



Meeting Minutes

North Hampton Planning Board

Tuesday, December 1, 2020 at 6:30pm

NO PHYSICAL LOCATION FOR MEETING

MEETING ACCESSED THROUGH ELECTRONIC MEANS ONLY

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

In attendance: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Lauri Etela, Shep Kroner, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm. Mr. Harned noted that the meeting was being held by electronic means as authorized by State of NH Executive Orders associated with the current public health crisis. The public may participate during public comment periods using the posted email address or phone number.

Ms. Gamache was seated for Mr. Kilgore.

I. New Business

1. Case #20:16 – Applicant: Benjamin Katz, Innovative Auto Sales, 6 Iroquois Road, Danvers, MA 01923. The Applicant requests a Minor Review for proposed auto sales business. Property Owner: 25 Lafayette Road, LLC, 300 Gay Street, Manchester, NH 03103. Property Location: 25 Lafayette Road, North Hampton, NH 03862; M/L: 003-087-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Benjamin Katz, applicant; Steve Consoli, applicant; James Scully attorney; Eric Botterman, engineer.

Mr. Scully addressed the Board. Mr. Scully presented a site plan showing existing and proposed conditions and uses. Mr. Scully stated that the applicant is proposing to use vacant office space previously occupied by a real estate company for their auto sales business. The vacant space is located in the front section of the building near the back of the site. Vehicles to be sold will be displayed on 25 spaces located in the section of the parking lot immediately in front of the building. No maintenance of vehicles will be conducted on the site by the applicant's business. No storage of vehicles or hazardous materials will occur in the building. The applicants propose no physical changes to the site or the building. The following business operations also occur on the site:

- a. cellular phone retail sales store in building at front of the site near Route 1
- b. bus company using space in rear of back building for office and garage and rear parking lot area for bus storage.

Mr. Botterman addressed the Board. Mr. Botterman stated that the septic system associated with the proposed auto sales dealership building was originally approved for a previous auto sales dealership business on the site. In his opinion, the current septic system will adequately handle the needs of the proposed business operations.

Mr. Harned asked if there was an agreement in place regarding the assignment of parking lot spaces to each business on the site and for clarification regarding locations of customer and display vehicle parking spaces.

Mr. Scully stated that there is an agreement in place for assignment of parking lot spaces. Mr. Scully also indicated on the site plan which parking spaces are for customer use and which spaces are for vehicle display.

Ms. Monaghan asked if the amount of vehicles available for sale would ever exceed the 25 vehicle displays shown on the site plan.

Mr. Scully stated that at most 15-20 vehicles will be displayed for sale on the site.

Ms. Rowden stated that the maximum amount of vehicles that will be allowed for display is 25 since the site plan presented to the Board shows 25 vehicle display spaces. Mr. Milner noted that any expansion beyond 25 displayed vehicles in the future will require a major site plan review to amend the existing site plan.

Ms. Monaghan noted that the site plan regulations require 1,200 square feet of inside storage for a car dealership. The Board discussed the rationale for the inside storage requirement and the need for a waiver since the required storage space is not indicated on the site plan.

Mr. Wilson suggested that evidence of receipt of a State of NH Dealer's License be a condition of approval for this application.

Ms. Monaghan asked for clarification regarding existing signage and possible intention to use abandoned signpost on the property.

Mr. Scully explained that the real estate business sign at the front of the property had been replaced in kind with wording for the auto sales business. No material or dimensional changes to the sign were made. There is no intention to use the abandoned signpost on the property.

Mr. Scully made a verbal request for the Planning Board to consider waiving the requirement of Site Plan Regulations Section XIII.B.3 which states that the site shall have one building that shall maintain a minimum of 1,200 sq. ft. of inside storage devoted to vehicle use only. Mr. Scully stated that he would submit a follow-up written version of the waiver request.

Ms. Rowden stated that, with the verbal submittal of the waiver request, the application is complete in her opinion.

Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Minor Review application for Case #20:16 for proposed auto sales business. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing for the waiver request at 7:02pm. No comments were made. Mr. Harned closed the public hearing at 7:04pm.

