

**TOWN OF RYE – PLANNING BOARD
RULES & REGULATIONS COMMITTEE
Tuesday, August 22, 2017
4:00 p.m. – Rye Town Hall**

Members Present: Chair Patricia Losik, Jeffrey Quinn and Steve Carter

Others Present: Planning Administrator Kimberly Reed, Carl McMorran and Glen Eaton, Aquarion Water, and Resident Sam Winebaum.

I. Call to Order and Pledge of Allegiance

Chair Losik called the meeting to order at 4:00 p.m. and led the Pledge of Allegiance.

II. Meet with Aquarion Water to talk about protections on Well 5A on Central Road

Carl McMorran, Aquarion Water, stated that Well 5A is Aquarion's oldest well. There has been a well at this location since 1937. It is a sand and gravel well and is 20ft deep. The original well was replaced about 5 years ago, after 70 or 80 years of service. The replacement well sits next to the original well. That is why it is labeled Well 5A. The well pumps 100 gallons per minute and runs for about 12 hours a day. In the winter time, if the well is not needed it is shut down for more extended periods. The well requires minimal treatment because the surrounding sand and gravel acts as a filter. Chlorine is provided to the well more for the quality of the water being distributed than for the well itself.

Referring to the water storage tank, Member Quinn clarified that the water gets down to a certain level and the pump would kick on and replenish the tank.

Mr. McMorran confirmed. He continued that the water flows to the pump house, is treated and then flows up into the tank. There is a booster that pushes the water out of the tank when the tank gets too low. The distribution in that area is fed from the main system. There are a couple of pressure reducing valves on Maple Road and Willow Ave. The pump is run during higher demand periods during the day to maintain pressure. The pump is also run to bring the tank level back up. This is usually done at night when the demand is lower. He continued the reason the tank is there is to provide additional storage for fire flow. There is a big diesel fuel fire pump that puts out 2500 gallons per minute. If there is a fire the fire department puts a pump around the hydrant, which will cause a drop in pressure and kick on the fire pump.

Member Quinn asked about the frequency and the extent of testing that is done for water quality.

Mr. McMorran explained that chlorine levels are monitored continuously. The information is recorded electronically. Once per month, bacteria samples are taken at the booster station, which is considered an entry point to the distribution system. Those are manual chlorine tests that are done along with PH tests.

He continued that once per year, samples are taken for a sweep of parameters; inorganic regulated, contaminants, minerals in the water such as iron, manganese, arsenic.

Member Quinn asked if all the test results are sent to the State.

Mr. McMorran confirmed. He continued that they also do a test for volatile organic compounds. If there is a spill someplace or someone is dumping illegally, it will probably show up. On a longer schedule, tests are taken for certain radial nucleotides, uranium and a few other things on that list. He noted they test for POC's, the synthetic organics, herbicides and pesticides. He pointed out that they have monitored them for decades and have never found them so Aquarion has a waiver to extend out that testing. They tend to be very expensive tests.

Member Quinn asked if there are any concerns about the water quality of Well 5A.

Mr. McMorran replied no. The sand and gravel aquifers in this area are very high quality.

Speaking to Mr. Winebaum, Member Quinn stated that there were comments going back and forth in the neighborhood about concerns with the water and taste of the water. He asked Mr. Winebaum to speak about the concerns.

Sam Winebaum, 52 Cable Road, stated that he put in a softener filter system. The water now tastes just fine. Before that, it was found that the water was almost undrinkable. He is not sure where that comes from; however, through the filter it is wonderful.

Member Quinn commented that he lives right across the street and has not encountered this.

Mr. Winebaum noted that it could be the pipe running to his house. He continued that Mr. McMorran provided a map and the ages of the various mains in the neighborhood. It is a hodge podge from the 30's and 50's. He is not sure how long this lasts but they are definitely at the end of the distribution system. It must be challenging for Aquarion to maintain the quality.

Mr. McMorran stated that most of the mains are fairly old. There is a section that runs from the well down Cable Road to Ocean Blvd that was replaced in 1988; however, that is now 30 years old. He commented that it is a matter of taste. There are some people that think it is the best tasting water in the world. He stated the number one priority is to make sure the water meets all the State and federal drinking water standards.

Member Quinn stated that he finds reports that what Mr. Winebaum is reporting to be an anomaly. He lives two doors down and across the street. He thinks they drink the same water pretty much and wonders how they respond to

Mr. McMorran stated that usually there are complaints that there is not enough water pressure. Often times, it will be an internal problem. He thinks they try to maintain the system pretty well and there is not a lot of variation in pressure.

Chair Losik asked how many homes are provided service in looking at the whole system of which 5A is partial.

Mr. McMorran replied there are about 9,000 service connections for the entire distribution system, including fire services.

