

BUILDING REGULATIONS

Newbury, New Hampshire

“Building Regulations” last revised: March 11, 2008

“Important Notice” last revised: January 28, 2015

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 reviewed, approved and stamped by the Code Enforcement Officer prior to being submitted to the State of New Hampshire. A copy of state issued septic "Approval for Construction" must be received by the town prior to issuance of a building permit (see Article III: B.5).
2. A building permit is required prior to start of construction. Permit application must be applied for using only Town approved application (applications available at Town Hall or Web Site). Failure to complete the application in full and obtain building permit will cause the start of construction to be delayed.
3. Knowledge of setback and height requirements are found in the "Town Zoning Regulations" (see Business & Residential District). Please, carefully review all applicable zoning regulations for guidelines that could affect your project.
4. After Code Enforcement has approved your building permit application and issued a Zoning Compliance Form, The Code Enforcement Officer will contact you to make arrangements for you to receive a building permit.
5. All applicable permit fees are due at the time you receive the permit (see Article III: B.9 below). Fees are based, in part, on square footage of the livable floor area. This includes porches, closets, and upper levels, as in expandable capes, future finished basements. If attic or upper level areas are accessible (stairs), and have adequate headroom, seven (7) feet, the floor area shall be included in the square footage calculations. Cellars, Un-finished basements, decks, and patios are excluded.
6. Inspections required from Code Enforcement Officer: (a) foundation footings (b) foundation prior to backfill (c) Rough framing, HVAC, plumbing, electrical (d) Insulation (e) Site development according to plans (f) Final certificate of Occupancy
Note: Section "c" above is inspected separately and approved before section "d" inspection.
7. Separate permits are required for new or replacement heating systems (see Article III: C below). A separate form is used for this specifically. Heating systems (oil, gas, or wood burning heating units). The form is available at Town Hall and Fire Chief Hank Thomas will conduct the inspections. You may leave a message for the Chief at (603) 938-5346 or email at newburyc1@aol.com to schedule appointments for permitting and inspections.
8. Please note that the Town of Newbury uses the IRC 2009 code book for insulation reference. Insulation should meet the following specification: ceilings R49, walls R21, heated basement walls R21, Basement ceilings R30 & unheated basement walls R15.
9. All new public and commercial buildings must comply with the Americans with Disabilities Act of 1990 and any current revisions.

10. Know of the following state adopted codes that may be applicable to your construction project:
 - a. International Building Code (IBC) 2009, as amended;
 - b. International Residential Code (IRC) 2009, 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 all requirements of the Newbury Zoning Ordinance, including all of the Town's Overlay Districts. In addition, you may need to meet requirements of the State's "Shoreland Water Quality Protection Act", as amended. (Previously known as "Comprehensive Shoreland Protection Act), and Newbury's Shoreland Overlay District.

12. Please review RSA 674:41: Erection of Buildings on Streets; Appeals.
This RSA addresses street access requirements which must be met to obtain a building permit.

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)
(Revised January 28, 2014)