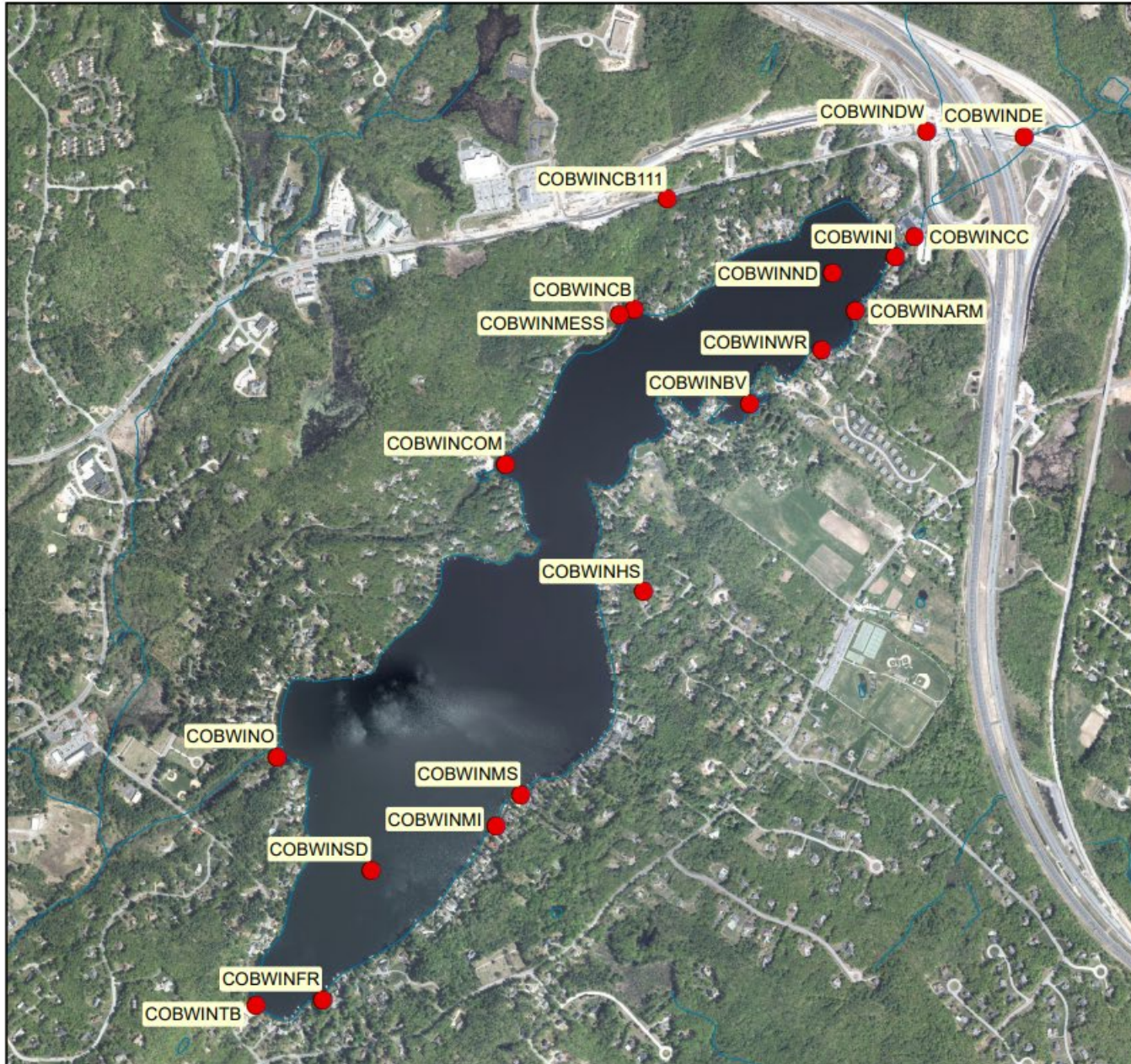


# Windham Water Protection Ordinances

Informational Briefing NH Lakes Congress.

