

TO: CSPA Study Commission

FROM: Pemigewasset River Local Advisory Committee

DATE: May 5, 2006

SUBJ: Recommendations on Enhanced Shoreland Protection

The Pemigewasset River was established as a designated river under the Rivers Management & Protection Program –RSA 483 - in June, 1991. Since then, a town by town patchwork of river protection rules and regulations has evolved. Here is a very brief picture of rules along the corridor:

- Twelve of fourteen corridor towns were included in RMPP. Lincoln and Woodstock were not included in RMPP so there is a protection gap between Franconia and Thornton. Under some interpretations, Lincoln and Woodstock would then be, by default, subject to the Comprehensive Shoreland Protection Act – RSA 483-B. Are they? Do they know it? Our LAC has no charter to work with the gap towns.
- Some corridor towns include River Overlay Zones, some do not.
- Primary residence setbacks range from “none specified” to 200’.
- Ordinances covering shoreland lot sizes range from 1-2 acres, river frontage requirements from 100-200’.
- Three towns have vegetated buffer requirements approximately equal to CSPA’s 150’. Most of the rest are vague/unenforceable.
- A key element of river protection, impervious surface limits, generally are not specified or are so high as to not be effective. Again there are exception towns.
- “Bio-retention areas” does not generally appear in the rule making vocabulary. As an important mitigation tool, it should.

PRLAC is certainly open to individual towns tailoring some river protection rules to their own needs. Such deviations, however, should be built upon base standards not in existence on the Pemi today.

PRLAC recommends that the CSPA Commission consider the following key areas for legislative improvement:

1. As a guiding principal, changes/enhancements to water protection should be viewed from a 10-15 years out perspective, to that inevitable point where increased population and accelerated development really impinge on quality of life in and around the river and its associated eco systems.
2. Include the Pemi under CSPA RSA 483-B. If CSPA is to become the “base” standard of protection, it should include all the provisions once recommended under the Model Shoreland Protection Ordinance.

3. Consider expanding CSPA or a limited version of it to include tributaries to designated rivers.
4. Aquifer protection must become a key element of a comprehensive program. Most aquifers in the state are resident in river valleys. These areas tend to be more developed – more roads and less forested than the state average. Water use has increased much more rapidly than the state's population. It should be noted that aquifers/groundwater freely exchange water with rivers at various times of the year (induced recharge). Whatever toxins, pathogens are allowed into the river from surface runoff can find their way into our drinking water supply lands and storage areas. This can be mitigated. *Buffers and impervious surface limits must be recognized as the most economical and effective water treatment process in existence.*
5. NHDES must assume a lead role not only in establishing comprehensive water protection rules but making them understandable and communicating them throughout the state. If this takes resources, let's lobby for the resources. Clean water is the product revised legislation must be geared to deliver – long term. LAC's can help with this but I'm not sure they can lead.
6. I have been told by the Executive Director of the Center for The Environment at PSU that Maine is light years ahead of New Hampshire in protecting its water resources. We should place key elements of our water protection plan side-by-side with Maine's as we contemplate revisions.

The town of Bristol has vivid memories of Pemi River life in the 60's. The Pemi was an open sewer. The smell. The damage to the exterior of homes in town. All of this coming from another town 40 miles up river. That's unlikely to ever happen again. However, the next assault on water quality will come from more subtle sources – runoff pollution. Bristol/Holderness have taken action with tougher ordinances than CSPA. In 2006, should another town upriver be allowed to make water quality protection optional, essentially canceling efforts of downstream towns? Most fair minded people would consider this unacceptable.

We encourage the CSPA Commission to make a strong statement on behalf of the most important resource in the state – clean water.

