

TOWN OF NEWPORT
Minutes of the Newport Planning Board
Sugar River Valley Regional Technical Center
243 North Main Street Newport, NH 03773
June 23, 2015 - 6:00 P.M.
Public Hearing

MEMBERS PRESENT: David Burnham, Vice Chairman; Ken Merrow, Christina O'Brien, William Walsh, Erna McCormick, alternate; Gary Nichols, BOS Representative

MEMBERS ABSENT: Jeff North, Howard Dunn

INDIVIDUALS PRESENT: Ms. Caroline Snyder, PhD; Stuart Clifford Stone, Joanne Stone, Ronald R. Stone, Kyle Stone, Richard Kay, Tom Hubert, Warren Sherburne, Matthew Pitkin, Michael Pitkin, Frank Pitkin, Beth Pitkin, Peter Franklin, Sherri Cummings, Thomas Cummings, Tom Callum, Floyd Cornish, Sandra Cornish, Michael Saindon, Jean White, Josh Archibald, Norman Dion, Jackie Cote, Cathryn Baird, Paul Baird, Scott McCoy, David Hoyt, Bert Spaulding, Sr.; David Kibbey, Gloria Kibbey

VIDEOGRAPHER: NCTV; Louis Cassorla

STAFF PRESENT: Julie M. Magnuson, Planning and Zoning Administrator; Shawn M. Tanguay, Esq. (Town legal counsel); Arnold Greenleaf, Newport WWTP Plant Superintendent;

CALL TO ORDER: Acting Chairman Burnham called the meeting to order at 6:07 p.m. This was followed by a roll call.

MINUTES: None

ADMINISTRATION:

CONTINUED BUSINESS: Public Hearing regarding a proposed amendment to the Town of Newport Zoning Ordinance Article V (Special Provisions) Section 506-Land Application of Septage. To regulate the land application of septage in all zoning districts.

Ms. Magnuson introduced Mr. Arnold Greenleaf, WWTP Plant Supervisor and Mr. Shawn Tanguay, Esq of the firm Gardner, Fulton and Waugh, PLLC (Town legal counsel). Ms. Magnuson then introduced Caroline Snyder, PhD from Sandwich, NH. Ms. Magnuson requested that due to distance and travel time that Dr. Snyder be allowed to speak first. Ms. Magnuson stated that she had contacted the NHDES and asked if a representative could attend the hearing to answer any potential questions. A representative was unable to attend the 06.23.15 hearing (Ms. Magnuson read a letter from NHDES which stated that fact). Ms. Magnuson requested that the 06.23.15 meeting continue as scheduled and that the Planning Board also have a continuance of the public hearing to a later date to allow a NHDES representative attend and answer any questions that might arise. Ms. Magnuson began to pass out handouts she had for the Board.

Mr. Bert Spaulding interrupted Ms. Magnuson and addressed the Chair with a point of order. He heatedly made remarks on the Public Hearing's notice. Chairman Burnham addressed Mr. Spaulding and stated that everything had been done legally (wording, time). Chairman Burnham continued, stating legal counsel had been consulted and everything was legal. He read the wording of the notice and restated that the posting was legal.

Mr. Spaulding continued with his dispute referring to the first hearing and the legality of the first notice. Chairman Burnham asked Mr. Spaulding to take a seat. Mr. Spaulding refused and continued his verbal assault. Attorney Tanguay addressed the Chair and stated that he (Chairman Burnham) was running the hearing, Mr. Spaulding was trying to, but was not running the hearing. Mr. Spaulding continued his discourse and then asked what kind of hearing was being held (he explained). Chairman Burnham stated it was an administrative hearing. Mr. Spaulding thanked the Chair for the clarification, and questioned who the attorney's employer was; the Town or the Board. Mr. David Kibbey addressed the Chair and also requested the same information. Mr. Shawn Tanguay, Esq. addressed the Chair and stated he (Chairman Burnham) was not required to answer any questions.

Mr. Spaulding continued to argue. Chairman Burnham stated he would not answer any questions and asked Mr. Spaulding to sit down. Mr. Kibbey spoke to Mr. Spaulding and Mr. Spaulding sat down. Mr. David Kibbey addressed the Chair and asked for a point of order. He stated that Chairman Burnham had told him (Kibbey) that the hearing had already been decided. He stated that Chairman Burnham therefore had to recuse himself. Mr. Kibbey and Mr. Spaulding addressed the Board and asked Planning Board members with an opinion to recuse themselves.