June 6th, 2024

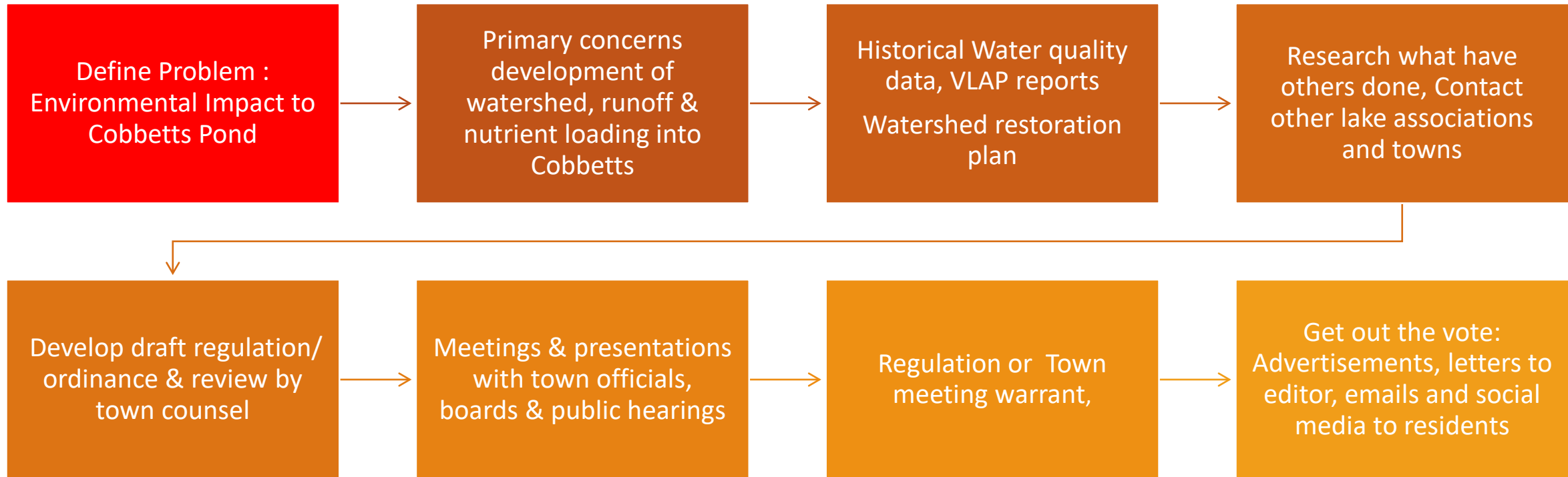


## COBBETTS POND WINDHAM

### VOLUNTEER LAKE ASSESSMENT PROGRAM

STATIONID	STATION NAME
COBWNCB	CONNIES BROOK
COBWINFR	FOSSA RD INLET
COBWINI	MAIN INLET CASTLETON BROOK
COBWINND	STATION 2
COBWINO	OUTLET
COBWINSD	STATION 1 DEEP SPOT
COBWINARM	ARMSTRONG
COBWINCOM	COMMUNITY BEACH
COBWNCB111	CONNIES BROOK AT 111
COBINBV	BELLA VISTA
COBWINMS	MUELLER STREAM
COBWINTB	TOWN BEACH
COBWIMI	MONSON INLET
COBWINMESS	MESS
COBWINCC	CASTLETON CULVERT
COBWINDW	DINSMORE WEST
COBWINWR	WALKEY RD
COBWINHS	HORSESHOE RD
COBWINDE	DINSMORE EAST

