

**Ossipee Aquifer Steering Committee Meeting**  
**January 14, 2011**  
**GMCG Office**  
**196 Huntress Bridge Rd, Effingham NH**  
**10am-12pm**  
**Minutes**

**In attendance:**

Pat Jones Ossipee  
Kamal Nath Effingham  
Al Levesque Effingham  
Eric Senecal LRPC  
Bob Morency Ossipee, RCAP Solutions  
Tara Schroeder GMCG  
Blair Folts GMCG  
Pierce Rigrod (via phone)  
David Little Tamworth

Tara started the meeting with introductions and the group then gave updates on recent public hearings and GPO drafts.

**Updates on Public Hearings:**

**\*Tamworth:** David reported that Tamworth has had two hearings to date; PB has made revisions and has been working on completing the inventory of PWSs/WHPAs. David later brought up concerns about data/map survivability as formats and software change. Tara mentioned that in addition to Tamworth, Sandwich also had some questions about how to add WHPAs for systems not shown in the protection district overlay map. Pierce said these are being continuously updated. The map needs to be updated and NH DES will take input from towns if there are missing PWSs/WHPAs in towns. Pierce stated that towns can discuss these additions and possibly amend the district at a later date. While the town can define the district, DES adds WHPAs as they are approved and assigns a radius based on production volume. Not all PWSs have WHPAs, and these WHPAs have to do some form of sampling and testing depending on the type of system. He can be called for updates or to review these WHPAs. He said to specify the map and source of the map as a reference, and avoid imprecise language in describing the district. David said that there will be another public hearing on Wednesday, January 26<sup>th</sup> at the Brett School at 7pm.

**\*Freedom:** John Shipman reports (via email) that Freedom had their GPO hearing and there were no comments. The GPO will be on the ballot in March.

**\*Effingham:** Some committee members expressed concern about rumors in town suggesting that through this ordinance "GMCG was taking private wells away" and that the GPO may not be supported by all PB members. There was discussion about the public hearing and the effect on the vote if not all members were unanimously in support of the GPO. It would be preferable to have a positive vote and recommendation from PBs and BOS on the ballots in all towns. There was some discussion about whether or not towns have to have endorsements from the boards on the ballot by law.

(Added post-meeting) The first hearing was held on January 17<sup>th</sup> and the GPO was discussed without much public comment, only a few questions about performance standards and prohibited uses for clarification, and if the ordinance would prohibit businesses from coming to Effingham. The PB was able to answer all questions and address the few concerns raised. The GPO will go forward to town meeting (another hearing?).

**\*Sandwich:** The hearing on January 6<sup>th</sup> led to a few amendments to the text of the ordinance (mostly grammatical & clarification) and the district map was altered as some WHPAs in town were not on the current map. Some PB members wanted to make the district include the entire town and add groundwater withdrawal to the ordinance, too. The amended GPO will go forward to the next public hearing on xxx.

**\*Ossipee:** The first public hearing was held January 4<sup>th</sup> and included a significant amount of discussion about the GPO's potential impacts to small businesses (below, see the document Mark McConkey

presented to the board). The BOS also raised some concerns about changing the current ordinance, and why changes were needed. PB member Bob Gillette and Eric from LRPC addressed these questions. There was some clarification needed as far as any impacts to businesses, the state's role in BMP enforcement and clean up's, and some of the performance standards were questioned as far as how realistic and expensive they might be for businesses to implement. Pierce shared Candace Daigle's email re: Belmont's businesses positive response to the GPOs (see below). Eric stated that it would be possible to update the site plan review process with these performance standards versus putting them in the GPO, and subsequently responded to the concerns brought up at the meeting (also below). Pat shared the Tractor Supply Stormwater Management Plan with the group. It appeared to be a very extensive document that might be intimidating to small businesses should it be used as a model. Pierce and Eric said they would follow up by looking for other, simpler examples and asking Belmont/Candace Daigle of the PB for any examples. Planlink was also mentioned as a resource for this and other planning questions.

