

OFFICE OF SELECTMEN
TOWN OF CENTER HARBOR

POST OFFICE BOX 140
CENTER HARBOR, NH 03226
PHONE 603-253-4561
FAX 603-253-8420
selectmen@centerharbornh.org

February 23, 2022

VIA EMAIL TO dsassan@moultonboroughnh.gov

AND REGULAR MAIL

Alan Hoch, Chair

Moultonborough Planning Board

P.O. Box 139

Moultonborough, NH 03254

Re: Koss Construction LLC (Tax Map Lots 140-16 & 170-12) Bean Road ("the Project")

Dear Chair Hoch and Planning Board Members:

As indicated by Harry Viens, the Chair of the Center Harbor Select Board, at the February 9, 2022 Planning Board meeting, the Center Harbor Selectmen have requested all our department heads and committee/commission Chairs to advise us of any concerns they have regarding the Project. The enclosed list is a non-exhaustive "top line" list only, that is we have not provided details (and there are many) nor have we proposed solutions. Rather it is our intent to express the concerns in broad terms for further review and discussion by both the Moultonborough Planning Board, the Moultonborough ZBA, the Moultonborough Selectmen and the Center Harbor Selectmen to see whether and/or under what conditions this Project can move forward.

Environment

- The Project site contains 10 delineated wetlands, 2 perennial streams and 2 stratified drift aquifers. In addition, surface water will drain to both Lake Kanasatka and Lake Winnepesaukee. What precautions are in place to protect water quality both surface and subsurface?
 - The Project abuts two properties which are known to have groundwater pollution (Irving gas station and the former Dry Cleaners on Route 25). The two proposed community wells are located in close proximity to both of these properties – especially the Dry Cleaners. The DES letter dated June 26, 2020 (as referenced on the Town's Tax Card for the Dry Cleaners) is attached for your convenience showing the significant on-

going issues associated with that abutting site (including the need to test for PFAS; and the DES One Stop link for this site is also provided:

<https://www4.des.state.nh.us/DESONeStop/PRSDetail.aspx?ID=0004168&Type=PRS>

As water from the two proposed community wells for this Project is drawn from the aquifers, the resulting void will likely draw the pollutant plumes towards the Project's well and those of other abutters. What provisions are being made to protect the aquifer and various wells from being tainted and jeopardizing the health of both Center Harbor and Moultonborough residents? It is unclear to us whether the environmental status of these adjacent properties are reflected in any of the applications with the Town of Moultonborough and/or DES for this Project. It may well be better to have those community wells located significantly further away from the parcels and/or the number of units allowed to be significantly reduced to avoid this significant environmental issue.

- It appears as if the entire Phase 1 of the complex lies entirely within the Wellhead Protective Radius – has this been approved by DES? This appears to be an encroachment violation, has a waiver or exception been granted?
- The aquifers have been classified as low recharge; this implies a refresh rate less than 10,000 gallons per day. The wells (both of which are located within the wetlands) are expected to output 24,000 gallons per day. What measures will be in place to protect abutters wells? Will this draw down the aquifers and drain the surface wetlands?
- Will there be an independent review of the wetlands management plan? For example, by the County Conservation District?
- Will an independent agency conduct a comprehensive Environmental Impact Study?
- The materials posted on the Moultonborough Planning Board's website include comments by the Bay Sewer District's engineer and the Project Engineer's responses; and those responses indicate that the septic flow from this Project is projected to be 162,000 Gallons Per Day (GPD). Has the District indicated that it has such capacity; and if so, what is the amount of extra capacity remaining for further development within the Center Harbor Village and the area of the Moultonborough West Village?
- The Project appears to be calculating a very high density of dwelling units without deducting any areas of wetlands or steep slopes from the gross area of the lots in question. While we understand that the Planning Board has not yet made an official ruling on this issue, we suggest that this is contrary to the terms of the Moultonborough Zoning Ordinance, Site Plan Regulations and Subdivision Regulations. It is our understanding that your Town has not interpreted your Ordinance and Regulations in that way before and we suggest that this is not in the best public interest for this or any other Project to be given such overly high density in light of the large areas of wetlands and streams on this Property.