Mr. Kroner moved that the Planning Board grant the request to waive the Site Plan Regulations Section XIII.B.3 requirement that the site shall have one building that shall maintain a minimum of 1,200 sq. ft. of inside storage devoted to vehicle use only. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Milner noted that the driveway permit for site was currently under review by NHDOT due to proposed addition of the auto sales business to the site. He suggested that evidence of receipt of NHDOT driveway permit be included as a condition of approval.

Mr. Harned opened the public hearing for the minor review application at 7:13pm. No comments were made. Mr. Harned closed the public hearing at 7:15pm.

Ms. Rowden asked for clarification regarding proposed hours of operation for the auto sales business.

Mr. Scully responded that the auto sales business would be open Monday through Saturday between the hours of 9:00am and 7:00pm.

Mr. Wilson moved that the Planning Board approve the Case #20:16 Minor Review application for proposed auto sales business as presented subject to the following conditions:

a. The Planning Board granting of request to waive requirement of Site Plan Regulations Section XIII.B.3 is indicated on the notice of decision.

b. Applicant shall submit evidence of receipt of NHDOT driveway permit approval.

c. Applicant shall submit evidence of receipt of State of NH Dealer's License approval.

Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).

2. Case #20:17 – Applicant: Brent Flemming, Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844. The Applicant requests a Conditional Use Permit to allow replacement of septic system within the Wetlands Conservation District vegetative buffer zone. Property Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844. Property Location: 60 Lafayette Road, North Hampton, NH 03862; M/L: 007-119-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Joe Coronati, engineer.

Mr. Coronati addressed the Board. Mr. Coronati presented a site plan and aerial view of the 60 Lafayette Road property which detailed the installation of a new septic system which included two tanks, piping, pumping station, and leach field to replace an older septic system with non-functioning tanks. There is a considerable amount of wetlands behind and along the northerly side of the building on the property. The new tanks, piping, and pumping components will be located within the Wetlands Conservation District vegetative buffer area. The tanks and piping will connect to the building on the northerly side. Piping will wrap around to a pumping station on the back-westerly side of the building. Piping will continue to a leach field near the property line on the southerly side of the building. Due to natural topography surrounding the proposed leach field area, the leach field will be elevated to a maximum height of approximately 2 1/2 feet above the grade of the surrounding ground.

Mr. Coronati stated that the applicant was requesting the issuance of a Conditional Use Permit by the Planning Board to allow installation of the new septic system which will impact the wetlands vegetative

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buffer area. The installation of the septic system was the first step in an effort by the property owners to improve an older site which contained a retail store in the front of the building and industrial uses in the rear of the building. The septic system plan has been reviewed by the Conservation Commission. The Conservation Commission submitted a letter which stated that it had no objections with the plan.

Mr. Wilson stated his concern with the substantial amount of piping associated with the new septic system, especially the force main line section where septic flow will be pumped up to the leach field. Longer sections of pipe may create a higher likelihood of a failure which could contaminate the wetlands. He asked if other locations on the site which would reduce the amount of piping and also reduce the amount of wetlands buffer impact were considered.

Mr. Coronati stated that the section of the property in front of the building would require the removal of large sections of asphalt rather than just disturbing gravel in the proposed leach field area. Also, gas and water utility lines in the front of the property may be impacted. An area on the southerly side of the property closer to the building would impede the natural flow of stormwater towards the wetlands in the rear of the property and possibly run water towards the building. The likelihood of a pipe failure has been minimized by the proposed use of modern piping that does not have glued connection joints. This type of pipe is less susceptible to failure or leaks.

Ms. Monaghan asked if the proposed septic system is designed for the current uses or will be able to handle expanded development on the site.

Mr. Coronati responded that the proposed septic system is designed for the current uses on the site. Any intensification of water use on the site would require expansion of the septic system capabilities.

Ms. Monaghan asked for clarification regarding stormwater flow on the site.

Mr. Coronati explained the topographical details shown on the plan and how the natural topography directs water flow to the wetlands at the rear of the property.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #20:17 to allow replacement of septic system within the Wetlands Conservation District vegetative buffer zone. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 7:55pm. No comments were made. Mr. Harned closed the public hearing at 7:57pm.

