

Municipal Ordinances to Protect Lake Health



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New Hampshire Department of
Environmental Services

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Lake Sunapee Protective
Association



June 5, 2025

Lakes Congress

Agenda

- Nisa:
 - Why consider municipal ordinances?
 - What is an overlay district?
 - What the state offers
- Dan:
 - Enfield's example, process, and lessons learned
- Elizabeth:
 - Comparing four examples and the lessons learned
- Resources
- Q&A



We love lakes!



Photo Credit: Loon Preservation Committee



Photo Credit: Lake Warren Association



Photo Credit: New Hampshire State Parks



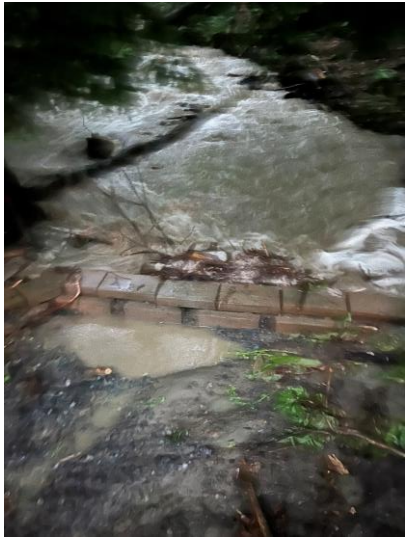
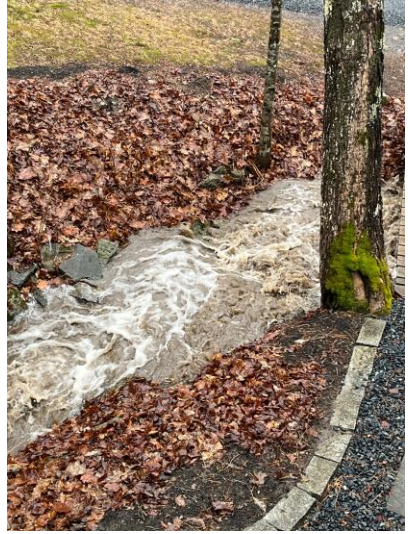
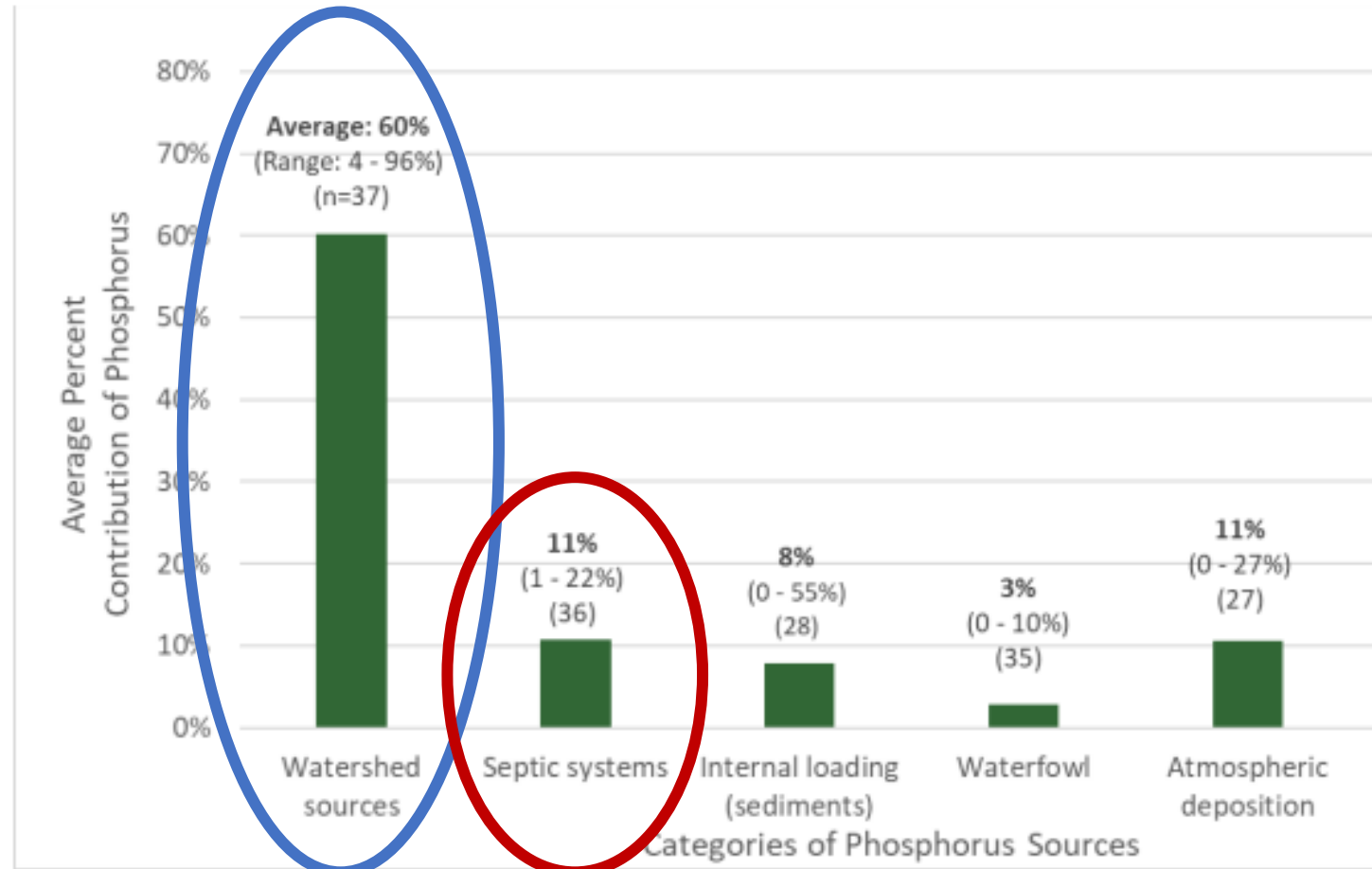
Photo Credit: Pawtuckaway Lake Improvement Association





