

**TOWN OF TUFTONBORO  
PLANNING BOARD  
November 19, 2020  
APPROVED MINUTES**

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

**Staff Present:** Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:04 PM at the Tuftonboro Town House.

**I. Public Comment**

None.

**II. Consideration of Minutes**

**November 5, 2020**

Correction: Page 1, Action Item, motion; change "Gary Maidhof" to "Gary Qua"

**It was moved by Tony Triolo and seconded by Gary Qua to approve the November 5, 2020 Tuftonboro Planning Board minutes as amended. Gary Qua, Tony Triolo, Carol Bush, Bill Marcussen, Laureen Hadley, Kate Nesbit voted in favor. Matt Young abstained. The motion passed.**

**III. Scheduled Appointments/Public Hearings**

**Greymont Family Trust**

**Tax Map #41-3-9, 19 & 28**

**Boundary Line Adjustment**

Kevin Ashe, White Mountain Survey & Engineering, Inc., stated the intent of the application is to reconfigure the common boundary lines between Tax Map 41-3-9, 19 & 28 so that the original home on the property lies on the reconfigured lot 41-3-9. He stated the original barn and the new barn with the apartment will lie on the reconfigured lot 41-3-19 and the reconfigured vacant lot at the corner of Farm Pond Road and Deer Path Lane will remain vacant at the present time. He noted the vacant lot has an approved septic system design for the lot. He stated the subdivision was originally approved in 2005; noting the three lots are remaining approximately the same size with a two-acre upland.

Matt Young stated the application has been reviewed and deemed complete.

**It was moved by Tony Triolo and seconded by Laureen Hadley to accept jurisdiction of the application. All members voted in favor. The motion passed.**

Matt Young stated he emailed Jim Rines, White Mountain Survey & Engineering, Inc. prior to the meeting to ask a couple of questions; noting the second/middle lot is currently serviced by a water line off of a well located on the first lot. He stated there is no easement in place for such however, it does meet the requirements for a well and septic. He stated all the lots meet the setbacks for wells and septic as proposed.

**It was moved by Tony Triolo and seconded by Gary Qua to open the public hearing. All members voted in favor. The motion passed.**

**It was moved by Tony Triolo and seconded by Gary Qua to close the public hearing. All members voted in favor. The motion passed.**

It was moved by Tony Triolo and seconded by Gary Qua to approve the Greymont Family Trust Boundary Line Adjustment application, Tax Map 41-3-9, 19 & 28, as submitted. All members voted in favor. The motion passed.

#### **Town of Wolfeboro**

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

#### **Site Plan Review; RIB Site Remediation**

Matt Young stated the Town of Wolfeboro is submitting a Site Plan Review application under RSA 674:54 (exemption to municipalities for governmental use).

Dave Ford stated the Tuftonboro BOS, Conservation Commission and Planning Board were invited to the site. He stated the area included in the proposal is known as the western discharge area and the intent is to restore areas damaged from the discharged effluent. He noted the Town of Wolfeboro purchased the land from the Whitten Trust. He stated the plans submitted are specific to the western discharge area and have been submitted to NHDES Groundwater, Wetlands and Subsurface Bureaus.

Matt Young asked if Mitch Locker from NHDES would be reviewing the permit.

Dave Ford replied yes. He stated Tracy Wood, Wastewater Bureau, and Rene Pelletier and Karl Benedict, Wetlands Bureau, would also be reviewing the application.

Matt Young stated the Board needs to review whether the proposal constitutes a governmental use; noting he believes it's clear that it is for governmental use. However, he stated under RSA 674:54, he questioned whether it constitutes a utility (utilities fall outside of 674:54 and is subject to local land use regulations per 674:54, III). He stated utilities would normally be classified as the collection of water and/or sewer. He stated the statute includes the construction of distribution lines or transmission apparatus; noting it is the burden of the Town of Wolfeboro to determine whether the proposal falls outside of 674:54, III. He requested Mr. Ford and/or Town of Wolfeboro's counsel also provide a response to the following; how does the proposal serve a public purpose and is that public purpose statutorily or traditionally governmental in nature and provide a statement of the governmental nature of the use as defined by the law. Relative to permitting, he questioned whether an EPA (federal) Stormwater Discharge Permit is required and if it required, would Wolfeboro be exempt.

