

BUILDING PERMIT PROCEDURE

Adopted March 11, 1981 at Town Meeting, this regulation was adopted by the Selectmen to carry out the purposes of the Building Permit Ordinance. Any person(s), partnerships, corporation or trust intending to alter, construct, erect or reconstruct any structure, change or construct a septic system or well, regardless of cost, or make repairs or renovations shall first obtain an application for a permit through the Selectmen's Office.

Note 1: A permit is not required to paint a structure or replacement-in-kind (see Page 3, Section 7G); however, Historic District Guidelines apply if the property is within the Historic District.

Note 2: No Building Permits shall be considered for a new structure or new septic system until a Driveway Permit has been approved.

Note 3: Building Permits for landlocked lots, created after April 17, 2000, will not be issued until conditions of RSA 674:41 have been met.

Note 4: A Building Permit shall become invalid unless operations have begun within six (6) months of the permit issue date. Only one six (6) month extension may be granted prior to the expiration of the original permit and may be subject to: 1) Additional fees; 2) A review to determine the project has not been amended; and 3) A review of any changes to State and Town ordinances, laws, and land-use policies.

Note 5: Building sites must be clearly marked with stakes and brightly colored ribbons to facilitate inspection. Inaccurate or inadequate marking will result in rejection of an application. Black marking pens should be used to identify each stake on site. Stakes are to be used to identify the corners of structures, leach fields, septic tanks as well as the edge of lakes, ponds, streams and wetlands. Stakes on site must correspond precisely to the drawing of the construction proposed and permit verification of placement relative to setback requirements (Town Zoning Ordinance 150-13). When applicable, measurements from onsite benchmarks must be provided for this purpose.

Note 6: Building Permit issuance during snow cover: The Board of the Selectmen is unable to carry out the normal process of verifying the application is in compliance with the Town of Sandwich Zoning Ordinance. The property will be inspected/re-inspected once the weather improves. Any construction, if permit is conditionally approved, undertaken pursuant to this building permit is taken at your own risk. If, on inspection of the property, the zoning ordinance has not been met, the structure(s) may have to be removed.

Note 7: If an agent is representing the property owner(s), a letter or email from the property owner(s) to the Selectmen's Office giving approval to the Agent representing the property owner(s). The approval must be received by the Selectmen's Office prior to the property inspection.

Mail: Town of Sandwich, Selectmen's Office, PO Box 194, Center Sandwich, NH 03227
Email: tos2@cyberpine.net

Note 8: Refer to Town Zoning Ordinance 150-51 for Special Provisions.

1. **Road Access Permit**: In accordance with RSA 236:9, a Building Permit is required for a new or modified road access where the access enters a State or Town road. If the road is a State highway, an application is obtained from and submitted to the State Highway Office in Gilford, NH. If the road is a Town road, an application is obtained from and submitted to the Selectmen's Office.

Fee: None (Inspection required by Road Agent for a Town Road)

2. **Driveway Permit**: A Building Permit is required for the construction of a driveway starting from the property line into the property. The driveway permit is applicable for driveway cuts off of a Town/State road or a former logging road. The application is obtained from and submitted to the Selectmen's Office. Refer to Zoning Ordinance 150-20. A Planning Board Steep Slopes Application may be required. See Zoning Ordinance 150-5 and Article X for definition and regulation.

Fee: \$50 (Inspection required)

3. **Septic System Permit**:

- A. **New Septic Systems**: A Building Permit is required. An application is obtained from and submitted to the Selectmen's Office. The application must be accompanied by: 1) Four copies of a design from a licensed designer; 2) Pre-addressed and stamped envelope to NH Water Supply Pollution Control (NHWSPCD); 3) State application; 4) A check for the WSPCD fee payable to WSPCD; and 5) A check for the Town fee. For additional information: www.des.state.nh.us.

At the time of application, the location of the leachfield, septic tank and pump chamber, if applicable, must be staked out on the property and comply with Town Zoning Ordinance 150-13A. The Selectmen will conduct an on-site inspection. If no design discrepancies are found and the distances conform to Town Zoning Ordinance requirements, the Selectmen will approve the septic design and mail to WSPCD. The building permit will be issued once the State approves the septic plans, and the Town receives the "Approval for Construction" from the State.

