

# **Town of Chesterfield, New Hampshire**



## **BUILDING ORDINANCE**

**2024**

## **BUILDING ORDINANCES**

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## **TOWN OF CHESTERFIELD**

### **BUILDING ORDINANCE**

**PURPOSE:** To promote the health, safety, convenience and general welfare of the community by regulating the construction of buildings in the Town of Chesterfield.

#### **Section I: RESTRICTIONS**

**13.01 REGULATIONS AND RESTRICTIONS** - All land, buildings and structures shall be subject to the following regulations, restrictions, and conditions.

**13.02 CODES** - All construction, prefabrication, alteration, modification, repairs, maintenance, demolition and/or removal, unless otherwise covered by this ordinance or the Chesterfield Zoning Ordinance, shall be in accordance with the editions of the codes, amendments and regulations as adopted by the State of New Hampshire RSA: 155A, Rental Housing Stands RSA: 48 A-14 and the 2009 edition of the I.C.C Existing Building Code or otherwise determined by the Chesterfield Board of Selectmen. A list of these current documents may be obtained from the Code Enforcement Officer.

The Chesterfield Board of Selectmen, per NH RSA shall establish rules and rates for inspections, compliance, and enforcement of any applicable adopted codes or regulations for existing apartments, public, commercial and industrial buildings, and any rental housing where the property owner does not reside on the property.

This Ordinance is not intended to prevent an individual from constructing, prefabricating, altering, modifying, repairing or maintaining structures on his/her property, or from using materials on his/her property for this purpose, subject to the constraints of state statute and pertinent codes.

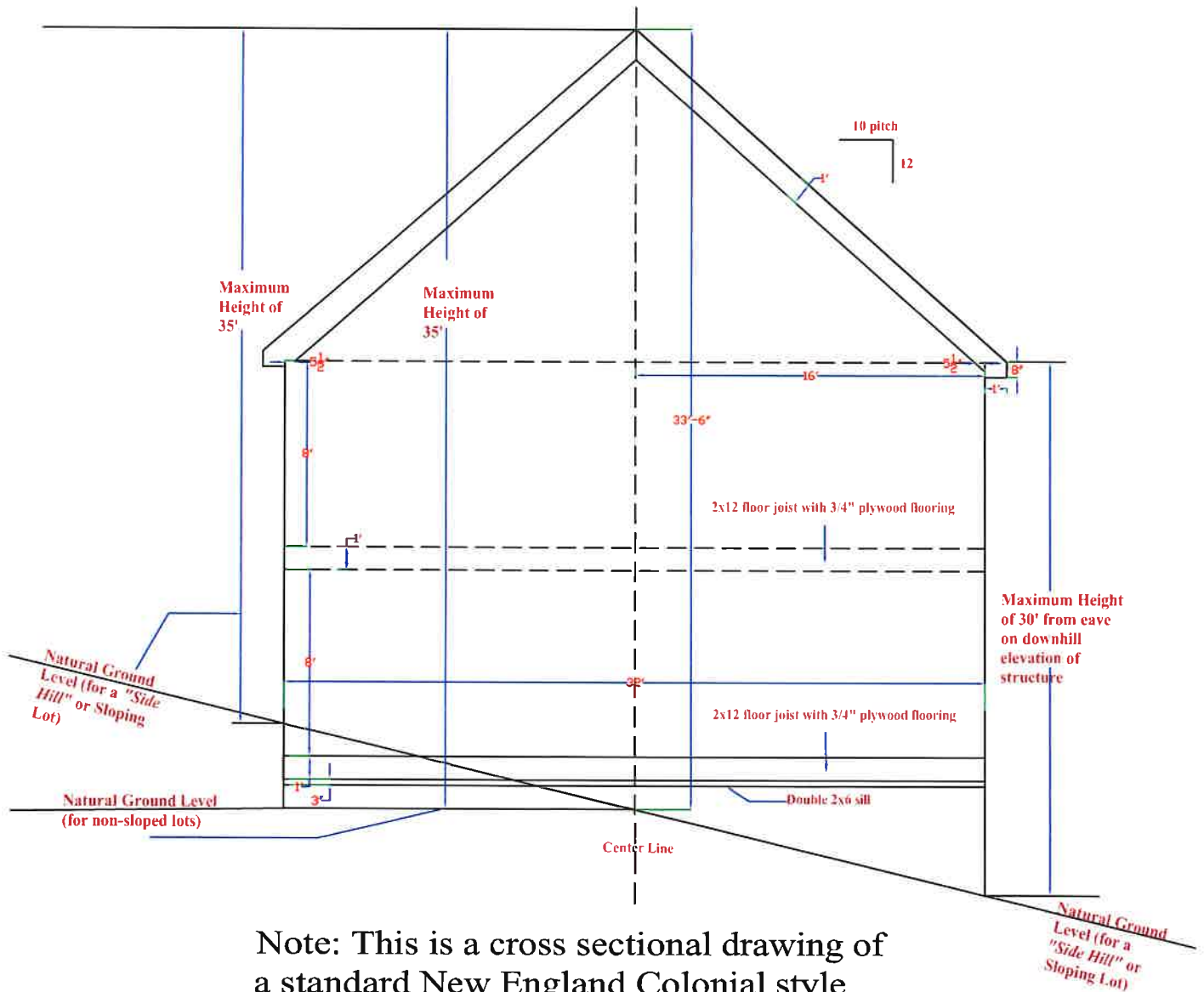
**13.03 HEIGHT OF NEW BUILDINGS** -- No new structure shall be constructed that would be more than thirty-five (35) feet at its highest point above the natural ground level (*"Natural Ground Level" is the ground that is undisturbed prior to the construction process*). The maximum building height is thirty-five (35) feet or 2-1/2 stories, whichever is less.