Chairman Burnham addressed the public in attendance and stated the Planning Board would return to the subject of the Public Hearing. He explained, stating that it was a zoning amendment hearing to see if a zoning amendment proposal would be put before the voters of the Town (the voters would decide to have the amendment or not). It was not about any specific spot, rather, it was to create a zoning ordinance to prohibit land application of septage throughout all (pertinent) zoning districts in Newport, NH.

Chairman Burnham acknowledged Dr. Caroline Snyder and asked her to speak. Dr. Snyder addressed the Planning Board and stated she was not at the public hearing to get into any politics of the Town. She was at the meeting to share information concerning the proposal to spread of sludge and septage in Newport, NH. She stated it was most likely not safe because of the inadequacy of the federal and state regulations (the Board had been given a copy of the state regulations). She stated the inadequacies were not (only) her opinion, but those of many scientists with documentation to support her statements. Dr. Snyder stated that her expertise was on the spreading of municipal sewage sludge. She continued with the definitions and dangers within septage and sewage sludge.

Mr. Bert Spaulding interrupted and asked the Chair if Dr. Snyder had been paid by the Town to attend the Public Hearing.

Dr. Snyder addressed Mr. Spaulding and stated that she had not been paid by the Town or anyone else (to attend the hearing).

Mr. Spaulding asked if she had been transported by the Town. Chairman Burnham addressed Dr. Snyder and asked her to continue. Dr. Snyder began to explain; Chairman Burnham addressed Mr. Spaulding and asked that he not interrupt people who had the floor.

Dr. Snyder explained to the Planning Board members the high levels of nitrogen and pathogens in septage. She said that she believed the Town had a WWTP and that they accepted septage from haulers. She stated that was the proper way to dispose of septage (not to spread it on the land). Dr. Snyder stated

that the WWTP could not accept large quantities of septage because it (septage) had high quantities of nitrogen. Therefore many times septage was put elsewhere.

Dr. Snyder stated she did not want to read everything that Ms. Magnuson read into the record at the 05.26.15 hearing. She did want to emphasize a few things that were said at that hearing. Dr. Snyder explained types of public health issues that occur from septage. Danger from high levels of arsenic, copper, manganese, iron, and corrosive material occur. Due to the fact that there are not enough places to safely dispose of septage, oversaturation of septage in the soil was happening.

Continuing, Dr. Snyder told the Planning Board of a new pathogen that had been identified in septage and sludge, called prion. Prions were responsible for neuro-degenerative diseases such as Alzheimer's. She explained that the danger of prions (from bodily fluids) was that nothing could kill them (prions). Treatment at WWTP could not kill prions nor could lime (which was the treatment for septage). She explained the spread of the prions through sludge and septage into the soil and into plants. She stated that the existence of prions had not been addressed by federal or state laws yet.

Dr. Snyder referred to a handout concerning testing of septage and sludge by the state. She explained that information as well as the scientific studies on the subject to the Planning Board. Dr. Snyder asked the Board members to stop her if they had questions.

Dr. Snyder then read portions of testimony from three (court) cases. Two were from individuals who had been exposed to sludge; the other was expert testimony in a septage case. She explained them all and emphasized that one case was from Greenland, NH which involved a death due to exposure with septage that had been spread on the land.

Chairman Burnham thanked Dr. Snyder. He asked the Board members if they had any questions. Chairman Burnham acknowledged Mr. David Kibbey.

Mr. Kibbey stated that the Greenland, NH case went all the way through the court system and was never proven. Mr. Kibbey stated that Dr. Snyder did not mislead the Planning Board, but the additional information that it was never proven was not stated. Dr. Snyder stated that in the Greenland case there was a settlement and both she and Mr. Kibbey agreed that one never knew (if it was proven or not).

Ms. Magnuson addressed the Chair and stated that Dr. Snyder was in attendance for the Planning Board if they had questions. She encouraged them to ask any questions they had.

Dr. Snyder addressed the Chair and stated that she wanted to compliment all the speakers at the hearing, but she especially wanted to compliment Mr. Kim White who spoke at the 05.26.15 public hearing.