Fee: \$100 (Inspection required)

- B. **Amended Plans for New Septic Systems**: In accordance with Town Zoning Ordinance 150-62C(3), any change in the location of either the dwelling, septic tank or leachfield requires a re-inspection. An inspection fee may be charged.
- C. **Reconstruction of existing septic system**: A Building Permit is required to reconstruct an existing system; however, no WSPCD permit is required to:

- 1) Replace a septic tank of the same size or larger in same location.
- 2) Replace a leachfield of same size and location.

A WSPCD permit *is* required to construct a leachfield or move a septic tank to a new location (see 3.A. above). A copy of a licensed designer's test pit data and a layout of the leachfield, septic tank, and well location must be submitted with a Building Permit Application.

Fee: \$50 (Inspection required)

- D. Change in structure use or size: A Building Permit is required for a proposed increase in the size of an existing structure or when a structure is converted from seasonal to year-round occupancy. Due to the increase in load on the septic system, a re-evaluation of the existing septic system is required. Once the Selectmen have reviewed the application and have determined no Town ordinances are being violated, approval must be sought from the WSPCD.
- E. Grandfathered systems: A newly designed septic system does not need to be built until the old system fails; however, State and Town permits must be secured to ensure a new, larger system is possible should it be needed.
- F. Special Provisions: Refer to Town Zoning Ordinance 150-51.

4. **Well Permit:** A Building Permit Application is required for all new or replacement wells. Refer to Town Zoning Ordinance 150-13B for setback requirements.

Fee: \$50 (Inspection required)

5. **Building Permits for Erecting or Expanding a Structure:** A Building Permit is required when erecting or expanding a structure – any new footprint, regardless of size, and any change in the footprint of an existing structure. In accordance with Town Zoning Ordinance 150-13, structures are classified as *principle structures* or *accessory structures* and setbacks from lot lines, water, and roads differ for these two structure. An application is obtained from and submitted to the Selectmen's Office.
 - A. Energy Code Compliance: An approved Certificate of Compliance with the NH Residential Energy Code (RSA 155-D), unless specifically exempted under RSA 155-D:7, is required for a new building or any expansion of the existing footprint. The Certificate of Compliance must be furnished before the Building Permit is issued. Review the Energy Code provisions to determine the requirements for alterations and additions. The State agency to contact is NHPUC, (603) 271-2431, www.puc.state.nh.us.

Additional related websites:

- <http://www.energysavvy.com/rebates/NH/nh-puc-residential-solar-water-heating-rebates-new-hampshire-40>
- My Energy Plan™ program helps you in your energy planning:
<http://myenergyplan.net>

- B. Automatic Fire Warning Devices (e.g., smoke detectors): Refer to RSA 153 and RSA 153:10-a for specific requirements.
- C. Special Flood Hazard Areas: Structures in areas designated as Special Flood Hazard Areas by the Federal Emergency Management Agency (see Sandwich Zoning Ordinance Article XII) must go through the standard Building Permit Application process. The application is then forwarded to the Planning Board for review and decision. State and Federal permits may also be needed. Maps of the flood hazard areas are available in the Selectmen's Office.
- D. Building with Modular Units: Anyone using modular components must notify the Selectmen at least 72 hours before work begins. A certification must be received by the Selectmen to ensure compliance with all State regulations regarding the use of modular components.
- E. Application for Erection of Building on a Class VI Highway and Application for Erection of Building on a Private Road: Building on a Class VI highway and/or building on a Private Road requires completion of an additional application.
- F. Foundation-Only Permit: Upon approval of a septic design, a Foundation-Only Permit may be approved to allow site work to begin prior to obtaining an Energy Code Compliance. No other construction may begin until all other applicable permits are obtained.
- G. Env-Wq 1004.15 Relocation or Expansion of Existing Building; Replacement of Demolished or Burned Buildings (effective February 9, 2008): All new construction activities to submit a Subsurface application to the Subsurface Bureau **unless** the project meets the following criteria: No changes in footprint; no change in ridgeline; no change in usable interior space; no change in use; or there **is** a valid operating approval for the existing sewage load. This applies to any construction or expansion including, but not limited to, buildings that have burned, been demolished, or have been reconstructed. Expansion is defined as an increase in the design flow for an existing construction or an increase in the size of the footprint or ridgeline on a former structure. In addition, all projects with the protected shoreland must be in compliance with the Comprehensive Shoreland Protection Act (CSPA). The following documents need to be mailed to the Department of Environmental Services: "Approval for Construction" and "Approval for Operation" from the State; signed and approved septic plan; and a description of the project and the purpose of the space.