No new structure built on a "side hill" shall be more than thirty-five (35) feet measured vertically on the uphill elevation of the structure from the highest natural ground level, and no more than thirty (30) feet to the eaves on the downhill elevation of the structure ("Side Hill" is when the natural ground level is sloped).

The downhill side of the land must be level and unobstructed for a distance of fifteen (15) feet from the face of the structure and for a length of fifteen (15) feet beyond either end of the structure. Chimneys, weathervanes, decorative cupolas,

television antennae, and satellite dishes may exceed total building height by four (4) feet.

Once the structure has been plotted on the natural ground, the maximum building height is determined by measuring from where the highest natural ground level meets the structure and then vertically to the highest point of the structure. Refer to illustration inserted below for more details.



Note: This is a cross sectional drawing of a standard New England Colonial style home with a base width of 32'. Each floor has a thickness of 12" and a wall height of 8'. The roof has a 10 pitch for a total height from the "Natural Ground" to the ridge of 33'- 6".

No new structure built on a "side hill" shall be more than thirty-five (35) feet measured vertically on the uphill elevation of the structure from the highest natural ground level, and no more than thirty (30) feet to the eaves on the downhill elevation of the structure ("Side Hill" is when the natural ground level is sloped).

The downhill side of the land must be level and unobstructed for a distance of fifteen (15) feet from the face of the structure and for a length of fifteen (15) feet beyond either end of the structure. Chimneys, weathervanes, decorative cupolas, television antennae, and satellite dishes may exceed total building height by four (4) feet.

Once the structure has been plotted on the natural ground, the maximum building height is determined by measuring from where the highest natural ground level meets the structure and then vertically to the highest point of the structure. Refer to illustration inserted below for more details.

- 13.04 EXPIRATION OF BUILDING PERMITS** - All building permits shall expire one (1) year from date of issue. Permits may be renewed if construction has commenced prior to the date of expiration. Renewals issued at the discretion of and under conditions set by the Code Enforcement Officer and/or the Board of Selectmen.
- 13.05 MINIMUM FLOOR AREA REQUIRED** - All one and two family dwelling units to be erected, or converted from an existing structure must have a minimum of 750 square feet of living area each exclusive of porches breezeways, garages, sheds or similar areas.
- 13.06 SEWERAGE** - Flush toilets and septic tanks with adequate disposal facilities or other devices, the design, location, and installation of which have been approved by the N.H. Department of Environmental Services, shall be provided as required by state statute pertaining to rules for subsurface, also that dwellings, buildings or camps, when converted from seasonal to potential year round use or remodeled or otherwise expanded in such a way that an additional bedroom or an additional dwelling unit is created wholly or partially within it, shall require a certificate of operation for an installed state approved waste disposal system.
- 13.07 RESTRICTIONS ON BUILDING PERMITS** - No building permit for a building requiring sewerage may be issued before the Town has received Approval for Construction from the NH Department of Environmental Services or a public water supply permit as required.
- 13.08 SURFACE WATER MANAGEMENT**