Taken from the minutes of the 05.26.15 Public Hearing:

Mr. Kim White, Unity, addressed the Planning Board. Mr. White gave historical accounts of the disposal of human waste from medieval times to the present. He stated the public health and safety factors that had changed man's way of disposing waste from open gutters which caused rampant illness (including the plague) to pipelines and sewage treatment systems (which then disposed of the waste in lakes, streams, rivers and the ocean which created health problem for both humans and animals) to improvements of sewage treatment plants such as the WWTP in Newport. Urban areas had WWTP. Other areas did not. Mr. White explained the workings and process of a septic system. After he explained the potential contents pumped out of a septic tank, he explained that Environmental regulations state that all septage haulers had to treat the septage they collect. Mr. White explained. He then explained the reasons why these potentially 'treated' contents should not be spread openly on the ground. Referring to NH state regulations on the spreading of septage he told the Planning Board that the allowable amount was one acre/20,000 gallons of septage. Continuing, Mr. White addressed the Planning Board and asked the question of what was in septage that we should be worried about. He gave a litany of items from human excrement to paint to

pharmaceuticals; all which produce a terrible smell and health hazards. Concluding, he told the Planning Board that by allowing this (application of septage) we were digressing back to the times of an open gutter. He wanted the Board to remember that what went into us (humans) and out of us could hurt us. He thanked the Chair and Board.

Dr. Snyder asked the question of what Newport, NH should do; what had other towns (in NH) done? Addressing the Planning Board she stated that individuals are legally permitted to do it (spread septage), it was stated in the NHDES regulations. Continuing, Dr. Snyder told the Planning Board that NH law CFR 40, Part 503 states that counties and towns had the right to put in place stricter and more protective ordinances than the federal and state standards (in place). She affirmed that the NH Septage rules confirm that towns have this right.

Mr. Kibbey addressed the Chair and stated he wanted to object to Dr. Snyder's statement. Chairman Burnham addressed Mr. Kibbey and stated he would have time (to speak). Dr. Snyder addressed Mr. Kibbey and stated that she was only stating facts, not opinions. Returning to the Board members, she explained various ways that other towns were regulating septage and sludge. She emphasized that each way was scientifically based, with facts to back up their reasons.

Reiterating her initial statements, Dr. Snyder stated that she was not stating that Newport, NH had to adopt a zoning ordinance. She was providing information in order for them to make the decision.

Mr. Merrow addressed Dr. Snyder and asked her if she knew which towns did testing (as she had explained earlier) in advance of a ruling. For clarification, Dr. Snyder asked if Mr. Merrow meant additional testing from what was required by NHDES. Mr. Merrow stated yes, in order to put their ordinance into law. Dr. Snyder stated she thought Newbury might be one; but she did not think that (testing) was the correct way to adopt an ordinance. She explained it was expensive, individuals that spread were often in charge of testing, testing results fluctuated and the combination differentials of chemicals and pathogens could not be tested (for comparison).

Continuing, Dr. Snyder told Mr. Merrow that her personal opinion was not to go the testing route, but to go the management route. She explained.

Chairman Burnham addressed the Planning Board and asked if there were further questions. There being none, he thanked Dr. Caroline Snyder for attending the Public Hearing.

There was a short discussion between Mr. Kibbey and Dr. Snyder.

Mr. Merrow addressed the Chair and asked if he could ask Mr. Greenleaf a question. Chairman Burnham asked Mr. Merrow to proceed. Mr. Merrow asked Mr. Greenleaf when he received septage at the WWTP what protocols were used by the WWTP employees and the haulers. Mr. Greenleaf stated that the haulers were registered by the Town WWTP. The operator would come and sign in. Mr. Greenleaf stated that it was policy that the plant only accepted septage from residents in Newport (from 1988 see Town website). He then went through the process for every hauler. He explained the circumstances in which the plant would not accept septage from a hauler, and continued to explain the rest of the treatment process.

Mr. Merrow asked about odor. Mr. Greenleaf stated there wasn't an odor; he did not have neighbors complaining.

Mr. Walsh asked if Mr. Greenleaf had to limit the quantity of septage he accepted in a time interval. Mr. Greenleaf explained that it was 50/50. The WWTP accepted a lot of water (from two specific car washes). He explained. He stated that the plant had never had an issue of accepting too much (septage). He explained; and explained his rapport with the haulers.

Mr. Merrow asked Mr. Greenleaf about spills from the trucks. Mr. Greenleaf explained situations that had arisen. Mr. Greenleaf addressed the concern of odor and stated that he had found that the lagoons at the treatment plant created odor. He explained the process used in the lagoons.

Dr. Snyder addressed the Chair and asked to speak. She compared the potential problems with a residential septic system in conjunction with a contaminated home well (for water) to a residential well contaminated by septage from abutting land.

