

Bristol Conservation Commission

Septic system/leach field setback requirements

Issue: What is the scientific, or other, basis for Town of Bristol having a setback of 125' versus the State of N.H. DES allowing setbacks of 50'. Should the Town always require the 125' setback?

Recently, the Conservation Commission (Commission) has recommended to the Planning Board to allow exceptions for siting leach fields as close as 50' because of advances in leach field design and a concern over not having knowledge of the basis for the 125'. Additionally, the Commission has been concerned about unfairness to taxpayers who have historically purchased a lot designated as "buildable" and then potentially not allowed to build due to the newer stricter setback. Due to the perceived/actual inconsistency between the required setback and these recent decisions the Commission is endeavoring to clarify.

Efforts to resolve the question

- N.H. DES was called and conversations held with Subsurface and Wetlands personnel. Neither could elaborate exactly where the requirement for 50' setback originated, nor could they state what reasons that some Towns/Cities may have chosen to have more restrictive setbacks, such as 125'. One DES staff member did recall that it was possible the original distance of 50' may have come from an old USDA document discussing overland runoff from agricultural practices. However, they were unable to find this document.
 - The Commission was advised to refer to several documents regarding buffer zones, etc. Although informative, none provided very direct information regarding leach field setback distances and associated science.
- A local renowned wetland scientist was asked to provide input during a Commission meeting. Results of this presentation were:
 - It is sensible to always have actual site analysis done if there is a question regarding the Town's wetland delineation.
 - He clarified that the State of N.H. actually has three setback distances, 50', 75' and 125'.
 - A septic system must be no closer than 75' to a well, including tank and leach field.
 - Setbacks for wetlands /surface waters not covered under the Shoreland Water Quality Protection Act (SWQPA)

Receptor	Septic Tank	Bed
Surface Water	75	75
Poorly Drained Jurisdictional Wetland	50	50
Very Poorly Drained Jurisdictional Wetland	75	75

Note that there are additional setbacks for swales, culverts, foundations, etc.

- Setbacks covered Protected Shoreland {Shoreland Act}
Setback requirements for all new septic systems are determined by soil characteristics.
 - 75 feet for rivers and areas where there is no restrictive layer within 18 inches and where the soil down gradient is not porous sand and gravel (perc>2 min.).
 - 100 feet for soils with a restrictive layer within 18 inches of the natural soil surface.

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- 125 feet where the soil down gradient of the leachfield is porous sand and gravel (perc rate equal to or faster than 2min/in.).

Based on this information the Commission decided to research other Towns to see what their setback requirements are and if there is any explanation as to why some opt for greater distances.

Options:

- a. If, in continued investigation, it is determined that a single 125' setback for all septic system installations was clearly desired by the voters the Commission will always recommend to the Planning Board to follow said setback, regardless of the State's potential approval of a lesser distance.
- b. If, in continued investigation, it is determined that a single 125' setback was NOT clearly desired by the voters the Commission can continue to consider each case using the States's setbacks. In this case, in order to provide consistency to the review process and fairness to the applicants the Commission could consider recommending clarifying the Town's ordinance regarding setbacks, possibly to reflect the current State standards. This would require a warrant article for the taxpayers to vote upon.

For the immediate future Summary the Commission has determined to institute the following policy