Public Safety

- Both our Fire and Police Chiefs have expressed concern regarding both pedestrian and vehicular traffic volume in and around the Center Harbor Village, especially where Center Harbor’s fire and police stations are so much closer to the Project than is Moultonborough’s Public Safety Buildings . Specifically:
 - Pedestrian crossing from the Moultonborough side of Bean Road to the Center Harbor side. Will there be a crosswalk or automated pedestrian crossing of some kind?
 - Pedestrian traffic on Bean Road – will sidewalks be constructed to keep pedestrians off the road? Will this include bike lanes?
 - Dramatically increased vehicular traffic on Main Street, Plymouth Street and Kelsea Avenue by drivers avoiding the lights at Bean Road and Route 25. All three of these roads are home to historic properties. How does the Project Developer plan to mitigate this? Will the Bean Road and Route 25 intersection be rebuilt by DOT? Is there the possibility of direct access to Route 25 via a modification of the Bay Sewer District access road?
 - In addition to the increased traffic there will be an attendant increase in noise, exhaust fumes, wear and tear on the Center Harbor roads. All combined this constitutes a ‘nuisance’ to Center Harbor. Is Moultonborough and/or the Developer prepared to indemnify the residents for damages, both physical and mental health? Is Moultonborough and/or the Developer prepared to indemnify the Town of Center Harbor for damages to its roads? What impact would there be to the overall traffic pattern if, as a result of any approval of this Project, either Center Harbor made Kelsea Avenue a dead end at Bean Road and/or the owners of Senter’s Market (the Heath’s complex) changed their Bean Road access points to prevent “shortcuts”.
 - Possibly increased 911 response from both Center Harbor Fire and Police – some is expected initially, but we assume it will settle down to predictable level – if Center Harbor must add personnel to service the increase is Moultonborough willing to compensate the Town so our taxpayers are not in the position of subsidizing Moultonborough?
 - We are also concerned that the Traffic Study for the Project was performed in November 2021 (and in January 2022 for Kelsea Avenue counts) which do not accurately reflect the true impact of this Project during the “high season” in our Towns.

Aesthetics – Compatibility with the character of Center Harbor Village

- The proposed 60-unit development will generate a tremendous amount of light which is inconsistent with the Center Harbor Village district character. Has consideration been given to mitigating light pollution keeping in the spirit of the Dark Sky Initiative?
- When will more detailed drawings and plans be available to assess the architectural look and feel of the development? For example, will the buildings reflect the traditional white siding and black trim most common in the village district?
- How many buildings will be visible from Bean Road, Kelsea Avenue and other points within Center Harbor?

Facilities – Beach. Boat Launch, Parking

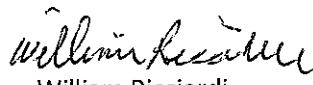
- As the proposed development is being marketed as “Harbor Landing by Lake Winnepesaukee”, there is an implicit assumption that Center Harbor beach, recreation and boat launch facilities will be available to the residents. Space at the Center Harbor beach is limited. Any influx of beach users (per our current agreement) may require additional staffing of lifeguards and boat launch attendants. In this event, will Moultonborough provide funding, so our taxpayers are not subsidizing Moultonborough residents? The Route 25 crosswalk is inadequate for handling large numbers of people, and there is no crosswalk at the Bean Road – Route 25 intersection. Is Moultonborough working with DOT to redesign and upgrade the crosswalks and intersection be safer and more efficient e.g., handle increased traffic turning left?
- We may have to limit visitors to the beach area. Capacity at this moment is between 50 and 60 people. Increased beach users will require upgrading our bathroom facilities and septic. Will Moultonborough provide funding for the needed upgrades?
- Center Harbor has recently raised the boat launch fee for non-residents from \$15 to \$25, and we are increasing fines for parking violations. Parking capacity is extremely limited. The Town will post signs accordingly, but there may be a need for additional law enforcement – as visitors being turned away or not “getting their way” often get “agitated,” enforcement assistance may be required. Will Moultonborough be able to provide some police enforcement support or compensation to ensure the safety of our staff?
- Needless to say, if this Project is approved, there will be the need to renegotiate the current Interlocal Agreement between our Towns to determine whether and under what conditions Moultonborough Residents continue to be able to use the Center Harbor facilities.


Thank you for considering our concerns. We look forward to resolving these concerns as the project progresses. As Mr. Viens noted in the Public Input session on February 9th, Center Harbor and Moultonborough have a long history of cooperation. It is our sincere desire to continue cooperating now and, in the future, to ensure the mutual prosperity of both Towns.

We respectfully request to be provided with appropriate notice of all Moultonborough Board meetings so that we and/or our Town Attorney can participate in the discussions on this very large and contentious Project.

Very Truly Yours,
CENTER HARBOR SELECT BOARD


Harry Viens
Chair


William Ricciardi
Member


Richard Drenkhahn
Member

cc: Robert Stevens, Chair, Moultonborough ZBA (via email to bwhitney@moultonboroughnh.gov)
Charles F. Smith, Moultonborough Town Administrator (via email to csmith@moultonboroughnh.gov)

Jarred Swinotek, P.G., DES Hazardous Waste Remediation Bureau (via email to jarred.swinotek@des.nh.gov)

Andrew Koff, DES Water Division (via email to Andrew.T.Koff@des.nh.gov)

Abigail Thompson Fopiano, P.G. (via email to abby@edgewater.nh.com)

Christopher L. Boldt, Esq., Center Harbor Town Attorney (via email)



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

EMAIL ONLY

June 26, 2020

J. Craig Moriarty
49 Old Hubbard Road
Meredith, NH 03253

Subject: Moultonborough – Former Thriftamat Laundromat, 5 Whittier Highway
(Route 25), DES Site #199302032, Project #4168

May 2020 Data Transmittal, prepared by Wilcox & Barton, Inc., dated
June 1, 2020

Dear Mr. Moriarty:

The New Hampshire Department of Environmental Services (NHDES) has reviewed the above-referenced submittal for the Former Thriftamat Laundromat facility, as recently submitted by Wilcox & Barton, Inc., (Wilcox & Barton). NHDES appreciates the step recently taken as a continuing effort to bring this project back into compliance with the site Groundwater Management Permit (**GWP-199302032-M-001**).