Glen Eaton, Aquarion Water, stated that Well 5A just feeds the Jenness Beach tank. The areas that are serviced by Well 5A are generally in the Jenness and Rye Beach area; from where the well is located to about South Road and north to Fairway running towards North Hampton.

Chair Losik stated there is an Aquarion Wellhead Protection Area around Well 5A. When this is mirrored to the town's Wellhead Protection Area, most of it is the same, except for a half circle that goes to the southeast, due east and northeast. She asked what provisions are incorporated into Aquarion's Wellhead Protection.

Mr. McMorran explained these are State defined areas. It may not exactly match up with the aquifer maps.

Chair Losik asked if this is a State are defined for Well 5A by NH DES.

Mr. McMorran replied yes. In some cases, the well is on the edge of the aquifer. DES likes to see some minimum distance whether it is in the aquifer or not.

Chair Losik asked if the information that comes from DES to the landowners would incorporate that piece.

Mr. McMorran replied yes. He continued that they try to identify all the property owners within the Wellhead Protection Area and they will receive mailings from DES. The information is sent every three years as a minimum.

Member Quinn commented that he is not clear as to what the boundary is.

Mr. McMorran explained it is a state defined Wellhead Protection Area. It is primarily based on the maps for the underlying aquifers. It is a minimum of 1000ft around the well.

Member Quinn asked if there is a proposal to enlarge that to 4000ft.

Chair Losik stated there is a lot of confusion about the 4000ft. The 4000-foot radius was established by a lineament analysis for the two bedrock wells. the buffer is really established to somewhat protect the water flow through the bedrock; through the fractures and lineaments. This is not a bedrock well.

Mr. Winebaum asked if there is a 400ft radius for 100 gallons for a gravel well.

Mr. McMorran stated that the default radius around every well is 400ft, where the utility should exercise control over what is really going on. There are other elements, such as a conservation easement, that would achieve the same thing.

Chair Losik asked if there are other mechanisms, such as deed restrictions, for Well 5A.

Mr. McMorran explained that 5A was put in long before there were any regulations. The 400ft radius extends beyond the property.

Chair Losik asked how he would describe the efforts to protect that 400ft radius.

Mr. McMorran stated that a survey inspection is officially done every three years. The customers in those areas get notifications. If something is noticed during the normal course of work that would be a concern, action would be taken.

Referring to the document that establishes the groundwater protection ordinance from DEP, Chair Losik stated that Appendix H talks about the on-going responsibilities of the community to continue to modify and redefine, if necessary, that area. They talk about redefining those boundaries for the Aquifer Protection Districts. There is also a note that the existing aquifer maps are not 100% accurate. Their recommendation is that they can be revised based on recommendations by a geologist using the GEO survey or other similar data. They recommend revisiting the maps every few years to be sure it has the latest information. They also recommend revisiting the whole ordinance periodically to make sure it reflects the latest understanding of groundwater contamination hazards, best management practices, effective regulatory approaches and is consistent with other local ordinances for the State and federal rules and regs. She continued that they want to make sure that the town's zoning ordinance brings in what is needed.

Chair Losik asked if there are other communities that they should be looking at their model in terms of land use control in regards to this area.

Mr. McMorran stated that he is most familiar with Hampton. They made some changes within the past two years. They have made it so anything that happens in the Aquifer Protection District, Aquarion will be notified. This is something that would be good to have.

There was discussion on dates for the well site walk.

- **Site Walk – Monday, September 11th, 4:00 p.m.**

The committee thanked the representatives from Aquarion for meeting with them.

It was agreed that Planning Administrator Reed would reach out to NH DES to see if they would make some suggestions on the town's current ordinance.

Mr. Winebaum asked if the source of the Rye Aquifer Map is known. He asked if it was done for the purpose of the Rye Water District wells or take into account Well 5A. He continued that behind the well, the land that goes towards Love Lane, is a wetland that goes all the way through. He commented that it might be a question as to whether the aquifer is fully defined.

Chair Losik stated this is a question that DES may be able to answer. She continued that the town's ordinance is the Aquifer **and** Wellhead Protection District. In the town's ordinance, 306.4, this map is specifically referenced as part of the Overlay District; "Stratified Drift Aquifer Map, Rye, NH, and all the area within the Rye Water District Wellhead Protection Area".

Mr. Winebaum pointed out that on occasion DES recommends making sure that all the data is up to date. It says Rye Water District. It does not say Aquarion.

Chair Losik stated the aquifer is not Rye Water. The Wellhead Protection Area is Rye Water District.

Mr. Winebaum stated it would be good to get Aquarion's engineers to confirm that our aquifer is on that map.

Chair Losik stated that she is assuming that what is showing is what their engineers have as the current aquifer. It says that the town should be checking with DES and updating as needed. The committee wants to be sure that Well 5A is being incorporated. She also wants to make sure they are addressing whatever needs to be addressed.