Mr. Milner noted that the proposed leach field above the surrounding grade may be considered a structure that needs relief from the side yard structural setback requirement granted by the Zoning Board of Adjustment (ZBA).

Mr. Wilson stated that the proposed plan is the best solution that could be designed for this particular older building on this particular older lot. He suggested approval of the application by the Planning Board. If the Building Inspector deems ZBA relief is necessary, then procedures for that relief can be initiated at that time.

Mr. Harned asked if the applicant was willing to clean up the considerable amount of debris behind the building in the wetlands and buffer areas.

Mr. Coronati stated that it was the applicant's intent to clean up and improve the property. The applicant plans on removing old shed, old car, and other debris from the wetlands and buffer areas.

Mr. Wilson moved that the Planning Board approve the Case #20:17 Conditional Use Permit application to allow construction of a septic system within the Wetlands Conservation District as presented with the condition that the Planning Board encourages the applicant to clean debris within the vegetative buffer. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (7-0).

II. Old Business

1. Discussion of proposed 2021 Aquifer Protection Ordinance zoning amendments.

Mr. Harned presented changes to the proposed zoning ordinance language revisions for Section 503 Aquifer Protection District based on the Board's comments at the November 17 work session. Mr. Harned also presented stratified drift aquifer and source water protection maps to illustrate areas defined by the proposed regulations. Changes as follows:

- a. Authority and purpose section re-organized to highlight the purpose of the ordinance language at the beginning of the section.
- b. Definition of public water system revised to eliminate various types of public water supply as a means to simplify the definition.
- c. Circumstances under which a conditional use permit is required revised to clarify when a conditional use permit is needed.

The Board engaged in a discussion regarding prohibited and permitted uses within the Aquifer Protection District as they relate to the need for the issuance of a conditional use permit to allow various land use types. The Board members suggested changes to the proposed language regarding conditions under which a conditional use permit is required.

Ms. Monaghan moved that the Planning Board schedule a public hearing on December 15, 2020 to consider the adoption of the proposed Aquifer Protection District zoning ordinance language as amended at the December 1, 2020 meeting. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).

The proposed language is attached as Appendix A to these minutes.

III. Other Business

1. Minutes.

Mr. Harned presented the minutes of the November 17, 2020 meeting.

Mr. Wilson moved that the Planning Board accept the minutes of the November 17, 2020 meeting as written. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:45pm without objection.

Respectfully submitted,
Rick Milner
Recording Secretary

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Proposed Amendments to Aquifer Protection Ordinance – 15-Dec-2020 DRAFT
North Hampton Planning Board

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SECTION 503 AQUIFER PROTECTION DISTRICT ORDINANCE *3/14/2006

503.1 Background

This Aquifer Protection District Ordinance recognizes and responds to the importance of the complexity of adequately protecting our drinking water. It also recognizes the inter-related nature of our ecological systems of wetlands, uplands and fresh, tidal and salt waters.

An aquifer is any geological formation in bedrock or sand and gravel that can yield a useable amount of water. North Hampton is fortunate in having three (3) major aquifers in sand and gravel, technically known as stratified drift aquifers, of which two (2) can be utilized for water, in addition to bedrock wells. Our sand and gravel aquifers are shallow, some only fifty (50) to sixty (60) feet beneath the surface, while our bedrock aquifers are hundreds of feet deep. The majority of residential wells in town are drilled in bedrock.

The primary water company in this area, the Aquarion Water Company, operates a total of sixteen (16) wells of which ten (10) are located in North Hampton; six (6) are bedrock wells and four (4) are in sand and gravel aquifers. The shallow sand and gravel aquifer wells yield markedly higher pumping volumes compared to the bedrock wells whose volume is limited by the number of fissures supplying water.

Our sand and gravel aquifers are also more subject to contamination from residential and industrial properties because of their shallow depth. The Coakley Landfill Superfund Site, part of which is located in North Hampton, is an example of groundwater pollution that contaminated residential wells in North Hampton.