New Hampshire water quality

Phosphorus comes from:



Addressing/preventing the issues

- Regulatory options, e.g.
 - Shoreland Act permits
 - Wetlands permits
 - AOT permits
 - Septic regulations
 - Stormwater utilities
 - Municipal ordinances
- Voluntary options, e.g.
 - LakeSmart
 - Landscaping for water quality
 - Watershed planning

Regulatory approach:

State sets minimums, municipalities can do more

- The state (NHDES):

- Shoreland, wetlands, AOT permits
- Septic design/installation
- Requirements for failed septic systems
- Septic inspections at time of sale in protected shoreland

- Municipal ***options***:

- Zoning setbacks from waterbodies
- Permeable surface requirements
- Septic maintenance requirements

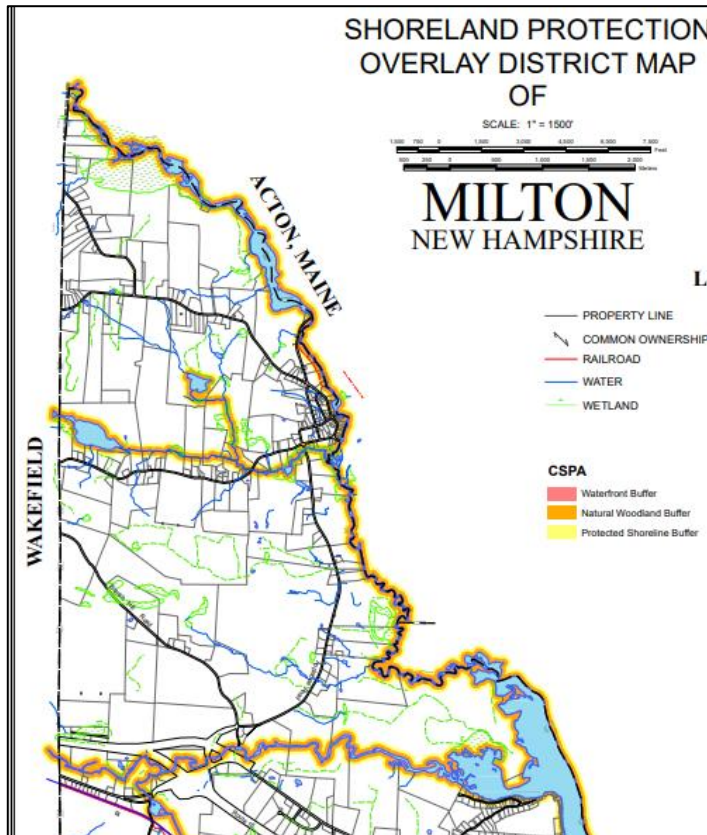
Accomplished via:

- Health Rules
- Town-wide ordinances
- Overlay districts

Focus on *stormwater control* and *septic system function*

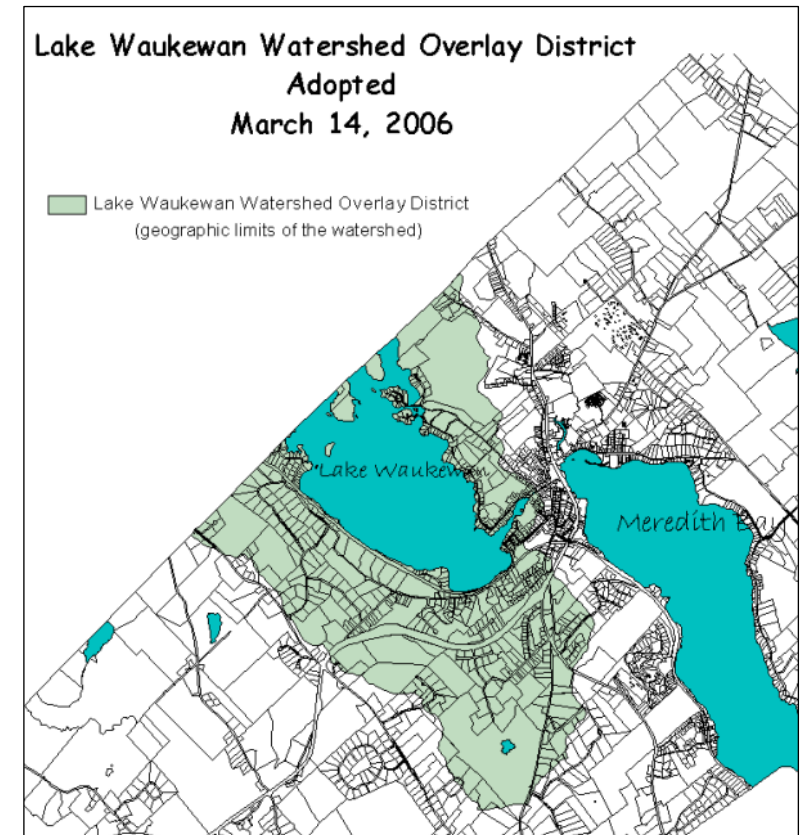
What is a municipal overlay district?

