



**Re: Public Hearing on 1/6/21 to consider proposed changes to Zoning Ordinances
Article IX-A, Aquifer and Wellhead Protection District**

1 message

Mark Avery <madplanboard@gmail.com>
To: Sarah Greenshields <sarah@little-tree.me>

Tue, Jan 5, 2021 at 6:13 PM

Thank you for your input. This will be provided to all board members and published to our website for the public to review and we will include this in tomorrow's meeting.

Thanks,
Mark

Mark Avery
Chair, Madbury Planning Board

On Tue, Jan 5, 2021 at 5:35 PM Sarah Greenshields <sarah@little-tree.me> wrote:

Good evening, Mr. Avery.

I am reaching out as I will be attending the Planning Board's public hearing on Wednesday.

Unsure of the meeting format and my ability to speak while in-person or on Zoom, I would like to reintroduce my research, comments, and suggestions from last year with the entire Planning Board. In sending these comments ahead of time I hope to convey to each of you that I fully understand the Board's goals and agree that some change needs to be made to support property owners, and, I hope to cast a new perspective as we've all had a year to reflect upon these important issues.

My greatest concern is that over the past year, the Planning Board and the Water Board have not had the time to effectively communicate with the taxpayers in Madbury in regards to these amendments. Essentially, we've all been at a stand-still, and in the last election, the voters did not move these changes forward, but yet they are essentially the same proposed changes. If the voters cared enough to show up and vote last year, presenting the same amendments without their participation over the past year is a disservice to the taxpayers. What's the rush?

By way of your position, you are obligated to listen, formulate, and execute proper education on these issues, inform those who do not understand, and welcome public comment. What about a workshop or special session? Instead, here we are in a one-direction public hearing where there is no room for dialog. Where's the progress?

I have reviewed all the meeting minutes leading up to this meeting and I do not see a single reflection of collaboration with the community. I see meeting minutes that suggest a greater desire to post on social media, a desire to straighten out misunderstandings, but no concrete or actionable plan to tie these desires with taxpayers. The only real action taken was seeking out the recommendations of the town's attorney. BUT, what I don't see is an active way for the taxpayers to get involved in any meaningful way. You have brought forward these changes in a vacuum without us & it's not fair. This, to me, defies all logic during a time when we must draw upon the support and care for our community through a meaningful outreach plan.

From my vantage, this board has simply dusted off the desired amendments, sent it to the Town Attorney (costing taxpayers money, I might add), and regurgitating the same language. This simply feels lazy, rude, and does not reflect upon the values as set forth in our Master Plan. Us taxpayers call upon you to do your best, to care for a vote when it isn't passed by getting to work, to offer an opportunity, like forming a

subcommittee charged with proposing changes to the Wellhead and Aquifer Overlay District, while taking into consideration the legal opinions around land use, to develop a real amendment that's developed by and for the taxpayers. Contrary, moving forward like this creates a hostile environment where we whirl back into defense mode that's simply unproductive. If you're looking to decrease voter confidence, then your plan makes sense.

I don't think that you intend to be making a closet move. All of you have an incredibly vested interest in our community, and I thank you for your hard work as your service is incredible. However, when the voters said, "NO" shouldn't this issue be returned to the Water Board? The presumed misunderstandings that the voters had should have translated into your need to educate and gain voter confidence. As a public water supply, I was looking forward to being part of the conversation. I, too, believe that changes do need to be made to our Wellhead and Aquifer Overlay District, but there has been no opportunity to do so.

I may even shock some of you, as I believe there is a solution between our current ordinances and reducing land-use restrictions, but without going so low as adopting State standards. The State is literally the opposite of the gold standard, so there has to be an alternative as other municipalities have. Additionally, addressing wellhead protection radii is only half of the equation. What about waste? If diverting to State standards, an incessantly out-of-date and bogged down in lawsuits machine, that is so slow-moving, do you know that the water bureau and the subsurface bureau do not actually communicate with each other? So, if Madbury is to relinquish local control, we are surrendering ourselves to outsiders that simply don't care about our town.

Last year, prior to the amendments being put forward to the voters, I had first-hand experience with this exact issue in protecting our public water supply. In hindsight, I can see now that I was very upset and frustrated by the site developers. I was deeply unsettled by factors that didn't relate to their development plan, including a business in another State that was shut down by their DHHS for hundreds of pages worth of violations, and instead of fixing the violations, they closed up shop and relocated here. So, was I scared? Yes. Was I emotional? Yes. Did they trespass on my property and really freak me out making me scared for the children in my care? Yes. Did I find them incredibly difficult to work with? Yes. Unfortunately, because of fear and anxiety of that development moving forward, I let my emotions leach (pun intended) into my communications with your Board.

