

**Ossipee Aquifer Steering Committee**  
**Work Session**  
**Friday, June 11th**  
**Effingham Municipal Building**  
**1-3pm**  
**Meeting Minutes**

**Present:**

Ned Hatfield, Freedom Code Enforcement Officer  
John Shipman, Ossipee Watershed Coalition/GMCG  
David Little, Tamworth Planning Board  
Meredith Houghton, GMCG Intern  
Mia Akaogi, GMCG Water Quality Coordinator  
Walter Baily, Parsonsfield, ME  
Al Levesque, Effingham Conservation Commission/GMCG  
Kamal Nath, Effingham Conservation Commission  
Susan Slack, Effingham/GMCG  
John Meisner, Effingham BOS  
Mike Cauble, Effingham  
Blair Folts, GMCG  
Tara Schroeder, GMCG  
Steve Whitman, JHT Planning  
Stephanie Dulac, LRPC  
Dave Jeffers, LRPC  
Tim Hughes, Madison

**Introduction & Handouts:** Tara gave a brief introduction to the work session, an overview of projects such as the Ossipee Watershed Natural Resource Guide, Report Card/Natural Resource Matrix comparing all six towns' natural resource ordinances, and the Ossipee Watershed Natural Resource Ordinance binder (a collection of natural resource ordinances for the Watershed). Materials passed out included: the Report Card, most recently updated in May 2010; aquifer fact sheets; ordinance templates; timelines for the aquifer ordinance project; commonly asked questions; and many others. Ordinances from Parsonsfield, Madison and Ossipee were also available. Much of these documents are available to the public on the LRPC website: [http://www.lakesrpc.org/services\\_resources.asp](http://www.lakesrpc.org/services_resources.asp).

**Natural Resource Ordinance Matrix/Report Card:** John Shipman then went over the purpose of the Report Card as a way to cooperate across the Watershed in order to have consistent protection for natural resources that do not obey town boundaries. The Report Card concept was brought to the Ossipee Watershed Coalition by volunteer Lee Pollock who had worked with the Great Swamp watershed organization in New Jersey that used a similar model in order to coordinate natural resource planning across town boundaries in that area of that state. Their efforts eventually prevented the Newark International Airport from being built in the Great Swamp area, protecting important habitat and water resources in the process.

John asked if anyone had updates for the Report Card. Kamal Nath presented the Effingham zoning ordinance update which addresses floodplain, lighting, and a number of other natural resources. *John asked for other towns to also provide him with any newly updated ordinances or changes that should be made to the Report Card. John can be contacted at: [jshipman120@gmail.com](mailto:jshipman120@gmail.com) with any updates.*

John highlighted the Madison Aquifer Protection Ordinance as an example of an ordinance that many of the towns can use to craft their aquifer protection ordinances, since most towns in the Watershed have no protection measures in place for important drinking water resources. Ossipee does have some level of protection, however, there are gaps and updates needed. John suggested that the GMCG Advocacy Committee could be working on the Report Card updating as well as refining how ordinances are scored.

**Water Extraction Ordinances:** John went on to discuss the water extraction ordinance and whether or not this should be included in the report card since large extraction projects are controlled by the state. Walter Baily shared how his group POWWR in Maine worked for 16 months to keep Nestle from coming in to Newfield and Parsonsfield, and finally adopted an ordinance to protect their water quality and quantity in Parsonsfield in 2007. He asked whether or not NH towns can write ordinances more stringent than the state's regulations? The group discussed this issue at length, and how the state controls water permits for extractions greater than 57,600 gallons/day, but that towns can use other means to control/prevent commercial extraction. For more details, see the document "Permitting and Regulation of Large Groundwater Withdrawals in New Hampshire: Appropriate Roles for Municipalities and Consideration of Criteria that Should Be Used" at

[http://nhgroundwater.com/yahoo\\_site\\_admin/assets/docs/HB\\_1353\\_Subcommittee\\_Report\\_rev3.30975939.pdf](http://nhgroundwater.com/yahoo_site_admin/assets/docs/HB_1353_Subcommittee_Report_rev3.30975939.pdf)

Towns can control trucking, road weight limits, and other local zoning can impact/deter companies. NH DES has said that of the few cases that have come before them, in most cases, towns have given a variance to permit the water extraction in their town where local zoning would have prevented it. Susan Slack said that local zoning can deter certain uses in areas of towns. Al Levesque asked if water extraction can harm water quality, and the group discussed how the protections in Maine and NH for groundwater are different; in Maine the state protections are more permissive. John explained that golf courses and larger developments/more developments are bigger concerns for the Ossipee Watershed, but that the state hasn't had many large permit applications recently.

