

October 21, 2015

Office of Planning and Zoning

OFFICIAL COPY OF PROPOSED ZONING AMENDMENT

After a duly noticed public hearing held in conformance with New Hampshire RSA 675:3, II, on October 20, 2015 the Planning Board of the Town of Newport, NH voted this final form of the proposed zoning amendment, entitled *Article V (Special Provisions), Section 506—Land Application of Septage* to be presented to the voters of this town:

ARTICLE V (Special Provisions)
SECTION 506 – LAND APPLICATION OF SEPTAGE

Section 506.1 – Purpose: The purpose of this Section is to protect public health and welfare by minimizing the potential for human contact with septage, treated or untreated, and to carefully regulate the introduction of septage into the natural environment.

The purpose is not to discourage agricultural operations or to diminish the conservation of prime agricultural soils. This provision prevents possible water pollution, promotes an appropriate balance among residential, agricultural and conservation land uses. Septage includes not just human waste, but also metals, pathogens, chemicals, & odors. It is impossible to entirely contain the septage materials and odors on the site where it is applied and/or stored. Domestic and wild animals as well as birds cannot be controlled, and therefore may spread the materials from one site to neighboring sites. It is therefore in the public interest to carefully regulate any land spreading of septage.

Section 506.2 – Regulation:

A. Any stockpiling, lagooning, treatment, land spreading or other processing of septage which in any manner involves any contact between septage, whether treated or untreated, and the ground is not permitted anywhere in the Town of Newport, except as provided in this section. This ordinance shall not prohibit or interfere with the pumping, maintenance or repair of septage systems.

B. Land application of septage is prohibited in the Town of Newport, except in accordance with all of the following:

1. No land application of septage shall be permitted without a conditional use permit from the Newport Planning Board.

2. The Board shall not approve any site for land application of septage unless such use is found to be accessory to a genuine economically-viable agricultural use, which means that such

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spreading must be subordinate, incidental, and comparatively minor in relation to, the primary agricultural use.

3. Such land application shall occur only in compliance with all applicable state and federal regulations, including but not limited to N.H. Code of Administrative Regulations Env-Wq Chapter 1600 and 40 Code of Federal Regulations 503 et seq., including such amendments as may be made hereafter. The applicant shall provide to the Planning Board copies of all of the information required to be submitted with a state septage site permit application, including but not limited to soils information and management plan. The Planning Board may require any or all such submissions to be reviewed, at the applicant's expense, by a qualified peer reviewer, for purposes of determining compliance with applicable regulations, and to identify any potential adverse impacts. The Board shall approve the application only if it finds, in light of all the circumstances of the case, and in light of any conditions the Board may attach to its approval, that applicable state and federal regulations will be complied with, and that the potential for adverse impacts on human health, water quality, and the character of the area will be negligible.

4. No facilities for holding, stabilization, or processing of any kind shall be permitted on the agricultural property.

5. Surface spreading and stockpiling of septage is prohibited. Any approved land application shall be in the form of subsurface incorporation (injection), in accord with all applicable regulations.

6. All areas where land application is occurring shall be effectively fenced to prevent access to the site.

7. No site for land application shall be permitted in the following areas:

- a) Within 500 feet of any off-site dwelling, off-site well or any surface drinking water supply.
- b) Within 300 feet of any on-site dwelling or on-site well;
- c) Within 100 feet of any public road or property boundary; or
- d) In areas where stockpiling of manure or keeping of farm animals is prohibited;
- e) Within 150 feet of streams, tributaries, ponds, lakes, seeps or wetland areas.

8. The Board shall, as a condition of approval, require regular soil/water testing. The Board may also require groundwater monitoring wells to be installed, with testing results submitted to the Town at such intervals at the Board may require. The parameters to be tested for shall include at least the testing parameters set forth in N.H. Code of Administrative Regulations Env-Wq Chapter 1600. The Board may require test results to be reviewed by a qualified peer reviewer, or may require that testing be performed by such a party unaffiliated with the owner or applicant.

Section 506.3 – Applicability:

A. Residential or commercial septic systems are exempt from the stockpiling provision noted above for septage generated on the same lot or development.



B. This section shall not be construed to excuse compliance with any other provision of this Ordinance or of State law, including but not limited to laws regulating Water Pollution and Waste Disposal. In all cases, the provision which imposes the greater restriction or higher standard shall be controlling.

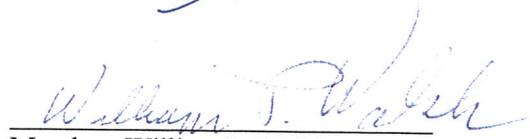
Section 506.4 – Definitions: Terms used in this section shall, to the greatest possible extent, be deemed to have the same meaning as similar terms in applicable state and federal regulations including but not limited to N.H. Code of Administrative Regulations Env-Wq Chapter 1600 and 40 Code of Federal Regulations 503 et seq.

Newport Planning Board:

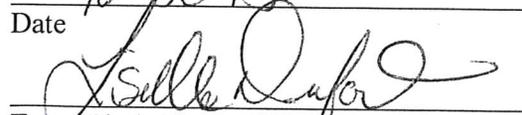

Acting Chairman, David Burnham


Ex Officio Member, Gary Nichols


Member, Kenneth Merrow


Member, William P. Walsh

In accordance with the provisions of State of New Hampshire RSA 675:3, V, this official copy was placed on file with the Town Clerk on the following date:

Date 10-30-15

Town Clerk, Town of Newport, NH