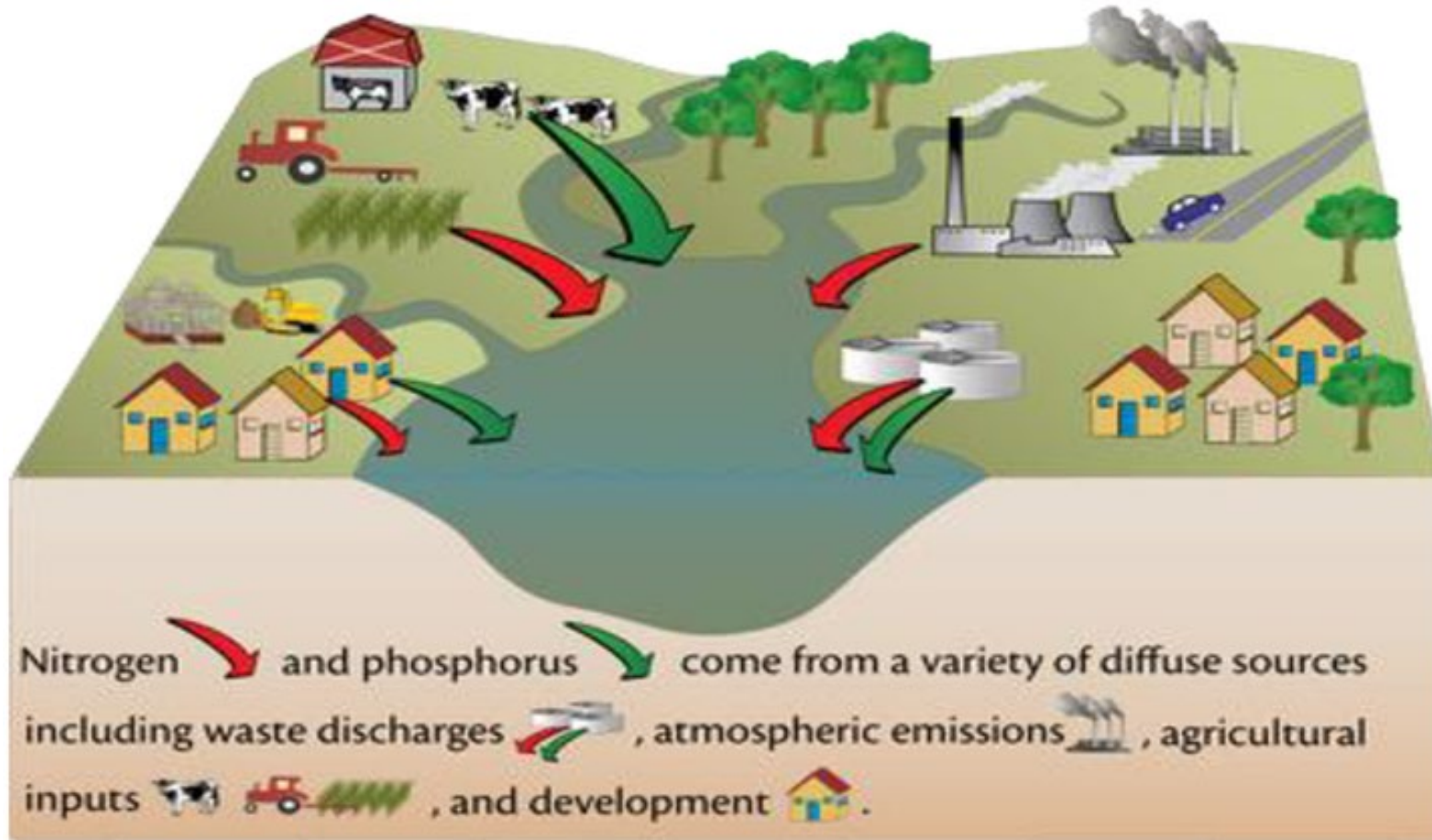
# Process Steps For Water Protection Regulation/Ordinance





# What goes on the ground ends up in Cobbetts pond!

Fertilizer, Wastewater System Runoff, Road Runoff, Pesticides, Herbicides



# Keeping Cobbetts Pond Healthy for Future Generations

- Cobbetts Pond is currently designated as impaired with Eutrophic state by the NH Department of Environmental Services.



## Eutrophic (old-aged)

- High nutrient enrichment and much plant and algae growth
- Much sediment on lake bottom
- Low dissolved oxygen near lake bottom
- Only supports a warm water fishery

- VLAP water quality sampling indicates that increasing concentrations of nutrients exist at multiple locations within Cobbetts Pond.

Parameter	Trend	Parameter	Trend
Conductivity	Worsening	Chlorophyll-a	Worsening
pH (epilimnion)	Stable	Transparency	Worsening
		Phosphorus (epilimnion)	Worsening



- Nutrients contribute to reduced water quality and increased growth of aquatic weeds and algae in Cobbetts Pond restricting the recreational uses of the pond by town residents.

