

**TOWN OF TUFTONBORO
PLANNING BOARD
December 3, 2020
APPROVED MINUTES**

Members Present: Matt Young, Chairman, Gary Qua, Vice-Chairman, Bill Marcussen, Selectmen's Representative, Tony Triolo, Laureen Hadley, Carol Bush, Members, George Maidhof, Alternate.

Member Absent: Kate Nesbit, Member.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM at the Tuftonboro Town House.

I. Public Comment
None.

II. Consideration of Minutes
November 19, 2020

It was moved by Tony Triolo and seconded by Gary Qua to approve the November 19, 2020 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Town of Wolfeboro

Wolfeboro Tax Map #96-13, Tuftonboro Tax Map #66-2-70

Site Plan Review; RIB Site Remediation

Public Hearing continued from November 19, 2020

Dave Ford reviewed his responses to the Planning Board's questions and comments noted at the November 19, 2020 meeting, see attached letter dated 12/2/2020. Dave Ford stated the Town of Wolfeboro is not exempt from the EPA permit and noted the Town would be applying for such.

Matt Young stated the Planning Board's attorney reviewed the Town of Wolfeboro's application and determined that such does fall under RSA 674:54 and requested a motion relative to such.

It was moved by Gary Qua and seconded by Carol Bush that the Planning Board finds that RSA 674:54 applies to the Town of Wolfeboro Site Plan Review application. All members voted in favor. The motion passed.

Matt Young stated he is unsure if the Stormwater Discharge permit that is issued to industry use applies to this application and Wolfeboro's industry. He stated such is the number one permit that municipalities and industries are sued for under the Clean Water Act.

Dave Ford stated he would research such and determine if it applies. He noted he submitted the Base of Design report.

Matt Young stated he spoke with Mitch Locker, NHDES, and noted that currently the Town of Wolfeboro's permit doesn't currently have a limit of phosphorous and asked if the Town would be willing to consider a cap.

Dave Ford stated it is not reasonable for the Town to agree to a cap and noted the permit is regulated by the State. He stated he doesn't support agreeing to stricter terms than the permit allows.

Matt Young questioned the use and intent of the spray fields.

Dave Ford stated the revised permit allows for use of 40 acres (down from 100 acres as noted in the previous permit); noting the permit is reviewed every five years. He stated the permit allows for 30 million gallons at the spray fields and 70 million gallons at the RIB site.

Matt Young stated he reviewed the plans with engineers; noting they could not find any issues with the proposal. He asked what the Town of Wolfeboro has agreed to with the Tuftonboro Conservation Commission.

Dave Ford stated Wolfeboro committed to a three year monitoring program, enhanced surface water testing from what is currently required by the State and the sharing of the data, a forest management plan, wildlife habitat plan, stormwater management plan (including the access road) and the development and implementation of an education component. He stated the Conservation Commission will be performing independent testing.

Matt Young verified the stormwater management plan would include erosion control, sediment control, infiltration basins, trenches and treatment of runoff from Route 109A to the RIB site, including the parking area.

Dave Ford stated there is not enough room by the pond to install infiltration trenches and erosion controls however, the Town will use Best Management Practices.

Bill Marcussen questioned the maintenance of the basins and sand replenishment.

Dave Ford stated the sand will be replenished if necessary.

Matt Young noted the public hearing is open.

Fenton Varney questioned the cost estimate for construction.

Dave Ford replied \$3 million.

There being no questions or comments, Chairman Young closed the public hearing.

Matt Young reviewed the following conditions for approval;

1. Submit, upon completion, the Nineteen Mile Brook Data Analysis and Monitoring Plan prepared by FB Environmental.
2. Submit, upon completion, a 3-year sampling program of Nineteen Mile Brook prepared by Woodard & Curran.
3. Submit a Stormwater Management Plan for the site, including the access road and parking area.
4. Submit a Forest Management Plan and Wildlife Habitat Plan (following the Town of Wolfeboro 2021 Town Meeting authorization).
5. This approval is subject to all State, Federal and local permits and approvals and any conditions attached there to including, but not limited to;
 - a) NHDES Groundwater Bureau permit
 - b) NHDES Subsurface Bureau permit
 - c) NHDES Wetlands Bureau permit
 - d) EPA Stormwater Discharge Permit
 - e) EPA Permit associated with industrial facilities, if applicable

It was moved by Gary Qua and seconded by Carol Bush to accept the Town of Wolfeboro Site Plan Review proposal subject to the above noted recommended conditions. All members voted in favor. The motion passed.