- A zoning tool to apply rules to a specific geography
- Smaller than the whole town



For example, within:

- 250' of the lake(s)
- 250' of the lake(s) and tributaries
- A defined watershed
- Requires mapping



What NHDES does/does not offer

We are happy to:

- Answer questions about water quality issues
- Connect you with other people doing this work

But NHDES:

- Does NOT take a position on local ordinances
- Does NOT help with policy language, mapping, etc.
 - Refer to NHDES factsheet [R&L-31](#) for examples from other towns
 - Regional Planning Commissions sometimes help with mapping
 - Town legal counsel, health officer, selectboard, etc. are important stakeholders





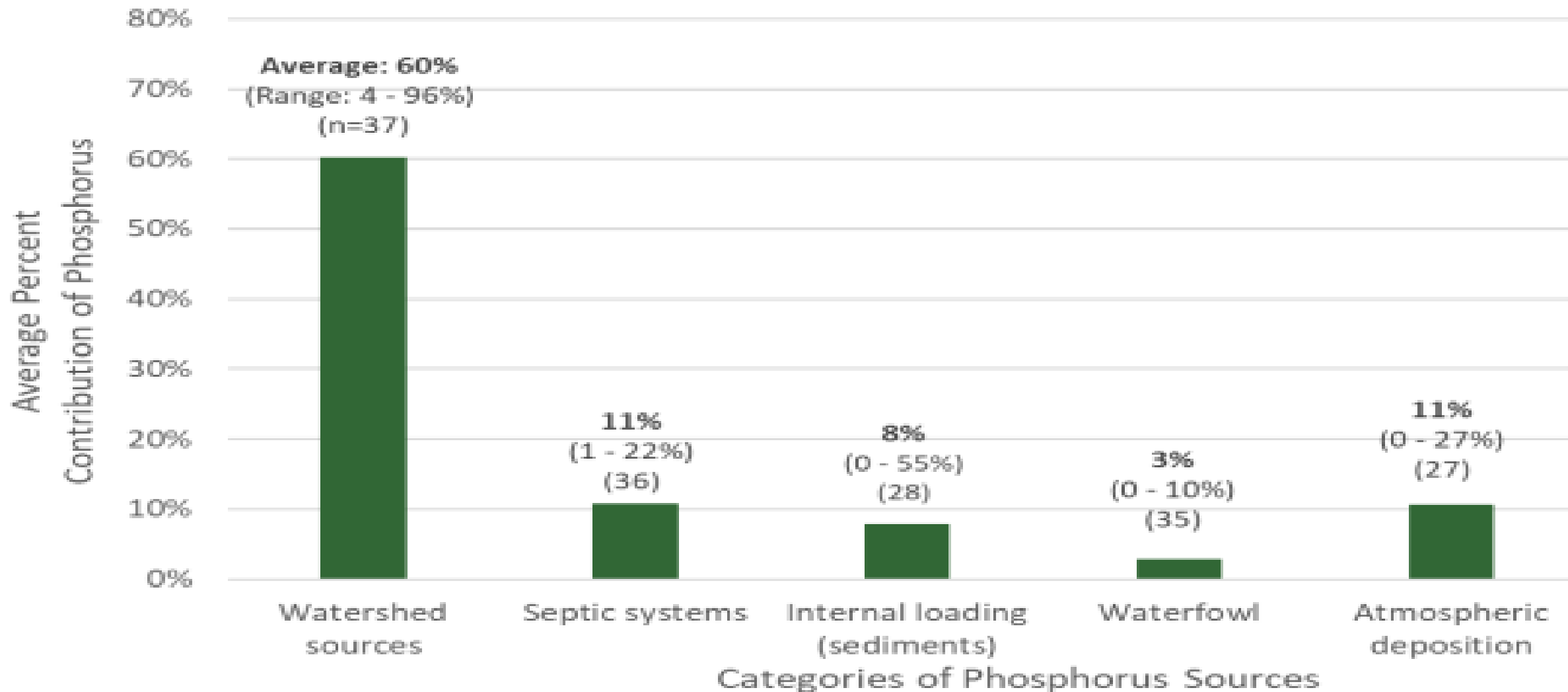
Enfield Our New Septic Rule...