For that, I am sorry. I share the above as I am no longer scared. The DHHS report from another State is online and is public information. I suspect if the project ever does come to fruition that our State's DHHS will hold them to a high level of care, just as they do for our school.

That said, as a Madbury stakeholder, I find myself asking many questions:

1. What is the urgency of pushing for a decision at this time in lieu of doing due diligence with the proper agencies and experts, including a hydrologist with experience in developing such ordinances?
2. Why is this back on the agenda when the topic is technically no further along procedurally or research-wise than it was last January? The Board confirmed that the vote didn't pass last March because the voters were potentially misinformed. What have you done to educate and what are your measures of success in doing so? To that point, if no further research or outreach has occurred since last March, would the end result not be the same?
 - a. I have read, "The following summarizes advice from the Town's Attorney on Section 6 of Zoning Article IX-A" but how does that educate the voters? Have you received feedback from voters?
 - b. I have read, "Q and A on Proposed Update to Zoning Ordinances, Article IX-A, Aquifer and Wellhead Protection District" but how have you distributed that information? What was the feedback like? Could you share some of the comments? Have you had any public forums other than this final hearing? Where is the dialog with those it impacts most, the taxpayers?
3. The optics of pushing a ballot warrant through for a second time under these circumstances looks rather dismissive, especially during uncertain times due to COVID-19 and a general lack of trust in

government. It is all happening too quickly without the proper education of the townspeople and shows a sincere lack of due diligence with experts and the Water Board.

- a. Based on my email communication with Eric, the Town Manager, there has been zero communication about this issue with the Water Board since before the last election. That doesn't seem right at all. Just because they were in agreement with these changes prior to the vote, what gives you the confidence that that agreement remains intact?
4. Why is only half of the issue being addressed? Talking about wellheads is detailed, yet waste disposal is just as important. The importance of Madbury being part of the DES' reference list, as I recommended last year, Communities that Require Local Approval Prior to RSA 485-A;32, I & II (TITLE L, WATER MANAGEMENT AND PROTECTION, CHAPTER 485-A, WATER POLLUTION AND WASTE DISPOSAL) needs your attention, yet zero research has gone into this based upon meeting minutes and the attorney's recommendations.
5. Does this Planning Board know that the water bureau and the subsurface bureau do not communicate with each other in review of applications? Either for wells or waste disposal? The State is set-up to give the power to the local municipality, with the State's standards being a minimum. Equally as paramount to being put on the reference list is the recognition of the difference in standards from town levels to the State, with Madbury striving to achieve the joint communication and information needed to solve the issues for our today and our tomorrows.
6. How will voting look this spring? How is the Town of Madbury going to have a town meeting in the midst of a pandemic? How feasible is it for people to attend in-person vs. remotely? How will the information be presented thoroughly to residents and a forum be available for active discussion and debate? None of us know those answers today and this is yet another reason to not put the issue forward to vote upon at this time.

I promise I do not come in as an adversary, but rather as a concerned taxpayer and public water supplier that fully understands and honors the rights of property owners, but equally, cherishes the pristine community we live, work, and raise, and educate our children in and want to keep it that way.

It is my goal to promote communication and to expand the dialog beyond a public hearing as there is more work to be done by the Planning Board. The Board's work is simply not complete as you need a more comprehensive approach before making such changes. Why? Because the proposed changes here suggest that the DES & State's standards are the gold standard. They are not. In fact, DES standards are so low that local jurisdiction supersedes the State. The changes, as proposed, are simply not creative or modern enough for our town's needs. The State standards are designed for the most rural towns in NH to comply with - towns that lack the resources and expert planning that Madbury does. Foremost, according to public record, Madbury has not consulted with a water expert, nor has the Town enlisted the support of the State in regards to these changes. The Town has a town planner consultant, and the job of that consultant is to bring forward change that supports the future of Madbury, and that consultant is not a water expert. Madbury's greatest natural resource needs a voice - a hydrologist.

I understand that an attorney has been consulted in regards to land use, but as outlined above, that is narrow in scope when dealing with a protected natural resource. This narrow approach makes it very easy for these changes to be perceived as favorable to developers. Why? Because when a Board such as yours pushes through zoning ordinance changes without enlisting the voice of the Water Board (no meetings this year regarding this topic) or forming a team of experts, including a hydrologist, or updating projects like the Hydrologic Assessment prepared by Thomas Fargo, C.G. from January 2002, and hyper-focusing on land and legal issues, it appears the motive is rather simple - reduce regulations. Once reduced, they may never be regained, so why even risk such long-term impacts for the entire Town versus individuals that may need to seek a special exemption or variance?