Currently both types of Aquarion Water Company wells are located in the Mill Road and Winnicut Road aquifers. Our third aquifer in the Post Road/ Cherry Road area has not been drilled due to the proximity of the Coakley Landfill Superfund Site and the inter-related nature of our aquifers. Our two sand and gravel aquifers are currently being pumped at capacity. Future water needs must be supplied by additional bedrock wells in town or be supplied by neighboring towns within the Aquarion water systems or other water companies.

503.2 Authority and Purpose

A. Pursuant to RSA 674:16-21, the Town of North Hampton adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve, and maintain potential groundwater supplies and related groundwater recharge areas identified by the Town. The purposes of this Aquifer Protection District are:

1. To protect the public health and general welfare of the citizens of North Hampton.
2. To prevent development and land use practices that would contaminate or reduce the recharge to the identified aquifers and all inter-related waters in town.
3. To assure availability of public and private water supplies for present and future growth of the Town in accordance with the Master Plan.
4. To encourage uses that can appropriately and safely be located in the aquifer recharge areas.
5. To heighten awareness of the need for annual review of the Coakley Landfill Superfund Site monitoring wells and the testing of private wells.

B. As authorized in RSA 674:21, a Conditional Use Permit ["CUP"] shall be required for an activity that does not comply with this ordinance, Section 503. All conditions specified for applicable CUPs shall be met. Any person aggrieved by a Planning Board decision on a CUP application may appeal to the Superior Court as provided in RSA 677:15. These Planning Board decisions cannot be appealed to the Zoning Board of Adjustment (cf., RSA 676:5.III).

C. Conditional Use Permits approved under this ordinance shall meet general criteria and applicable

503.3 Administration

A. General: Provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals within the Aquifer Protection District, other than single or two-family residential construction not involving the subdivision of land, shall be subject to this Aquifer Protection District Ordinance and subdivision or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

B. Enforcement: The Select Board shall be responsible for the enforcement of the provisions and conditions of the Aquifer Protection District, pursuant to the provisions of Section 503.

503.4 Definitions

A. Aquifer: For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding sustainable quantities of groundwater usable for public or private water supplies.

B. Dwelling Unit: A room or group of rooms located within a dwelling that form a single, habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

B.C. Groundwater: Subsurface water that occurs beneath the water table in soil and geological formations.

C.D. Groundwater Recharge: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface water, including lakes, streams and wetlands. Treated waste water from septic system leach fields also recharges Groundwater.

D.E. Hydrogeologist: A person who by education and experiences is able to quantitatively analyze and interpret hydrology and is a licensed geologist, specializing in hydrology, in the State of New Hampshire according to Env-Ws 388.06(b).

E.F. Impervious to Groundwater Infiltration: The addition of pavement, cement or other ground cover that prevents water from flowing through to subsoil layers. All surfaces as defined by Section 104.9, "Impervious Surfaces" shall be considered impervious to groundwater infiltration as defined herein.

F.G. Leachable Wastes: Waste materials, including, but not limited to, solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

G.H. Mining of Land: The removal of geological materials such as topsoil, sand and gravel, metallic ores, or bedrock.

H.I. Non-Conforming Use: Use of the land, building or premise which is not a use permitted by provisions of this ordinance for the Aquifer Protection District in which such land, building or premise is situated.

I.J. Non-Municipal Well: Any well not owned and operated by the Town of North Hampton or its agent.

K. Public Water System: A system that provides piped water for human consumption to at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

J.L. Recharge Area: The land surface areas from which water reaching a location or region originates.

K.M. Sludge: Residual materials produced by the sewage treatment process.

L.N. Solid Waste: Any discarded or abandoned material including refuse, or sludge, as defined by New Hampshire Solid Waste Rules Env-Wm 101-103 & 2100-3700. Solid waste includes solid, liquid, semi-solid, or contained gaseous waste material resulting from residential, industrial, commercial, mining and agricultural operations and from community activities.