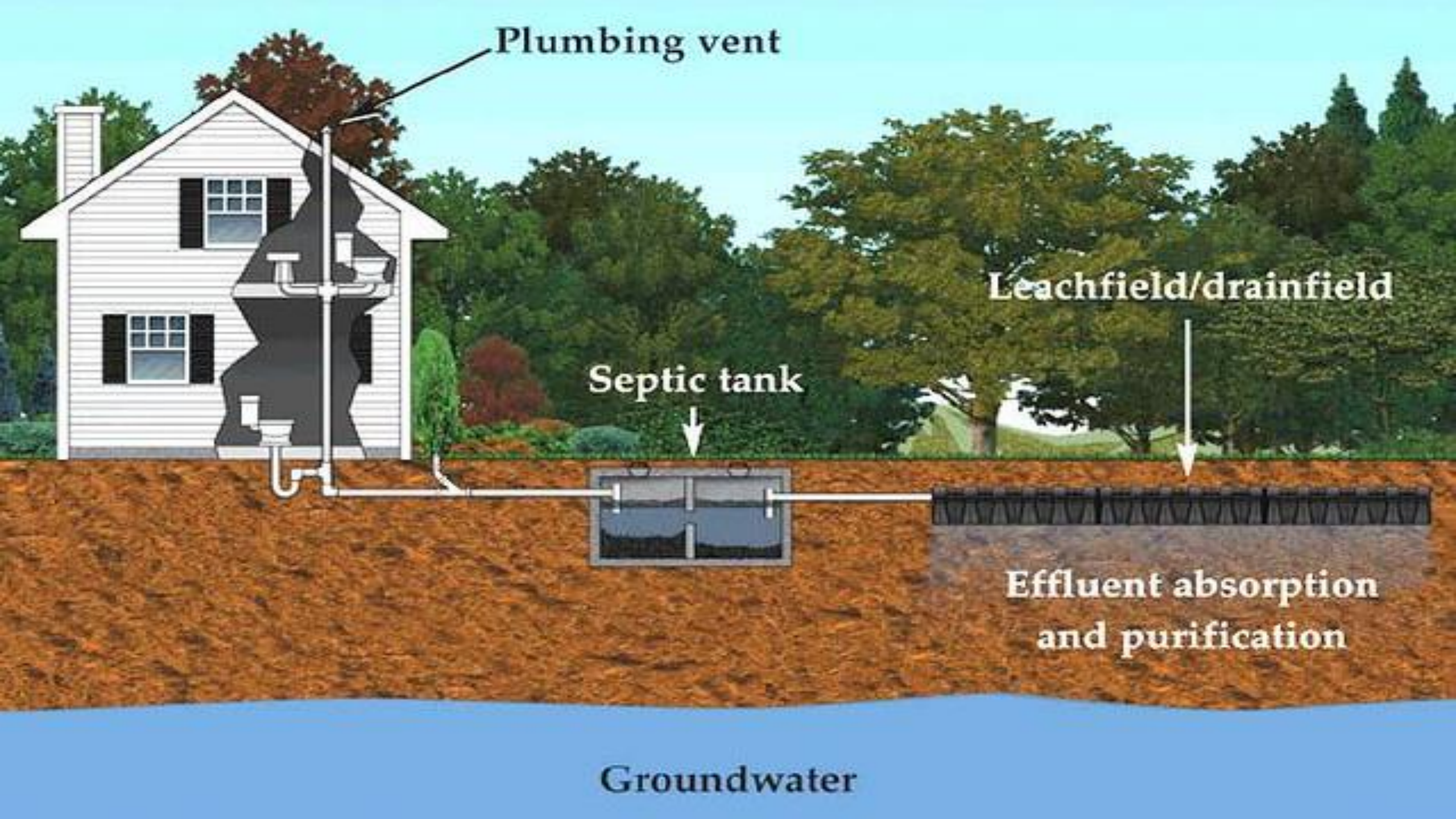
The Journey

The Idea of a Septic Rule...

- Potential updates to zoning to help with housing crisis
 - PB “listening sessions” specifically for lakeshore residents folks
 - Lunch with Stu and Kirk (LSPA)
 - First public meeting with SB (concept discussed)
 - Meet with LSPA and Sunapee Health and Safety Officer
 - First public meeting with SB (draft #1)
 - Second public meeting with SB (draft #2)
 - Third public meeting with the SB (draft #3)
 - Fourth public meeting with the SB (final draft/vote)
 - Rule was implemented
 - All properties within Enfield’s “Lakeshore District” must comply by
- May ‘24
- June
- June
- June
- July
- July
- Oct
- Nov
- Jan ‘25
- Jan ‘26

Where does the phosphorus come from?





Plumbing vent

Leachfield/drainfield

Septic tank

Effluent absorption
and purification

Groundwater

Information Gathering

- Lunch with Stu & Kirk (LSPA), Crystal Lake Assoc., and Mascoma Lake Assoc at last year's NH Lakes Congress
 - What worked, what didn't work, etc.
- Our Enfield town manager contacted the Sunapee town manager
- Meeting with the Enfield and Sunapee Health and Safety Officers, Stu (LSPA), and myself
- Numerous discussions with NH Lakes, DES, others
- Reading and research

The Opposition

- A small... but very vocal group of individuals
- A skeptic might point out a correlation between people opposed and people concerned about their own systems
- Still, these are our friends and neighbors
- The facts, data, and quantification did not support their arguments

The “Objections”

- It's the stormwater run-off that is the issue
 - You can't prove the septic is an issue on this lake
 - “The solution to pollution is dilution”
 - Even if a system is damaged/leaking, the effluent still has to go thru the soil before it reaches the lake
-
- The cost of pumping and inspecting will be difficult
 - The cost of having to replace my system would be devastating
 - If lakefront properties have to adhere to these rules...
then everyone in town should have to

The Most Important Resources

- People
 - Enfield Lake Associations, Neighbors, Other Lake Associations
 - NH Lakes
 - NHDES
 - Town Manager, Selectboard
- Independent Data / Fact Sheets
 - NH Cyanobacteria Plan: A Statewide Strategy
 - DES SSB-13 Fact Sheet
 - DES R&L-31 Fact Sheet
 - NH LAKES – Healthy-septic-systems-means-healthier lakes
 - 2024 HB 1113 (RSA 485-A) – Property Transfer
 - 2024 HB 1293 (RSA 431) - New Po4 Law

The Final Product

- Inspect and Pump within 12 months
- Pump every 3 years
- Inspect every 6 years
- Fine of up to \$250/day for non compliance
- All systems within 250' "Shoreland Area" (George Pond, Spectacle Pond, Crystal Lake, Mascoma Lake)
- Waivers possible for less frequent pumping (up to 6 years)

Where the Rule Could have gone Further

- Inspect every 3 years vs every 6
- Included the entire watershed not just the “Shoreland Area”

Other Considerations

- A statewide safety net needs to be established for friends and neighbors who simply can not afford the price of replacement

Implementation

- We are right in the middle of it
- Strong communication from the town
- Strong grassroots efforts drive by the lake associations and neighbors helping neighbors
- Partnership with key NH Licensed Septic Evaluators
- People are getting inspections, pumping, and in some cases new systems
- The end of the year will be crunch time!
- People also talking about Phase II

Lessons Learned / Recommendations

- Don't reinvent the wheel
- Partnership
 - NH Lakes
 - DES
 - Other towns/lakes
 - Town Manager / H&S Officer
 - Select Board / Planning Board
 - Citizens (lake resident and beyond)
- Communication
- Present a data driven case
- Set Minimum Thresholds
 - Inspection as well as pumping
 - Penalties for non-compliance