IV. Discussion Items

a. LRPC Invoice

Matt Young stated he left a message with LRPC to discuss the invoice submitted to the Planning and noted he not yet received a return call.

Gary Qua stated Municipal Resources reviewed the existing Master Plan and provided input regarding an update to such. He reviewed the comments provided by Municipal Resources.

The Board requested Mr. Qua retrieve a cost estimate to complete an update to the Master Plan. The Board discussed encumbering funds previously appropriated for the update.

**b. Zoning Amendment
Section 3.6.F.13**

Matt Young recommended striking the language "including but not limited to" from Outdoor Storage, 1).

The Board agreed.

It was moved by Tony Triolo and seconded by Gary Qua to amend the language of Outdoor Storage, 1), to eliminate the language "including but not limited to" and move to public hearing. All members voted in favor. The motion passed.

Public Hearing scheduled for January 7, 2021.

V. Informational Items

N/A

VI. Public Comment

None.

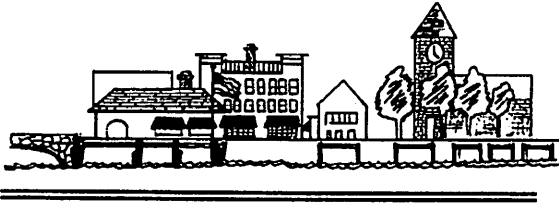
It was moved by Tony Triolo and seconded by Gary Qua to adjourn the December 3, 2020 Tuftonboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting adjourned at 7:54 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson



DEPARTMENT OF
WATER AND SEWER UTILITIES

*Town of
Wolfeboro*

Tuftonboro Planning Board
Tuftonboro Town Hall
Middle Road
Tuftonboro, NH

December 2, 2020

Subject: Town of Wolfeboro
Site Plan Review
Governmental Use Review

Dear: Tuftonboro Planning Board,

Wolfeboro is in receipt of questions raised at our pre-Public Hearing meeting on November 19, 2020 and sent to the Town via e-mail on 11-22-2020. Your questions and the Town's responses have been reviewed by Wolfeboro's Town Council Mark Puffer.

Planning Board questions are restated in bold italicized text and Town answers in underlined bold text with explanations in regular text.

- 1. Is the work proposed by Wolfeboro subject to Tuftonboro's Site Plan Review Regulations as the construction of distribution lines or transmission apparatus under RSA 674:54, III(a)?***

No, RSA 674:54, III (a) & (b) does not apply to this project as there will be no construction of public highways, distribution lines or transmission apparatus.

Please Note: Even if RSA 674:54, III did apply to this project, it would not mean that the project is subject to local land use regulations. Instead, it would mean that the nonbinding procedures of RSA 674:54, I would not be applicable. The purpose of RSA 674:54, III is to exempt certain common governmental uses from the requirements of RSA 674:54. Note that RSA 674:54, III starts with: "This section [674:54] shall not apply to..."

- 2. How does the proposal serve a public purpose and is that public purpose statutorily or traditionally governmental in nature?***

In 2005 the Town of Wolfeboro received an Administrative Order from the State of New Hampshire, requiring a new treated effluent disposal discharge site as part of its Wastewater (Sewer) Treatment

9 Union Street Post Office Box 629 Wolfeboro, New Hampshire 03894

(603) 569-8155



System. As demanded by the State, the Town in 2007 & 2008 the Town of Wolfeboro had permitted with New Hampshire Department of Environmental Services (NHDES) a groundwater discharge site known as the Rapid Infiltration Basin (RIB) for the discharge of treated wastewater effluent. **The collection, treatment and legal discharge of municipal sanitary wastewater is a municipal governmental use.** Shortly after the RIB startup in 2009, land downslope exhibited signs of stress and unexpected issues, leading to ground water breakouts and a violation of the Towns Groundwater Discharge Permit.

The Town worked with its Engineer and NHDES for 3 years trying to figure out what went wrong. Then had a 2 year legal battle with the Engineer responsible for the design flaw that lead to the unexpected issues. The Town negotiated a new Administrative Order by Consent in 2015 (AOC 15-011WD) providing new requirements to re-study our problems and develop alternative solutions. That work which began in 2015, included many studies, engineering reports and full scale pilot tests. The project before the Planning Board is the accumulation of 5 years of work to correct the deficiency with the original design and restore this site to pre-RIB conditions.

