

Town of Enfield Planning Board  
Tim Taylor, Chairman  
November 10, 2010- 7:00 PM

Present: Kurt Gotthardt, Dan Kiley, John Kluge-Selectman, Suzanne Laliberte, David Saladino, Tony Lozeau, Jim Taylor- Public Works Director, Nate Miller- Acting Town Planner

Guests: Shirley Green, Dwight Z. Marchetti, Steve Schneider, Phil Neily, Keith Nicholson, Don Langley, Glyn Green, Robert Craycraft, Paul Currier, Earland & Sandra Schulson, Wendy & Tom Huntley, Doreen & Ken Clark, Steve & Jean Patten, Richard & Nancy Laubenheimer, Joseph & Cathy Gasparik, Thom Dubuque, Gerry W. Stark, Henry C. Cross

#### I. Call to Order

Acting Chairman Kurt Gotthardt called the meeting to order at 7:02 PM. Kurt Gotthardt appointed Dan Kiley and Tony Lozeau to sit for Tim Taylor and Craig Daniels.

#### II. Approval of Minutes

Dan Kiley moved to approve the minutes of October 27, 2010, with a second from Tony Lozeau. The motion passed 5-0, with Kurt Gotthardt abstaining.

#### III. Selectmen's Report

John Kluge reported that NHDOT would be holding a hearing on November 17, 2010 to discuss the Northern Rail Trail crossing at Main Street, and encouraged residents to participate in the upcoming NHDOT hearing.

John Kluge reported that the Selectmen were making progress on negotiating the Comcast Franchise Agreement.

John Kluge reported that the Enfield Budget Committee has started its annual deliberations. Their goal is to level fund the budget.

#### IV. Citizen Forum

Kurt Gotthardt opened the Citizen's Forum for public comment on any items not on the agenda. No public comments were received.

#### V. Informational Items

## Watershed Protection Ordinance

Steve Schnieder provided background information on the development of the proposed Watershed Protection Ordinance, noting that the Conservation Commission has focused on protecting key water bodies in town. The Conservation Commission secured a grant from the Eastman Charitable Foundation to compile background information on Enfield's watersheds.

Steve Schneider noted that the Town recently spent considerable resources mitigating a watershed issue on Lockehaven. There is consensus that the water quality of the town's lakes and rivers should be protected. The goal of the Watershed Protection Ordinance is to protect and preserve key water bodies in a sensible way for the community.

Shirley Green of the Enfield Conservation Commission presented the Planning Board letters of support from the NH Lakes Association and the NH Department of Environmental Services. Shirley noted that the Eastman Charitable Foundation grant was used to provide direct outreach to over 2,300 property owners. The property owners received watershed maps and informational materials from the NH Lakes Association. The Conservation Commission has spent several months reviewing similar ordinances in other communities. The University of New Hampshire, NHDES, NH Lakes Association, and UVLSRPC have all provided the Conservation Commission with valuable assistance.

Shirley Green spoke about the water-quality monitoring program of Mascoma Lake and Crystal Lake, noting that the ordinance is designed to help protect water quality. Shirley reported that foliage removal, junk machinery, stored fuels, animal waste, and large impervious surface all degrade water quality. The state encourages watershed protection ordinances, but low funding at the state level makes it difficult to have the protection needed. Shirley ended her comments encouraging the Planning Board to endorse the proposed ordinance.

Bob Craycraft, Lakes Program Coordinator with the University of New Hampshire Cooperative Extension noted that he has been monitoring water quality in Enfield for years- particularly Crystal Lake. Bob reported that Crystal Lake is showing signs of eutrophication, or "accelerated lake aging." Bob noted that the state's Shoreland Protection Act does provide a protective buffer around "great ponds", but the state regulations are not sufficient to cover the full watershed.

Bob Craycraft reported that phosphorus is the primary issue. Issues like algae blooms, cyanobacteria, and undesired aquatic plant growth (e.g. milfoil) result from phosphorus. Watershed protection can help to mitigate these issues.

Kurt Gotthardt opened the floor for public comments.