Mr. Nichols asked about pharmaceutical discharges. Dr. Snyder stated it was becoming worse, stating everyone was taking medicines and pharmaceuticals. She explained the dangers from drugs and from detergents.

Chairman Burnham opened the Public Hearing to the public. He acknowledged Mr. Spaulding.

Mr. Spaulding addressed the Chair and Board and gave his response to what had been said by Dr. Snyder. He stated that there had been an extensive effort by DEA, DES, and EPA to set up and continually improve the systems that were in place. He was not convinced with Dr. Snyder's comments on health complications. Mr. Spaulding stated that Mr. Greenleaf had not stated, when asked for WWTP protocol, that he donned a hazmat suit. He stated that Mr. Greenleaf worked forty (40) hours a week (in that environment).

He negated Dr. Snyder's opinion and statements concerning septage and sludge. There was a short altercation between Mr. Spaulding and Dr. Snyder. Mr. Spaulding addressed the Planning Board and stated that an expert witness should bring precise information to the hearing. Her (Dr. Snyder's) statements of high nitrogen readings and pathogens did not state how high or what pathogens. Mr. Spaulding wanted details. He disputed her credibility and stated Dr. Snyder was at the Public Hearing to sway the Planning Board's opinion.

Mr. Spaulding continued disputing Dr. Snyder's credibility and her testimony. A Board member expressed that Dr. Snyder had listed and referenced everything she had talked about. The Planning Board members had received copies of all the papers and references.

Mr. Spaulding began again, arguing with Dr. Snyder. The Chair and BOS representative addressed him and asked him to stop and to be polite. Chairman Burnham asked that Mr. Spaulding go back on topic. Mr. Spaulding argued with the Chairman, and directed comments to Dr. Snyder.

Mr. Spaulding read aloud the proposed zoning amendment to the Board and public. He then read the comparable zoning ordinance from the state under "farm". He argued the legality of enforcing stricter zoning ordinances.

Mr. Spaulding then disputed the credibility of Town counsel, the efforts of Ms. Magnuson and the purview of the Planning Board members. He negated information given to the Board members.

Mr. Spaulding stated that NHDES needed to create and enforce the regulations. He then stated that Newport could go further (stricter) than what NHDES stated individual towns/cities needed to comply with. He stated that Newport needed to create and enforce stricter regulations, and make sure it was done correctly. He explained.

Addressing the Planning Board he agreed with the concept of restriction. He asked that they read the proposed ordinance. He explained.

He asked for a continuance of the meeting to a date in the future, and stated it was necessary.

Chairman Burnham thanked Mr. Spaulding.

Chairman Burnham then acknowledged Mr. David Kibbey.

Mr. Kibbey stated that the Public Hearing was about septage (Mr. Walsh asked Mr. Kibbey to repeat himself). Mr. Kibbey did, and explained the terms and technicalities of septage, as well as the legally approved use of it as the law was written. Addressing the Board, Mr. Kibbey stated it didn't occur (in Newport), but that it could (legally) take place. He explained.

Mr. Kibbey addressed the attorney and stated that he had never gone to a hearing where the attorney (under professional rules of conduct) had never stated who their client was. He explained.

Mr. Kibbey addressed the Planning Board and stated (acknowledging Dr. Snyder) that she knew the way to legally ban the spreading of septage in Newport. Would the Planning Board ask Dr. Snyder for it in writing? Mr. Kibbey stated that he was going to give the Planning Board a road map history. He explained his years of involvement with state and federal regulations. He listed his credentials for the Planning Board as well as exposure to the regulations. Mr. Kibbey addressed the Planning Board and stated for the record that his name was David Kibbey and that he was a landowner and taxpayer in the town of Newport, NH. He passed out a packet of his own to the Planning Board members and briefly went through it (see packet in full on file in the TOPAZ office). Mr. Kibbey told the Board members there were three critical items for discussion; in agriculture if something was not stated an individual could do it, the home rule statute and the lack of a DES representative at the public hearing to explain their (NHDES) law. He again told the Board of Ms. Magnuson's lack of timely notification and request to the NHDES.

Mr. Kibbey asked that when NHDES came (to Newport) they would explain the statute (he listed them). He gave a lengthy discourse. Mr. Kibbey addressed the Planning Board and directed them to additional information (Fact Sheet) in the packet he had passed out. Chairman Burnham addressed Mr. Kibbey and indicated he would read the indicated paragraph aloud for those in attendance and the viewing public. Mr. Kibbey concurred. Mr. Kibbey explained. There was a short altercation between Mr. Kibbey and Dr. Snyder.