In a PB meeting the following week, some prohibited use and special use permit changes to the ordinance were discussed by the PB & BOS. Pierce stated that "regarding the SUP changes, the use that would be most concerning are gas stations, as there is enough experience even with more recently built stations that they are subject to leaking tanks, pipes, etc over time... These amendments being considered are inconsistent with DES's guidance on preserving aquifers as a drinking water supply."

Pat stated that the PB is representative of the population of Ossipee and the majority of the board feels this ordinance is a good thing. The issue is with BOS opposition, but at this point, their concerns have been brought in and addressed by the PB. It will be important to have BOS approval, as well as business support, and a compromise reached, but at this point it may have gone too far and the ordinance has been weakened by moving provisions from prohibited to SUP. She asked the group if the ordinance should be dropped at this point. The group discussed promoting businesses that use BMPs, doing more education about gas stations and salt storage and why they are prohibited uses, and looking at this as a positive experience that the PB has examined their ordinances so closely and could continue to work with LRPC next year through this grant. Pierce stated that NH DOT has replaced 400 wells at a cost of \$3.4 million due to salt contamination. Pierce suggested that the standing ordinance be left in place because there hasn't been full debate on proposed amendments. Others in the group thought it would be good to go forward and let the public decide, and that updates could be made at a later date.

**\*Madison:** Noreen reported that Madison's PB voted this month to add golf courses as a conditional use for their GPO, and to expand impervious cover limitations. Jay Buckley via email also added: "The Madison Planning Board has voted to put forth amendments to their existing Ground Water Protection Ordinance so as to be more in-line with levels of protection that the other surrounding towns have either in draft form or existing language for this year's warrants at town meeting. The Madison GPO has been in existence for 11 years providing the Madison Planning Board the tools necessary to protect the health and welfare of its citizens who derive the drinking water for underground aquifers." And in a separate email: "Madison added "gas stations and petroleum transfer stations commercial or private" to our GPO 4 years ago based on the cumulative threat of repeated spills by customers and users at the pumps. An application 2-yrs ago for the addition of gas pumps at a local convenience store just 1000 feet from the Eidelweiss Public Well was denied based on our language in our ordinance and never challenged or brought to the ZBA for a variance. It works and for good reasons. Remember to place the "reasons why" you are adding it to the GPO for defensible purpose and intent."

**DES's role at public hearings:** Pierce clarified that having him or anyone from DES attend public hearings can be a risky situation when controversial issues are being discussed. He is not typically given the latitude to attend public hearings as his role at DES is fairly limited when it comes to weighing in on a specific zoning decision at a public hearing. That role is for informed citizens on the PB and members of the public. He could, however, address specific inaccuracies should they arise via email, phone, or another meeting outside the hearing process.

**Follow up from 11/12/ & 12/7 meetings:**

**\*WHPA/PWSs list for each town:** Eric emailed these to committee members following the meeting. Contact Tara if you would like the list.

**\*Natural Resource Report Card updates, future Advocacy Committee Meetings:** (added following meeting) John Shipman reported via email that the Advocacy Committee brought up groundwater extraction as an area of concern following the December 7<sup>th</sup> regional meeting. Since this is a State, not

town, regulated resource, he suggested writing up a groundwater withdrawal protocol that can be somehow adopted by each PB so that there is a clear process to follow in the event of an extraction application. Town boards need to know what the permitting process is, and their potential role in it; this has been summarized in this report:  
[http://nhgroundwater.com/yahoo\\_site\\_admin/assets/docs/hb1353\\_final.29955542.pdf](http://nhgroundwater.com/yahoo_site_admin/assets/docs/hb1353_final.29955542.pdf). This topic will be addressed at future meetings.

### **Public Outreach to “Get out the vote”:**

#### **Notice for public hearings has to be 10 days prior to the meeting.**

January 21<sup>st</sup> is the last day to post and publish notice of final public hearing.

February 1<sup>st</sup> is the last day for holding the final public hearing & last day for official copy of GPO.

Pierce suggested the tagline: “It’s Your Water, It’s Your Decision” for outreach materials. The group liked this idea. Tara passed out examples of a letter to the editor with reference to Governor Lynch’s recent inaugural address (see below for the address). Tara referred the group to a few other helpful resources, like the report “Assessment of Groundwater Vulnerability in the Ossipee Aquifer” and the BMP Strategic Plan salt chapter to provide statistics for outreach around why some uses are prohibited, why the aquifer is vulnerable to contamination, and which PWSs are at risk in each town. Contact Tara for copies.

