

TAMWORTH PLANNING BOARD
Groundwater Protection Ordinance Committee
Draft Minutes
December 16, 2022
9:15 AM, Town Office Building

Call Meeting to Order – The meeting was called to order at 9:15 am by Sheldon Perry. Present are: Sheldon Perry, Nick Grant, Kit Morgan, Jeremy Phillips (via Zoom). David Little (via Zoom) also present.

The committee reviewed the Dec. 14 public hearing and the comments received. There were three suggested changes to the ordinance made at the hearing:

1. Article III: Revise the definition of “impervious” to eliminate the wording related to a portable impervious device. It was suggested at the hearing that this might confuse some people, since the ordinance is focused on storage of hazardous substances in more permanent facilities. The committee favored deleting the wording, but only if that change would not trigger a fourth public hearing.
2. Article XI-E: It was stated at the hearing that this paragraph negates the “grandfather” clauses in the ordinance by requiring non-conforming uses to comply with state regulations, many of which are included in the ordinance. After some discussion, the committee concluded that by citing non-conforming uses, this paragraph is referring only to the six prohibited uses in Article IX, and decided to leave the article intact pending review of this question by the town counsel.
3. Article XII, J and K: A comment at the hearing questioned the wording in paragraph J, related to agriculture, and suggested that the exemption from provisions of the ordinance be worded in J as it is in K (which pertains to logging), and that the exemption be extended to the excavation industry. The committee felt that agriculture and logging are regulated by the state under other statutes and thus could be exempted from this ordinance. No evidence that excavation is similarly regulated was presented at the hearing, however (other than gravel extraction in RSA 155-E), so the committee decided to leave the article as written.

Sheldon moved and Kit seconded to make the suggested change to Article III but leave the other two articles as written. The motion passed.

Kit moved and Jeremy seconded to recommend the ordinance as revised to the Planning Board for approval. The motion passed.

There was discussion and some concerns expressed about whether a fourth public hearing would be required as a result of the revision. Following this discussion, Sheldon moved and Kit seconded a motion to reconsider the two previous votes. The motion passed.

Kit made the following motion: After careful consideration, the committee recommends to the Planning Board approval of the Groundwater Protection Ordinance as presented at the December 14 public hearing. Sheldon seconded. The motion passed.

Education: The committee discussed public awareness efforts, including an article in the Green Mountain Conservation Group newsletter and a Feb. 18 event at the Cook Library. This event will include creating a “crankie” organized by the Chocorua Lake Conservancy, and a display to be maintained for a week or two with posters, handouts, and other information on the proposed ordinance. Other suggestions for public awareness were articles in the Conway Daily Sun and Vibe magazine, a request to speak at the candidates’ night, canvassing candidates for select board and planning board on their positions on the ordinance, and possibly a mailing organized by interested citizens.

Action points:

- Support the Feb 18 event at the library
- Provide information or an article for the GMCG newsletter
- Compile information on the ordinance for the town website
- Prepare letters and opinion pieces for the Sun
- Seek support from groups such as the TCNA and TEDC
- Produce information to be available at the town office for the public: copies of the ordinance and of a fact sheet similar to that produced in 2011, and the poster produced by GMCG. Sheldon will see if Ned Beecher will help with updates to the fact sheet.

Motion to adjourn at 10:45 (Kit, Jeremy seconded) was approved and the meeting adjourned.

Submitted by Kit Morgan