

Board of Selectmen
TOWN OF CHESTERFIELD, NH
Wastewater Disposal System Regulation

August 12, 2020
7:00 PM Via Zoom

Note: This meeting may be recorded

CALL TO ORDER

Jeanny Aldrich called the meeting to order at 7:00 P.M. In attendance were, Jeanny Aldrich, Fran Shippee, Gary Winn, Alissa Thompson, Tricia Lachenal, Brad Roscoe, and Jim Smith.

As Chair of the Chesterfield Board of Selectmen, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this meeting is authorized to occur electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-646-876-9923 and password 839 0921 2657 or by clicking on the following website address:

<https://us02web.zoom.us/j/83909212657>

- b) *Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <https://chesterfield.nh.gov/>.

- c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 603-499-6534 or email at: Selectman-a@nhchesterfield.com.

- d) *Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Brad Roscoe noted the rules of meeting and using Zoom. Roscoe asked Jeanny Aldrich to do an introduction on the proposal. Aldrich stated that the Board of Selectmen have received a lot of input from the public and Planning board as well as the town attorney. Aldrich stated that they have been working their way through the process to see if there are items that need adjustment or anything that does not work with residents. Aldrich stated that the Board of Selectmen want public input on adjustments or any method to answer questions or hear any statements.

GUESTS:

Author: Wastewater Disposal System Regulation- James Corliss

Corliss stated that this process began about a year ago. Corliss stated he has been speaking with various town and state government officials including NH DES, trying to improve the lake district wastewater disposal system. Corliss stated that throughout his research that homeowners are required to have a state approved septic system since 1967 within 1000 feet of the lake. Corliss stated that if the public is interested in finding out their status for approval, it can be looked up on NH DES website. Corliss noted that this Wastewater Ordinance does two things: if the homeowner has a NH DES approved system, it is required to have regular maintenance and documented for the town. Corliss stated that a few advanced technology designs that are out (mostly around the lake) that have systems that require maintenance. Corliss stated that if the homeowner does not have an advanced system, there is usually a tank and some sort of leach field. Corliss noted that eventually solids from tank end up in leach field and clog it. Corliss stated that this happens gradually over time and is not always noticeable. Corliss noted that eventually waste will bubble out of the ground. Corliss noted that the best preventative measure is regular tank pumping-removing solids from the tank. Corliss noted that this can result in long lasting system. Corliss stated that some newer systems have filters. Corliss noted that it is required that documentation is sent to the town when the system is pumped. Corliss stated this requirement spans a maximum of three years. Corliss noted that for unapproved systems it becomes more difficult because there is no idea or notion of what is currently in the ground. Corliss noted that there may not be sewage bubbling from ground but there is no knowledge that the ground and water are being effectively cleaned. Corliss noted that it is required that those systems be inspected by licensed inspector (roughly 200 licensed inspectors in NH). Corliss stated that there is an increased interest in the quality of each septic system. Corliss stated that if system is in failure, then it must be replaced. Corliss noted that there were 22 comments sent to town. Corliss stated that there are 16 enthusiastically in favor of the ordinance, two not in favor, and two with questions. Corliss noted that the ordinance requires upon sale or transfer of property, an NH DES approved system must be in place. Corliss stated that this is generally done at a time that the property is being sold. Corliss noted that those inspections are also required to be sent to town office. Corliss stated that the inspection fee has been lowered to \$25. Corliss stated that this fee is used to keep records updated. Corliss also stated that the fee may become obsolete once all systems are updated or inspected.

CORRESPONDENCE

Concerns and Comments from Public

Corliss read from the public correspondence. Donahue wrote that they would like the town to define bedroom regarding septic system zoning. Corliss stated that he concurred and stated they followed state guidelines in referencing.

Doug Treyer wrote their question as what if they have an approved system but no ongoing inspection? Corliss stated that for systems like that regular pumping is required. Walton wrote that they suggest a form explicitly stating whether an outside shower is present. Corliss stated that he spoke with the state and there are no objections if the outside shower is connected to home septic system. Corliss noted that if not connected then the state sees an outside shower as a system in failure. Corliss also stated that in addition to products used to wash, people are washing whatever viruses and bacteria onto ground (“humans are not pristine vessels”).

