

TOWN OF CENTER HARBOR
PLANNING BOARD
Meeting
Tuesday, January 5, 2016

Chairman Charles Hanson called the hearing to order at 7:00 p.m. Present were Selectmen's Representative Harry Viens, David Reilly, Jackie Baker, Bill Ricciardi, Peter Loudon, Kelli Kemery, Clerk Aimee Manfredi-Sanschagrin and Mike Izard of LRPC. In the audience Jill Weed, Maureen Criasia, Rick Van de Poll and Karen Ludwick.

Voting Members: Charles Hanson, David Reilly, Jackie Backer, Peter Loudon and Bill Ricciardi.

I. **MINUTES:** Peter Loudon motioned to accept the minutes of December 15, 2015. Seconded by David Reilly. All were in favor, minutes pass unanimously.

II. **LUDWICK MYLAR**

The Board approved a boundary line adjustment for Karen and Tim Ludwick on December 1, 2015. The Board received the Mylar and 5 hardcopy plans to be signed and recorded. Chairman asks for a motion, Peter Loudon motions to sign the Mylar and hard copies as presented, seconded by Bill Ricciardi. All were in favor motion passes. Documents were signed by Chairman and Secretary, Mylar will be submitted to Belknap Registry of Deeds for recording.

III. **SECTION 10 WRCOD- PUBLIC HEARING**

Mike Izard from LRPC put together a power point presentation for the Board and the Public to illustrate and provide a better understanding of the new Section 10 being proposed. During the presentation we identified some setback discrepancies on the Water Overlay website that we need to have CAI resolve. Mike discusses the steps that have been taken over the last few years to create the document which is being presented today in its final form. A copy of the power point is available at the Town Office.

Chairman opens the hearing to public input.

Rick Van de Poll discusses the protection of watersheds in the Town of Center Harbor and that the resource attached to an Ordinance is only as good as its enforcement. Rick continues, without code enforcement checking things, one spill could still ruin your whole effort. We can rest knowing that we have done our part on the legal regulatory side of the equation but effectiveness will always have to be done when it comes time to implement. On a particular Section of the proposed Ordinance there is a section we need to look at. My apologies for my response on a setback question regarding designated streams. The question was why do we have this gradient setback, and if you recall it was based on slopes and soil type. I'm curious to hear what feedback you have received on how you came to suggest that setback because I thought it was just for septic leach bed and that is how I responded. I realize in an ideal world it would be a gradient based scale for all land uses, and a court will hold that up as they have in two cases that I have testified on, but of course in terms of code enforcement in application and implementation on the ground, a single number is going to be much easier to put into place. Therefore, I would encourage you to hit that middle number we had originally identified and go for the 100'.

Chairman, Rick I take issue with this a little bit. I thought we got an answer the first time which was 50' and tonight I was going to propose we change the 50' to 75' because you clearly said 75' and the soil based approach is for leach fields. Rick Van de Poll, yes that is correct. Chairman, so why should we change that now? Rick, good question and the science supports the 75' we know that. Chairman, and we are proposing a science based Ordinance then why don't we hang our hat on that. Like you said, there are these tradeoffs and it seems to me just common sense we can live with the 75' knowing that our leach fields are dealt with in a soil based system as well it should be. Rick, it makes the most sense to me. In most Towns the streams are listed by order and not by tier. The State is going to tiers as you know, the regulatory side has given up on order and they are moving over to tiers. Regardless of what the State does, what the Town sets is what is going to last and it won't change so long as the Town doesn't repeal it. Rick continues, I'm not going to disagree with you I think that one number as long as the Board feels comfortable with that number, except for septic leach fields, I think that makes the most sense. I will support that as you suggest.

Chairman, what is everyone's thought on that? Peter Loudon, I would agree with the 75' because it makes the most sense to me. David Reilly, but you also have to have the cascading numbers if it's a septic system. Chairman, correct that is why we have the reference. We are just referring to designated stream under Table 1, we will change that from 50' to 75' and then

the asterisk with the note underneath refers to the leach fields which have a tiered system based on soil type and permeability. Bill Ricciardi, and the non-designated wetland and non-designated stream will remain at 50'? Chairman, correct.

Chairman asks any other input.