Our immediate concern continues to be the concentration of trichloroethylene (TCE) that continues to exceed NHDES' GW-2 Groundwater to Indoor-Air Screening Level as established in the NHDES Vapor Intrusion Guidance policy (February 2013 revision) including TCE (20 micrograms per liter [$\mu\text{g/L}$]) in groundwater at well MW-02D (detected at a concentration of 32.0 $\mu\text{g/L}$). We note that the past two sample rounds also detected concentrations of vinyl chloride (3.6 $\mu\text{g/L}$ & 3.8 $\mu\text{g/L}$) just under the GW-2 Screening Level (4 $\mu\text{g/L}$), and will need to be followed closely.

Wilcox & Barton clarified in the recent data submittal that the well screening interval for both MW-02B & MW-02D were 33 to 38 feet below ground surface [bgs] and 19 to 25 feet bgs, respectively. We previously noted that historically the concentrations of contaminants of concern were lower in the shallow well (MW-02S, screened 5 to 15 feet bgs) associated with the well couplet. However, we have not received any current water quality data from shallow groundwater at MW-02S and therefore are unable to comment on whether a potential vapor intrusion pathway may be present.

Sampling and analysis performed represented a reduced scope as approved by NHDES in an email dated August 10, 2018 that included three groundwater monitoring wells (MW-02D, MW-02B, and MW-03D) analyzed for volatile organic compounds (VOCs) to assess current groundwater quality at the site. Based on our review of the analytical results, we note that it appears concentrations of tetrachloroethylene (PCE) continue to either be comparable to, or have declined since 2012, while the breakdown products including cis-1,2-dichloroethylene (cis-1,2 DCE), trans-1,2 DCE and vinyl chloride appear to have increased modestly. Data results suggest that the natural attenuation remedy via the reductive dichlorination process continues to occur at this site.

www.des.nh.gov

PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095

Telephone: (603) 271-2908 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

Based on the data results indicating continued exceedances of the Ambient Groundwater Quality Standards, NHDES requires the following actions:

- Please submit a Groundwater Management Permit (GMP) Renewal Application on or before August 31, 2020 that meets the requirements of Env-Or 607.10 Permit Renewal and includes an updated receptor survey noting any water supply wells within 1,000 feet of the Site. Note that NHDES will accept groundwater sampling every other year for the life of the Permit but must include periodic evaluation of the shallow overburden at a minimum of once before each future Permit renewal.
- In a letter to responsible parties, site owners, and/or permittees dated May 18, 2017, as clarified in a follow-up letter dated October 19, 2017, NHDES is requiring waste sites that meet certain criteria to complete an initial screening for the presence of per- and polyfluoroalkyl substances (collectively known as "PFAS") per the provisions of the NH Code of Administrative Rules, Chapters Env-Or 600 and Env-Or 700, as applicable.

Based on NHDES' review of the site files, sampling at this site continues to be requested because of (but not limited to) our findings that the site is impacted by historical hazardous waste releases related to dry cleaning activities. PFAS are known to be used in spot cleaners used to launder fabrics, and dry cleaning wastes could contain PFAS.¹ We ask that you either complete the requested screening sampling, or provide an updated site history demonstrating that possible past or present contamination sources did not contain PFAS. In addition, at a minimum, please refer to the ITRC Fact Sheet History and Use of PFAS when evaluating whether other past and present site processes involved the use of PFAS.

<https://pfas-1.itrcweb.org/fact-sheets/>

Should you have any questions with regard to our comments, please contact me directly at NHDES' Waste Management Division.

Sincerely,



Jarred Swiontek, P.G.
Hazardous Waste Remediation Bureau
Tel: (603) 271-1358
Fax: (603) 271-2181
Email: jarred.swiontek@des.nh.gov

ec: Amy Doherty, PG, State Sites Supervisor, HWRB
James P. Ricker, PG, Wilcox & Barton, Inc.
Attention Health Officer, Town of Moultonborough

¹ *Fluorochemical Use, Distribution and Release Overview* prepared by 3M Company dated May 26, 1999 (USEPA Perfluoroalkyl Sulfonates; Significant New Use Rule [SNUR], Docket ID: EPA-HQ-OPPT-2002-0043 <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2002-0043-0008>)