The group discussed the postcard and turning that into a flyer or poster with the photo of the little girl on Silver Lake to be more appealing, keeping it simple with 3-4 bullets, and keeping the messaging on it positive – ie. the line of it not pertaining to private residences changed to having a positive impact on water supplies citing how many WHPAs would be protected, etc.

The group discussed personal outreach to some businesses and PWSs. Al said he would be in touch with Lost Valley and FX Lyons. Bob stated that Tractor Supply is a sponsor of a national groundwater protection organization and may be a good business to approach.

Finally a website template was discussed for towns, which would have the date, time and location of voting (March 8<sup>th</sup>?), and main points in text of the ordinance on one side and the explanations on the other side similar to the DES model’s format.

### **11:30-12:00 Upcoming Programs**

\*Dates of town meetings – Tamworth March 9, 2011 Brett School 7pm; Madison: ; Effingham: ; Ossipee: ; Sandwich:

\*National Groundwater Awareness Week event? March 6-12 – w/ AGT, Sustainability Network, Carroll County Collaborative, National Groundwater Association. Showing of “Bag It” Film? Kids presentation for Youth Coalition for Clean Water?

### **Homework:**

- \*Committee members to contact businesses and PWSs for support at public hearings and prior to town voting
- \*Pierce & Eric to find more simple Stormwater Management Plan templates/models.
- \*Diana and Stu to work on letters to the editor for upcoming months.
- \*Tara to contact OLA, Province Lake Association, GALA and other local groups to help promote GPOs.
- \*Tara to complete website template for towns to use for town meeting.
- \*February 2<sup>nd</sup> Drive Time at WMWV (John to go)
- \*February 16<sup>th</sup> Drive Time at WMWV (someone to go?)
- \*Noreen – DVD for TV
- \*Tara to edit postcard (for mailing or as a handout), create flyer/poster

**Next Meeting:** February 11, 2011 10am-12pm GMCG office

## Other resources mentioned in this meeting:

### MEMORANDUM

**TO:** Ossipee Planning Board  
**FROM:** Eric Senecal, Regional Planner  
**DATE:** January 7, 2011  
**RE:** Draft Groundwater Protection Ordinance and public comments

This memo is in regard to the comments voiced at the public hearing held on January 4, and to Mark McConkey's letter in particular. Overall, I find Mr. McConkey's concerns to be constructive. This kind of input would have been very valuable during the development of the draft ordinance. I have tried to respond to each of the outlined concerns, first responding generally to the intent and context of each point, and then with some recommendations for incorporating those concerns in a revised draft. Mark's letter is below with my responses in italicized font.

Tuesday, January 04, 2011

Ossipee Planning Board;

The following are questions and concerns that I have for this board contemplated changes to the Ossipee Article XX- Water Resource Protection District.

#### 20.3.1 Prohibited Uses

i) the development or operation of a snow dump (what is the definition for a snow dump, would this prohibit the stockpiling of accumulated snow for a winter event, ie the the Chamber of Commerce's snow cross.

*This is a very important question, especially in terms of defining what constitutes a snow dump. There are a number of issues to consider here. The intent of this prohibition is to minimize the introduction of salts and chemical deicers to groundwater.*

*The first thing to consider is what is meant by a snow dump. I think the intention of the model was that this was a place where snow, removed from lots and streets in one place, was transported to and deposited for disposal in another place (via dump trucks for example). It does not include the stockpiling of accumulated snow from the repeated plowing of a lot over the course of a winter. However, this should be clearly defined and as of yet it is not.*

*Perhaps a more important question is whether or not snow is being moved around within the protection district or imported from outside of the district. I am not sure that transporting snow from one area to another within the district would have any net affect on groundwater since the same amount of salts and chemicals would be above the aquifer. It may be more important to address the possibility of snow being imported from parts of town outside of the district and deposited for disposal within the district. Preventing this sort of situation from happening would more directly support groundwater protection and would address the same risks that the current prohibition of road salt storage does. This is an example of how a revised ordinance can add specificity to better achieve the intent of water resource protection.*

**Recommendation:** *Consider defining snow dump as a location where snow removed from locations outside the district, is transported to and deposited for disposal within the district. If this is still not an acceptable regulation, consider removing it altogether and discussing snow removal operations with the Highway Department/DPW to see if there are any known locations where snow is transported and dumped within the district from areas outside for the district. It may be possible to identify a new location in coordination with other departments and eliminate the net transport of salt and chemicals into these sensitive areas.*

#### 20.3.2

g) Why was regardless of size removed?