Acknowledgements

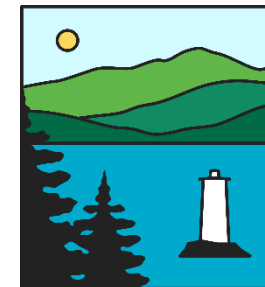
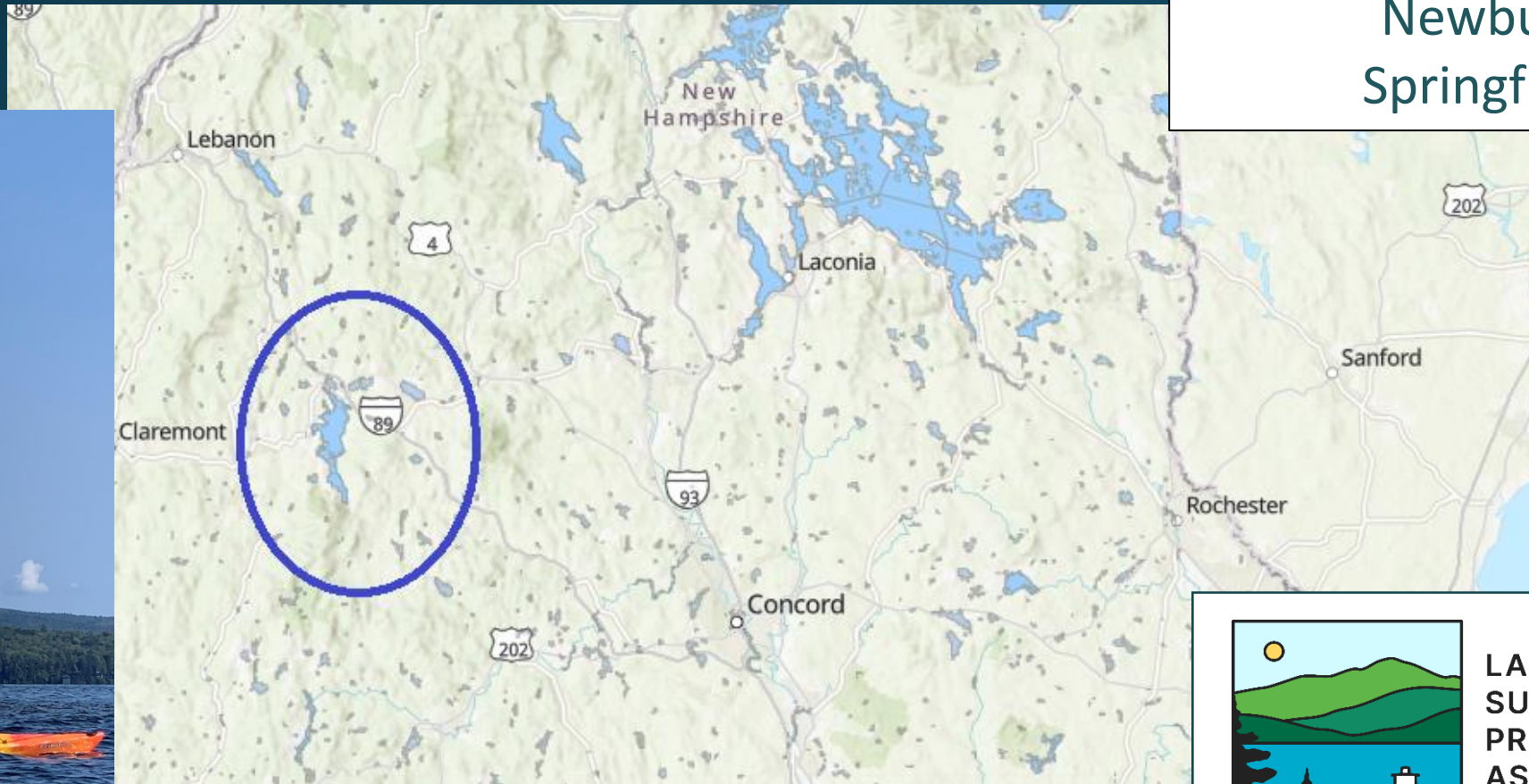
- Glyn and Shirley Green
- Martha Rich
- NH Lakes
- DES
- LSPA
- Enfield Select Board
- Enfield Planning Board
- Enfield Town Manager
- Enfield Health and Safety Officer
- Bill Griffin
- Septic Check – Matt Raumikaitis

All the people who stood up for our lakes and...
the people who didn't.