1. **Adjacent Properties and Protected Water Bodies:** Surface water resulting from residential construction shall not cause increased flooding or unreasonable deposits of storm water runoff or sediment onto adjacent properties, protected water bodies, or properties further downstream in the drainage basin.
2. **Surface Water Drainage:** The Building Inspector may require a surface storm water drainage plan as part of a permit for a residential construction site. This plan must be prepared by an individual with UNH Stormwater Management Certification (or equivalent). The building inspector may require the plan to be reviewed by the Town Engineer at the applicant's expense. If the applicant wants to contest this requirement, the applicant may petition the Zoning Board for a decision.

Situations that may be considered in deciding if a stormwater drainage plan is required are:

- a. Increased storm runoff might cause flows in downstream bridges, culverts, Town storm drain system, or drainage facilities to exceed capacity.
- b. Installing or upgrading a driveway that has a significant slope and/or may channel water.
- c. Changing surface drainage properties such that the water velocity is increased over certain areas. For example, replacing local vegetation with a lawn over an area with a high incline.
- d. Changing surface drainage paths such that more water is concentrated toward one section of the property resulting in a larger amount of water in that localized area.
- e. Surface water runoff carried into existing watercourses or drainage ways, whether or not there are intervening storm drainage systems, might degrade surface water quality.

## **Section II: BUILDING INSPECTOR**

**14.01 APPOINTMENT** - For the purpose of this ordinance, the Board of Selectmen shall annually appoint a Building Inspector, who shall perform the duties pertaining to his/her office as designated in the provisions of this ordinance.

**14.02 DUTIES** - The Building Inspector shall in all cases, visit the site of any proposed new construction, prefabrication, alteration, modification, or repair of any building or structure in the company of the owner of the site or his appointed agent before issuing a building permit. He shall satisfy himself that the proposal will meet all requirements of the Town Building and Zoning Ordinances.

## **Section III: ADMINISTRATION**

- 15.01 ENFORCEMENT** - It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority to enforce the provisions of this ordinance.
- 15.02 BUILDING PERMIT APPLICATION** - The Board of Selectmen shall require that the application for a building permit include a plot and building plan that contain all necessary information to enable the Building Inspector to ascertain whether the proposed new construction, prefabrication, alteration, modification or repair of any building or structure and its intended use comply with the provisions of this Ordinance. Chimney modifications require prior consultation with the Building Inspector and may require a permit.
- 15.03 COMPLIANCE WITH BUILDING PERMIT** - No building permit shall be issued until the Building Inspector has reviewed the plans to determine that the proposed new construction, prefabrication, alteration, modification or repair of any building or structure and its intended use comply with the provisions of this Ordinance. Chimney modifications require prior consultation with the Building Inspector and may require a permit.
- 15.04 COMMENCEMENT WITHOUT BUILDING PERMIT** - It shall be unlawful for any person to commence work on construction, prefabrication, modification, alteration, expansion, or repair of any building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration, or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit. It is the property owner's responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes;

Exceptions

1. Work exempt from permit as listed in the NH State Building Code. Refer to the International Residential Code (IRC) Section R105.2 or the International Building Code (IBC) Section 105.2.
2. Reroofing and/or Residing - One (1) and two (2) family dwellings or accessory building
3. A Detached one-story accessory structure not over 200 sq. ft. in floor area.
4. Repairs, except for chimneys, as specified in the IRC Section R105.2.2.

- 15.05 FEES** - The fees for permits shall be determined and set by the Board of Selectmen on an annual basis, to take effect April 1, and remain in effect until the following March 31. Fees must be paid to the Board of Selectmen of the Town of Chesterfield before a permit may be issued.

Professional review of plans and site inspections as required by the Building Inspector shall be at the expense of the applicant and must be paid before a Certificate of Occupancy is issued.



