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N.H. Lakes Management and Protection Program

# N.H. Lakes Management Advisory Committee

April 12, 2017

The Honorable Chris Christensen, Chair  
House Resources, Recreation and Development  
Legislative Office Building, Room 305  
Concord, NH 03301

RE: **SB 73** *An act relative to septic requirements in conversions to accessory dwellings.*

The New Hampshire Lakes Management Advisory Committee (LMAC) appreciates the opportunity to testify on Senate Bill 73, which defines "single family residence" and eliminates the requirement for septic system plan review when converting bedrooms to an accessory dwelling unit. The LMAC opposes this bill.

Local zoning requires that any expansion or change of use of a residential dwelling be examined in order to maintain the health, welfare, and safety of the community. Septic system plan review is an integral and critical part of the examination process. RSA 674:71 defines an accessory dwelling unit as a residential living unit for "...one or more persons..." which does not limit capacity to the normal occupancy standard of a "bedroom" for which the original septic system was designed.

Of particular concern with lakeshore dwellings is that one of the most common causes of pollution in New Hampshire's lakes is the release of raw sewage containing bacteria and nutrients from poorly maintained or improperly sized lake-side residential septic systems into the water; particularly as seasonal homes become full-time residences. Septic bacteria cause gastrointestinal illness in swimmers and boaters, with the very young and very old being especially susceptible. The nutrients feed the growth of toxin-producing cyanobacteria, the same cyanobacteria that caused the closure of the Toledo, OH water treatment facility in 2014, and which is becoming increasingly prevalent in New Hampshire. Converting one or more bedrooms into an accessory dwelling unit adds both a kitchen and a bathroom, and often a washing machine, to the dwelling, thereby increasing the load on the septic system. Increasing this load without state oversight to assure that the septic system is designed to handle the load is likely to increase the number of failing septic systems polluting New Hampshire's lakes. Our lakes' clean water is central to the state's tourism industry on which a large portion of our economy depends. It is therefore critical to protect our lakes not only for the fish and wildlife that live on them and the people who drink their water, but also for the

businesses that depend on clean lakes attracting visitors each year.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state's lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

Please consider that SB 73 is currently a "one size fits all" bill, but if applied for lakeshore dwellings, already marginal or faulty septic systems can do substantial and long-lasting harm to our treasured water bodies. In conclusion, the LMAC opposes Senate Bill 73 due to the likely increase in pollution to New Hampshire's lakes that may occur should this legislation pass. Should you have further questions, please feel free to contact me at (603) 634-2299 or [david.packard@eversource.com](mailto:david.packard@eversource.com).

Sincerely,



David Packard, Chair

cc: Sen. Kevin Avard  
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Rep. John Carr  
Sen. Bob Guida  
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Rep. John O'Day  
Sen. John Reagan

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