COVID has taught us many lessons. For me, I have learned to make decisions to protect and support the majority of our community and to let those who disagree walk away. For example, early on in the pandemic, we had families that refused to wear a mask (not medically related just didn't believe they worked). Rather than focusing my time debating with these few, I have opted to focus on how to integrate mask-wearing and other COVID protocols into our new and improved school. This decision did cause two families to withdraw, however, I retained far more families who trust and believe in our high standard of care. Now, fast forward to December 17th, the State finally recommends masks for children. I share this example as we moved faster than the State in our use of masks. First for parents and teachers, but also for children. This is just like the changes the Planning Board is proposing. The State is slow, late to the game, and limited in its ability to make the change as they must consider all towns and resources. Back to the masks, even after the State said masks were required, they amended their recommendation on Dec. 21st to "should" versus a passive recommendation. So, I share this with you because we don't want to look back with regret. Adjusting the zoning ordinances as proposed is just like the dad in my parking lot yelling to our kind and loving staff, "Good - I hope you all get COVID cause masks don't work!" Why leave our future in the hands of the State? Please maintain high standards. Please continue to work, learn, and evolve. I care and I will continue to encourage change.

Here's to continued health, clean water, and perspective to protect what matters most. I look forward to working together..

Be well,
Sarah Greenshields
Little Tree Education, LLC

Additional considerations for you ambitious & excited to promote change Planning Board Members. If you want to learn more, please continue to read. I have spent countless hours digging into all these issues and know they are of value to our lovely community. Finding a balance is key & can be done with great care! I am confident that a positive path for our community could be found while preserving our water and properly disposing of our waste for years to come:

1. Contact the State and ask them about CHAPTER 485-A, WATER POLLUTION AND WASTE DISPOSAL, Sewage Disposal Systems Section 485-A:32.
 - a. Ask DES to add Madbury to the "COMMUNITIES THAT REQUIRE LOCAL APPROVAL PRIOR TO RSA 485-A:32, I & II"
 - b. Why? Madbury is one of only a handful of towns and cities not on this reference list. This is vital as someone may not even need to pull a building permit with Madbury because DES does not have Madbury listed as a town requiring a permit. This is of major importance. It's a simple added layer of protection, enlisting communication from the onset of a new project. All that has to be done is vote, as a Board, to be added to this list. Neighboring towns and cities include Dover, Durham, Exeter, and more. Madbury really needs to be on this list!
2. Acknowledge that the State standards are low. Town ordinances supersede the State's so reducing to State standards is equal to accepting the worst possible guidance. There are alternative solutions to the 400-ft radius, including a clear way to spell out the intent not to inhibit property owners, but by special exemption. This is a classic case of, "throwing the baby out with the bathwater" (another intended pun). To consider alternatives, please hire a water expert to review the Town attorney's proposed changes and creative alternatives. There is likely a beautiful, modern, and eloquent alternative that will allow property owners and public water suppliers to coexist in harmony. I worked with hydrologist Dana Truslow and she is bursting with ideas. From my vantage, not one Planning Board member is a water expert or has deep knowledge of DES. It appears that the Town has not worked with a water expert in years, perhaps since January 2002 when the Town commissioned the, "A Hydrologic Assessment Prepared For: Town of Madbury Water District Board of Commissioners By: Thomas Fargo, C.G."?

3. Please revisit the Master Plan, and specifically the role of the Water Board. It is my understanding that these zoning ordinance changes have not been discussed with the Board following the election last spring.
4. Review the State standards. Reflect deeply on their role - to protect the communities with the least amount of resources, unlike Madbury. Now, I am not saying State standards are bad, I am simply sharing that the State specifically allows for local ordinances to supersede as they, too, recognize the importance of each city or town wanting to bring their Master Plans to life. By diverting to these standards, the Town will instantly be in contradiction to our current Master Plan.
5. Please review the replacement of the septic system within our 400-ft. wellhead protection radii as a fine example of how two property owners may coexist. Our neighbors had a failing septic system. They did not create a new septic system but rather replaced the existing one that was meeting its useful life. Their residential system was replaced for the exact same use, creating a benefit to us as we know their disposal is through a modern, operational system. Now, I know they are within our 400-ft. radii, however, are outside of the State's radii, so our wellhead remains protected and their septic was in place prior to our conversion to a public water supply. I highlight this example because it was mutually beneficial for both property owners. However, if they wanted to have a commercial property with a hair salon, then there could be a special exemption process the Town could follow vs. blanketing that the State standards will do.... Depending on the commercial use, the Planning Board could reduce the wellhead radii (and hopefully in a collaborative fashion during site plan with abutters) to determine the long-term impact of such use. For example, a hair salon could have a disposal system or plan in place versus dumping into the septic and leach field or the Planning Board could not allow the use.

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Sarah J Greenshields



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"If the whole of humankind is to be united into one brotherhood, all obstacles must be removed so that humans, all over the surface of the globe, should be as children playing in a garden."

Dr. Maria Montessori