Walter asked about a specific issue in Parsonsfield and Shapeleigh where groundwater extraction in one town can impact another town, but how can one town have a say about the extraction in that other town? In the Ossipee Watershed, Ossipee and Effingham have a shared WHPA where this could be an issue. The state regulates large groundwater withdrawals in NH and can approach such issues from a watershed perspective and must notify abutters, regional planning commissions, etc. whereas in Maine, they go by the reasonable use doctrine ... it is whoever has the most straws that decides. Walter went on to express admiration for the state of NH as being pretty involved in this process.

**Drafting & Adopting Ordinances:** Steve Whitman then began a presentation of how to draft and adopt ordinances. He pointed the group to the NH Office of Energy and Planning website for the Planning Board Handbook (<http://www.nh.gov/oep/resourcelibrary/HandbooksAndOtherPublications.htm>). Chapter 3 of the book covers drafting and adoption of ordinances in detail with reference to RSAs as well. Steve explained that the drafting, adoption, subdivision and site plan review, drafting hearings are all handled at the PB level. PBs are encouraged to work on ordinances whenever they have the time. They should have solid drafts in place by October or November at the latest for public hearings in the winter, so that they don't have to rush an ordinance into town meeting. There is a calendar of important dates on the LRPC webpage to help planners set the public hearing schedule and work through this process. (Dave & Steph can you add that link here? Thanks!)

Alternatives to the preferred PB drafting/adoption process include a special town meeting to address anything pressing, and citizen petitioned articles (at least 25 signatures are needed, but there should be closer to 50). Citizen petitions are used sometimes when the PB doesn't have time or interest to work on the ordinance themselves.

As far as where to find models and templates go, Steve directed the group to local models of ordinances here in the Ossipee Watershed, the regional planning commission, and the Office of Energy and Planning. He warned that there is more to working from a model than swapping town names; towns need to retool the ordinances to fit their community in order for the ordinances to be effective.

**Aquifer Protection Ordinances:** The group then discussed the APOs currently being drafted by a number of towns in the Ossipee Watershed. The Freedom PB had questions about the home-based delivery of fuels and how that is/is not covered by the state model APO. Residential properties are

exempt under the ordinance, however, a discussion ensued about the practicality of enforcing BMPs cited in the ordinance for fuel transfers related to home-based businesses, forestry, agriculture and excavation. David Little explained that in conversations with foresters, he learned that the BMP referencing refueling over impervious surfaces will never be followed since it is just not practical. The larger issue is when hydraulic hoses break spilling 60 gallons+. The question was asked whether or not Forestry BMPs/state BMPs address refueling. Item K in the Performance Standards of the APO was discussed, and that if it is not realistic for enforcement to happen for this item, that other state BMPs, education and outreach should be used to address the issue. The group was concerned that this particular law was not fair; foresters don't have to comply, so others may take the town to court. John pointed out the SPCC plans (Spill Prevention & Control) within the APO. Every business using hazardous chemicals has to file these plans, therefore, forestry and agriculture can be exempted from "K" so long as the SPCC is in place with item #5.

**Gas Station Questions:** The group then discussed the gas station issue, as some towns have had concerns about not being able to locate gas stations in prime travel corridors in their towns in the future because of the aquifer protection district. Tamworth and Ossipee are the main towns of concern with Route 16 overlying the aquifer through much of its route. Ossipee already prohibits gas stations over the aquifer in their zoning, yet there are a number of gas stations currently located over prime recharge land, which appear to have been grandfathered or given variances to locate there in the past. The group referred to the maps to point out many places in Tamworth on Route 16 and 25 that are not located over the aquifer and where gas stations could still be potentially located in the future. The gas station concern is not an issue in Freedom, Sandwich or Madison, and Effingham has one on Route 25 that would be grandfathered. In addition, there are some locations on the southern side of Route 25, not over the aquifer.