Member Quinn asked what area they are trying to protect that is not already protected under the zoning.

Chair Losik explained that it is suspected that there is a portion around 5A, (bubble), that is not included in the 306 zoning ordinance right now. By virtue of the town's definition of the Aquifer and Wellhead Protection Area, the "little lip" is not included. (She pointed the area defined by DES out on the map for the committee.) She noted that they want to be sure that they pick up the existing Aquarion Wellhead Protection Area, which is determined by DES. They also want to pick up whatever exists in Rye in the "little circle". She commented that this should be an exercise done every three years.

Planning Administrator Reed commented that this can always be put into the ordinance. She will ask DES what they recommend.

Speaking to Mr. Winebaum, Chair Losik asked if there were any more questions that the committee has not addressed thus far.

Mr. Winebaum replied no.

Referring to the document submitted by Mr. Winebaum before the meeting, Member Quinn asked if there were any concerns in the document that were not covered in the committee's discussion. He wants to be sure that Mr. Winebaum goes away satisfied.

Mr. Winebaum stated that all they need to think about is that the Sanitary Protective Radius, 400ft, in this model ordinance. Right now, there is a well and within 400ft there are multiple homes. There is no definition in the ordinance or requirements placed on these homes, as far as what they can and can't do. The model ordinance says in K that it should be a natural environment. The homes can't be knocked down; however, the citizens who drink water have the responsibility to do the very best they can to prevent any degradation. Anyone who wants to add on to a home in that radius or put in more impervious surface should have a full plan review by the Planning Board like a major site development. It is that sensitive.

III. Requests by the Building Inspector

Chair Losik read the Building Inspector's memo, dated July 31st, in regards to fences. She noted that the zoning ordinance says that fences and walls shall not exceed 6ft in height. The problem is when the panels are 6ft and are on supports, there may actually be a portion that goes above that. The second concern is in regards to fences as they relate to swimming pools. Enclosures around swimming pools are required to be 5ft high and the International Residential Code requires 4ft. The Building Inspector also goes on that the International Residential Code also allows a safety cover.

Member Carter stated that 4ft doesn't seem to be very high as a safety feature. He asked why the Building Inspector wants this to change.

Chair Losik stated that the first question is; why move from 5ft to 4ft? In looking at AG105, the barrier exceptions with respect to safety covers, seem to apply to spas and hot tubs. She is not sure how the Building Inspector is applying safety cover. She thinks they don't have a full understanding of whether the safety cover change relates only to spas and hot tubs.

Member Carter asked if this would relate to above ground pools or any pools.

Chair Losik stated that Building Code 7.1.2.1 and 7.1.2.2 would both benefit from some attention. She suggested that the Building Inspector join the committee at the next meeting and provide a packet of

information so they have a better understanding of where he needs this to go. She thinks some work will need to be done on the language in the Building Code section and then they can address the RZO.

The committee agreed to meet with the Building Inspector before the site walk on Monday, September 11th, at 3:00 p.m., at the Rye Town Hall.

IV. Freeboard

- **Moved to the next meeting.**

**V. Other
Rules of Procedure:**

Planning Administrator Reed noted that she added, as per Attorney Donovan, in Section 8.1 of Rules of Procedure, ex-parte communication. She also noted that she updated the parliamentary procedures.

Motion by Jeffrey Quinn to move the revised Planning Board Rules of Procedure forward to the Planning Board at the next regular meeting on September 12, 2017. Seconded by Patricia Losik. All in favor.

Next Steps:

- **Planning Administrator Reed will reach out to DES;**
 - **Look at current 306 Ordinance;**
 - **Ask if they have up to date maps;**
 - **Help with Appendix H of the model ordinance;**
 - **How can the Aquarion Well be assimilated into the current ordinance;**
 - **Also, the mobile home park;**
- **Planning Administrator Reed will invite Peter Rowell to a meeting on September 11th, 3:00 p.m., to discuss fences, pool coverings and IRC.**
- **Planning Administrator Reed to look at what the nexus was for the 15% and 30% impervious coverage in the Single Residence District (as requested by Chair Losik in response to Attorney Phoenix's letter.) Look at Hampton's ordinance.**
- **Look at the wetland ordinances for the Towns of Durham and Hampton for the Wetlands Subcommittee meeting.**
- **Wetlands Subcommittee Meeting – July 29th, 10:00 a.m.**

VI. Approval of meeting minutes – August 1, 2017

The following correction was noted:

- It should be noted that Carl McMoran should be spelled: **Carl McMorran**

Motion by Jeffrey Quinn to approve the minutes of August 1, 2017 as amended. Seconded by Steve Carter. All in favor.

Adjournment

Motion by Jeffrey Quinn to adjourn at 5:30 p.m. Seconded by Steve Carter. All in favor.

Respectfully Submitted, Dyana Ledger