*This came out of a discussion of the model ordinance's suggestion that a special use permit be required for "any use that would render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater." The Board discussed this and decided by vote not to change the current limit from 20% to 15%. They also decided to exclude an area limit. At the same time they decided to strike "regardless of size," perhaps to avoid any confusion following the discussion of the 2,500 square feet limit.*

*The deletion of "regardless of size" has no effect on the regulation. It was actually extraneous.*

**Recommendation:** *Explain that alternative language was discussed and voted down. At that time the Board voted to strike the existing extraneous verbiage as well.*

I also question the new language added at the end of this section:

**In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use listed in 20.3.1 and will be in compliance with the Performance Standards in Section 20.4 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.**

Is there presently a problem that demands a new fee structure for development or expanding business?

*The underlined language is not so much a fee structure as it is a discretionary mechanism for the Board to impose to ensure that any facilities, required in order to achieve compliance with performance standards, are completed.*

*The language allows for a guarantee, which could include a letter of credit, which involves typically the cost of a credit report, or other surety and would only apply when a new or expanded use was agreed upon with the Planning Board to build such a structure. It is an insurance policy for the town and such assurances are required if the Board feels it is necessary. The current Water Resource Protection Ordinance already allows for this in 20.3.2 by stating that "the Planning Board may impose such additional permit conditions as it finds reasonably appropriate to serve the purpose of this ordinance." The model just included it in order to lay out some options, especially because performance is the goal.*

**Recommendation:** *Continue to discuss the current language so that the Board is aware of the scope of reasonable conditions that they could impose in order to achieve the purpose of the ordinances that they administer.*

20.3.4

**f) Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards c) through f) if incorporated within the site development project within six (6) months of their deposit on the site;**

What is the definition of construction materials? I disagree with the time limit imposed, six months. An approved development may be built in several stages and many times it is cost effective to bulk purchase certain materials. This could adversely add undue cost to a developing business.

*Much like the snow dump language, this too needs to be clearly defined. DES's response is that construction materials include a wide array of products that may contain substances that if left exposed to precipitation could leach from the materials into the ground. The intent of the state's model was to ensure all construction materials, which may include debris from new construction or the demolition of existing structures, were not left unprotected on the ground for long periods of time and six months of inactive, on-site storage was considered reasonable.*

*However, it is important to consider how this term is being used within the structure of the ordinance. It is addressed as an exemption from some standards if used within 6 months. By including it as an exemption it has the effect of implying that construction materials are regulated substances. It has the effect of suggesting that bulk storage of lumber, stones, soils, loam, etc. would not otherwise be allowed. This is not true.*

**Recommendation:** *Rather than defining construction materials, remove this exemption altogether. It will have no affect on the application of the ordinance and will eliminate confusion.*

20.4 PERFORMANCE STANDARDS

**d) Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least fifty (50) feet from surface water or storm drains, at least seventy five (75) feet from private wells, and outside the sanitary protective radius of wells used by public water systems;**

*These are the state requirements of Env-Wq 401.04 Their inclusion in the local ordinance allows for local enforcement. On some narrow and small lots outdoor storage setbacks as proposed could be limiting and perhaps the lots within the district could be reviewed for the potential for such limitations. DES guidance is to have local ordinances include these setbacks to ensure consistency between local and state rules.*

<http://des.nh.gov/organization/commissioner/legal/rules/index.htm#envwq401>

**e) Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container**

If this ordinance passes any business that has a fuel oil tank in excess of 5 gallons must:

1. Provide storage in regulated containers and that containment must be covered. But home owners are not held to the standard. More fuel oil tank spills occur at residential sites. Secondly If your business is located on a small lot you may not be able to locate your tank 75' from your well and if you can it may require. If you are public water provider the state already mandates a containment of your fuel oil if it is closer than 75' to your well. Leave this one alone unless you make all home owners do the same. I believe that more fuel oil tank spills happen at residential sites.

