

Ossipee Watershed – Drinking Water Protection Ordinance (DWPO)
Work Session
July 30, 2009
Tamworth, NH

Minutes

Erica Anderson gave a presentation on aquifer protection ordinances and overlay districts, and made the case for the benefits of taking a regional approach to aquifer protection since some towns have wellhead protection areas in other towns, and pollutants can travel through the aquifer to other towns. The powerpoint presentation is available for review as a pdf file. In summary, she provided some background and definitions of what ordinances do and how they can, in conjunction with an overlay district, provide enhanced regional protection of the Ossipee Aquifer to ensure safe drinking water supplies for present and future use. Background information was given on project partners, as well as definitions for aquifer and primary, secondary and tertiary recharge areas. Charts and maps demonstrated how much land in the Watershed include these various recharge areas by town, as well as how much of that land is currently protected from potentially harmful contamination sources. Types of protection techniques were discussed, including: education, zoning ordinances, overlay districts, land acquisition/conservation, health ordinances/regulations, and wellhead protection areas.

Questions and discussion from participants included what the difference between an ordinance and an overlay district are, which areas to include in the district (wellhead protection areas, primary, secondary and/or tertiary recharge, or both), and how to make sure the boundaries for these areas are enforceable. The group discussed using maps that had all types of recharge for the aquifer and preferably USGS delineated boundaries/data for the next session.

Grandfathered, non-conforming potential contamination sources, or businesses/facilities that use greater than 5 gallons of hazardous chemicals, were also discussed as well as inspection programs for such PCSs, new and old. Erica made reference to the Belmont-Tilton-Northfield aquifer ordinances and overlay districts, and their success rate of 65% compliance for voluntary BMP surveys in the past few years. Participants asked who in these towns carries out the surveys/site visits, and Erica responded that it is the code enforcement officer, and incidentally, this added work has not contributed to additional time or expense on the part of the town as the code officer does it as part of his full-time job.

The group then went over the NH Model Groundwater Ordinance, which is currently being updated by NH DES. A checklist for criteria that breaks down the model ordinance into sections that towns can decide to incorporate or not incorporate into their ordinance was provided for the group to go over together. Participants then broke into groups to look at town maps and go over the checklist. Bringing the group together again, Erica then asked which towns were ready to pursue ordinance drafting for phase I of the project (2010), and which would rather pursue this work the following year. The towns of

Freedom, Ossipee, and possibly Effingham and Tamworth said they would be ready to work on this for 2010. Concerns raised were that Effingham was already busy with wetlands ordinance work, wind power proposals, work force housing, and Master Plan updates this year. They would consider working on the aquifer protection ordinance this year if it was not too time intensive, and will run the checklist by the planning board and conservation commission to determine their involvement this year. Sandwich representative had similar concerns as they are also updating their Master Plan this year, and will most likely pursue ordinance work in 2010. Madison had recently updated their aquifer protection ordinance, however, they would still like to be engaged in this process and planning board representative Jay Buckley (jaybuckley@verizon.net) has offered assistance to other towns and town representatives wishing to draft ordinances. Ossipee representatives feel their ordinance needs updating, particularly the Water Resource Protection Districts map. Representatives felt additional protection measures could be incorporated into existing zoning ordinances more readily than creating a new aquifer protection ordinance.

The importance of public education and involvement from water district representatives, public water suppliers, planning boards and conservation commissions was emphasized in order to be successful in ordinance adoption. Other concerns that were raised included the fact that Effingham covers two watersheds, the Ossipee Watershed and the Acton-Wakefield Watershed, and what this would mean for their ordinance. The issue of making sure district overlays/aquifer boundaries and recharge boundaries matched up from town to town was also raised.

Groundwater withdrawal and town control over large commercial withdrawals was also discussed, and towns were referred to state requirements and the Barnstead ordinance. In New Hampshire, DES has the sole authority to regulate groundwater withdrawals, however other aspects of these types of projects, such as land use zoning, are regulated at the local level. "Since the large groundwater withdrawal permitting program was established in 1998, the majority of all new large groundwater withdrawal permit applications associated with bottled water or golf courses have required significant zoning variances from the local government." (NH DES website). Additional resources can be found at:

http://des.nh.gov/organization/divisions/water/dwgb/dwspp/lg_withdrawals/index.htm, in addition to the document that answers frequently asked questions about the permitting process:

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-08-6.pdf>.

The group discussed the timing for ordinance work, and determined that ordinances would need to be drafted by December or January of 2009 for public hearings in those months, and that February was the deadline for submitting ordinances for town meeting. In the upcoming weeks, the project team (contacts below) will be helping to devise a timeline for the ordinance drafting, determine the overlay districts with each town and regional protection components for each town, and assist towns in the development and

distribution of public educational and outreach materials to generate support for the ordinances and their adoption.

The next work group session is scheduled for Thursday, August 13th from 6-8pm at the Remick Museum in Tamworth. The goals of this meeting will be to determine the timeline for each town, further develop FAQs, go over the checklists and overlays for each town and any questions participants may have, and review PCSs. This work group session is in conjunction with a BMP Presentation session (see attached agenda for details).

Project Team Contacts:

Erica Anderson, LRPC
eanderson@lakesrpc.org 279-8171

Tara Schroeder, GMCG
gmcgnh@roadrunner.com 539-1859

John Shipman, OWC
jshipman120@gmail.com