

Conservation Commission

Wednesday, December 5, 2007

Corner Meeting House

Belmont, New Hampshire

Members Present: K. Knowlton, N. Wederski, G. Wells-Kay, D. Naiva
Members Absent: S. Rolfe (e), J. Pike (u), W. Petron(u)
Alternates Present: M. Lewandoski, M. McLetchie
Staff: R. Ball, D. Rollins, C. Daigle

Chairman Knowlton opened the meeting at 7:03 p.m.

BOARD'S ACTION-MINUTES:

MOTION: On a motion by N. Wederski, seconded by D. Naiva, it was voted to approve the minutes of the November 7, 2007 meeting as written. (4-0)

D. Naiva thought that at the last meeting when the town forest update was discussed that the members had come up with something more specific to secure the beaver pond. R. Ball said that it was decided that he and S. Rolfe would go out and take a look at it. They also talked about hiring an engineer.

K. Knowlton asked R. Ball if he could ask the highway department to take a look at it to see how much it would cost to put riprap where it washed out so that area won't wash out more. Perhaps this could slow it down.

DREDGE & FILL PERMIT – MAP 116 LOT 43:

The Drouins are appealing three of the conditions placed on their recently approved permit. Certified Wetland Scientist Katie Surowiec was also present to represent the Drouins. R. Ball said that the three items they are appealing are the delineation of the entire wetland, placing permanent signs indicating the location of the wetland every 50 feet along the boundary and a survey plan of all the wetlands. Ms. Surowiec said that the Drouins are willing to do the first two but the cost of doing a survey is an issue. She asked if the Commission would show their support to appeal that one condition of doing the survey. The Drouins are trying to get a legal trail to get to their back parcel with atvs.

The Conservation Commission had written a letter regarding their wetlands application asking that they be required to mark the wetlands and delineate them. DES added the condition that they do a survey.

K. Knowlton said that the Drouins are offering to fulfill the requirements that the Commission had asked and didn't see any reason why they couldn't send a note to DES.

Ms. Surowiec said that once the wetlands are delineated the town will be notified.

Chairman Knowlton appointed M. Lewandoski and M. McLetchie as voting members.

MOTION: On a motion by N. Wederski, seconded by M. Lewandowski, the members voted to send a letter to DES supporting the Drouins in their appeal to do a survey of their wetlands for their Dredge & Fill Permit. (6-0)

AQUIFER PROTECTION ORDINANCE:

G. Wells-Kay feels that education is very important. The members need to help people understand the ordinance and focus on what is good about it, what it will bring to the citizens of Belmont. People tend to focus on the negative. The members need to use what little time they have until town meeting to educate people. She thinks it's an excellent beginning that can be worked on over time. K. Knowlton agreed that it is something to start with. He said he looked at examples online of aquifer protection ordinances in other towns from around the country. One of them said it's purpose is to protect all recharge areas. C. Daigle said that doing this would expand the area. Every time you change the phraseology it could make a significant change by adding more properties. The state model ordinance only protects stratified drift aquifers. She told the members that if you make changes you need to show the basis for that change.

K. Knowlton said that it is important to inform the public that with this ordinance the Town is trying to protect everyone else's rights by regulating the uses. C. Daigle said that zoning by its nature is there to protect public health and safety. Certain retroactive health measures are needed as society moves forward. She said that all the performance standards apply to existing businesses also. They are reasonably necessary standards to protect water quality in Belmont. Businesses that handle regulated substances are already held to best management practice. It's already in place at the state level. This gives the town the ability to monitor it. K. Knowlton asked if it will require them to have a spill plan or conduct fire drills. C. Daigle said in article 6 any conditional uses are required to have a spill containment plan submitted to the Fire Chief.

M. McLetchie said that if the purpose is to safeguard present and future water supplies private wells should be included. He feels that the general public will support that. C. Daigle said that this ordinance just covers the stratified drift aquifer. It is the most easily contaminated resource. M. Lewandoski said that the public needs education. They will be looking at what they can't do. Many have felt threatened since the last time the aquifer ordinance was brought forward. They think it

may impact them again. K. Knowlton said that the last one was prohibitive. The Planning Board and the Conservation Commission didn't support it. M. Lewandoski said they need to be more thoughtful on how they present it. There are some prohibited uses that people will take a negative opinion to. They need to approach them on an educational basis. C. Daigle told the members that the storage of animal manure is regulated here just like DES, NRCS and UNH. She said that NRCS works with farmers and often have grant \$ available to assist in bringing their storage into compliance.

C. Daigle said the ordinance is only dealing with business people. They need to be told that private residences are exempt. Support from all the boards will help. They have to explain to these people that they are already subjected to this at the state level. G. Wells-Kay suggested that maybe they can get support from local clubs and recreation committees. K. Knowlton said that the most important thing is to let the public know that there is a difference between this one and the last one. It's based on a NH template and all boards support it. Public hearings will be held. He said that it will not be good enough for some people but development is going to happen and they have to do what they can to protect themselves.

C. Daigle went through the proposed draft ordinance and noted the changes that were made from the state's model ordinance.

Article I. Authority - Same as DES model

Article II. Purpose – Did not include groundwater contributing to surface waters, or all groundwater, or wellhead protection areas outside of the aquifer

Article III. Definitions – All same as DES model

Article IV. Aquifer Protection District – Same as DES model but just for aquifer

Article V. Applicability – First paragraph same. Added preexisting clause

Article VI. Performance Standards – Primarily the same as DES model; rearranged order of standards, putting standards that apply to all uses at the top and then added standards that apply only to conditional uses at the bottom

- Changed to stipulate that expansion or redevelopment activities may at the discretion of the Planning Board, require an amended stormwater plan
- Added local BMP handbook Aquifer Protection Best Management Practices, Tri-Town Aquifer Project Protecting Shared Drinking Water Resources, Lakes Region Planning Commission, April 2007

Article VII. Permitted Uses - Added last sentence to see Article V for applicability to preexisting uses

Article VIII. Prohibited Uses – First 8 Uses are same as DES model; added 8 more from DES's expanded list

Article IX. Conditional Uses - Same as DES model

Article X. Exemptions – Same as DES; Planning Board changed to “not exceeding 5 gallons”

- Added definition to “temporary”; temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards C through F “if incorporated within the site development project within six months of their deposit on the site”

Article XI. Relationship between state and local requirements – Same as DES model

Article XII. Maintenance and Inspection – Paragraph A – Same as DES model

- Paragraph B – Added inspections “of all regulated uses”
 - Used “Planning Board’s designated agent”
 - Added “at the cost of the business owner”
- Deleted Paragraphs C & D of the DES model

OTHER BUSINESS:

PUBLIC HEARING:

The Belmont Planning Board will hold a public hearing on Monday, December 17, 2007, at 7 p.m. concerning the proposed Aquifer Protection Ordinance.

ADJOURNMENT:

MOTION: On a motion by N. Wederski, seconded by M. Lewandoski, it was voted unanimously to adjourn at 8:55 p.m. (6-0)

Respectfully submitted,

Denise Rollins

