



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 9, 2021

The Honorable Tom Dolan, Chair  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

**RE: HB 132 - AN ACT to acreage required to build certain single family housing.**

Dear Chairman Dolan and Members of the Committee:

Thank you for the opportunity to comment on HB 132. This bill sets forth statutory provisions regarding the acreage required to build certain single family housing serviced by municipal wastewater systems. Should the Committee choose to move forward with this bill, the New Hampshire Department of Environmental Services (NHDES) suggests the Committee consider the changes discussed below.

RSA 674:16, I, discusses provisions for zoning ordinances designed to regulate and restrict lot development including, but not limited to, lot size. RSA 674:16, I, (b) of the proposed bill regulates the size of a lot that ***“does not disperse liquid from a black water septic tank into the ground of the lot;”*** This proposed language does not accurately describe the wastewater treatment system. Instead, we suggest the following language, to be consistent with other references to on-site sewage disposal system references within other state statutes.

(b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces, ***provided that no ordinance shall require more than a one half acre lot for single family housing where such housing does not use a well for its water source and does not use a subsurface sewage disposal system.***

Thank you again for the opportunity to comment on this legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator ([robert.a.tardif@des.nh.gov](mailto:robert.a.tardif@des.nh.gov) or 603-271-2904) Rene Pelletier, Assistant Water Division Director ([rene.j.pelletier@des.nh.gov](mailto:rene.j.pelletier@des.nh.gov)) or 603-271-2951.

Sincerely,

Robert R. Scott  
Commissioner

cc: Sponsors: Representatives Yokela, McWilliams