The specific work required in Tuftonboro is to rehabilitate land that has been damaged and to restore this land, as much as physically possible to pre-RIB conditions. It should be noted that the Town of Wolfeboro has kept the Town of Tuftonboro aware of this project from the outset and have sent copies of every major report prepared and has sent surface and groundwater sampling data to the Town, conservation commission and/or its consultant s and has and will continue to do so anytime requested.

3. Provide a statement of the governmental nature of the use as defined by the law

It seems pretty clear, first of all, that the proposed use of the property in Tuftonboro is a "governmental use" within the meaning of RSA 674:51, I (That is, the Town is proposing a use, construction, or development of land to be owned or occupied "for any public purpose which is statutorily or traditionally governmental in nature.") Certainly a sewer treatment facility is governmental in nature. See generally, RSA Ch. 149-I. **The Town proposes to use the land in Tuftonboro as accessory to its sewer treatment facility in Wolfeboro as a groundwater discharge zone per the Towns Groundwater Permit.** It is not being proposed for use for any other purpose. It is governmental in nature.

4. *Is an EPA Stormwater Discharge Permit required and if it is required is the Town of Wolfeboro exempt?*

Yes the project will require the Contractor (and the Town) to file an NOI to be covered under the General EPA Stormwater Permit for discharges associated with Construction Activities. No, the Town is not exempt. The successful contractor will be required to develop a Stormwater Pollution Prevention Plan (SWPPP) and have it submitted and approved prior to the start of construction. A SWPPP outlines how the contractor plans to implement erosion and sediment controls and meet other requirements of the permit for this construction site.

5. *Provide Basis of Design Report (outlines the 20 year plan)*

Underwood Engineers Inc. (UEI) the Town current Engineer prepared the report entitled Wastewater Effluent Discharge Evaluation report 2016, copy attached. Note: This reports recommends design flow of 363,000 gallons per day for the 20 year non-regional solution. We are not going with a regional solution and our current Groundwater Permit is limited to 340,000 gallons per day. The current GW permit is good until 2022, at which time it will be renewed.

6. *Would the Town of Wolfeboro would be willing to put a cap on the parts per million that would be discharged into the RIB (i.e.: the Town agree not to exceed 0.07 mg/L)?*

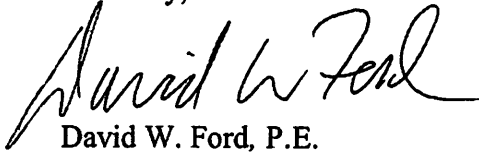
I believe you are requesting that the Town limit its treated effluent to .07 mg/l of Total Phosphorus (TP). The answer is no. The Town is limited to its treated Effluent limits per its NHDES Groundwater Discharge Permit. That permit is issued/renewed every 5 years. If Tuftonboro wants to pursue increased limits on the Discharge Permit you would make your comments to Mitch Locker, Groundwater Bureau, NHDES. That being said, please try and understand that this is a complicated issue and I provide the following for your information:

Please note that Wolfeboro normally discharges on an average about .5 mg/l of TP to the RIB beds. The TP concentration is reduced within the first 3 feet as the discharge is further treated as TP adheres to the sand as it travels downward through 40 feet of unsaturated sand, until it hits bedrock and the regional groundwater mound. At this location the groundwater concentration of TP is about .01 mg/l and equal to the background concentration of TP in natural soil and watershed. From below the discharge area the treated effluent continues to move very slowly with background groundwater, as it mixes and flows to recharge Nineteen Mile Brook. The total time it takes from discharge of treated effluent until it recharges brook is about 30 to 90 days.

7. *Would the Town of Wolfeboro would be willing to agree to not increasing the amount of treated wastewater and capacity for the next twenty years?*

At this time and in our 20 year planning report the Town does not intend on increasing its total capacity of its system to beyond the 340,000 gallons per day on an annual average that we are currently permitted. As stated above the Town is required to renew this permit every 5 years and will continue to responsibly operate this facility and if any future changes are necessary they will be done in accordance with NHDES regulations for groundwater discharges. **The Town does understand your concerns and at this time has no plans for increasing flows, but respectfully declines this request.**

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Ford". The signature is fluid and cursive, with a large initial "D" and "F".

David W. Ford, P.E.
Director of Water & Sewer Utilities

CC. James Pineo
David Mercier
Mark Puffer