Dave Saladino asked about the process. Is the idea that this would move to a formal Public Hearing? Jim Taylor reported that, if the Planning Board endorsed the proposal, it would move to the Public Hearing phase. Otherwise, residents could petition for its consideration.

Earland Schulson asked if the proposed ordinance would apply to currently developed properties. Could renovations like a new septic system still be installed if the ordinance is adopted? Glyn Green answered that, in the case of septic systems, the Shoreland Protection Act would apply. Jon Kluge pointed out that the more stringent applies, and Glyn Green answered that the Shoreland Protection Act was more stringent in this case.

Doreen Clark asked a question about how this meeting was noticed. Kurt Gotthardt clarified the process. The input is being taken in by the Planning Board to see if we move forward. This is not a formal Public Hearing on the proposed ordinance.

Ken Clark commented that this ordinance would not allow him to water and pasture his livestock.

Jean Patton stated that she is in favor of protecting the town's lakes, but there is already too much regulation. There are issues in the proposed ordinance that need to be carefully thought out.

Keith Nicholson spoke about the importance of clean water, but noted that it is also important that people be able to invest in and improve their property. Mr. Nicholson advised that he was opposed to the proposed ordinance and asked when the Planning Board will vote on the issue. Kurt Gotthardt advised that the Planning Board could vote to support or not support the proposal at either this or the next regularly scheduled meeting.

John Kluge commented on the livestock requirements, advising that some of the provisions in the proposed ordinance need to be modified for practicality. Glyn Green stated that the intent of this meeting is to get people talking, not to rush any proposal through the public vetting process.

Henry Cross commented that the proposed ordinance should not be considered at the 2011 Town Meeting. It needs to be better thought out. Mr. Cross also advised that the Lockhaven Road project occurred because of a mistake by NHDES. Mr. Cross noted that the Planning Board, or its representative, would be responsible for enforcing this ordinance. This would place an additional administrative burden on the town.

Gerry Stark commented that the proposed ordinance is too onerous. Mr. Stark feels that this is a taking of property without compensation. Mr. Stark is in favor of protecting lakes, but is against this proposed ordinance.

Jean Patten asked what other towns were included in the Conservation Commission's review. Shirley Green reported that the Conservation Commission reviewed ordinances from New London, Deerfield, Sunapee, Sutton, and other communities.

Thom Dubuque commented on his recent experience with a property addition on Mascoma Lake, noting that he had to spend large amounts of money getting permits. Mr. Dubuque feels that the laws on the books are enough.

Shirley Green stated that the proposed ordinance is intended to be a starting point. Shirley would like to see more local control over watershed protection.

Joe Gasparik asked when the Planning Board would vote on this issue. Jim Taylor advised that this is the first time the Planning Board has discussed this issue with the Conservation Commission. Kurt Gotthardt reiterated his previous comment that the Planning Board could vote to support or not support the proposal at either this or the next regularly scheduled meeting.

Sandra Schulson asked about old septic systems. Tony Lozeau provided information about his experience with septic system transfers.

Dwight Marchetti stated that he is glad that this meeting took place. A lot of effort has been put in to this project. Mr. Marchetti advised that NHDES is not doing its job and that was a key reason that the Conservation Commission moved forward with drafting this proposal. Mr. Marchetti cited a recent Shoreland Protection violation where NHDES sent a letter, and the violator has not done what was required. Mr. Marchetti would like to see the Town be in charge of its own resources, and feels that this ordinance is a step in the right direction.

Kurt Gotthardt asked members of the Planning Board to provide feedback on the proposed ordinance.

Tony Lozeau stated that he is not in favor of this proposal, as currently written. Mr. Lozeau feels that it is too cumbersome and property values will be lost.

Dan Kiley advised that he is not in favor of the proposal, as written. Mr. Kiley believes that the details of the proposal should be carefully worked out over the course of the next year, particularly the livestock and road salting provisions.

Dave Saladino advised that he is not in favor of the proposed ordinance, as written. Mr. Saladino offered three suggestions to the Conservation Commission: 1) Include detailed maps of the watershed areas affected by the proposed ordinance; 2) Include waiver provisions; and 3) Clarify if the ordinance is retroactive.