*The most numerous release of petroleum products reported to DES are associated with leaking underground tanks, however residential spills are quite common.*

*However, Env-Wq 401 does not apply to "on-premise-use facilities" as defined in RSA 146-E:2, III [On-premise-use facility means a system of storage tanks, pipes, pumps, and appurtenant structures, singly or in any combination, which is or has been used for the storage of fuel oil for on-premise-use.] This means that these tanks are currently exempt from state ground water protection rules and that a local requirement would be more restrictive than the state rules. So exempting these would not be inconsistent with state rules*

*It is important to consider that this standard (which would only apply to newly installed or re-located tanks on non-residential property, unless revised) is not terribly difficult to comply with, and could be met with a simple concrete berm and a shed roof, at a minimum. It is fair to say that this represents a common sense approach and is probably appropriate for all such outdoor installations.*

**Recommendation:** Retain the setback standards in order to be consistent with state rules and to assist property owners in complying with state rules.

**Recommendation:** Consider exempting all heating fuel tanks from the ordinance OR consider removing the exemption for residential heating fuel tanks (implied in the exemption for private residences), citing, however, the exemptions for pre-existing non-conforming uses.

**20.7.3 Any person aggrieved by a decision of the Planning Board regarding a Special Use Permit application may appeal the decision to the superior court as provided by RSA 677:15 or as otherwise provided by law.**

Are persons aggrieved by a Planning Board decisions now sent to superior court for relief?

*This is clearly stated in RSA 676:5, III-[If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.]*

**20.8.2 Applicants for a Special Use Permit shall develop storm water management and pollution prevention plans....**

This entire section will cost potential development or a expanding business expend tens of thousands of dollars and in the end may make most available commercial property along Rte 16 and Rte 25 to costly to develop or render those lands not build able. I suggest that neither our well intentioned Planning Board members or any layman here tonight understands the implications of this section. My first example is found in:

**d) Maintain a minimum of four (4) feet vertical separation between the bottom of a storm water practice that infiltrates or filters storm water and the average seasonal high water table as determined by a licensed Hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.**

*The practical application of this section is left to the Planning Board but it is DES's intent that developments could meet these requirements by including the relevant information selected from DES/EPA technical guides, e.g. a brief narrative on the plan regarding operational practices/housekeeping or symbol on the plan noting certain structures that contain or limit the release of substances to the ground.*

*The current ordinance, 20.6.1 (e) requires a drainage plan, and there is certainly some overlap with the new language.*

**Recommendation:** *Since this part of the ordinance only applies to special permit applicants, consider deleting the proposed new sections, 20.8.2, 20.8.3, and 20.8.4 and adopting similar guidance language for the site plan review regulations of the Planning Board. The purpose is to protect groundwater through planning. Spill Prevention Control and Countermeasure plans and Stormwater Plans could be part of the updated site plan regulations.*

As mentioned in my above statement most land along Rte 16 and Rte 25 do not have an average seasonal high water table that is more than 48” below the surface. Does this mean that you cannot discharge storm water on your property? Must you collect your runoff and haul it away; do you have to bring fill onto the site to discharge storm water onto it? This standard is unreasonable at best.

The state allows the discharge of residential septage to a suitable soil that only has to be 24” above seasonal high water. The GWP ordinance implies that only Hydrogeologist, soil scientist or engineers are qualified to determine SHW. I don’t know the last time you employed a Hydrogeologist but I can assure you they are more expensive to hire then a NH permitted septic designer. Septic designers determine SHW on a daily basis, are not included in your list of qualified professionals and a reasonable resource for this purpose..

