

# **BUILDING REGULATIONS**

**Newbury, New Hampshire**

Last Revised: March 11, 2008



## **IMPORTANT NOTICE**

Please be advised that the following are suggestions regarding our building regulations and references to applicable laws and regulations. Your attention to the regulations, applicable laws and regulations, and these suggestions will assure smooth processing of your application.

1. Septic plans must be approved by the Board of Selectmen prior to being submitted to the State of New Hampshire. A septic approval number must be issued prior to issuance of a building permit (see Article III: B.5).
2. A permit to build any structure is required and it must be applied for on a form available from the Town Office. Failure to complete the application in full may cause the start of construction to be delayed.
3. Be aware of the setback and height requirements in the zoning regulations (see Articles 4.5 and 4.6). You should also carefully review the zoning regulations for any other rules that might affect your project.
4. After the Board of Selectmen has approved your building permit application and issued a Zoning Compliance Form, call the Code Enforcement Officer (763-4940) to make an appointment for your building permit.
5. A fee will be charged at the time you receive your permit (see Article III: B.9). It is based, in part, on the square footage of the livable floor area. This includes porches, closets, and upper levels, as in expandable capes. (If attic or upper level areas are accessible and have adequate headroom, the floor area shall be included in the square footage calculations.) Cellars, basements, decks, and patios are excluded.
6. A visit from the Code Enforcement Officer is required after all the plumbing and wiring has been roughed in, and before the insulation or any interior work has begun.
7. Permits are required for heating systems and they must be inspected (see Article III: C). A separate form is required and is available at the Town office for oil, gas, or wood heating units. The Fire Chief, Hank Thomas, can be reached by leaving a message at 938-5346 or by fax at 938-2881 regarding appointments to inspect heating systems and issue driveway permits.
8. Be aware of the New Hampshire Residential Energy Code Act of 1990 and revisions. Note specifically that insulation should meet the following specification: ceilings R30, walls R1 9, heated basement walls R1 9, unheated basement walls R1 1.
9. Be aware that all new public and commercial buildings must comply with the Americans With Disabilities Act of 1990 and revisions.

10. Be aware of the following state adopted codes that may be applicable to your construction project:
  - a. International Building Code (IBC) 2006, as amended;
  - b. International Residential Code (IRC) 2006, as amended;
  - c. National Fire Protection Association (NFPA) Regulations, as amended; and
  - d. National Electric Code (NEC), as amended;
  
11. Be advised that your construction project needs to comply with the requirements of the State's Comprehensive Shore Land Protection Act, as amended, and the requirements of the Newbury Zoning Ordinance including all of the Town's Overlay Districts.
  
12. Be aware of RSA 674:4 1 Erection of Buildings on Streets, which addresses street access requirements which must be met to obtain a building permit. Paragraph I of RSA 674:4 1 reads as follows:

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:3 5, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

- (a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or
  
- (b) Corresponds in its location and lines with:
  - (1) A street shown on the official map; or
  - (2) A street on a subdivision plat approved by the planning board; or
  - (3) A street on a street plat made by and adopted by the planning board; or
  - (4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or
  
- (c) Is a class VI highway, provided that:
  - (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and
  - (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
  - (3) prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.

**TOWN OF NEWBURY**  
**BUILDING REGULATIONS**

For the protection and Direction of the Construction of Buildings and Structures in the Town of Newbury, New Hampshire.

**ARTICLE I [Preamble]**

This regulation is established and governed by the laws of the State of New Hampshire, Chapters 673 through 677, New Hampshire Revised Statutes Annotated, as amended.

**NOTE:** Building regulations apply to structural conditions only. They cannot be stretched to include limited zoning such as regulation of lot size, location of structure on lot, set-back from the street; nor can they be used to regulate the uses of land for homes, business or industry, etc.

**ARTICLE II**

This article does not affect any dwellings, buildings, or trailers that are existing, or under construction, at the time of its passage.

