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# ENVIRONMENTAL Fact Sheet

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## Selling Developed Waterfront Property *Site Assessment Study Required*

Relevant Laws: RSA 4:40-A, 485-A:2, 485-A:39, RSA 483-B:4

Relevant NHDES Administrative Rule: Env-Wq 1025

### Statutory Requirements

Prior to executing a purchase and sale agreement for any “developed waterfront property” using a septic disposal system, an owner shall, at his or her expense, engage a permitted subsurface sewer or waste disposal system designer to perform an on-site assessment study.

“**Developed waterfront property**” means any parcel of land upon which stands a structure suitable for either seasonal or year-round human occupancy, where such parcel of land is contiguous to, or within, 200 feet of the [reference line](#) of all waterbodies protected under RSA 483-B, the (Shoreland Water Quality Protection Act). Waterbodies protected under RSA 483-B includes: All lakes and ponds greater than 10 acres, all 4<sup>th</sup> order and greater streams and rivers, all designated rivers and river segments under RSA 483-A (The Rivers Management and Protection Act) and all waters subject to the ebb and flow of the tide (including tidal marshes, rivers and estuaries). The [Consolidated List of Waterbodies Jurisdictional under the Shoreland Water Quality Protection Act](#) is a comprehensive list off all freshwater bodies protected under RSA 483-B. **Please note:** A *Site Assessment Study* must be conducted whenever any part of the property is within 200 feet of the reference line, not merely when the structure or septic disposal system is within 200 feet of the reference line.

The *Site Assessment Study* is a form prepared by a [NHDES-permitted septic system designer](#) that you, as the seller, hire to determine if your site meets the current standards for septic disposal systems established by NHDES. The Site Assessment Study form is **not** submitted to NHDES. The completed Site Assessment Study form is transferred from the seller to the buyer and becomes part of the purchase and sales agreement.

In instances where a subsequent sale of a developed waterfront property occurs for which a Site Assessment Study has already been conducted for a previous sale, if no changes occurred to the information required on the original Site Assessment Study, the property owner and assessor may certify that no change in the information required has changed in lieu of conducting a new site assessment study.

The site assessment study was originally required prior to listing or offering a waterfront property for sale but, since 1993, it has been required prior to executing a purchase and sale agreement and must include an on-site inspection. The site assessment form may be obtained from the Subsurface Systems Bureau, or on-line at: [http://des.nh.gov/organization/commissioner/pip/forms/ssb/documents/ssb\\_site\\_assess.doc](http://des.nh.gov/organization/commissioner/pip/forms/ssb/documents/ssb_site_assess.doc).

### For More Information

If you have any questions concerning septic systems, contact the NHDES Subsurface Systems Bureau at (603) 271-3501, or 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095; Fax: (603) 271-6683; <http://des.nh.gov/organization/divisions/water/ssb/index.htm>.