# NH Shoreland Septic System Study Commission – 2020 Highlights Relevant to Cobbetts Pond

- Many water bodies experiencing water quality problems due to high levels of phosphorus.
- Septic systems – both failing ones and those that are not properly sited and maintained contribute a substantial portion of the nutrient load.
- Widespread lack of awareness by homeowners about the location, condition, and maintenance needs of onsite wastewater systems.
- Surveys of NH lakes find that a substantial number of private systems predate the 1967 State permitting.
- Systems that are in outright failure – that don't "contain or treat sewage" are fairly obvious
  - However, many septic systems problems without any visible sign of failure
- Improvement in overall water quality in several NH lakes where there have been systematic efforts to identify and upgrade problematic septic systems.



# Windham Water Protection Ordinances

- **Septic Maintenance Ordinance Went into Effect June 2023**
  - June 2023, Letters mailed notifying effected property owners
  - Form developed with input from several local septic pumpers
  - Warning letter with urgency distributed June 2024
  - As of 6/5/2024: 382/636 responded resulting in several repairs and five failed systems
  - Tracking done with MS Excel = 10% of Environment Planner's time
  - **Windhan Septic Ordinance** : [Governing-Onsite-Wastewater-Treatment-System-Pump-Out-and-Inspection-Within-Cobbetts-Pond-Village-District-PDF \(windhamnh.gov\)](#)
  - **Pump out evaluation form:** <https://windhamnh.gov/DocumentCenter/View/14995>
- **Windham Voters Pass Ordinance to Prohibit Use of Fertilizer and Pesticides**
  - Zoning Ordinance Section 616.5.2.8
  - Sponsored by Windham Planning Board - Effective June 2024
  - Within 200 feet shoreline of any waterbody, tributaries or wetlands within Windham
  - Intended to reduce the impact of stormwater runoff into Windham Surface Waters (Lake, Ponds, Tributaries)
  - **Fertilizer Amendment:** [https://windhamnh.gov/DocumentCenter/View/14860/2024-Zoning-Ordinance-?bidId=2024-Zoning-Ordinance- \(windhamnh.gov\)](https://windhamnh.gov/DocumentCenter/View/14860/2024-Zoning-Ordinance-?bidId=2024-Zoning-Ordinance- (windhamnh.gov))

# Intent/Purpose of the Septic Systems Maintenance Ordinance

- CPIA sponsored Citizens Petition (Article 21) for March 2023 Town Meeting
  - Modelled after Rye and Chesterfield NH Board of Health regulations
  - Discussed implementation with Windham Planning Board and Windham BoS/BoH
  - Strong support in crafting ordinance from Town officials and Town Counsel
  - Supported by over 80% of the Town voters
- This ordinance requires Onsite Wastewater Treatment Systems (septic tanks & leach fields) to be pumped out and inspected at least once every three years.
  - To ensure septic systems properly functioning and maintained.
  - NHDES-licensed septage hauler
  - \$ penalties for non-compliance
- Septic Ordinance encompasses the Cobbetts Pond Village District Watershed
- Administered by the Windham Community Development – Environmental Planner & Board of Health