**ARTICLE III**

A. Buildings to be used as dwellings or for commercial purposes shall hereafter not be constructed, moved or altered except in conformity with these regulations; nor shall any outside construction be done without a building permit issued by the Board of Selectmen or a building inspector. The construction or alteration of other structures as defined in the Newbury Zoning Ordinance shall require a Building Permit. After issuance of the building permit, construction must start within six months, and the exterior completed within two years, except that said Board may extend the time, upon application. Repair, restoration or improvement, without basic structural change, interior or exterior, which does not alter the principal use of the building, will not require a Building Permit.

B. Permits will be issued under the following conditions:

1. Every new and/or altered dwelling shall have a minimum of two (2) easily accessible exits, windows excluded. Any building to be erected or altered for use as rented apartments shall have a minimum of two (2) readily accessible exits, windows excluded, from each apartment.

2. All new garages attached to a dwelling shall have the attached wall and entire ceiling covered with Type X (fireproof) dry wall and shall have a B Rated door installed between the garage and residence. All new drive-in basements shall have the ceiling covered with Type X (fireproof) dry wall.
3. Chimneys shall be constructed of stone, brick, concrete, or cinder blocks from the ground upward and shall be internally lined with tile. All other chimney construction must be approved by the Building Inspector and/or the Fire Department.
4. Thimbles: Wallpaper or other combustible material shall not be laid over any thimble, or thimble hole, in any chimney.
5. Septic tank disposal areas, cesspools and privies, shall be placed at a minimum of seventy-five (75) feet from any existing water supply or public body of water.
6. Every single-family dwelling unit except accessory apartments shall have at least seven hundred and twenty (720) square feet of living area floor space. When issuing a building permit, the living space calculation of 720 sq. ft. shall exclude the basement area(s).
7. All electrical wiring shall conform to approved methods and practices for safety to life and property, in compliance with the National Electric Code. For example, for new construction electrical wires must be run through joists and not stapled to the bottom. Hard wired smoke detectors shall be provided on all levels for new construction.
8. Foundations: All structures to be inhabited by humans shall be set on permanent foundations such as brick, stone, concrete, and steel. Such foundations must extend below frost level. Regardless of type, all must be appropriately enclosed. Slab will be acceptable, depending on ground conditions, but must be approved by the Building Inspector prior to construction.
9. Payment of a fee determined by the Newbury Building Permit Fee Schedule as promulgated by the Board of Selectmen.

C. No new heating system may be installed without a permit to construct issued by the Building Inspector, nor may any new heating system be used until inspected and approved by the Newbury Fire Department and/or the State Fire Marshal. "New" shall mean new to the structure.

#### **ARTICLE IV**

When required, the Zoning Board of Adjustment shall act as the building code board of appeals in accordance with RSA 673:1 ,V, as amended. It shall have authority to allow variances from the specific terms of this regulation, where it can be shown that unnecessary hardship would result.

**ARTICLE V**

This regulation may be amended by a majority vote of any legal town meeting, when such amendment is published in the warrant calling for the meeting.

**ARTICLE VI**

Every person, persons, firm or corporation violating any of the provisions of this regulation, may have permit revoked until violation has been corrected.

**ARTICLE VII**

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

**ARTICLE VIII**

This regulation shall become effective 60 days from the day of its passage.

**ARTICLE IX [Enforcement]**

A. It shall be the duty of the Board of Selectmen to enforce the provisions of this regulation.

B. Upon any well-founded information that this regulation is being violated, the Board of Selectmen shall take immediate enforcement action as provided by RSA 676:15, 676:17, 676:17-a, and 676:17-b.

**POST BUILDING PERMIT THAT IT BE VISIBLE TO PASSERS-BY.**

**Effective May 11, 1970**  
(Revised March 9, 1972)  
(Revised March 6, 1973)  
(Revised March 5, 1974)  
(Revised March 14, 1978)  
(Revised March 10, 1981)  
(Revised March 10, 1982)  
(Revised March 8, 1983)  
(Revised March 12, 1985)  
(Revised March 11, 1986)  
(Revised March 12, 1996)  
(Revised March 10, 1998)  
(Revised March 11, 2003)  
(Revised March 9, 2004)  
(Revised March 8, 2005)  
(Revised March 14, 2006)  
(Revised March 11, 2008)