



# TOWN OF PELHAM

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## BOARD OF HEALTH RESIDENTIAL/COMMERCIAL WATER SUPPLY REGULATIONS – WELL ORDINANCE FOR NEW CONSTRUCTION

**Adopted May 16, 2000**  
**Amended February 20, 2001**  
**Amended June 5, 2001**  
**Amended August 6, 2013**  
**Amended March 4, 2024 (fee only)**

The Board of Health of the Town of Pelham, N.H., acting under RSA 147, has, in the interest of and for the preservation of the public health, and to provide for adequate and safe wells, duly made and adopted, on May 16, 2000 and revised August 6, 2013 the following regulations:

### SECTION 1: Definitions

1. **WELL:** Includes any pit, pipe, excavation, casing, drill hole or other source of water to be used for any purpose of supplying potable water within the Town of Pelham, NH.
2. **WATER SYSTEM:** Includes pipes, valves, fittings, tanks, pumps, motors, switches, controls and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment or purification of water for any use whether or not inside a building.
3. **DWELLING UNIT:** One (1) or more rooms arranged for living and sleeping purposes with cooking and sanitary facilities for the use of one (1) or more individuals living as a single housekeeping unit.
4. **NEW CONSTRUCTION:** A new residential dwelling or commercial structure which has not been granted a Certificate of Occupancy. This excludes the expansion or replacement of existing residential or commercial structures erected prior to August 6, 2013.

### SECTION 2: Wells

1. No well shall be installed for new construction until a building permit has been issued by the Health Officer or Deputy Health Officer. The fee for this permit shall be ~~\$25.00~~ **\$50.00**.

2. The well contractor licensed under RSA 482-B shall observe reasonable sanitary measures and precautions in the performance of his/her work in order to prevent pollution or contamination of the well.
3. For new construction, there shall be a separate well for each individual parcel except in the case of water systems operating under a New Hampshire State Public Utilities Commission franchise, private water systems owned by a homeowner's association or wells serving commercial structures.
4. All wells for new construction shall be set back a minimum of seventy-five (75) feet from all septic tanks and leaching fields. Additionally, all wells for new construction shall be set back fifty (50) feet from the nearest edge of all existing traveled ways or rights-of-way and a minimum of seventy-five (75) feet from all lot lines (to avoid property encroachment) unless a Standard Release Form for Protective Well Radii has been executed and recorded by the owner of the well. The distance from a well to a septic tank may be reduced to fifty (50) feet if the sewer line meets a SDR rating of 26 or better, and the septic tank is sealed and grouted to prevent infiltration and exfiltration.
5. Burial of tree stumps, brush, and or construction materials shall not be located within the protective well radius.

### SECTION 3: Capacities

1. Every well must supply adequate water for the purpose for which it is intended.
2. All wells shall be pump tested regardless of depth to determine sustained yield. The sustained yield shall be not less than four (4) gallons per minute over a four (4) hour period. In all cases the pump test shall be completed using a submersible pump. Groundwater level measurements shall be recorded immediately before the start of the pump test for static groundwater level, and at least once every thirty (30) minutes during the pump test. In addition, the static groundwater level shall be measured within twenty-four (24) hours after the pump test and shall demonstrate water level recovery after the pump test to at least ninety percent (90%) of the pretest level. All results from pump testing must be certified by the tester and so evidenced on the well data sheet provided to the building department.
3. Every well that has been deepened or hydro-fractured to increase its sustained yield after being drilled and / or initially tested shall be pump tested in accordance with section 2 above after the deepening or hydro-fracture effort to meet pump test requirements of this section.

### SECTION 4: Water system

All wells to be used as a water source shall be designed, constructed, and satisfy all requirements set forth in pertinent State of New Hampshire, Department of Environmental Services Drinking Water and Groundwater Bureau and the New Hampshire Water Well Board, regulations as they exist, may be established, or may be amended in the future.

SECTION 5: Certificate of Occupancy

1. No Certificate of Occupancy will be issued until all the provisions of these regulations have been met or duly waived by the Board of Health in accordance with Section 6 of this ordinance.
2. A completed well data report including drilling logs must be submitted by the well driller or his agent not later than the time of requesting a Certificate of Occupancy.
3. Collection and analysis of a water sample shall be conducted by a NH Certified Well Testing Lab. No Certificate of Occupancy will be issued until a water test has been received by the Planning Department. This test shall include, but not be limited to, the following:

Test

**Primary Testing (Health)**

Bacteria  
Nitrate & Nitrite  
Arsenic  
Gross Alpha  
Uranium  
Radon\*  
VOC Screen (Volatile Organic Compounds)\*\*

**Secondary Testing (Aesthetic and Other)**

Iron  
Fluoride  
Copper  
Manganese  
Chlorides  
Turbidity  
Sodium  
PH  
Lead  
Hardness

\* Radon shall meet the NH DES recommended level of 2000 picoliters / liter.

\*\* Please note that it takes approximately two weeks to get test results so plan accordingly. If the VOC Screen is positive, further testing shall be done to determine the type of contaminant and concentration.

4. All contaminates identified under Primary Testing in Section 3, shall be mitigated to the prevailing NH DES Maximum Contaminant Level (MCL), or with respect to Radon, NH DES' recommended level by the installation of a point of entry water treatment system prior to the issuance of a Certificate of Occupancy. A water quality test demonstrating effective mitigation to

the above referenced standard shall be provided to the Planning Department prior to Issuance of a Certificate of Occupancy. Backwash from water treatment systems shall not be discharged into the dwelling's sewage disposal system unless the design is sized to accommodate the additional flow.

5. The required testing and these regulations cannot be construed as a guarantee by the Town of Pelham or its agents that the water system will function satisfactorily or that all possible water quality problems have been identified and mitigated.

#### SECTION 6: Waivers by the Pelham Board of Health

1. The Board of Health, on the advice of the Health Officer or duly appointed Deputy and in the event of hardship, may waive any requirement of this ordinance except: Section 2, paragraph 1 (permit fee), paragraph 2 (contractor taking reasonable precautions), and Section 5 (certificate of occupancy).

2. In considering waivers the Board of Health shall consider, as a minimum:

- A. Whether the waiver adequately protects public health
- B. Whether the waiver adequately protects consumer safety
- C. Other extenuating circumstances

3. The Board of Health can impose conditions upon waivers, including but not limited to:

- A. Alternate means of mitigation, such as point-of-use devices in instances where point-of-entry treatment would be unreasonably expensive to install or maintain;
- B. Consumer notices
- C. Conditions to be recorded in a deed and noted on the permit.

#### SECTION 7: Enforcement

Any person violating the provisions of this regulation shall be guilty of a violation.

#### SECTION 8: Conflict with Other Ordinances

Where the requirements of State and Local Regulations differ, the more stringent shall apply.

#### SECTION 9: Severability

The invalidity of any provision of this ordinance shall not affect the validity of any other provisions.