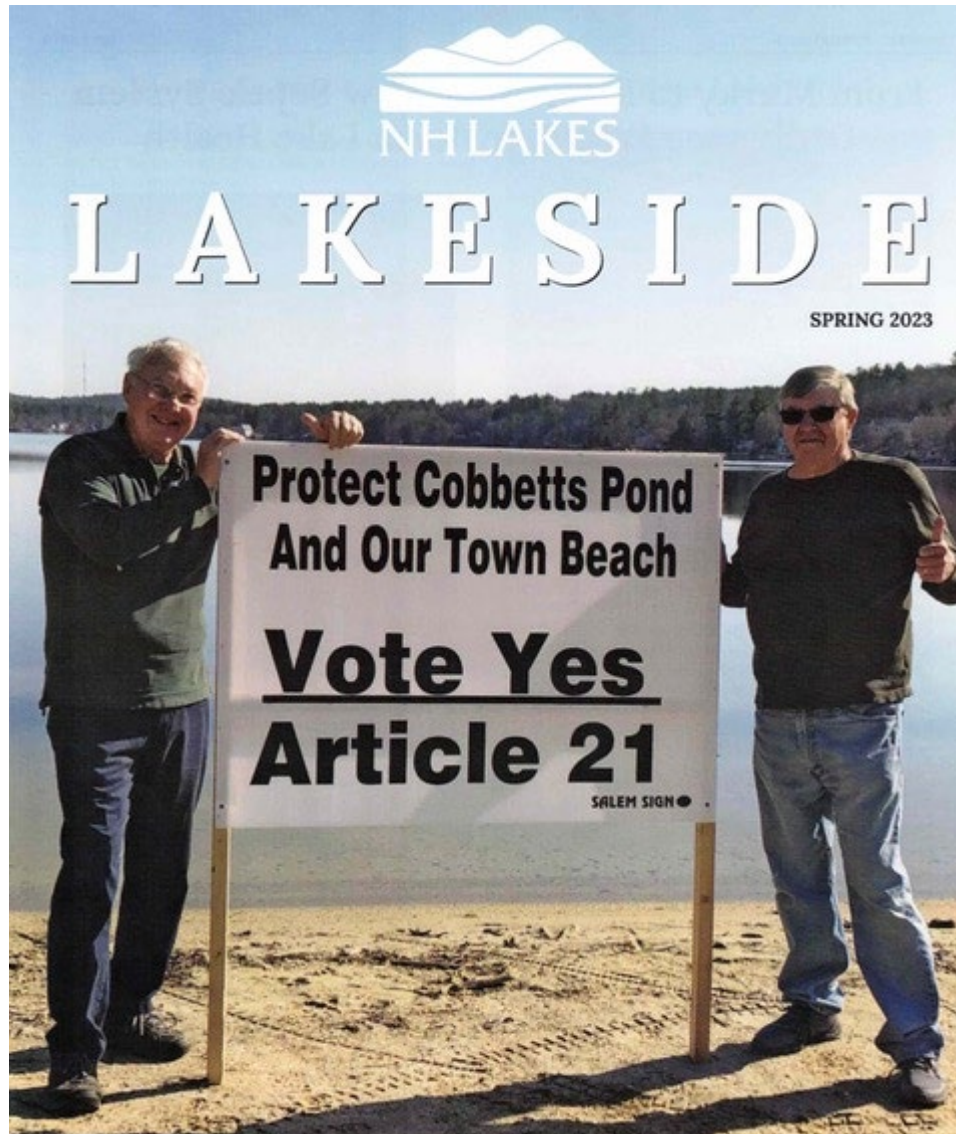
### **Zoning section: 616.5.2.8 Windham Watershed Protection Overlay District Fertilizer ordinance**

Application of fertilizers or pesticides is not allowed within 200 feet of the prevailing highwater mark of any public water body or their tributaries or wetlands. In all other areas within the District, only low phosphate, slow-release nitrogen fertilizers are permissible for application

### **Definitions: Ordinance versus Regulation**

**Ordinance.** An ordinance is a local law or decree adopted by a municipality, or a city/town government by town meeting vote. When a piece of legislation is enacted by a municipal authority, it becomes an ordinance. Typically dealing with public safety, health, and general welfare, ordinances often address fire and safety regulations, housing standards, parking regulations, snow removal, littering, public streets and sidewalks, and zoning (land use).

**Regulation.** Think of a regulation as an official rule with the full weight of law. Regulations are issued by administrative agencies that have legislative authority over a specific area and can create and enforce rules over that area. For example, Health Department, Police Department, Fire Department



## The Right Team Skill Mix was Necessary for Success

- Someone well versed in the health and water quality aspects of the pond
- Someone respected by town officials to navigate the politics
- Someone with a technical expertise to explain the aspects of septic design

### CPIA Water Quality Team Fighting to Save the Health of our Pond

- Charlie Marsden - VP of Water Quality
- Derek Monson – Chairman of Windham Planning Board
- Dave Blundell - Engineer