**Wellhead Protection Areas (WHPAs) & Mapping:** Freedom PB question arose about one particular WHPA off of Route 153 that is very large due to the permit that was issued (rated to serve 500 people), however, it is not being used to its capacity (currently serving 5 people). John asked if this status and thus the radius of the WHPA could be changed. The group went over the DES designation of the size of the WHPA based on the number of people it serves. The group asked whether or not if the intended purpose of the well changed, if it could be reduced. It was decided to contact the state/NH DES and ask for clarification about whether or not redesignation is possible, and how to modify boundaries of WHPAs. The group also noted that in the Appendix H of the APO, the PB can change the aquifer protection overlay zone and map referenced by the APO if new WHPAs are added or if the maps themselves are updated by USGS. The group noted that the language in the APO needs to be simplified for adoption of any updates or changes, and referencing the map used for the aquifer overlay district needs to refer to a specific map. Susan offered that the language could read: "...as adopted by the PB and updated from time to time."

Kamal expressed concern about why the group wasn't addressing the fact that even uplands and areas not in the primary recharge areas and WHPAs could potentially pollute these areas eventually should there be contamination. He thought there should be a buffer around the aquifer overlay district to extend protection for the aquifer. This concept has been discussed in previous meetings and is why Tamworth initially proposed doing a town-wide aquifer overlay district so that BMPs/performance standards could be enforced across the town, not just in the primary recharge areas and WHPAs. The group thought that applying the ordinance to the whole town would be less favorable and have less chance of adoption in the long run if it were to apply to the entire town. The group ended up approaching the APO with an aquifer overlay district that included the primary recharge areas and WHPAs, which is what most towns in the state have done.

**Other Prohibited Uses to Add?** The topic of other prohibited uses and conditional uses was brought up, and PBs were interested in what additional uses were added to the state model in towns such as Ossipee and Madison, and what other towns currently drafting the ordinance were adding. Tamworth has taken the state's model's list; Madison added dry cleaning and mining and excavation; Ossipee also mentions

mining and excavation within 4 feet of water table. Dave mentioned that the Tri-town group of Belmont-Northfield-Tilton each addressed this concept a little differently, with Northfield being the most restrictive of the three in terms of prohibited uses.

**Other Aquifer Protection Ordinances can be found at:**

Belmont: <http://belmontnh.org/newdocuments/AquiferEd.pdf>

Northfield: [http://northfieldnh.govoffice3.com/index.asp?Type=B\\_BASIC&SEC={FC53A7D0-C653-4417-8229-4BD6C2349D4D}&DE={8CA675B9-556B-4488-BAFF-AD065991DFCC}](http://northfieldnh.govoffice3.com/index.asp?Type=B_BASIC&SEC={FC53A7D0-C653-4417-8229-4BD6C2349D4D}&DE={8CA675B9-556B-4488-BAFF-AD065991DFCC})

Tilton:

[http://www.tiltonnh.org/content/documents/landuse/Final%20DRAFT%20Tilton%20GPO%209%2025%2009%20\(2\).pdf](http://www.tiltonnh.org/content/documents/landuse/Final%20DRAFT%20Tilton%20GPO%209%2025%2009%20(2).pdf)

Madison: <http://madison-nh.org/regulations/documents/ZONINGORDINANCE2010.pdf> (p32)

The issue of Ossipee's representation at recent meetings was discussed, and the group discussed how LRPC could approach members of the PB with a presentation and updated draft of their ordinance with the state's model language, new RSAs, BMP guides, and an updated USGS map for the aquifer overlay district. The Ossipee PB is open to having someone work on their draft and bring it back to their board for review. Other thoughts were to have PB members sponsor a get-together locally for dessert and coffee to encourage other PB members from other towns to come.

**Next meeting: July 9<sup>th</sup> 10am-12pm GMCG Office 196 Huntress Bridge Road**