Maureen Criasia, I have several modifications to the Ordinance itself. I went through the Ordinance page by page and some of the changes are minor. I would like to go through the changes I had made note of. Under table 10:2 omit the word "the" before the word landowner and make landowner plural. I understand that "based on science" was removed but I would like to suggest alternate wording to the Planning Board that it would read "this will be achieved through clear concise and simple common sense regulations based on sound environmental principals" in lieu of "based on science". Maureen continues with punctuation changes. Maureen also mentions there are several places in the Ordinance where it references the date of the NRI as December 2011, I think most everyone on the PB was aware that we revised the NR chapter of the Master Plan and the NRI as of December of 2014. What I would suggest anytime throughout the document where it refers to the NRI, re-date to December 2014 and I would strike "as approved by the Planning Board 2012". I am going to leave Table 1 until the end. Maureen discusses some minor changes in a few sections which refer to date changes and minor rewording. In regards to Section 10:4:2:4 a few changes in wording are recommended.

Maureen asks for explanation on why that Section was rewritten. Chairman responds, Town Attorney stated the wording contained in this Section we should get rid of and use the wording from our existing Ordinance because the current wording is better. Maureen, ok.

Maureen continues, we have a change in the list of Rivers and Streams under 10:4:3, remove Snake River and replace it with Swainey Brook to reconcile the grid on the Water Resources Map with this list under 10:4:3.

Chairman, under 10:4:3:1:1 Designated Stream Protective Buffer, I think we need to have language that says this is for leach fields because this makes it seem like this is for everything. Mike Izard, that is right. Chairman, so I don't know where you would put that in. Mike Izard, I think it may be confusing from Table 1 where it's protective buffers and to call this a protective buffer. Chairman, so what would you recommend saying? Mike Izard, take the protect buffer off there and say "leach field buffer". Chairman, ok so leave "protective" and just say "leach field" buffer? Mike Izard, yes and this is also spelled out later in the Ordinance it's almost as if you can omit that table and just refer to it later. Chairman, Mike so do you think we can just delete it entirely? Mike, I think you can, in 10:8:1 on page 14 there is the exact same thing, the header is different its subsurface waste water for leach bed setbacks but it has that variation the 75' to 125'. Chairman, yes that makes sense that will make it clearer. Chairman, so is everyone in agreement with that, we are going to delete 10:4:3:1:1. Mike Izard, one, two and three may need to be moved to 10:8:1, it eliminates the redundancy on the table. Chairman, so move points one, two and three to 10:8:1. Mike, yes on page 14. Chairman, so maybe do that with an asterisk? Mike, well the asterisk would be for table 1 referring to 10:8:1. Chairman, oh those points are already here. Mike Izard, oh yes they are there so get rid of it and just change the reference under table 1 to 10:8:1. Rick Van de Poll, you may want to also include 75' in that 10:3:4:1:1 because the other parts of the text refer back to the table. Mike Izard, yes we decided that would come right out because it is listed in 10:8:1. Clerk, asks "so I am clear we are deleting..." Chairman and Mike Izard respond, just delete that whole section 10:4:3:1:1 and reference 10:8:1 under table 1. Clerk, ok.

Maureen continues with additional date changes and then on 10:6:1:4 she mentions there was a reference to "low impact". Maureen, I was wondering why that wording was removed? Chairman, because it's ambiguous. Bill Ricciardi, who would determine what low impact is. I could say that's not low impact you could say yes it is. Maureen, so it's subjective? Harry Viens, that wording actually broadens this section. Maureen, ok. Maureen continues, in 10:6:3:1 refer to RSA section, Clerks asks for clarification on adding sections to the RSA. Chairman states we do not want to refer to specific sections in the Ordinance. In 10:8:1 change all reference to leach bed to leach field. Maureen, refers to septic tank and does not see any other reference to tank. Board member(s) ask if it should refer to septic systems and after much discussion it was decided to use the terminology Septic Leach Fields. Under 10:8:1:1 change septic systems to leach fields.

Maureen, under 10:8:3:3 everything is there but the 10% imperviousness on the affected lots. Chairman, I believe Chris Boldt recommended that be removed. Harry Viens, yes and the reason for that was that it is unclear if the intention was to restrict all properties that abutted the affected lot. His concern was that this was overreaching and would be impacting land owners around it. Chairman, so that was removed based on our Attorneys recommendation it opened up to being too far reaching onto other properties the way it was written. Maureen, ok.