Septic Regulations in the Lake Sunapee Watershed

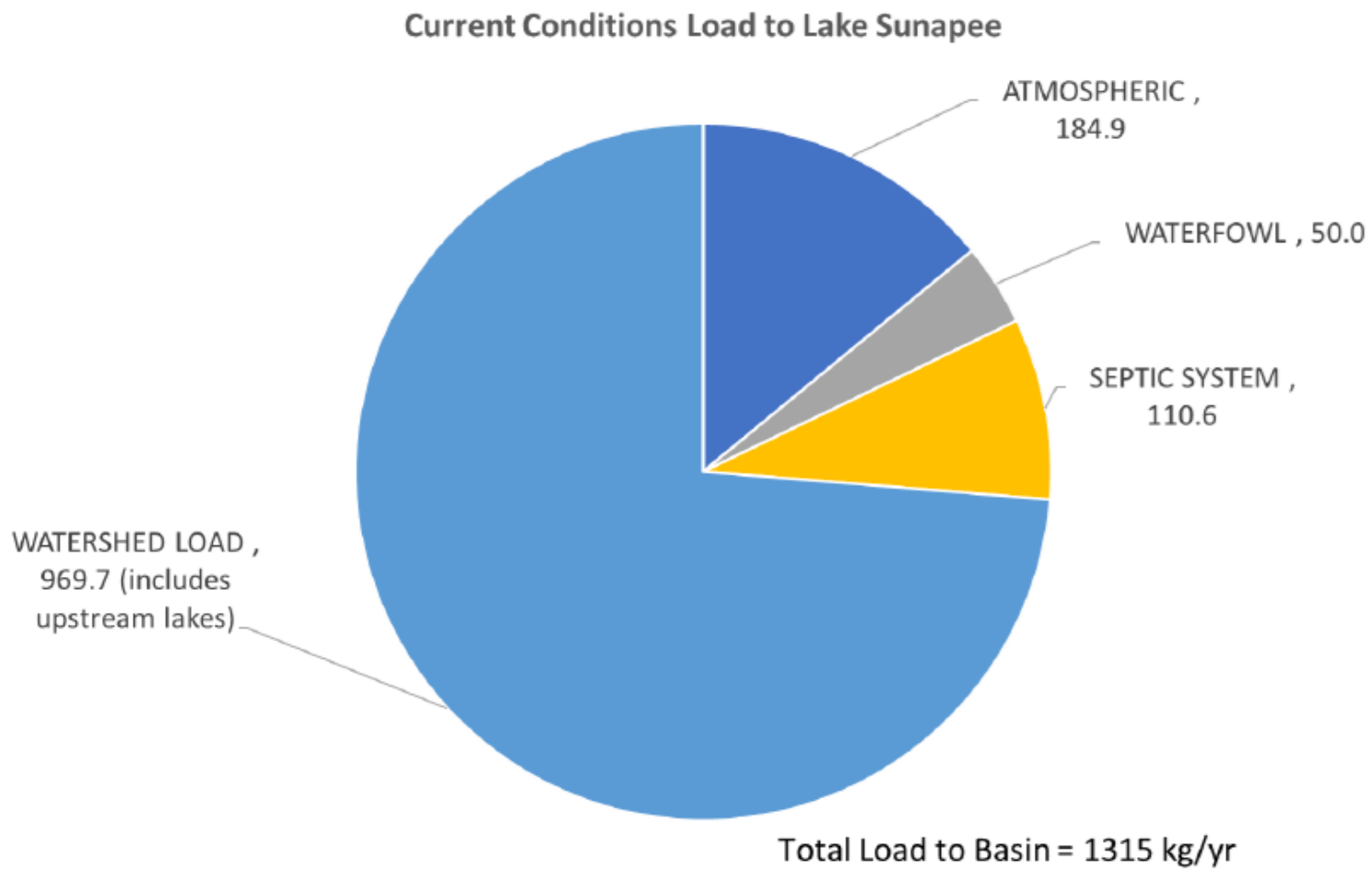
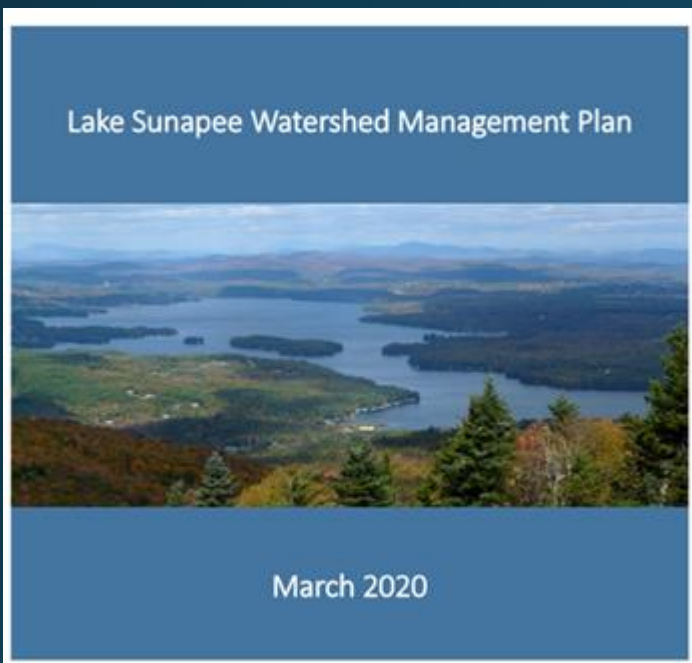
Watershed Towns:

Sunapee
New London
Newbury
Springfield

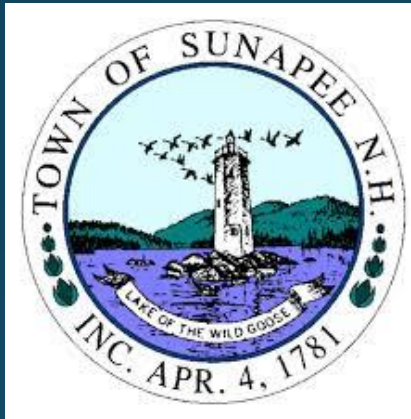


LAKE
SUNAPEE
PROTECTIVE
ASSOCIATION
LSPA

Contribution of septic systems to estimated total phosphorous load is 8.5% per year



How we got started: Collaboratively! Learning from others and building partnerships