**15.06**      **CERTIFICATE OF OCCUPANCY** - No new or existing structure, remodeled, expanded or changed to another use or converted to potential year round use, shall be used or occupied until a Certificate of Occupancy or use shall have been issued by the Building Inspector. Such permit of occupancy or use shall be issued only after the Building Inspector has inspected the property and finds that it complies with all provisions of the Building and Zoning Ordinances of the Town of Chesterfield.

**15.07**      **DEMOLITION AND/OR REMOVAL OF BUILDINGS** - It shall be unlawful for any person to tear down, remove or demolish any structure that would otherwise require a permit to build without obtaining a Building Demolition / Removal Permit from the building inspector. A Building Demolition / Removal Permit shall only be good for a period of (180) one hundred eighty days. Fines for non-compliance may be assessed. When all of the demolition and/or removal have been completed to the satisfaction of the Chesterfield Building Inspector/ Code Enforcement Officer a Demolition / Removal Certificate of Completion shall be issued. All other applicable provisions as set forth in Section III of this Building Ordinance shall apply.

**Section IV:    ROAD CONSTRUCTION STANDARDS & SPECIFICATIONS**

**16.01**      **APPROVAL BY PLANNING BOARD** - The location and design of any new road shall be approved by the Chesterfield Planning Board before construction is started. The Planning Board shall be satisfied that the road will be in conformity with its regulations regarding turnarounds, right of ways, intersections, visibility, grade and other specifications.

**16.02**      **HOMESITES ON CLASS VI/GATES AND BARS ROADS** - If any single homesite or any part of a subdivision shall front on an existing Class VI road or on a road subject to gates and bars, the owner or land developer concerned shall be required to bear all expenses involved in bringing such road up to specifications as required in the Land Use Regulations.

**16.03**      **DRIVEWAY PERMITS –**

A: Any new drive from a public road or private road shall require a driveway permit from the town Highway Department Director and approved by Code Enforcement showing how it meets minimum town requirements. Factors to be considered include a safe location, suitable grade at its junction with the road, and adequate drainage provided to support any additional flows from the driveway.

B: The Building Inspector shall not issue a building permit before approving a driveway permit which meets town requirements if a new driveway is required.

C: Modifications to driveways that increase storm water runoff require preapproval by the Highway Department Director and Code Enforcement and the receipt of a revised driveway permit. The modification must ensure continued adequate drainage in the Public Road drainage system and adequate drainage provided to support any additional water flows from the driveway.

**Section V: ACCEPTANCE OF NEW ROADS BY THE TOWN**

- 17.01 CREATION** - Any person or land developer seeking approval of a subdivision which will contain a new road(s) shall present to the Chesterfield Planning Board a deed conveying ownership of the right-of-way for such road(s) to the Town of Chesterfield as a part of his application for approval.
- 17.02 ACCEPTANCE** - If the subdivision is approved by the Planning Board, such deed shall be transmitted to the Board of Selectmen and shall be held by that Board without action and free of any or all obligations in respect to the land conveyed by it until the road(s) in question has been accepted by vote of the Town at a regularly scheduled Town Meeting.
- 17.03 REQUIREMENTS** - Application for acceptance of the road(s) by the Town may be made only after:
- A. All requirements set forth in the Land Use Regulations have been fulfilled.
  - B. At least one third (1/3) of the building lots located on the subdivision in question, or in any completed segment thereof, are occupied by dwellings that are fully completed and have been, or are ready to be, fully appraised for tax purposes.

**Section VI: AMENDMENTS**

- 18.01 METHODS** - The provisions of this Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present as provided by law.

**Section VII: GENERAL PROVISIONS**

- 19.01 VALIDITY** - Should any section or provision of this Ordinance be declared by court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or of any part thereof.
- 19.02 INTERPRETATION** - In interpreting and applying the provisions of the Ordinance, these regulations shall be held to be the minimum requirements of the promotion of the health, safety, convenience and general welfare of the Town of Chesterfield and its citizens.
- 19.03 FINES and PENALTIES:**
- Any Violation of this title or any violation of a local ordinance, code or regulation adopted pursuant to this title may be made punishable per NH RSA 676:17
- 19.04 EFFECT** - This Ordinance shall take effect immediately upon its passage on:

<u>10th</u>	<u>March</u>	<u>1992</u>
day	month	year