Tom Dwyer asked who the administrative authority was for this. Corliss stated that would be the Health officer. Dwyer asked if there is there a database list of approved systems. Corliss noted that the NH DES website would contain that information. Dwyer asked how the town is planning to acquire proof of compliance. Corliss stated to send in the pumping receipts to town.

Robins asked why this regulation not applies everywhere in town. Corliss stated that due to high density housing around the lake, that area is a priority.

Schwartz stated concerns about how this regulation is illegally ignoring the rest of Chesterfield.

Corliss stated that it is legal to treat different districts differently when you have reason to do so.

Syvetsen stated that owners that did not own their homes when septic was installed are now being penalized. Corliss noted that he spoke with state DES about this; there is not a way to test a system into compliance due to not knowing what system is in the ground or how it was built.

Bradstreet stated she is concerned there is not a way for older residents to use zoom. Corliss stated that they can call in by phone and listen.

Tracy stated that an alarm should be affixed to holding tank to notify the homeowner of the full tank. Corliss stated that he thinks they come with alarm systems.

PUBLIC COMMENT

Roscoe stated the rules when giving comments in Zoom. John Zanotti asked if the notice for this meeting and ordinance went out to all residents via mail. Aldrich stated that no it has not. Zanotti asked if it should have since not everyone follows town website. Aldrich stated it was posted as meetings are legally supposed to be: on the website, in the town office, and at the post office.

Aldrich stated that a mailing will be sent out to all residents once a decision has been reached.

Jones stated that they are distressed to hear the monthly fine is being reduced. Jones noted their fear that this fee will not be enough encouragement to comply. Aldrich stated that the fine has not been reduced, the certification fee has. Jones noted that if a holding tank is in the ground and does not leak, and is pumped regularly is that considered an acceptable system? Corliss stated that if you are unable to get an approved system for an existing house, the state will accept a holding tank; however, you cannot spread or develop further. Jones stated if you have a small plot of land is it possible to put a system on the property that would be acceptable? Jones noted can you get a leach field onto a tiny plot of land? Corliss stated that some more advanced systems with multiple chambers are allowed in a small field. Jones stated their full approve, but

remember that children of the lake swim in large numbers in this lake. Jones stated that the Selectmen consider the necessity of the approval.

Dreyer stated that they are not year-round residents and their septic system is only used 25 to 30% of the year. Dreyer asked if there were any provision to seasonal residents that their tanks would require less pumping. Corliss stated there is not, the town is not going to monitor usage. Dreyer asked if there should be. Dreyer noted that their house is only used by family and they are not bringing in 30 people per week. Dreyer stated that the system is used maybe once in fall and once in winter and nowhere near full time use. Roscoe stated that it presents an administrative burden on the town to monitor that closely. Aldrich stated that the town will not be monitoring these systems to that extent.

Judy Idelkope stated that one of the provisions of regulation, upon sale, if your system is not approved, it must be replaced. Idelkope asked why a system in good condition should be replaced upon sale of the property, noting that more concern should be aimed towards the operating condition of the system, not the state approval. Idelkope stated the approved system search process is not easy, and it usually takes about six weeks to find out if the system complies. Corliss stated that there is difficulty from state and towns point of view since no one knows what is in the ground or how it was built, or how septage is flowing. Corliss stated that inspection can give you a probability that system is working but does not show the system design or proper build. Corliss noted that it is a check that you do not have septage bubbling from ground. Corliss noted that this is not the same as having a system built by licensed installer and state inspected. Idelkope stated that Corliss has not tried to find septic approvals before.

Dreyer asked what happens if a system that was approved when installed does not pass current inspection. Corliss stated that the licensed inspectors go to state run classes and are certified by the state. Corliss stated that the inspectors he spoke with find that those customers who get an approved design don't always contact inspectors for approval. Dreyer asked about holding tanks, the guidelines for which state they should be pumped every three years. Dreyer asked if that was an acceptable system. Corliss stated yes.

Bradstreet stated that Corliss misrepresented what inspectors can do. Corliss noted that from a state point of view, you cannot inspect a non-approved system into approved status due to missing data.

Corliss stated that the goal of this ordinance is to get everyone into an approved and documented system.