Dave Ford stated the Town of Wolfeboro is developing a Stormwater Management Plan. He stated he is not aware of the Stormwater Discharge Permit and will have to discuss such with the Town's engineer. He stated all the proposed work is located below the RIB and in areas saturated by the flow. He reviewed the plans and oriented the Board to the location of the remediation site. He stated there will be an ability to control the amount of water to be taken out of the wetlands; noting a blanket drain will be installed on the uphill side. He reviewed the proposed ENS system and infiltration trenches; noting the concept is to collect the groundwater in soils that can handle the transmission of the flow and catch the flow before it reaches the soils that cannot handle the quantity of water. He stated the flow would be collected in the ground in a stone trench that leads to a transmission line that is then taken down to a flow controlled structure. He stated the flow will then be discharged to the three ENS systems on the Wolfeboro side of the Town line. He noted the State continues to review the site. He stated the damaged wetlands are located below the ENS systems and infiltration systems.

Bill Marcussen stated controlling the amount of water that gets diverted into the drain system and the amount of water stays in the existing area is central to the success of the system. He questioned the type of monitoring proposed for such and if there is real time monitoring on the parameters from a remote location or if the monitoring is conducted manually.

Dave Ford stated there is no electricity to the site and none is proposed therefore, there is no remote monitoring. He stated the Town has data loggers who are on site; noting a 3-year monitoring program has been developed and is proposed.

Laureen Hadley asked if the monitoring would be daily.

Dave Ford stated possibly daily and never less than weekly.

Bill Marcussen questioned the time lag between the release of flow and when activity in the field would be seen.

Dave Ford stated the initial estimates when the hydraulic model was done showed 1-3 months depending upon conditions.

Matt Young asked what the RIB is currently operating at in comparison to what the RIB was permitted for.

Dave Ford stated the facility was originally permitted for 600,000 gallons/day for 365 days/year (60-70 million gallons capacity for the year). He stated the permit has been downscaled to 340,000 gallons/day however, the facility has been operating at less than the current permit limits. He noted the spray fields will also continue to be used.

Matt Young asked if the Town of Wolfeboro intend to increase the operation of the site more than what is currently permitted.

Dave Ford stated the Town of Wolfeboro's long term needs are at 340,000 gallons/day. He stated the Town has the ability to turn off the spray fields and fully utilize the RIB facility; noting such is currently permitted.

Matt Young stated the spray area is only allowed 2 inches per week of precipitation and asked what happens if there is a very wet spring or summer and the amount of discharge is increased at the RIB. He questioned the use of the RIB in conjunction with the use of the spray fields given that the use will increase as the population increases.

Dave Ford stated the Town currently has the flexibility within the permit to use the spray field and the RIB. He stated the permit allows for 100% of flow to be discharged to the RIB; noting that at some point the Town may want to dry up the spray fields in order to modifications and maintenance. He stated the Town is not projecting an increase in their wastewater flow because the projected growth is included in the permit figures. He stated with the decrease in infiltration the situation should remain neutral for the next twenty years. He noted there is still an additional 20% capacity.

Matt Young asked if the Town of Wolfeboro would be willing to agree to not increasing the amount of treated wastewater.

Dave Ford stated the Town is limited to 340,000 gallons/day and the Town will agree to such.

Matt Young asked if the Town of Wolfeboro would agree to not increase capacity for the next 20 years.

Dave Ford stated the plan in place is for the next 20-50 years and includes no increase.

Matt Young asked Mr. Ford to ask the question to the BOS.

Gary Qua confirmed the RIB is currently not in operation.

Dave Ford stated the RIB has been shut off since October 1<sup>st</sup>.

Bill Marcussen confirmed the reason for such is to perform the construction at the site while the area is dry; noting that in a normal year the site would be operational through the winter.

Dave Ford stated the Town has emptied the pond and is now down to 10 million gallons of capacity.

Gary Qua confirmed the pond has been used all summer and confirmed that once the RIB is turned back on the Town has the spray fields and pond to rely on. He questioned how long such would be maintained and when would the Town increase the capacity.

Referencing infiltration of the system, Dave Ford stated in 2005 & 2006 the Town were at a total of 150 million gallons/year and in the last three years the Town is down to 100-110 million gallons/year.

Gary Qua asked if there is room for more improvement.

Dave Ford replied yes, noting the Town will continue to reduce the I&I (inflow and infiltration). He stated the Town will not expand beyond the sewer area and any growth will be countered by reduction to infiltration of the system. He stated the Town has calculated the maximum that can be expanded within the lots that are available and the density that is permitted by zoning.

Gary Qua asked if there is a written plan for the next twenty years.

Dave Ford stated the information is provided in the Basis of Design report.

Matt Young questioned the life expectancy of the RIB.

Dave Ford stated a minimum of twenty years however, the Town is expecting fifty years. He stated inspections of the site will continue to be done and the site will require maintenance.

Matt Young asked if there is a system in place to determine when the system is used up.

