

TAMWORTH PLANNING BOARD
Groundwater Protection Ordinance Committee

Draft Minutes

September 30, 2022

9:30 AM, Town Office Building

1. Call Meeting to Order – The meeting was called to order at 9:31 am by Sheldon Perry. Present are: Sheldon Perry, Nick Grant, Kit Morgan, Jeremy Phillips, Karen McCall. David Little and Scott Aspinall are also present.
2. Approval of Minutes:
 - 8/26/22 meeting – Kit made a motion to approve, Jeremy seconded. APPROVED
 - 9/14/22 Public Hearing – \$390 million/fine paid to DES. Sheldon made a motion to approve as amended, Jeremy seconded. APPROVED
3. Items for discussion from the public hearing:
 - Is the format and structure of our proposed Ordinance useful? Kit feels we should stick with the model, Sheldon agrees. Consensus is to keep. Karen feels it is important that people understand that this is based on State law. Discussion was held regarding the law and best management practices. The ordinance allows us to be more specific. Statute 485.C.11 was reviewed. Karen volunteered to research what is law/ordinance/best management practices. Sheldon recommended that Kit and Karen work together to produce a written form containing this information.
 - III. Definitions:
 - What is a business? An entity which employs its owner and/or others. “The activity embracing all forms of the purchase of goods and services....nonprofits” excerpt from the Town of Canaan. Agriculture and Forestry are exempt. The State definition is lengthy. Make it say purchase or sale, use the word forestry. Under exemptions 12.B change business to commercial entity. Define and use the word commercial? NH Business Enterprise, Secretary of State are places to find the State definitions. (insert Kit’s edits to the definition)
Committee consensus is reached.
The word business is used on page 3 – definition of junkyard. Remove the words “of business” from this

Scott Aspinall has a question about drift aquifer definition (III) – reference the new data that is out there, new map. It was done with LIDAR. Kit notes that the map is referenced in section IV. David noted that Tamworth mapping has been listed as complete, but has not been published. The existing language in Section IV allows for change. Karen suggests that the visuals Dr. Newton used in his presentation were much more clear than the map we used at the public hearing. Another session with Dr. Newton is suggested for February.

Any private residence not containing a home occupation is exempt.

- Secondary containment- to include multiple linked containers? Where multiple containers connected is considered one container.
- VI. Performance Standards:
 - A. Impervious surfaces- Clarify or omit? Delete
 - B. Stormwater and pollution prevention plans- Modify or Omit? Delete – Consensus is reached on removal of A&B
 - D. 5-gallon capacity limit- Is this fixed or adjustable? This is fixed, D-H are State rules
 - J. Blasting and excavation- Omit? Committee consensus is to omit this item
 - K. Transfers of petroleum- Modify to make more practical? Karen will clarify with Pierce about storage for less than 10 days being exempt. Omit this item is the consensus of the Committee

Karen departed the meeting at 10:40 am. Sheldon departed the meeting at 10:45 am.

Chairmanship of the meeting was passed to Kit Morgan.

- X. Conditional Uses:
 - Move to Board of Adjustment under E. Special Exceptions? Consensus is to leave as is.
 - B. Impervious surfaces- Clarify or omit? Omit is the consensus. Also remove C.
- XI. Existing Nonconforming Uses:
 - D. Format error- replace items 1,2 with A,B.
- XII. Exemptions:
 - A. Treat private residences and businesses equally- remove residences? Consensus is to leave as is.

- B. Business will change to commercial entity

4. General concerns:

- Road Salt- A municipal responsibility- How can this be addressed? Selectboard issue rather than Planning Board issue.
- Inspections- How do other towns address this? Canaan does not have any businesses that are affected by the ordinance. Madison uses this in a couple of situations – monitoring and a refusal(via code enforcement officer). The ordinance does not set up an inspection process, it is set up by the Selectboard and Planning Board. Kit suggests distributing best practice brochures to businesses, inform them about grant money that is available. Proposed is one year of education. Postpone effective date to January 1 of the year after it is voted in. A complaint process could trigger inspections.
- Is the Ordinance anti or pro-business? Messaging is important. A pro-business from Tamworth should present at the next public hearing. The focus and reason for the changes should be highlighted.
- A look to the future- Development and pressure on natural resources to increase.
- Development of guidelines for the PB, BOS and BOA- who does what?

5. Action items – Next meeting is scheduled for October 14 at 9:30. The meeting on the 25th will be changed to the public hearing.
6. Adjournment – Jeremy made a motion to adjourn at 11:40 am, Kit seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Recording Secretary