M.O. Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical, or infectious characteristics that poses a significant, actual or potential hazard to water supplies, or other hazard to human, animal or plant health, if it were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation: volatile organic chemicals, petroleum products and additives such as MtBE, heavy metals, and radioactive materials as defined in Groundwater Management and Groundwater Release Detection Permits, Env-Wm 1403.05. Wastes generated by, but not limited to, the following commercial activities are presumed to be toxic or hazardous:

1. Airplane, boat and motor vehicle service and repair
2. Chemical and bacteriological laboratory operation
3. Dry cleaning
4. Electronic circuit manufacturing
5. Junk and salvage lots
6. Metal plating, finishing and polishing
7. Motor and machinery service and assembly
8. On site handling, disposal, discharge, storage, processing or recycling of toxic or hazardous materials including bulk storage of toxic materials for resale or distribution (except for routine delivery of heating oils)
9. Paint production and painting, paint stripping, wood preserving and furniture refinishing.
10. Pesticide and herbicide production
11. Photographic processing
12. Printing

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P. Transmissivity: A measure of the rate at which water will move through an aquifer. Transmissivity incorporates the hydraulic conductivity of the aquifer, aquifer thickness, water temperature and fluid properties to describe water movement.

N.Q. Wellhead protection area: The surface and subsurface area surrounding a water well or well field supplying a Public Water System through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

503.5 District Boundaries

A. Location

The extent of the Aquifer Protection District shall be shown on the Aquifer Protection District Map, and is to be used in conjunction with North Hampton Zoning Map as an overlay district. The Aquifer Protection District Map includes the following boundaries:

1. Stratified-Drift Aquifer boundaries as defined by the US Geological Survey Water-Resources Investigations Report 91-4025, "Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins - Geohydrology and Water Quality of Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire" and subsequent updates.
2. All Wellhead Protection Areas for Public Water Systems as defined under Section 503.4.K of this ordinance that are part of the Aquarion Public Water Supply system as defined by the New Hampshire Department of Environmental Services.

B. Indirect Recharge Areas

1. Indirect recharge areas are those areas that contribute to groundwater recharge of the aquifer from outside the aquifer boundaries.

2. When development is proposed in indirect recharge areas which are tributary to the Aquifer Protection District, such as areas including a tributary stream or on slopes adjacent to the Aquifer Protection District, the Planning Board may hire, at the developer's expense, a qualified hydrogeologist to assess the potential impact on groundwater quality and recharge rates of the aquifer from such development.

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C. Appeals

1. In the event that an aquifer or recharge area is alleged to be incorrectly designated, the person aggrieved by such designation may request a field inspection by the Building Inspector and a hydrogeologist approved by the Planning Board. If a determination is made by field inspection, the hydrogeologist shall report this in writing to the Planning Board. The Planning Board will review the report and if appropriate, will arrange to update aquifer or recharge area boundaries accordingly. Costs incurred for this field inspection and report shall be the responsibility of the applicant.

~~1.2.~~ The following elements are required in this review, but are not limited to:

- a. A detailed topographic layout of the subdivision or area to be developed, prepared by a registered land surveyor.
- b. Boundaries of the aquifer protection districts shall be as defined in Section 503.5.A of this ordinance.
- c. Any additional mapping, hydrogeologic reports or information which becomes available, as a result of recent or on-going scientific investigation of the location and extent of aquifers, performed by the US Geological Survey, New Hampshire State agencies or boards, or the Town of North Hampton or the agents of any of the above.

3. On a site-specific, case-by-case basis the Planning Board may, based upon any determination reported in accordance with Section 503.5.C.1 above, adjust the boundary or area designation of the Aquifer Protection District or reduce or expand the area so designated to define more accurately the location and extent of the aquifer.

4. Pending the results of an on-site or other investigation by that Board or its appointed agent, the Planning Board shall reserve the right to withhold action on such plat or plan and shall act to approve or disapprove at such time as deemed necessary and as provided for by New Hampshire State statute.

503.6 Use Regulations

A. Minimum Lot Size

1. The minimum lot size within the Aquifer Protection District for each single-family dwelling unit if a residential use, or each principle building if a non-residential use, shall be two (2) acres, or 87,120 square feet, of which a minimum of one (1) acre, or 43,560 square feet, shall be non-wetland area.

2. The minimum lot size within the Aquifer Protection District for each duplex dwelling unit for residential use or other use shall be two point three (2.3) acres, or 100,000 square feet, of which a minimum of 60,000 square feet, shall be non-wetland area.

