

**LAKES REGION PLANNING COMMISSION**

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**MINUTES**  
**LRPC COMMISSION MEETING**  
 Moultonborough Life Safety Building  
 Moultonborough, NH  
 September 22, 2010

**PRESIDING:** Robert Snelling, Chairman      **CALL TO ORDER:** 6:00 PM

**QUORUM:** Yes      **COMMUNITIES PRESENT:** 10

**MEMBERS PRESENT:****OTHERS PRESENT:**

Nancy Teach (Andover)	Tina Cotton (Andover)
John Cotton (Andover)	David Morse (Belmont)
David Kerr (Barnstead)	Tom Bucu (Conway)
Maureen Criasia (Center Harbor)	Bill Hounsell (Conway)
Stan Bean (Gilmanton)	Miller Lovett (Meredith)
Robert Snelling (Holderness)	Paul Schmidt (Moultonborough)
Herbert Farnham (Moultonborough)	Dan Merhalski (Moultonborough)
Barbara Perry (Moultonborough)	Marie Samaha (Moultonborough)
Wayne Crowley (Northfield)	Ski Kwiatkowski (Ossipee)
Patricia Jones (Ossipee)	Robert Morency (Ossipee)
Roger terKuile (Ossipee)	Rep. Dennis Fields (Sanbornton)
Patricia Farley (Tamworth)	Peter Vanderlam (Tamworth)
Tom Peters (Tamworth)	Karen McNiff (Tamworth)
Chuck Storm (Wolfeboro)	Dave Farley (Tamworth)
	Carolyn Sundquist (Tuftonboro)
<b>LRPC STAFF:</b>	John Brooks (Wolfeboro)
Kimon Koulet	Brandon Kernan (NHDES)
Eric Senecal	Stephen Roy (NHDES)
	Susan Roman (NHDES)

**1 Welcome and Introduction**

Chairman Robert Snelling called the meeting to order at approximately 6:00 p.m. and welcomed all members. He asked for a motion for those present to declare a quorum for the purpose of conducting business, a motion was made and was unanimously approved. *M/S/P Farley/Perry*

Chairman Snelling announced that former New Hampshire legislator and environmental advocate, Carl Johnson, passed away on September 18, 2010. He served in the NH House from 1990 to 1994 and in the NH Senate from 1994 to 2006. The late Senator Johnson was responsible for forming the Groundwater Commission in 2003 and served as chairman of the Commission for the first few years. Chairman Snelling called for a moment of silence in recognition and remembrance of Carl.

**2 Minutes of April 26, 2010 Commission Meeting**

R. Snelling asked for a motion to accept the minutes of the April 26, 2010 meeting. The minutes were unanimously approved as presented. *M/S/P Perry/Farley*

**3. Annual Report Status – FY12 Municipal Appropriations**

R. Snelling made an announcement about the municipal appropriations for 2011/2012. He reminded the Commission of the use of the Consumer Price Index (CPI) to determine annual membership changes from year-to-year. He pointed out that although FY12 increased 2.0% over FY11, which it was only a 0.7% increase over FY10 because the consumer price index had decreased in FY11. A motion to accept the FY12 municipal appropriations were unanimously approved. *M/S/P Bean/Farnham*

R. Snelling pointed out that next year, following the release of the decennial Census information, and according to the Commission's policy, they will review how the appropriations are distributed among the towns according to population data.

R. Snelling then asked all in attendance to briefly introduce themselves.

**4. The NH Legislature's Groundwater Commission: The Role of Municipalities in Regulating Groundwater Withdrawals**

B. Snelling said the purpose of the meeting was to present the concerns that the Groundwater Commission (GC) heard at the May 2009 meeting regarding the large groundwater withdrawal process, namely the relationship between the state permitting process and municipalities. He said that the GC would be submitting a new paradigm for the management process pertaining to groundwater withdrawals, and that the GC would like to hear back from communities on whether or not their previously voiced concerns have been well represented by the proposed changes to the groundwater withdrawal permitting process. He emphasized the details would have to be defined, but they were seeking approval for the concept.

B. Snelling then presented the summary recommendation of the GC Report: "Recognizing that land use planning and regulation at the municipal level ultimately affects how water resources are used, the subcommittee finds that there is a need to expand a municipality's role in groundwater management in order to effectively evaluate proposed withdrawals in the context of long-term sustainability and public benefit."

The committee broke down the public recommendations into three broad recommendations, noted below.

1. Enable the protection of future water needs: B. Snelling said the GC agreed with this recommendation and that it focused on articulating an effective mechanism for achieving this. He pointed out the current permit process for large withdrawals only protects the community from current impacts without addressing future needs.
2. Continue State regulation of large groundwater withdrawals due to the regional nature of groundwater resources, the technical complexity of conducting studies, and the need for equality of resource management from one region to another. However, the state should continue to retain the responsibility to permit withdrawals with two new provisos:
  - a. the decision to issue a permit must be in compliance with local future water use planning studies; and
  - b. the municipalities must have more input in the permitting process

3. Enable municipalities to regulate water uses that the state does not. This was a legal issue that hinged on the interpretation of the current statute, which was ambiguous as to municipal authority to regulate withdrawals that the state does not. The language precludes the use of zoning to manage withdrawals. The GC would recommend allowing the use of subdivision and site plan review, as well as water supply studies to regulate withdrawals.

