution pipes and at least two (2) inches shall be placed over them.
 - g. The cap over the mound and on the sides should be at least 1.5 feet of which at least six (6) inches should be good quality topsoil.
 - h. The finish grade over the mound must extend at least ten (10) feet beyond the perimeter of the bed before sloping to natural ground level.
 - i. The maximum side slope allowable is 3:1.
 - j. The distribution pipes must be laid level.
 - k. The minimum basal area required is dependent upon the percolation rate of the natural soil.
- 1.) On sloping site, the basal area shall be the entire area under the bed and down slope of the bed. ($A = \text{Bed Length} \times (\text{Bed Width} + \text{Down slope Width})$)
 - 2.) All conventional subsurface systems will be inspected and approved prior to the placement of gravel over the distribution pipes.
 - 3.) If the basal area available is not equal to or greater than the basal required, the down slope and width on the sloping site or the up and down slope widths on a level site shall be increased until sufficient area is available.

E. Inspections

1. All inspections shall be made by the Health Officer or a designated agent of the town.
2. All conventional subsurface systems will be inspected and approved prior to the placement of gravel over the distribution pipes.
3. Mound systems shall be inspected:
 - a. At the time the ground surface is exposed,
 - b. While the sand fill is being placed;
 - c. At the time of completion of the installation of the distribution system;
 - d. After the work is completed.

F. Septic Tank and Leach Field Size

Absorption Rate Requirements for residential use shall meet minimum state requirements. Percolation rate over sixty (60) minutes is not suitable for leaching systems.

In every case, sufficient area should be provided for at least three (3) bedrooms. The minimum septic tank size shall be 1000 gallons; for each additional bedroom after four (4), an additional two hundred fifty (250) gallons shall be added.

NOTE: Approval by the Health Officer of the septic system shall not be construed as a guarantee that the system will function to the full satisfaction of the applicant and that, in no way, shall the town be liable if the system fails or does system does not work.

G. Community and Commercial Systems shall be constructed according to state standards. The town reserves the right of review and to do special studies or review by a consulting engineer. Costs for such will be borne by the developer. In every case, nutrient loading analysis will be required according to town specifications; this shall be reviewed by the Planning Board under site review process and evaluated by a consulting hydrologist, cost to be borne by the developer.

Chamber Systems shall be permitted provided they meet state requirements. These shall be subject to review and inspection process by the town.

Acceptance of any other type of system shall be at the discretion of the Health Officer and shall meet all requirements of the New Hampshire Water Supply and Pollution Division.

ARTICLE X

CONSTRUCTION SAFETY CLAUSE

Any building site in the town of Lee shall be left in a safe at all times. The owner/contractors shall assume the responsibility for leaving the construction site so as no dangerous or hazardous conditions exist.

ARTICLE XI

OCCUPANCY PERMITS

Occupancy permits will be issued in writing following a final inspection by the Building Inspector to ensure compliance with all local and state regulations. An occupancy permit shall not be issued until after the road agent has inspected and approved the driveway. For a new dwelling on a proposed town road, no occupancy permit shall be issued until after completion (and inspection) of the base course of paving.

In the inspection process, prior to the issuance of occupancy permits the building inspector shall also verify the placement of boundary monumentation according to the regulations set forth in the Lee Subdivision regulations. Boundary monumentation shall be set for all lots created by subdivision.

ARTICLE XII

ENFORCEMENT

It shall be the duty of the Board of Selectman or the Code Enforcement Officer and they are hereby given power and authority, to enforce the provisions of this ordinance.

Upon well founded information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking injunction in the Superior Court or by any other legal action.

ARTICLE XIII

BOARD OF ADJUSTMENT

The Board of Adjustment shall have authority to allow slight variances from the specific terms of this Ordinance where it can be shown that unnecessary hardship would result and where all other criteria for the granting of said variance can be satisfied.

ARTICLE XIV

AMENDMENT

This ordinance shall become effective immediately upon passage by majority vote at town meeting. The ordinance may be amended by a majority vote of any legal town meeting following the provisions for the posting and public hearing as set forth in RSA 675:6.

ARTICLE XV

CONFLICTING PROVISIONS

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

ARTICLE XVI

VALIDITY

If any section, clause, provision, portion or phrase of this Ordinance shall be held invalid or unconstitutional, by any court or competent authority, such holding shall not effect, impair, or invalidate any other section, clause, provision, portion, or phrase of this Ordinance.