*If this is true, there are important implications. For good or for bad, Ossipee has designated certain areas for nodal development, encouraging density in these areas in order to preserve the qualities of the corridor (among other reasons). The USGS study from 1995 includes 13 seismic refractive transects throughout town. Only one shows the water table less than 4 feet from the surface. This however is only a spot sampling, and it is very possible that the seasonal high water is as Mark describes; a database would certainly help determine this. The one long term monitoring well in Ossipee that the USGS maintains has shown a depth to groundwater of 33-37 feet over the last 15 years, but again, this is only one location. Absent conclusive determinations, Mark’s claims remain conjecture.*

*By placing some requirements into the site plan regulations, at a later date, the Board can take the time to consider vertical separation. Stormwater has been identified by EPA as the leading source of pollution of surface water and can impact groundwater quality. A three-four foot vertical separation distance between the bottom of the stormwater practice and the seasonal high water table was recommended by the Stormwater Center at UNH. The intent is to ensure that stormwater discharges benefit from additional filtration and treatment from natural soils prior to discharge to the water table, particularly in sensitive groundwater resource areas like stratified drift aquifers and wellhead protection areas.*

*The two foot standard for septage is not necessarily a good comparison because bacteria is different from persistent contaminants like metals, PCBs., and VOCs.*

*Regarding the question of who is qualified to determine seasonal high water, it may in fact be quite reasonable to list licensed septic designers as well. However, septic designers may already be considered, if deemed by the board, because the current language says “...or other qualified professionals, as determined by the board.”*

**Recommendation:** *Vertical separation is an essential element in an effective groundwater management strategy. The UNH Stormwater Center is highly regarded and their recommendations need to be considered. Perhaps they can be approached and asked to participate in developing an appropriate standard for the town, if the town questions the practicality of using their recommended 4-foot standard. The standards could also be transferred from the ordinance and added to the site plan review regulations at a later date. Mark’s questions have raised awareness about the effect of using a standard that, on the one hand, may ensure the long term water quality of the town, while on the other hand may negatively impact or restrict commercial and business activity within areas of town that have been commercially viable and which have been recommended for future business activity, in particular the village nodes that emerged from the NH Route 16 Corridor Study and the Ossipee Planning Charrettes. Either way, it is probably important to understand the groundwater protection that filtration offers and to consider how to apply such measures to stormwater management practices where possible. Additional conversations among natural resource experts, planners, business and property owners, and local officials with the intent of settling on an appropriate measure of vertical separation or a performance process for it is recommended.*

#### **20.10 MAINTENANCE AND INSPECTION**

**All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five**

**(5)gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 20.3.4, shall be subject to inspections under this Article.**

Ossipee will be required to inspect all containers located at a business that are greater than 5 gallons. Where is this money going to come from? The answer is found later in 20.10. The selectman may require a fee for compliance inspections. More inspections, required billable hours to our enforcement officer, more office space required to keep his documents, and a increase to our town budget.

*No inspections would be required by this ordinance. Like any ordinance, it can be enforced if the authority exists. If a situation is reported to the town that appears to represent a significant threat to public health (contamination of drinking water supplies), the town could enforce their ordinance. One could even argue that enforcement of a water resource protection ordinance may be more important than enforcement of other land use ordinance requirements (dimensional requirements), in terms of protecting public health, safety, and welfare, though this is obviously a matter of opinion.*

*However, since 1990, 1.3% (\$2,480,800) of the state's Petroleum Cleanup Fund has been spent on projects in the town of Ossipee in which only 0.35% of the state's population resides. According to the 2009 Petroleum Reimbursement Fund Annual Report, future revenue sources for this fund are in question. This suggests that towns may not be able to rely on the fund to address future contamination.*

The town of Ossipee determined many years ago the commercial development should occur on Rte 16 and Rte 25. The inclusion of this items listed above will stifle growth. 80% of all jobs in this state are by employers that hire six employees or less. Existing small businesses in town will find this ordinance to cumbersome to consider expansion.

The town of Ossipee has good Water Resource Protection regulations built into our zoning ordinance. The Ossipee planning Board already considers storm water discharge during required site plan reviews. In fact our ordinance is the envy of many towns in the Ossipee Watershed.