Maureen, so I saved this one for last. As you know last year Rick and I revised the NRI and Chapter 6 of the Master Plan. "What that project made me realize is that Center Harbor is water logged. The whole Town is encompassed by two water

sheds, the Winnepesaukee Watershed and 44.4% of our Town is within the Winnepesaukee Watershed and the Squam Watershed, 55.6% of our Town is in that and that constitutes 100% of Center Harbor". The entire Town of Center Harbor is within a watershed almost 10,000 acres. "To that end we have 9 stratified drift aquifers that constitute 352 acres of property in wetlands. The 60 acre aquifer that sits partly under Bear Pond that runs under the perennial stream coming out of Bear Pond into Hawkins Pond which constitutes the head waters of the Waukegan Watershed, is just one of the 9 that feed Lake Waukegan which is the water supply to the Town of Meredith. As a former Conservation Commissioner of 8 years in this Town, I feel it is incumbent on me to bring to the Planning Board the fact that we are ethically responsible for the drinking water supply in the Town of Meredith. Because of that, my concern is with the setbacks in the designated stream category. Because the Snake River is a third order stream it does not benefit from fourth order stream protection designated by DES so it is left extremely vulnerable. Granted as Rick has pointed out to me, it does allow some protection under this Ordinance in the prime wetlands sector."

Maureen continues, "The reason we labeled Table 1 the way we did initially in 2012 and in 2013 until it was changed, is because we recognized these aquifers are sitting very close to perennial streams that have steep slopes. We based the set back on soil character because it was a scientific way of being able to develop the protective upland buffer versus an arbitrary number. That is why 10:4:3:1:1 reads the way it does and why the table read the way it did. Because Center Harbor is so water inundated, because we sit in two watersheds, because the headwaters and most of the waters coming through Center Harbor into Lake Waukegan are going to impact someone's water supply I would respectfully request the Planning Board go back to the original stratification in Table 1 which is based on soils for designated streams 125, 100 and 75." Under Table 1 you could asterisk it saying based on soil character se 10:4:3:1:1. I feel going forward that is the best way our Town can help protect the water resources especially in the Waukegan and Winnepesaukee Water Sheds. Thank you.

Chairman, anyone want to comment on that? Hearing none Chairman continues, Maureen I respectfully understand where you are coming from but this my humble opinion, as you said we tried to come up with something as you said based on science which we heard from Rick our 75' set back is based on science. We also have to balance this from an enforcement perspective which I think we've done. I think we are ending up with something where maybe everybody is a little unhappy but you know it's a step forward. Maureen, 75' provides the protection but I wanted to tell the Planning Board and give them a reason why we came to that determination early on in the process. What our rationale and thinking was behind that. Chairman, but to be clear what we heard tonight and what we have gotten documented is that 75' is protective. I think we are doing our job and we are meeting our moral standards.

David Reilly, the reality is from a political standpoint we have to have a document that will pass at Town Meeting.

Rick Van de Poll, I would add that implementation is important. I can tell you that I have walked those streams and I can tell you that would be a challenge for all land uses, leach fields are a special case they are isolated they are defined. Chairman, and you already have your soil scientist there so they can deal with the situation. Rick, I've seen streams go from 15% to 35% to 5% all in a matter of less than 50' and then where does the line go. Soil types are not that easy to accommodate in a simple manner, so I think 75' is a reasonable compromise. Maureen accepts the opinion of both Rick Van de Poll and the Chairman.

Chairman asks if there are any other comments hearing none Chairman closed the public input session of the hearing at 8:20 p.m. Clerk will make the changes that were discussed and provide the Board and other participants with the final draft.

Chairman, this hearing is continued to January 19th at 7 p.m. at which point the Planning Board will recommend or not recommend this change.

Chairman goes over another proposed change to the Town Ordinance under Section 5:3 Setbacks Sub Section 5:3:1 Structure Set Back. No comments or concerns given by PB or public.

The Chairman adjourned the meeting at 8:29 p.m. Public Hearing scheduled for January 19, 2016 @ 7 p.m. Respectfully submitted by Aimee Manfredi-Sanschagrinn.