

**TAMWORTH PLANNING BOARD**  
**Groundwater Protection Ordinance Committee**  
PUBLIC HEARING Minutes  
October 25, 2022  
7 PM, Town Office Building

The public is welcome to join the meeting in-person at the Town Office Building at the above address or via Zoom by clicking on the following link:

Join Zoom Meeting

<https://us06web.zoom.us/j/7085209579?pwd=WlllWWNFQlhKTTRoVk5MK2xCNGxjZz09>

Meeting ID: 708 520 9579

Passcode: 334104

1. Meeting Called to Order and Rules of Procedure.

The meeting was called to order by Sheldon Perry at 7 pm. Present are: GPO Committee members: Sheldon Perry, Kit Morgan, Karen McCall, Nick Grant, Jeremy Phillips

Planning Board members: Sheldon Perry, Nick Grant, Ian Haskell, Randall Dearborn, Annie Provenzano-Alternate.

Annie Provenzano is seated at the table as a planning board member.

Sheldon introduced everyone and called the hearing to order at 7:02 pm. He then read the rules of procedure for a public hearing.

2. Groundwater Protection Ordinance- An Overview. Karen McCall – Karen gave an overview of the history of the ordinance. There are 109 towns in NH that have adopted the ordinance. All the towns in our area except ourselves and Albany have adopted the ordinance. This ordinance does not apply to homeowners, but to businesses. There are no new laws. The State laws have been in place for 20 years. Karen gave specific examples of contamination that has happened next door to us in Ossipee. November 9 at 6:30 there will be a Zoom at the Cook Library, presented by Pierce Rigrod, regarding the health impacts of not having clean water.

3. Changes to the Ordinance based on public input. A list of changes that were made to the ordinance in response to the previous public hearing is available for the public. Kit Morgan gave a summary of the changes. Sheldon spoke

with Richard Roberts regarding road salt and will share that information with anyone who would like to hear it.

4. Open the Hearing for public comment and questions.  
Note to Zoom attendees: Please use the chat feature.

Paul King – Route 113A – asked if this is a Planning Board hearing to enact zoning and would like to know if the Planning Board is going about this legally. The Planning Board did not vote to approve this document for a hearing or to post the document, or a date for the public hearing. The notice says it is a committee hearing. Sheldon responded that a Planning Board quorum has been present at both hearings. The main effort has come from the committee, which is a function of the Planning Board. This document has been through legal review by the Town Attorney. Paul asked if there is an RSA that allows the Board to delegate this to a committee. Sheldon responded that it is regular procedure for Planning Boards to assign items to committees and that this is standard procedure. Sheldon believes that we are acting legally.

Randall Dearborn understood that once there is a completed document it will go to the Planning Board for approval. That is what will happen, this is in process.

Richard Doucette – Great Hill Road – How many towns are in the Ossipee watershed? There are seven . Does DES have enforcement? They have limited staff and do respond to incidents, with some routine monitoring. Richard appreciates the committee's responsiveness to the feedback received. Removing the part of the ordinance that relates to stormwater – he sees the need for that as well.

Emery Roberts – what is the next step in this process? Based on what happens tonight, the committee will review the ordinance again. If there are significant adjustments there may be another public hearing. If there is not another hearing, the ordinance will be prepared as a ballot question for the March 2023 town meeting.

Karen McCall asked if there will be more education between now and March. Yes, but that is to be determined.

Nick is supportive of more education for the public prior to the vote.

Richard Doucette – the graphic map was lousy. Getting more people to understand the boundary is recommended. Using the mapping software we have so people can figure out if they are in the aquifer area or not would be helpful.

Paul King – thanked the Board for getting rid of some of the items – stormwater management, blasting and refueling heavy equipment. Page 6 –XI - regarding grandfathering – E says you are grandfathered only if you are in compliance with today's regulations. This bans onsite refueling of onsite equipment. Paul recommends removing E. Discussion ensued about this topic. This item will be raised to legal review.

Jeremy – read Env-Wq-401 – Paul explained that this is the problem he is speaking about – refueling on site. Karen spoke about a 10 day storage that Pierce Rigrod had mentioned.

Kit – definitions is where the 10 day reference shows up.

Paul – Page 7 – XII – j. and k. exempt farming and logging but only if you are in compliance with the Best Management Practices – those mostly apply to manure and fertilizer runoff, and is not really about groundwater protection, but more about protecting surface waters. This also refers to Env-wq 401. K makes references to the best management practices as well, and has great detail about preventing erosion. Paul feels that this is double speak, and asks how you administer this. He suggests removing everything after the word “agricultural activities”, and all words after Timber Harvesting activities.

XIV – Inspections – Paul feels that this should be more detailed. How often, what will the fee be? If failed, how much time to come into compliance? Sheldon explained that this was left vague as it is yet to be determined.

Emery asked if this would be determined after this ordinance will be approved. He feels that this should be more detailed or not be included at all.

Karen spoke about what was done in Belmont.

Paul – XVIII – effective date was changed to 2024. This could potentially create a problem. Zoning is effective not the date that is approved, but the date that the Planning Board posted it. 676:12. Changing the date forces a “chaos window” from the time it is posted to 2024. Richard Doucette feels that this is not a zoning ordinance and that the Board should check with legal on that. True zoning ordinances are effective when it is posted. He feels that this is not a zoning ordinance.

Nick said that more time leading to less chaos was the intention of moving the date. Sheldon clarified that this would give the Board of Selectmen time to develop working relationships with business, and formation of a budget process, give businesses time to get their ducks in order.

Taking this question to legal counsel is agreed on by the Board.

Emery feels that if this process is to be a cooperative effort this should not be causing chaos.

Paul feels that this is a zoning ordinance.

Sheldon clarifies that this is an innovative land use document.

Joanne Rainville – came because she thought there would be voices of pro/con about protecting the aquifer. She is impressed with the work that everyone has done on this topic. As a town taxpayer, thank you for your hard work.

Linda Cook-Hackett Hill – is the Town of Tamworth excluded from this?

Sheldon feels that the highway department needs to comply if they are dealing with regulated substances. This is a legal question. Linda would like to know what the town is spraying on the Town roads?

Sheldon reviewed his conversation with Richard Roberts about road salt. Gravel roads get no salt. Paved roads – moderate temperatures – the town uses approximately 15% salt 85% sand mix. At the end of the storm they use 100% salt to clear the roads. In colder temperatures the mixture is saltier. They do not use brine. With some forecasts, they will pre-apply some salt. The State has a rigorous protocol established. The Town can request a low salt area through a prescribed process.

Linda also asked about the places in Ossipee that had contaminations – Ossipee has an ordinance for this – were the problems happening while the ordinance was in place?

Richard Doucette – calcium chloride is what is put on the roads to keep the dust down. Nelson O'Brien confirmed this.

5. Closing of the Hearing. – The hearing was closed at 8:10 pm.
6. Adjournment. – Randall made a motion to adjourn at 8:12 pm, Nick seconded. The meeting was adjourned.

Respectfully submitted,  
Melissa Donaldson  
Planning Board Clerk