B. Maximum Site Coverage

1. Within the Aquifer Protection District, to the extent feasible, all runoff from impervious surfaces shall be recharged to the aquifer on-site. Recharge impoundments shall have vegetative cover for surface treatment and infiltration. No more than twenty percent (20%) of a single lot or building site may be rendered impervious to groundwater infiltration unless all provisions of the paragraph directly below are met.

2. No more than twenty percent (20%) of a single lot or building site may be rendered impervious to groundwater infiltration unless the following performance standards are met and the plans are approved by the Planning Board or its designated agent:

- a. The developer shall submit a stormwater drainage plan.
- b. The stormwater drainage plan shall provide for the retention and percolation of runoff from a one hundred (100) year storm event, such that the post-development discharge volume to the aquifer is, at a minimum, equal to the pre-development discharge to the aquifer.
- c. The stormwater drainage plan shall provide for removal of oil and gasoline from parking lot runoff by the use of treatment swales, oil/gas separators or other devices, prior to retention and percolation of the run-off.

C. Hydrogeologic Study: The Planning Board shall determine, on a case-by-case basis, the need for a hydrogeologic study for any development within the Aquifer Protection District. This determination shall consider the sensitivity of the site including, but not limited to, areas that have septic systems in close proximity to wells -- including public supply wells, irrigation wells, residential wells, and monitoring wells -- or that may contain excessively drained soils or steep slopes. Requirements for a hydrogeologic study shall include the following:

1. The hydrogeologic study shall be performed by a NH licensed geologist specializing in hydrogeology.
- ~~1.~~2. The hydrogeological study shall evaluate the development's impact on groundwater within both the parcel to be developed and surrounding land. Beyond the property lines of said site groundwater quality shall not be degraded by polluting substances such as, but not limited to, nitrates, phosphates, bacteria, etc. Larger lots may be required based on the findings of this study.

D. Prohibited Uses

The following uses are prohibited in the Aquifer Protection District except where permitted to continue as a non-conforming use:

1. Disposal of solid waste.
2. Storage and disposal of hazardous waste.
3. Disposal of liquid or leachable wastes except that from approved one or two-family residential subsurface disposal systems, or as otherwise permitted as a conditional use.
4. Subsurface storage of heating oil or gasoline and other refined petroleum products.
5. Industrial uses which discharge contact type process waters on-site. Non-contact cooling water is permitted.
6. Outdoor unenclosed storage of road salt or other de-icing chemicals.
7. Dumping of snow containing de-icing chemicals brought from outside the district.
8. Animal feedlots.
9. Automotive service and repair shops, junk and salvage yards.
10. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials except for materials used for normal residential, agricultural or silvicultural activities or those related to the production and testing of drinking water.
11. Dry-cleaning, hair salons, or laundry facilities.
12. No sand or gravel excavation and other mining that is not in accordance with Article IV- Specific Use Regulations, Section 406 Excavations, and Section 9 - Prohibited Projects, 9.4, of the Excavation Regulations of the Town of North Hampton.
13. Injection wells that dispose of waste in the ground or wastewater.

E. Permitted Uses

The following activities shall be permitted provided they are conducted in accordance with the purposes and intent of this Aquifer Protection District Ordinance:

1. Land development, per the North Hampton Zoning Ordinance, except as prohibited in Section 503.6.D of this Aquifer Protection District Ordinance.
2. Activities designed for conservation of soil, water, plants and wildlife.
3. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
4. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.

5. Foot, bicycle, and/or horse paths and bridges.
6. Maintenance, repair of any existing structures.
7. Farming, gardening, nursery, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, and other leachables applied using Best Management Practices (BMPs) at levels that will not cause groundwater contamination and are stored under shelter.
8. De-icing chemicals used by the road agent, subject to approval of the Select Board. Road salt contamination of our groundwater is of increasing concern in North Hampton and care should be taken to reduce the application of de-icing chemicals on roads crossing or adjacent to our Aquifer Protection District.