Chesterfield, Deering, Meredith,
Rye, Windham



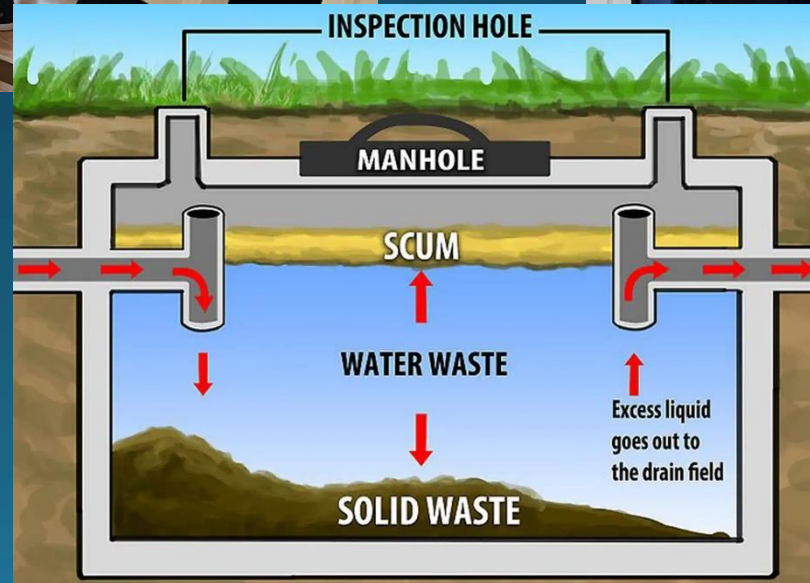
LSPA Watershed Committee



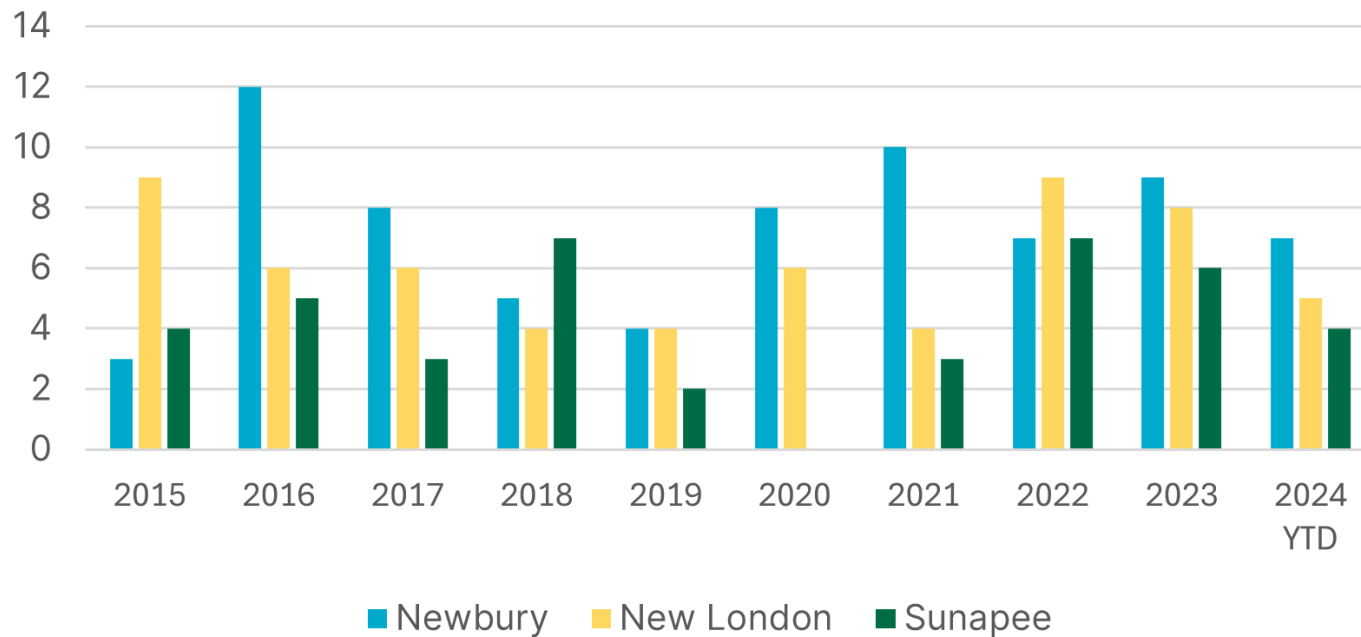
Communicating the WHY



**COMMUNITY
CONVERSATIONS
WITH THE TOWN
MANAGER**
FRIDAY, OCTOBER 14
10AM
AT THE TOWN HALL



Number of Failed Septic Systems Reported to DES



Is there really a problem?

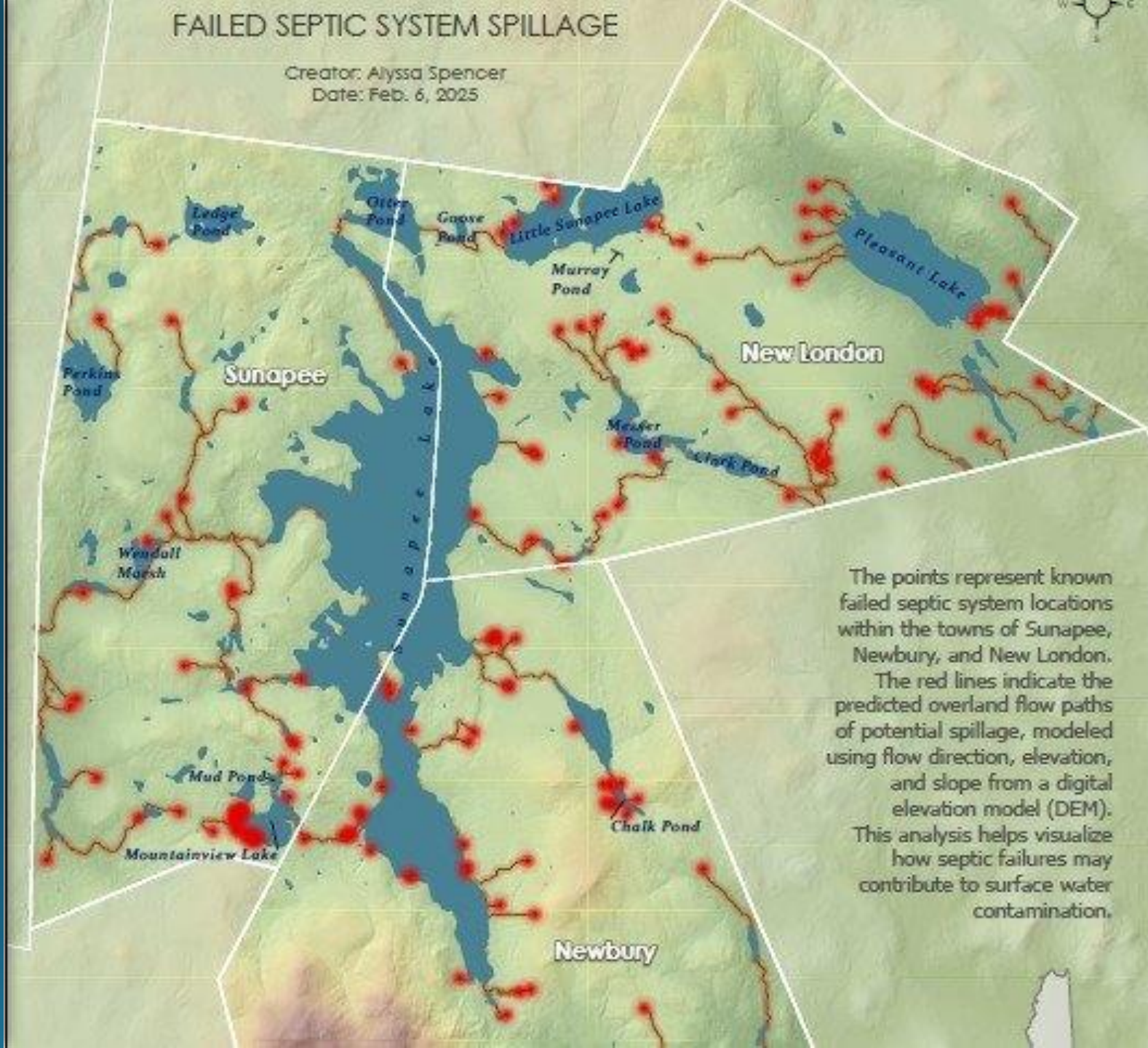
- NHDES has documented septic system failures in every town with a shoreline on Lake Sunapee every year since at least 2015.
- Actual failure rates are likely much higher than shown in the graph because not all failures are reported to NHDES.

