

# *Approved - September 24, 2010*

## Water Resource Protection Subcommittee of the Durham Planning Board

Meeting Minutes of August 13, 2010

Town Council Chambers, Durham Town Hall

7:30 am

**Members Present:** Jamie Houle, Robin Mower, Brian Gallagher, Dwight Baldwin, Dave Cedarholm, Stephen Roberts, Richard Kelley (arrived at 8 am)

**Members not present:** Jim Campbell

**Call the meeting to order:** Chair Houle called the meeting to order at 7:30 am.

**Approval of the agenda:** Agenda approved unanimously.

Chair Houle congratulated the members on the passing of the storm water regulations and thanked Dave Cedarholm for his efforts on the storm water regulations.

### **Review of the aquifer protection overlay updates/changes:**

Chair Houle asked Brian Gallagher to update the subcommittee on the changes and sources of the April 29, 2010 draft.

Brian Gallagher said the subgroup first researched other towns' and the state's model. He reported at first it appeared that the best approach would be to follow the state model ordinance, but then it was realized that this was not as pertinent to Durham. Mr. Gallagher said the group then decided to return to the existing Durham regulations and update with new verbiage and add some items from other towns' regulations.

Robin Mower asked if the subgroup spoke with Jim Campbell about who was involved in the writing of the existing regulations. Stephen Roberts said that the existing regulations were written with a large degree of input from Tom Ballestero. The members held a discussion regarding how much input Tom Ballestero had on the existing regulations and whether the regulations were written with the assistance of an aquifer expert and if the same expert was consulted in the updates and what issues he found in the updates. The members then discussed

the definition of aquifer in the existing regulations. Dave Cedarholm stated he feels the definition is subjective and too general.

Chair Houle asked the members how they would like to move forward in reviewing the document. Dave Cedarholm suggested everyone review the document and put comments together for the next meeting. He suggested spending this meeting talking about the general sense of the document.

Dave Cedarholm said he would like to express his concern about the definition of aquifer in the definition section of the zoning ordinance. He said the timing of this is quite interesting with Capstone looking at developing a site, which has a little piece of an aquifer for which there is no data. Mr. Cedarholm said Capstone has hired Tom Ballestero and Gillespie Associates to investigate the aquifer because there is no data on it. He said he spoke with Mr. Ballestero and Cynthia Thayer at Gillespie Associates and their first question was; "how do we define what an aquifer is." Mr. Cedarholm said the Town Planner informed him the previous definition of aquifer was "a formation that can produce at least 200 gallons a minute for water supply." Stephen Roberts said the current definition was taken from the State's definition. The members had a lengthy discussion regarding this definition and how it affects the definition/identifying the boundary of the overlay district and the new ordinance.

Brian Gallagher said one thing the subgroup wanted to discuss with the subcommittee was the many small aquifers identified on the map (other than Spruce Hole Well). He asked the members if the Town wants to protect them.

The members had a discussion of the pros and cons of attempting to prohibit commercial withdrawals from an aquifer owned by a commercial entity as well as the pros and cons of the State's authority over water withdrawal and their regulations and restrictions regarding withdrawals.

Dave Cedarholm said it is an arduous process to get a large ground water withdrawal permit. He notes the process includes monitoring wells within a mile radius of your site to the point that you cannot have any impact on any other well.

Jamie Houle said the model that the Town wishes to promote is to protect the ability to provide a water supply. He said the regulations should promote the town's supply and protect the town's ability to produce drinking water. He asked if it is prudent to have the regulations allow an individual or commercial entity to withdraw whatever water they want on whatever limited parcel of land that they have.

Mr. Cedarholm said he is giving his professional opinion that the State's large groundwater withdrawal permit approval process is adequate to protect public water supplies, as well as recommending that the Town Council may not be in favor of some of this language proposing to prohibit or limit commercial development.

Dave Cedarholm discussed with the members, the section on page 3 c regarding site drainage; "...all runoff from impervious surfaces shall be recharged". He suggested this be amended to read; "...all increases in storm water runoff shall be recharged". Mr. Cedarholm said there could be a sight that currently has a limited ability to recharge, so it would be difficult to force a

developer to recharge more than it is already holding. Jamie Houle said this must be consistent with the storm water management section of the Town's site plan review regulations, which addresses the incremental aspect. The members discussed this issue and most felt it needs to be addressed in the updates.

Robin Mower offered to schedule the next meeting by email.

The August 13, 2010 meeting of the Water Resource Protection Subcommittee adjourned at 8:40 am.

Respectfully submitted by,

Sue Lucius, Secretary to Water Resource Protection Subcommittee of the Durham Planning Board