Mail the completed package to:

NH Department of Environmental Services
Subsurface Systems Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Fee: \$50 plus \$.05 per square foot including all living areas affected (such as second floor, finished basement, finished attic, etc.).

H. Sewer District: If the new construction or expansion of an existing structure is within the Sewer District, a review will be required by the Sewer District Commission.

6. **Alter or Renovate an Existing Structure**: A Building Permit is required when altering or renovating an existing structure – no expansion or relocation of footprint or living space. If there will be an increase in the number of bedrooms, but no expansion of footprint, a mandatory review of the septic system is required. A change of usage will require a re-evaluation of the existing septic system (refer to #3D above) or a review by the Sewer Commissioners if the property is located within the Sewer District.

Fee: \$35 plus \$.05 per square foot including all living areas affected (such as second floor, finished basement, finished attic, etc.).

7. **Site Inspections**: Upon receipt of a Building Permit Application and the associated fee, if applicable, the application will be processed and distributed to the Selectmen at the next scheduled Selectmen's Meeting. An inspection, approval/denial or request for additional information will normally take place within one week of distribution, unless weather and ground conditions delay the process. See Note 6 above for additional information regarding inspections during winter months.

Before a site inspection is conducted, the following conditions must be met:

- A. All property boundaries, which may be needed to measure setbacks, must be clearly marked.
- B. Applications for a Road Access/Entrance or Driveway must be accompanied by a drawing indicating the exact location of the construction and must be clearly marked by stakes in the ground.
- C. Applications for new structures or additions must be accompanied by a drawing indicating the structure's footprint dimensions and their relation to side and back property lines, centerline of the road, any wetlands, and land in Current Use. Structures to be placed or erected on land in Current Use will require the land to

be removed from Current Use and a Land Use Change tax assessed. All distances must be clearly marked. The footprint of the structure or addition, (including any permanent extensions such as balconies, decks, steps, overhangs and chimneys) must be clearly staked onsite.

- D. A proposed septic system design must show layout with all distances to side and back property lines, to centerline of road, and to any wetlands clearly marked. The leachfield, tank, holding and/or pump chamber, if required, must be clearly marked by stakes on the ground.

8. Miscellaneous:

- A. Additional fees may be levied if more than one site inspection is required due to applicant not meeting necessary building permit requirements.
- B. No Building Permit or fee is required for “replacement-in-kind”. For example, replacing asphalt shingles with asphalt shingles does not require a permit; however, replacing asphalt shingles with a metal roof does require a permit.

9. Issuance of Permits: A building permit will be issued when the following have been completed or approved:

- A. Construction in the Historic District: Approval from the Historic District Commission and review/approval by the Sewer Commissioners
- B. Construction on Steep Slopes: Approval from the Planning Board
- C. Construction in Floodplain Area: Approval from the Planning Board

10. Penalties for Violations:

- A. Failure to with RSA 153 and 153:10 regarding automatic fire warning and smoke detection systems is considered a violation of this permitting procedure.
- B. Violations of the Town’s Zoning Ordinance or this procedure are punishable by a fine up to \$275 per day that the violation continues. Refer to RSA 676:17 and Sandwich Zoning Ordinance 150-100.

11. Appeals:

- A. Procedure for Appeal for Town-issue Permits Violations: Any party aggrieved by the Town Building Permit Application procedure as administered by the Selectmen or their agent may appeal within 30 days to the Zoning Board of Adjustment. Refer to Zoning Ordinance 150-98.

- B. Procedure for Appeal for Automatic Fire Warning Device Violations: Any party aggrieved by the State Fire Marshall's interpretation, order, requirement or direction under the provisions of the RSA 153, may appeal within 45 days after service of notice to the Supreme Court. Refer to RSA 541.
- C. State Driveway Permit Appeal: Refer to RSA 21-L:13-15
- D. Water Supply Pollution Control Division Decision Appeal: Refer to RSA 485-A:40
- E. NH Public Utilities Energy Code Appeal: Refer to NHPUC Rule 1803.04.

Building Permit Procedure Amended: 11/30/98; 04/17/00; 03/18/02; 10/11/05