Why regulations are needed

Failed systems affect not only individual home-owners and businesses but also:

- Neighboring properties
- Anyone downstream
- Everyone who depends on surface waters for drinking water and recreation

**Map created by Alyssa Spencer, LSPA Burkehaven Fellow*



Pushback, challenges and concerns

Anti regulation

Expense for homeowners

Administrative burden

Compiling records of existing systems

Penalties

Isn't education enough?

Questions to ask as you get started:

- Who will oversee the administrative tasks? Outreach, communication, database management, and compliance.
- Ordinance or Health Regulation? (RSA 147:10)
- What should the scope of the ordinance be: shoreland overlay districts, town-wide, other?
- How many homes and businesses are on septic in these areas?
- What records are currently available?
- What is the timeline for the rollout?
- Should there be penalties? What should they be? How will they be enforced?
- Should there be exemptions? What will the criteria and process be?



Sunapee's Regulations - March 2023

- All developed properties with septic systems in the Shoreline Overlay District in the Town of Sunapee shall be pumped a minimum of *once every three years*.
- In cases where a septic tank or pump chamber has not been pumped out in the three years prior to the adoption of this regulation, such systems shall be pumped out *within one year of the effective date of this regulation*.

Applicability :

- Private septic systems located wholly, or part within the Shoreline Overlay District, (within 250 feet of lakes & ponds over 10 acres in size and fourth order streams)
- All commercial food preparation facilities within the Town of Sunapee on a septic system.



Springfield October 2024



“Everything in the watershed ultimately drains into our groundwater, streams and lakes. Any leaking or failing septic system regardless of proximity to our lakes can have a negative impact on water quality. This is a community issue that requires all residences to participate. Every septic system should be pumped and inspected a minimum of every three years.”

Tim Bray – Health Officer



Springfield October 2024



“...apply to all individual sewage disposal systems located on a property lot, that is wholly, or in part, within the Shoreline Overlay District (250 feet from lakes and ponds >10 acres)”

In Springfield, these protected waterbodies include: Baptist Pond, Dutchman Pond, Kolelemook Lake, Star Lake, Little Lake Sunapee, Little Stocker Pond, Morgan Pond, and Palazzi Pond



New London – December 2024

“All developed properties with Individual Sewage Disposal Systems in the Town of New London shall be pumped a minimum of once every three years. A copy of the receipt for pumping and the general inspection report shall be submitted to the Town of New London Health Officer or designee.”

Effective Date January 1, 2026



New London

Waivers:

- Owners of residential properties may apply for a waiver to the Board of Selectmen, or designee.
- Criteria for a waiver shall demonstrate usage of 50% or less of a septic system capacity on an annual basis.
- Waivers shall not be granted for commercial properties or residential rental properties



Newbury – Feb. 2025

- Townwide: All residential properties shall have the septic tank(s) pumped out a minimum of once every three years.
- All residential properties which have a short-term rental unit(s) shall have the septic tank(s) pumped a minimum of once a calendar year.
- All residential properties which have a long-term rental unit(s) shall have the septic tank(s) pumped a minimum of once every three years.



Newbury – Feb. 2025

Exceptions:

- Low Use Exception: property owners may apply to the Newbury Health Officer or designee for a waiver of the once every three-year pumping requirement. In no case shall a septic tank(s) be pumped less than once every five years.
- Waivers may be granted by the Newbury Health Officer where the owner shows that a waiver will not frustrate the purposes of this Ordinance.



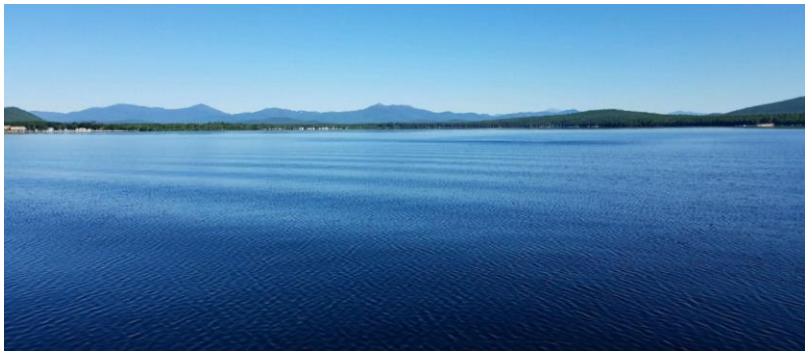
Lessons learned

- Involve all stakeholders early and often – especially those who will be implementing the policy. Listen to people's concerns.
- Learn from towns who have already enacted similar regulations – don't reinvent the wheel
- But also recognize that the culture of each town is unique
- Make sure the community has the opportunity for input, discussion and education
- Provide support to town employees and boards
- Know the process and timeline



Where can I find more information?

- NHDES factsheet [R&L-31](#) describes why municipal ordinances can help and provides examples from other towns
- LSPA [septic resources](#) page with how septic systems work, more detail on ordinances in the Sunapee watershed, a webinar about the process of enacting septic requirements, and much more!
- NHDES factsheet [SSB-13](#) “You and Your Septic System”
- Statewide [cyanobacteria plan](#)



Questions?



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