Dave Ford replied yes. He stated the phosphorous going up to the system is 0.5 milligrams/liter and once it goes through the system it decreases to 0.01 milligrams/liter; noting such is monitored. He stated the system is regenerated by removing the top foot of the sand.

Matt Young questioned the parts per billion of phosphorous on average when pumped out of the lagoon and asked if NHDES has a written standard for what is allowed to put into the RIB.

Dave Ford stated the Town's Groundwater Discharge Permit outlines the limits; noting the groundwater is measured at the property line however the Town is measuring the groundwater at the plant, at the pond and at the RIB. He stated the average is 0.5 milligrams/liter of total phosphorous.

Matt Young asked if the Town's permit limit the total amount of phosphorous parts per million that can be pumped into the RIB.

Dave Ford stated the Town monitors the nitrates and phosphorous however, he doesn't believe the permit notes a phosphorous limit as to what can be discharged.

Matt Young asked if 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 .7 mg/L).

Dave Ford confirmed that Mr. Young's concern is for the amount of phosphorous that will end up in the brook.

Gary Qua questioned the monitoring plan.

Dave Ford stated the Town of Wolfeboro has had communications with the Tuftonboro Conservation Commission; noting Wolfeboro has agreed to requests from the Commission which includes a sampling and testing protocol being developed by FB Environmental to be independent but supplement what the Town of Wolfeboro is doing. He stated Wolfeboro also agreed to develop a Wildlife Habitat plan.

Gary Qua asked if Wolfeboro intends to own both sides of the brook.

Dave Ford stated the Town of Wolfeboro is currently in negotiations with the Stockman family to purchase the land in Wolfeboro however, doesn't intend to purchase the land in Tuftonboro. He clarified that Wolfeboro is developing a stormwater management plan, wildlife and fish habitat plan and a forest management plan.

Matt Young asked if there is a reclamation plan for the site when the system eventually is retired.

Dave Ford stated such is not currently required of the Town however, it is a reasonable request.

Matt Young stated everything that has been done and is being done is to reduce phosphorous. He stated the Planning Board addresses runoff and drainage controls; noting he did not observe any controls for the gravel areas, road and parking area at the site to address runoff from those surfaces. He stated it seems that it would be simple to install basic stormwater controls and drainage plan for the road and parking area and asked if Wolfeboro would be agreeable to such.

Dave Ford stated Wolfeboro has already contracted an engineer to develop a stormwater management plan.

Gary Qua asked who will be performing the work at the site.

Dave Ford stated the Town held a pre-bid meeting today and upon State approval of the contract documents, the Town will go out to bid. He stated he hopes to issue a contract in March with construction to begin in April and complete the project by September; noting Wolfeboro is under Administrative Order to complete the project by then.

*Chairman Young opened the public hearing.*

Ian Whitmore, abutter, stated he has a high concern for conservation and water quality of the stream; noting Wolfeboro has done an excellent job ensuring the long term viability of the brook. He stated there is evidence of brook trout which shows the quality of work being done; noting it would behoove the Town of Tuftonboro to work with Wolfeboro.

Scott Urquhart asked what the Town of Wolfeboro intends to do to preserve the pond; noting that since Wolfeboro has been putting water in the pond it looks awful.

Dave Ford stated the pond Mr. Urquhart is referring to is a farm pond that is transitioning to a forested wetland meadow. He noted the depth of such is not very deep and it's a matter of time before it becomes one large wetland; noting such is the natural course of a farm pond and the nature of the stream. He agreed that it needs to be studied however, doesn't believe there is anything Wolfeboro has done to increase the natural process. He stated the Stockman family has been incredibly generous opening the pond for the fishing derby.

Scott Urquhart stated for thirty years it has been the same exact pond until the RIB moved in and now it looks awful.

Dave Ford disagreed and stated he would present photographs from before the RIB was developed and from thirty years prior.

Scott Urquhart confirmed that Mr. Ford is stating that 124 million gallons of water didn't cause the pond to change.

Ian Whitmore stated the quality of the pond is also being affected by the way the land was forested on the abutting property; noting the 50' buffer wasn't adhered to.

**It was moved by Tony Triolo and seconded by Gary Qua to continue the Town of Wolfeboro Site Plan Review application to December 3, 2020 at 7 PM at the Tuftonboro Town House. All members voted in favor. The motion passed.**

**IV. Other Business**

**LRPC Invoice**

Matt Young stated he would contact LRPC to discuss such.

**V. Informational Items**

N/A

**VI. Public Comment**

None.

**It was moved by Tony Triolo and seconded by Gary Qua to adjourn the November 19, 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 8:06 PM.

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson