Tilton Planning Board  
Meeting Minutes – July 14, 2009

AGENDA  
6:30 p.m.  Call to Order  
Minutes of the June 9, 2009 & June 23, 2009  
Correspondence, any other business

6:35 p.m.  Workshop - to discuss the drafting the ordinance for the Tilton Groundwater Protection.

Members Present: Sarah Paratore – Chair, Nick Canzano, Robert Haberman, Katherine Dawson, Ex Officio.

(Members not present: Mike Curley, Deana Cowan, and James Dwyer)

Others Present: Sandy Plessner

Meeting:

6:35 p.m.  Workshop was called to order.

Sarah explained that tonight we are here to discuss and review the Tilton Groundwater Protection ordinance.

At the last meeting Erica Anderson for LRPC give the board a copy of a draft ordinance which I emailed to all the planning board members, selectmen and the conservation commission members to review and give some input or feedback.

Sandy Plessner asked if the town will have an overlay district. Have all the wetlands and aquifer area been delineated?

Sarah will ask Erica in addition to delineating the aquifer if all the wetlands in areas will be mapped or are they just delineating the aquifer.

Sandy notes that when you have an aquifer overlay ordinance or wetlands overlay the map is transparent and all marked. When you put the overlay over the tax map you are able to define which properties are in that district. This will help when a person comes in and would like to do something on a specific lot then you would be able to see if they are in the aquifer or wetlands. Unless everything has been delineated and you have an exact map you wouldn’t know for sure.

The only other items I saw in the model ordinance are some permitted uses and prohibited uses. Have you gone through the regular zoning to see if there is any that are conflicting?

Sarah noted this model ordinance hasn’t been reviewed against our Zoning ordinances yet.
Getting back to Sandy's first question. Regardless as to whether the land is wet or not being over the aquifer this ordinance would apply. On the map if the town decides to go with the purple areas only as the aquifer district. Tilton is mostly light purple. This is the aquifer area as delineated by LRPC.

Sarah to check with Erica to see if we can get the map as a jpeg so you can zoom in to get more detail.

Sandy notes that would be great so it could be sized to fit over our tax map.

Sarah noted that choices in Belmont and Northfield. Northfield has a more restrictive ordinance fewer permitted uses thinking they would need less inspection if they limited what they could do in the aquifer. Belmont has less prohibited uses with a voluntary inspection program which the fire department and/or code enforcement officer maintains copies in the files as to what is going on over the aquifer. They have found that they have a 65% compliance rate. They also go out and ask how we may help you to comply.

Sarah notes #9 of this ordinance is the overlay district. By enacting this ordinance it will enact this district and LRPC will supply the map.

The items that Sarah thought would be good even though the area has been built up but there would be no allowance for gas station over the aquifer area which is almost the entire Rte 3/11 corridor.

Sandy notes that we do have gas station along there but with the new DES requirements all the tanks are put in double wall containers with alarm systems to contain notify the tank is leaking before it all spills out.

Katherine notes that those containers are not designed to hold the entire contents for the tanks. Also the problem with the containers is DES does not design the construction of the tanks.

Sandy notes these containers only have a specified life expectancy and have to be changed.

Katherine Dawson notes there are oxymoron’s in the ordinance. You have a list of exemptions one of them under performance standards states animal manure, fertilizer, and compost must be stored in accordance with the manual of BMP of NH. The exemption is that all private residence is exempt. There are no commercial farms in the area.
Sarah comments that this is only a model. We can make changes to fit our town’s requirements and/or needs. I can explain to her our concerns and Erica will us address it.

Katherine Dawson notes that there are no provisions for any grandfathering of anything.

Sandy explains that the zoning ordinance does recognize grandfathering and the state does. I think that as long as it is in the zoning ordinance this can’t be in conflict and the zoning already states if something has been there then it’s grandfathered.

Katherine thinks the grandfather parts of our ordinances are a little vague. Maybe they need to define them better.

Sandy assumes that this ordinance will be going to town meeting next year. Any changes that need to be done to the zoning could be presented at the same time.

Nick Canzano asks if what’s on the property now and they sell the person buying can continue with that use even though it’s non-conforming.

Katherine Dawson explains that the grandfathered non-conforming use goes with the property.

Nick Canzano asks if person was to purchase a gas station/convenience store and no longer wants to sell gas then if they are changing the use then the tanks should be removed.

Katherine Dawson explains that DES requires that. Once you discontinue a non-conforming use one year and not reestablished the use then it is not allowed.

Sarah remembers asking Erica about the grandfathering and I believe her response was that no one is grandfathered from the requirements of protecting the aquifer. If you pass this ordinance and have a gas station in the aquifer they must follow these requirements.

Katherine and Sandy feel that this may conflict with the states non-conforming laws. If they are currently incompliance with the zoning as it exists and now we create an ordinance that makes them non-conforming. The state laws might interfere with this.

We maybe able to go to them and say that we have passed an ordinance and we have BMP and we would like to help you know how to deal with this.

Nick asked if this model has an area for septic tanks waste disposal. Sarah notes we could add under prohibited section dealing with septic waste disposal.
Katherine Dawson asks has any community in the state adopted these and had ordinance in effective for any length of time?

Sarah comments that southern New Hampshire has these types of ordinances. This year they are working on the Ossipee aquifer and Holderness aquifer. The central and northern parts of the state the aquifer ordinance is fairly new but the southern part has been using it for quite awhile. I can find out which towns have adopted this and for how long.

Sarah presented a letter of resignation to Katherine Dawson. We will be sorry to see you go as you have been an asset to this board.

Sarah explains that this is taking up to much of her time which she needs to devote to her family. She will stay until a replacement is found.

Meeting adjourned at 8:00 p.m.

Minutes prepared by Augusta Marsh

(These minutes are subject to review and approval of the planning board at the next scheduled meeting.)

**Minutes were approved by the Planning Board at the Sept 8, 2009 meeting**