F. Septic System Construction

The following more stringent requirements shall apply to all septic system construction:

1. There will be no filling of wetlands allowed to provide the minimum distance of septic to wetlands.
2. The seasonal high-water table will be at least two feet below the original ground surface of the leaching field.
3. There will be at least three feet of natural permeable soil above any restrictive soil layer, such as clay, that prevents the infiltration of water through the layer.
4. There will be at least four feet of natural soil above bedrock.
5. There will be at least seventy-five feet setback for septic systems from wetlands as defined in the North Hampton Wetlands Conservation District.
6. Standards for fill material: Fill material consisting of organic soils or other organic materials such as tree stumps, sawdust, wood chips and bark, even with a soil matrix shall not be used. The in-place fill should have less than 15% organic soil by volume. The in-place fill should not contain more than 25% by volume of cobbles (6 inch in diameter). The in-place fill should not have more than 15% by weight of clay size (0.000078 inches and smaller) particles. The fill should be essentially homogeneous. If bedding planes and other discontinuities are present, detailed analysis is necessary.

G. Conditional Use Permit

1. A Conditional Use Permit is required for the following uses in the Aquifer Protection District:

- a. Proposed industrial and commercial uses for which the applicant can demonstrate to the satisfaction of the Planning Board that this proposed use poses no threat to the aquifer.
- b. Multi-family dwelling residential development. Minimum lot size to be determined by using Section 203.7 of the North Hampton Zoning Ordinance.
- c. Any other specific use that does not comply with this ordinance section, Section 503.

2. Criteria for Conditional Use Permits in the Aquifer Protection District: The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following are true:

- a. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.
- b. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
- c. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined.
- d. The proposed use complies with all other applicable paragraphs of this section.

3. The Planning Board may require that the applicant provide data or reports prepared by a professional hydrogeologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board may engage such professional assistance, as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs incurred shall be the responsibility of the applicant.

H. Design and Operations Guidelines

Where applicable the following design and operation guidelines shall be observed within the Aquifer Protection District:

1. Safeguards: Provisions shall be made to protect against discharge of toxic or hazardous materials or loss resulting from corrosion, accidental damage, spillage or vandalism. Suitable provisions include, but are not limited to spill control provisions in the vicinity of chemical or fuel delivery points, secured storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials. For operations that allow evaporation of toxic or hazardous materials into interiors of any structures, a close vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

2. Location: Where the premises are partially outside of the Aquifer Protection District, potential pollution sources such as on-site waste disposal systems shall be located outside the Aquifer Protection District to the extent feasible.

3. Drainage: All runoff from impervious surfaces shall be recharged on the site, and diverted toward areas covered with vegetation for surface infiltration to the extent possible.

4. Inspection: All Conditional Use Permits granted under Section 503.6.G.2 may be subject to annual inspections by the Building Inspector or other agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted.

I. Non-Conforming Uses

1. At the time of the adoption of this article, any non-conforming use may continue and may be maintained, repaired or improved, unless such use is determined by the Planning Board to be an imminent hazard to public health and safety. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 90 days or more.

2. Any non-conforming lot of record existing before the effective date of this Article may be used in accordance with Section 503.6.E, of this Aquifer Protection District Ordinance.

3. Existing non-conforming uses may continue without expanding or changing to another non-conforming use but must comply with all applicable state and federal requirements including, but not limited to Env-Ws 421 Best Management Practices and Performance Standards parts c, d, e, and h, of Section 1307.

J. Rules

The Planning Board is hereby authorized and empowered to adopt rules or organization and procedures as are necessary for the efficient administration and enforcement of this ordinance.

K. Violations

Upon information from the Building Inspector, Health Officer, Code Enforcement Officer, or other duly authorized agent that the provisions of this Ordinance are being violated; the Select Board shall take immediate steps to enforce the provisions of this Ordinance as provided by the Revised Statutes Annotated of State of New Hampshire.

L. Penalties

Any person, firm or corporation violating any of the provisions of this Ordinance shall for each violation, upon conviction thereof, pay a fine of one hundred dollars (\$100.00) for each day such violation shall exist.

M. Validity

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by

any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this Ordinance.

N. Effective date

This Section shall become effective upon passage at Town Meeting March 2021.

DRAFT