John Kluge advised that the definitions provided in the draft ordinance are troublingly broad. Mr. Kluge suggested that fundamental changes are needed.

Suzy Laliberte advised that watershed protection is essential, but property rights are being lost. There needs to be a balance between being stewards of the environment and protecting property rights. The proposed ordinance erodes property rights too much.

Kurt Gotthardt read into the record a series of detailed questions and comments for the Conservation Commission to consider when revising the proposed ordinance.

Regarding provision B.1- "overlay districts"

Is this the whole town or separate districts?

Regarding provision C.1- "all developments proposals"

"land disturbing activities"

"do no harm to water, wetlands or soil"

Who determines what no harm to the soil is?

Regarding provision C.2- "boundaries of the watershed protection districts are identified through drainage and groundwater analyses"

"These boundaries as defined by map"

Who did the drainage and groundwater analyses? Where is the map?

Regarding provision D.1- “planning board adopts amendments to this ordinance”

Why wouldn't amendments to the ordinance be adopted at Town Meeting?

Regarding provision E.1- “buffer zone – not less than 100 ft.”

How does this provision interact with zoning, which has a 50 ft setback?

Regarding provision E.7- “any activity resulting in a change in the physical character of any parcel of land”

Is working in your garden an activity resulting in a change to the physical character of the land?

Regarding provision E.12- “wetland definition”

This is different wording than what is in the zoning ordinance.

Regarding provision F.3.e- “200 ft. from any surface waters”

What about wetlands?

Regarding provision F.3.f- “any runoff from livestock feeding areas shall be directed away from any surface water or wetland area”

How can you accomplish this? All fluids will run down hill towards another body of water?

Regarding provision 3.G- “must be stored or collected on an impervious surface”

Stored or collected, but not both?

Regarding provision 4.B- “the impervious area of any building lot is limited to a maximum of 30%. For any project that will render impervious more than 15% of the area the proposal must include”

This provision refers to 15% of which area: total lot or the 30% impervious surface area?

Regarding provision 5.A- “no sewage disposal system shall be installed within 100 ft. of any surface or wetland”

How does this provision interact with the state's requirement of 75 ft. for drinking wells?

Regarding provision 6.A- "the following shall not be permitted within 75 ft. of any required buffer zone"

Does this mean 75 ft. plus the buffer zone?

Regarding provision 6.A.3- "oil and oil products"

What about a case of motor oil?

Regarding provision 6.A.3.e- "storage or spreading of road salts"

What about roads along lakes, streams and rivers?

Kurt Gotthardt asked if there are any more questions. Richard Laubenheimer advised that it would be useful if someone representing another community that has adopted a watershed protection ordinance share their experiences with residents of Enfield.

Following discussion Dave Saladino moved to take no action on the proposed ordinance at this time. Tony Lozeau seconded, and the motion passed unanimously.

Laramie Farms Principal Building

Jim Taylor introduced acting Town Planner Nate Miller, and Nate introduced himself to the board. The board discussed a Laramie Farms proposal to allow multiple multi-family buildings on a single lot in the R1 zone. Nate Miller advised that a number of communities have started allowing this after the Great Bridge Properties vs Town of Ossipee case in 2005. The board advised Nate Miller to draft language allowing this as a special exception, which will be discussed at the next Planning Board meeting.

## VI. Communication

Jim Taylor distributed correspondence from the NHDOT Bureau of Highway Design with specifics on the November 17, 2010 Public Hearing on the Northern Rail Trail crossing at Main Street.

## VII. Informational Items

## Shoreland Applications

Jim Taylor advised that he has received notice of Shoreland Applications submitted by Kairos Shen of 168 Shaker Boulevard and Joel Levine of 368 Shaker Boulevard.

## Timber Cuts

Jim Taylor advised that he has received a Timber Cut application from Dick and Lisa Neubert of George Hill Road.

## VIII. Next Meeting

The Planning Board confirmed their next meeting for December 8, 2010 at 7:00 PM.

## IX. Adjournment:

John Kluge moved to adjourn the meeting at 9:34 PM. Dave Saladino seconded, and the motion passed unanimously.