*The current Water Resource Protection regulations are pretty good, but they have some clear "holes". If you look at the way the current prohibitions and regulations are applied, uses prohibited as principal uses would be unregulated as accessory uses, and there are few specifics that address the performance of a site. Just as important, the current boundary of the district is based on old data and old drinking water supply areas.*

I recommend that Ossipee review our present groundwater ordinances for areas that need strengthening, monitor our neighboring towns progress enacting sensible groundwater discharge ordinances and if necessary make changes after further careful analysis. Please reject the proposed changes to our Water Resource Protection District.

*Ossipee should consider actively working with and encouraging Effingham to adopt a groundwater protection ordinance rather than waiting to see what other towns do. It is a great opportunity to discuss what would be sensible and to share concerns rather than waiting. This is a great opportunity for a joint effort to protect a shared resource.*

Mark E. McConkey  
10 Clover Lane  
Freedom, New Hampshire 03836

**From Candace Daigle of the Belmont PB re: businesses' participation in BMP inspections:**

Pierce,

It simply has not been a large problem for us, but we had a capable, willing CEO to participate in the process.

Because the inspections found so many businesses compliant or very near so, there has been little cost to the businesses beyond appropriate labeling of materials. In fact, we believe our service to help businesses recognize and cure issues (for which there is no fee) is actually a cost saving measure for them:

1. the most obvious is by assisting them to avoid the overwhelming costs of site contamination
2. additionally, giving businesses a reason to evaluate their compliance annually and make small adjustments can avoid large costs and/or fines if another regulatory agency were to inspect their site and find long-term serious problems and/or contamination
3. obtaining an annual "compliant inspection" notice from the Town can assist businesses in other ways such as meeting insurance requirements, meeting independent industry standards, property financing and resale

We believe that most businesses understand the "big picture" and are actively looking for ways that they can operate more efficiently and effectively, get low-cost/free education/guidance for their employees, lower current and future expenses, protect themselves from unnecessary litigation, become more (and advertise themselves as) environmentally proactive. If you operate an inspection program to assist businesses towards these goals (instead of as an "enforcement" process) this program can be a win-win proposition for the business and the community.

As far as an "example", probably the worst case we had was a new auto repair tenant in an existing commercial space. Our annual inspection fell shortly after they opened. Some of the items we found:

1. transmission from a vehicle laying on the ground/uncovered
2. open 5-gallon bucket of oily speedy dry outside/uncovered
3. metal parts & tires stored outside/uncovered
4. dumpster overfilled, not on impervious surface

The owner was informed of these issues, given guidance on compliance, and an inspection 13 days later found all items resolved. In this case education and providing easily attainable compliant options made a world of difference. We can assume that if not for an annual inspection, the condition of this site would have progressed steadily downward with likely resulting contamination.

In many cases businesses feel that they just don't have the resources (time, funding, environmental/regulatory expertise) to tackle water quality protection. It can be especially intimidating for small or new businesses. Unfortunately, that may be exactly the type of business located in smaller communities...communities who believe they don't have the resources to initiate an inspection program. But if we can find a way to provide those businesses with knowledge and realistic options...often times that's effective in helping to protect the quality of our water and the value of our assessment base.

Candace L Daigle

Town Planner

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### **Governor Lynch's inaugural address about a 20-year Water Sustainability plan.**

Here is an excerpt below, and the entire address can be viewed at:

<http://www.governor.nh.gov/media/news/2011/010611-inaugural.htm>

“Nearly a century ago, New Hampshire citizens came together to protect and re-grow our forests. We are still reaping the economic benefits of those actions. We see the benefit directly in our timber industry; in our hunting and fishing industries; and in our second-largest industry - tourism. The indirect benefits of our beautiful natural environment touch every part of our economy by attracting businesses and skilled workers to New Hampshire.

We too have a responsibility to look to the future, as our predecessors did, and act to protect the long-term sustainability of our environment and our economy.

I believe the next great challenge facing our environment - one that could threaten our state's economic viability if left unaddressed - is ensuring clean, sustainable water supplies.

That is why I will establish by Executive Order a commission to create a 20-year Water Sustainability plan for New Hampshire, evaluating the infrastructure, investments, and other measures we must make together to ensure that our families, businesses and communities have the clean water they will need in the future.

To protect New Hampshire's economy and quality of life for tomorrow, we must protect our water today.”