

Approved - October 22, 2010

**WATER RESOURCE PROTECTION SUBCOMMITTEE
OF THE DURHAM PLANNING BOARD
FRIDAY, SEPTEMBER 24, 2010
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:30 A.M.**

Members Present: Stephen Roberts, Jim Campbell, Dave Cedarholm Brian Gallagher, Dwight Baldwin, Robin Mower, Jamie Houle, Richard Kelley

I. Call the meeting to order and acknowledge absentees

Chair Jamie Houle called the meeting to order at 7:40 am

II. Approval of the agenda

The members approved the agenda as written.

III. Approval of minutes: August 13, 2010

Minor corrections were suggested by the members.

Jamie Houle MOVED to accept the August 13, 2010 minutes as amended. This was SECONDED by Richard Kelley and APPROVED unanimously.

IV. Review of draft changes to the Aquifer Protection Overlay of the Durham Zoning Ordinance

The members continued their discussion of the draft copy of the Aquifer Protection Overlay of the Durham Zoning Ordinance.

Brian Gallagher pointed out that when the subgroup was doing research for the ordinance they came to the conclusion that the existing ordinance is a fairly strong ordinance. He noted that what they felt made the ordinance strong is that all permitted uses in the overlay are permitted as conditional uses. Mr. Gallagher said the subgroup felt the ordinance works well because of this.

The members discussed whether the conditional use process at the Planning Board level has criteria governed by the Town and if they are strong enough criteria. The members concluded that the process seems to be working and that the criteria appear to be adequately strong.

The members discussed the need to have consistent wording with regard to stormwater management compliance. Robin Mower pointed out instances in the draft document where the term used is; “consistent with stormwater management” and other instances where the term used is; “in compliance with stormwater management”. The members concluded that the term should be, “in compliance with stormwater management”, in all instances.

The members discussed the need to include the term “and Subdivision” under “175-86 Use Regulations C. Site drainage”. This will now read “....and must be in compliance with the Stormwater Management section of the Town of Durham’s Site Plan Review and Subdivision Regulations.”

The members then discussed the wording of Section “175-87. Hydrogeologic Study”, with the discussion focusing on when a hydrogeologic study should be required and the proper wording needed to reflect this.

There was discussion about the need to address this sentence and if it is addressed, how it should be changed. The consensus of the members was to have the paragraph read as follows:

“Within the aquifer protection overlay district, a hydrogeologic study shall be required for any proposal or a development that is requesting an appeal of the district boundaries pursuant to section 175-85.B. or as required by the Planning Board.”

The members then discussed the need to have a “tiered” or “prioritized” approach to aquifer protection in town. It was noted there are many small, disconnected aquifers that fall within the district that do not require extensive protection, but there are a few that do require extensive protection.

There was a lengthy discussion regarding the best way to go about implementing this approach.

The consensus of the members was to rewrite section “d” under 175-85.B. (Appeals) to quantify the number of gallons produced by an area.

“Evidence derived from a pumping test(s) and a sufficient number of test borings, test pits, observation wells and groundwater elevations to clearly demonstrate that the area in question does not sustainably produce more than 20 gallons per minute. All evidence must be gathered in accordance with Section 175-87.”

It was noted that a withdrawal of over 20 gallons per minutes requires a state permit for a minor withdrawal. Discussion will continue at the next meeting of the Water Resource Protection Subcommittee.

V. Brief discussion on folding the Water Resource Management Plan into the Master Plan

Robin Mower asked Jim Campbell if the process to update the Master Plan has begun and when he feels the update will proceed to the point where water resource management will be discussed. Mr. Campbell said he felt it would not occur before the end of the year.

VI. Other Business

Dwight Baldwin asked if the subcommittee members feel more input is needed from a qualified hydrologist. Some members responded that they felt it would be very helpful but may require expending fees to pay a hydrologist for their time. Jamie Houle suggested discussing with the Conservation Commission the idea of using Conservation Funds for this kind of expenditure. Robin Mower suggested this be an agenda item for the next Conservation Commission meeting.

VII. Next meeting of the Committee:

The next meeting of the Water Resource Protection Subcommittee will be Friday October 22nd at 7:30 am in Town Council Chambers at Durham Town Hall.

VIII. Adjournment

The September 24th, 2010 meeting of the Water Resource Protection Subcommittee of the Durham Planning Board adjourned 9:05 am.

Respectfully submitted by,

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