B. Snelling pointed out that 93% of the groundwater use in the state is not subject to regulation because the uses either predate the statute (33%) or fall below the state limit (60%) of 57,600 gal/day, which equates to 40 gal/min. He also pointed out that neither the state nor towns currently assess local well interference impacts for projects that do not require a permit.

B. Snelling then outlined the GC's specific recommendations for improving the groundwater withdrawal process based on the public comments that they received, as follows:

1. The public hearings should be mandatory, not discretionary;
2. Establish a mechanism to increase the length of the public comment period from the current maximum 30-days. This is especially important given that municipalities may need to hire a third party reviewer.
3. Directly notify abutters of proposed withdrawals;
4. Enable third-party expert review (consideration of who pays for this has yet to be determined);
5. Clarify the municipal oversight of permits once approved. B. Snelling said this oversight authority already exists if an Memorandum of Understanding (MOU) is entered with the state.
6. Clarify municipal authority to regulate land uses

B. Snelling discussed the GC's recommendation that municipalities be authorized to regulate withdrawals the state does not. Town's should have clear and explicit authority in their zoning, site plan review and subdivision regulations to regulate. For subdivisions, the GC feels that well yield adequacy testing should be an available tool for towns to use prior to approving subdivisions.

He introduced the concept of protecting future use through the development of a local Consumptive Water Use and Capacity Plan (CWUCP) that is incorporated into its master plan. The GC proposes that such a plan would have to be incorporated into the state review of large groundwater withdrawal applications, and that any permitted uses would have to be in compliance with these local plans. The development of a CWUCP would include:

1. Estimation of the capacity of a watershed/groundwater resource (gal/day without unacceptable impacts);
2. Estimation of how much water is currently displaced through existing use in a small watershed;
3. Estimation of future use (through a build-out analysis or estimation of where your town wants to be at some reasonable planning horizon);
4. Estimation of the maximum amount of water that can be sustainably displaced in the future;
5. NHDES/OEP review and approval of the CWUCP;
6. Enabling of towns to make land use decisions in accordance with the CWUCP (through a zoning overlay based on the plan)

This plan would help protect future needs as well as current needs. A consumptive use is when total water withdrawals exceed total water returns.

B. Snelling reviewed the existing water management tools available to towns conducting planning and drafting consumptive use plans, including existing studies, model studies, model plans, water use

estimation methods, and automated tools to estimate the capacity of any subwatershed in NH. He also emphasized there are known challenges to this type of planning, specifically citing a potential lack of financial and technical resources. He also pointed out that municipal boundaries and aquifer boundaries do not coincide and the towns may regulate and plan differently, though he thought that a mechanism for local planning for future needs was a step in the right direction.

At approximately 6:45, the floor was opened for questions; a sample is as follows:

An attendee asked where the number of 57,600 gallons/day comes from. B. Snelling said it is a consensus number derived from looking at communities east of the Mississippi River.

An attendee inquired if the 57,600 gallons/day limit applies to one well or a number of wells. B. Snelling responded it applies to a well or wells built after 1998 at a property or place of business. If a number of wells exist on one property then they will be viewed cumulatively.

John Cotton wanted to know what tools are available to the state to use to estimate the values necessary for the CUP and who can the towns go to for assistance. Brandon Kernen said tools available now are a USGS stream flow model through the hydrology and conservation section of DES. What DES envisions is providing a grant program for assistance with developing a consumptive use plan. A pilot watershed study of the Bloody Brook watershed is available at [www.nhgroundwater.com](http://www.nhgroundwater.com).

Much of the discussion related to the challenges of groundwater quantity analysis and protection as it relates to land use activities in the entire aquifer and the fact that jurisdictional boundaries do not correlate with the boundaries of groundwater resources. Other topics included the costs involved with the creation of Consumptive Use Plans and the establishment of potential revenue streams to support plan development.

While many elements of a potential new regulatory scheme remain unanswered, B. Snelling and B. Kernen emphasized the value of articulating a reasonable basis for the quantitative assessment of sustainable resource consumption. B. Snelling pointed out that the typical level of understanding of current and future needs tends to be “we don’t know”, and that some reasonably grounded basis for improving the local understanding of current and future needs and capacity would be a good first step.

Following the groundwater discussion, K. Koulet announced an upcoming LRPC/UNH Community Broadband Forum, to be held from 6:30 pm – 8:30 pm at the Ossipee Town Hall on October 21, 2010, and the November 22 Commission meeting.

The meeting adjourned at 7:55 pm