## OUTLINE OF TOWN ORDINANCES ALONG PEMI CORRIDOR (5/1/06)

Shoreland along the Pemigewasset River Corridor is a confusing patchwork of rules and regulations. Here is a town by town outline coming down the Pemi;

Franconia	Headwaters – covered by RMPP – RSA 483
Lincoln	<b>Not covered by RMPP.</b> By default, covered by CSPA RSA 483-B???
Woodstock	Ditto Lincoln
Thornton	RMPP. No significant local shoreland protection. Lots 1 acre min.
Campton	RMPP. 500' Overlay Zone. 50' setback. 200' river frontage. Some buffer protection, no impervious surface regulation.
Plymouth	RMPP. 500' Overlay Zone. 75' setback. 150' river frontage. Weak buffer, impervious surface regulations.
Holderness	RMPP. 500' Overlay Zone. 200' setback. 200' river frontage/2 acre min. Buffers good. Impervious surfaces questionable.
Ashland	RMPP. 500' Overlay Zone (mostly industrial). 50' setback in industrial zone, 200' residential. 200' river frontage/2 acre min. Weak buffer, impervious surface regulations.
Bridgewater	RMPP. No Overlay Zone. 2 acre lot min. Local regulations equal to CSPA.
New Hampton	RMPP. 500' Overlay Zone. 200' setback. 200' river frontage/2 acre min. 75' buffer. Impervious surfaces weak.
Bristol	RMPP. 500' Overlay Zone. 100' setback. 200' river frontage/2 acre min. 150' buffer; 20% impervious surfaces limit.
Hill	RMPP. Corp of Engineers manages shoreland for flood control.
Sanbornton	Ditto Hill
Franklin	RMPP. Very short distance to where UMLAC takes over. (Merrimack)

## **FINAL VERSION**

**TO: PEMI CORRIDOR TOWNS DISTRIBUTION LIST**

**FROM: PEMIGEWASSET RIVER LOCAL ADVISORY COMMITTEE (PRLAC)**

**DATE: April 3, 2006 Revised 4/27 Revised 4/28**

**SUBJ: ENHANCEMENT OF WATER QUALITY PROTECTION**

As required by RSA-483, the Rivers Management Protection Program, PRLAC completed its Pemigewasset River Corridor Management Plan in 2001. Implementation of key elements of the plan started almost immediately. There was an appropriate sense of urgency due to the fact that the Pemi was not included in the Comprehensive Shoreland Protection Act – RSA 483 B, protection already assigned to most designated rivers in the state (Saco & Pemi are the only exceptions today). The objective of the management plan was clear – enhance protection of Pemi River water quality and its associated aquifers. It was felt this could best be accomplished by adopting and adapting many of the rules already in force in other state rivers to the Pemi Corridor. It was decided the committee would approach each of the towns in the corridor and solicit their support in this endeavor. PRLAC has since made presentations to the planning boards of all corridor towns from Thornton to Sanbornton; indeed most of them twice. Several towns received an additional follow-up proposal (via mail) in 2005. As part of this outreach effort, a brochure - The Pemi: Looking Ahead – was prepared by PRLAC and mailed to all riparian land owners in the corridor. All of these contacts emphasized the threats to river resources associated with accelerating development and outlined viable ways to mitigate the impact. In each case copies of recommended rules already successfully implemented in other corridor towns were provided.

The committee feels it has made a good faith effort in its appeal to towns to provide more comprehensive river protection measures. We have encouraged towns to look 10-15 years ahead, to the point where increased population and accelerated development really impinge on quality of life around the river and its associated eco systems. Almost 50% of pollutants entering the river now come from surface runoff. Increased impervious surfaces associated with development will dramatically aggravate this problem. Runoff pollution cannot be confined to town boundaries. Towns downstream, who have taken appropriate protective action will receive pollution from upstream towns who have not. Most fair minded people would consider this unacceptable.

The record shows that PRLAC has been guided by individual town desires to tailor ordinances to their specific situation. Bristol, Bridgewater, and Holderness have adopted enhanced river protection – in most cases tougher than rules imposed by CSPA. However, based on only limited success with this town by town approach, we have now reluctantly concluded we need to pursue a broader strategy. We will continue to work with willing towns where success appears feasible in the near term. At the same time we will explore with state agencies/commissions the idea of bringing the Pemi up to a minimum base level of protection such as that provided by the Comprehensive Shoreland Protection Act. Those towns that have already adopted key elements of CSPA are not likely to be affected by this change in approach. We will continue to be very open to

serious dialogue with individual towns. We are committed to protecting this river resource and its associated aquifers. Remember, we all live downstream.