

BOARD OF SELECTMEN WORKSHOP
Minutes of 10-04-10
4:15 p.m.

<i>Selectmen:</i>	<i>(Absent with Notice)</i>	<i>Charles G. Palm, Chairman</i> <i>Colette Worsman, Acting Chairman</i> <i>Peter F. Brothers</i> <i>Miller C. Lovett</i> <i>Nathan J. Torr</i>
<i>Town Manager:</i>	<i>(Absent with Notice)</i>	<i>Phillip L. Warren</i>
<i>Director of Administrative Services</i>		<i>Brenda L. Vittner</i>
<i>Recording Clerk:</i>		<i>Karin Landry</i>

Call to Order: Acting Chair Colette Worsman called the meeting to order 4:15 p.m. She introduced the Board and the Recording Clerk. Director of Administrative Services Brenda Vittner was present in the Town Manager's absence.

W 10-39 Septic System Ordinance Proposal

Community Development Director John Edgar presented an overview of his staff report on proposed regulations pertaining to subsurface wastewater disposal systems in the Lake Waukegan Watershed. The working group that developed the regulations includes Town Planner Angela LaBrecque, Health Officer Bill Edney, and private sector septic designer David Ames. All were present at the meeting to answer questions posed by the Board.

In conjunction with the Watershed Management Plan adopted in 2005, the Waukegan Watershed Advisory Committee and the New Hampshire Rural Water Association assessed a multitude of risks to the watershed and identified septic systems as the number one potential source of contamination. Using GIS capabilities, the Committee inventoried septic systems in Meredith on the shoreline of Lake Waukegan. All properties within 250' of the Lake are residential, and 31 of the total 112 properties were identified as high risk. Said properties have no approval at the state level, which indicates that the septic systems are at least 40 years old and predate a focus on water quality. The high risk systems were identified largely due to age, proximity to shoreline, and in some cases, steep slope factors. The Committee is working on expanding the inventory to Center Harbor and New Hampton. At this time, it appears that approximately 36 of the total 86 systems in those towns predate the state regulations. Although there is potential for geographic and topical expansion, the exercise is focused on Lake Waukegan at this time.

The high risk category implies probability of failure (age) and criticality of failure (close to lake). The Waukegan Shoreowners Association has been monitoring the phosphorus level in the lake, and determined that there is an increased trend in those levels. The levels are currently in a sensitive relationship with state water quality standards. Sources of phosphorus including landscaping, erosion from construction sites, and failed septic systems.

The proposed regulations are limited to Lake Waukegan at this time. They have been reviewed by the Department of Environmental Services NHDES Subsurface Systems Bureau and Drinking Water and Groundwater Bureau.

State regulations require that a new design be submitted when bedrooms are added to an existing structure. The design is put on file, and referred to in the event of failure of the existing system. In addition, the state regulations set forth various operating and inspection requirements; however, most people are not familiar with those requirements. The state regulations provide no distinction for lake and shoreline property. It is estimated that 3-10% of septic systems are in some form of failure to treat or contain sewage.

Mr. Edgar explained steps that have been taken in other communities to protect water bodies. For example, the City of Manchester, New Hampshire employs watershed patrol officers, and in Maine, all private rooms are treated as bedrooms

The proposed regulations set forth three provisions:

- When an additional bedroom is added (physical addition or internal conversion) to a property within 250' of the Lake Waukegan, infrastructure improvements must be made to support the additional bedroom.
- Any increase in living area (excluding decks) of properties with no septic system approval on file must be replaced (approximately 30 properties).
- For the above mentioned properties, if there is no expansion, they should be inspected by a licensed septic designer on a periodic interval to make sure they are operating safely. A five-year interval is proposed, at a cost of \$200-\$400 per inspection. The goal of the inspection is to foster awareness of the issues surrounding septic systems.

The State of New Hampshire Health Regulations requires mutual adoption of regulations by the Health Officer and Board of Selectmen. Informational meetings will be held, and the proposed regulations will be posted. The regulations are being reviewed by legal counsel at this time.

Selectman Lovett pointed out that a building permit is the trigger for a septic upgrade, and there is no way to identify internal conversions without a permit. He suggested that an internal conversion could be identified through the assessor's office. He inquired if the Town has the right to increase the 250' lakefront study area that is based on the Shoreline Protection Act. Code Enforcement Officer Bill Edney explained that state Environmental Water Rules provide that if any provision of the Rules conflicts with a local ordinance, the more stringent shall apply.

Selectman Brothers suggested getting other communities in the Lakes Region interested in the adopting similar regulations by visiting those communities and promoting the Town's efforts. Adopting similar regulations in surrounding communities will encourage compliance through unison. Mr. Edgar explained that the Department of Environmental Services indicated that very little has been done throughout the state to adopt similar regulations. The Town of Meredith will lead by example, and hopes to make a concerted effort to expand to surrounding communities at some time in the future.

Selectman Worsman posed questions about the use of the term "living space." Mr. Edgar explained that as set forth under the Ordinance Definitions, a living space includes sun rooms, covered decks, or porches with roofs. The term is only used in connection with expansion of a property over 40 years old.

Selectman Torr thanked the working group that developed the regulations for their efforts. Members of the Waukegan Watershed Committee, including members from Center Harbor and

New Hampton, have been taking water samples from Lake Waukegan for almost 15 years. He is happy that Meredith is proactive in protecting its water supply.

Although Acting Chair Worsman appreciates the effort that has been made by the working group, she believes the regulations are heavy handed. New Hampshire is currently one of the most regulated states in the country as far as protecting its water supplies. Passing the ordinance, which includes \$1,000 a day fines for non compliance, would be an unfunded mandate on residents of Meredith. She suggested that addressing additional demands on a system and anticipating potential failures can be addressed through education.

Selectman Torr acknowledged Acting Chair's objections to the force and the fine, but pointed out that keeping bacteria such as e coli out of the drinking water supply must be weighed.

Selectman Lovett agrees that public protection is what is the driving factor and does not view it as heavy handed.

Mr. Edgar pointed out that fines are set forth to promote compliance, and have never been collected. If the Board desires, the penalty provisions can be reworked. He does not believe the proposed regulations are heavy handed. If the regulations required all septic systems within a specified proximity to be replaced, or required an annual inspection of a system as a condition for a septic license, it would be heavy handed.

David Ames of Ames Associates does not believe the regulations are heavy handed. If a system is deemed to be in failure, there is a year to replace it. Forty years of experience in the septic design business have shown him that educating people to spend money to upgrade their septic systems doesn't work.

Selectman Brothers would like an opportunity to review all the supporting documentation.

Acting Chair Worsman will coordinate a follow up work session on the matter with the Town Manager.

Selectman Lovett motioned to adjourn the Workshop at 5:25 p.m. Seconded by Selectman Torr. 4-0. All in favor. Motion passed unanimously.

Respectfully submitted,

Brenda L. Vittner, Director of Admin. Services

Colette Worsman, Acting Chair

Peter F. Brothers

Miller C. Lovett

Nathan J. Torr