Bradstreet asked if a system has been approved, does it not need to be inspected going forward. Corliss stated that is true but not required under this ordinance. Bradstreet noted most people would be educated and aware but there are those who do not know to ask or schedule an inspection. Aldrich asked Corliss if this was something that could be incorporated into the ordinance. Corliss stated it could be, depending on what the town decides. Bradstreet stated they would be supportive of the ordinance but why are the swamp and pond beyond Big Deal not included. Bradstreet asked why the septic systems on River Road are exempt. Corliss stated that the town has chosen to concentrate on the Spofford Lake district due to it being a priority right now. Bradstreet asked why it does not include the whole watershed. Corliss stated that having worked on the steep slope's ordinance, the reason for this applying to Spofford Lake district is the high density housing around the lake. Bradstreet noted that mobile homes on Old Chesterfield Road are not included in the ordinance either. Bradstreet asked why the whole watershed is not included in this so-called district. Aldrich stated the town can only bite off one hunk at a time and the lake is a predominant item. Aldrich stated that although these other areas

matter, this is the focus to institute the most change right now. Bradstreet asked if the town hired a law firm to write this ordinance or was it based on another town's previous project. Corliss stated it was written by himself.

Idelkope asked for the timeline for others in the watershed and the rest of Chesterfield to get their septic systems done. Aldrich stated that there is no real timeline to get everyone approved. Idelkope asked who wrote the ordinance. Corliss stated he wrote the ordinance out of interest and 30 years of development experience. Aldrich stated that anyone in town can write regulations and ordinances and get enough signatures to be approved. Aldrich noted that the town attorney has scrutinized the document and proclaimed it solid.

Maibusch stated that since this is admittedly a selected enforcement on a high-density area and are they exempt in their downstream location. Aldrich stated that no it is all included under the lake district. Aldrich stated that the lake district is a special entity of its own so it can be selectively enforced.

Idelkope stated that the Board of Selectmen should investigate the cleanliness of Pierce Island as well as the lake. Aldrich stated the island is patrolled by the state and the town does not have the authority to enforce any patrol. Idelkope stated the town should include a dock for the boat ramp for the lake. Aldrich stated that this area is also state-owned property and town cannot enforce that either. Roscoe noted that the lake and island are all owned by the state.

Dreyer asked if Wares Grove Beach is state or town owned. Aldrich stated that this is town property. Dreyer asked whether anything could be done about the detrimental E-Coli influx in the lake. Aldrich stated that testing has been done, and she does not believe the E-Coli levels were any higher. Dreyer stated that the testing should be rechecked. Dreyer asked if the pond area behind Big Deal relates to runoff or interacts with the lake. Aldrich stated she is unsure of that answer. Corliss noted he does not know.

Dreyer asked if there were any possibility that these waterways are affecting the lake. Aldrich stated that if the property or water is outside the lake district, the ordinance is not affecting that area. Aldrich stated they are only dealing with this specific area tonight. Tracy asked if there has been any water testing for the lake association in the past 10 years.

Lois stated that French Brook is the body of water that enters from behind Big Deal into Spofford Lake. Lois asked why the Spofford Lake district does not include all the watershed. Roscoe stated that districts are defined by economic criteria. Lois noted that should not be a regulation regarding water quality. Corliss stated that the Spofford Lake district has been in Chesterfield zoning due to unique characteristics.

Idelkope questioned the cost to a person with an unapproved system. Corliss stated that he is not sure and asked for elaboration. Idelkope stated that the town is concerned about water quality, why are they not asking for those with certain aged systems and already approved systems to be examined. Corliss stated that the goal of the proposed ordinance is to have everyone obtain an approved system. Idelkope stated that an approved system does not guarantee a high functioning system.

SELECTMEN DISCUSSION

Aldrich stated that if anyone in this meeting would like to continue to Selectmen's meeting there might be a slight delay as a new link will need to be posted to the website calendar. Aldrich stated the request to give IT 10 minutes before looking for a link to re-join the meeting.

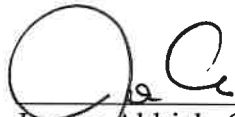
ADJOURN

Jeanny Aldrich moved to adjourn the Wastewater Disposal System Regulation meeting at 8:24 PM. The motion was seconded by Gary Winn and passed unanimously by roll call vote.

Respectfully submitted,

Jim Smith
Secretary to the Board of Selectmen

Approved by:



Jeanny Aldrich, Chairman

Date 9/7/2020



Fran Shippee

Date 9.2.2020



Gary Winn

Date 9/2/2020