Chairman Burnham addressed both parties and asked that comments be made through the Chair and that there be no banter.

Mr. Kibbey requested Chairman Burnham to read aloud the Newport, NH Agricultural Uses of Land Section 674:32-c. Chairman Burnham complied. Mr. Kibbey had a lengthy dialogue on the Newport Zoning Ordinance which was adopted on July 1, 2001.

Addressing the Planning Board he also stated that the (first) Public Notice angered (and threatened) him. He asked for the name of the author who wrote (he held up a paper to the Board). He explained.

Mr. Kibbey continued with a lengthy discourse to the Planning Board. He asked for a solution and stated he would be happy to work with them (to craft a solution).

Mr. Kibbey also requested that NHDES come to a Newport Planning Board public hearing and explain their (NHDES) rules.

Mr. Kibbey addressed the Planning Board and stated he would (try to) answer any questions they had which dealt with the law.

Dr. Snyder addressed Mr. Kibbey and stated she too was dealing with the federal and state laws (for the last twenty years). Nothing had changed. She emphasized that she never promoted a ban (for Newport to adopt). She talked about stricter regulations. There was a short altercation, Dr. Snyder asked Mr. Kibbey to not interrupt her (he quieted to applause from the Planning Board and public in attendance). She addressed the NH laws 503 and the preamble (Mr. Kibbey stated he wrote some of them). Dr. Snyder quoted from the NH law, “sludge had to be incorporated into the soil except when you use it to make hay”. Continuing, she stated that 60% of the sludge was...the laws had many loopholes and were very old.

Dr. Snyder stated for the Planning Board that in the EPA 503s it specifically stated several times that subdivisions of the state (i.e. Towns and communities) can put in place stricter (and more protective) ordinances (than the federal and state standards in place). She emphasized that the regulations stated it twice. Dr. Snyder also said it was stated in the septage and sludge rules of the DES. She explained, stating that NH DES and EPA stated it in their rules. She further explained the practice in NH of creating stricter ordinances (to the Planning Board). Addressing Mr. Kibbey and Mr. Spaulding, she stated they had accused her of not bringing specific papers and references. Her rebuttal to them was that she had so much pertinent information that she only brought some of it (to the public hearing). For their benefit she read a quote from the National Academy of Sciences. “Sludge/septage is so complex and there are so many different biological and chemical ...you cannot do a risk assessment to protect human health.” Dr. Snyder stated that the NHDES regulations were outdated (adopted 2001). She stated new facts and figures had been published in scientific journals and gave an opinion as to why they had not been changed in fourteen years. Dr. Snyder continued on related topics.

Chairman Burnham thanked Dr. Snyder. He then acknowledged Mr. Kibbey.

Mr. Kibbey again stated that Dr. Snyder had been correct with some information. Addressing the Planning Board he stated they (the Planning Board) had to follow NH law. He stated that he frequently worked with Ms. Magnuson. He wanted to congratulate her on her efforts. She had been very cooperative (with him). Mr. Kibbey stated he put some blame (for the confrontations at the public hearing) on the BOS and Town Manager for ordering Ms. Magnuson to do something legislative when she was an expert in zoning. The task at hand was a bit out of her league. Addressing Ms. Magnuson, Mr. Kibbey apologized (for his comment). He stated he had to take a stand on the subject (of septage). Addressing the Planning Board, Mr. Kibbey apologized to them as well. He asked for legal opinions, further analysis. He stated if he was wrong he would admit it. But he wanted to see a plan on the Town’s side. He thanked the Board.

Chairman Burnham thanked Mr. Kibbey. He told Mr. Kibbey and the public in attendance and viewing at home that such comments were what the public hearing was for. The Planning Board needed (and had) a rough draft. Now it was time to add or delete information from it (the draft) through public comment. Chairman Burnham stated that the more input the Planning Board had the more beneficial a zoning ordinance they could propose to the Town and everyone in it.

Chairman Burnham acknowledged Mrs. Sherri Cummings. She asked Dr. Snyder why we no longer dumped (sewage) into the ocean. Dr. Snyder gave a history of the practice, explaining that groups changed the practice from dumping at sea to dumping on the land.

Mr. Spaulding gave a lengthy discourse to the Planning Board. He then stated that he had been in contact with Mr. Kibbey concerning having a NHDES rep at the meeting. Mr. Spaulding continued. He accused

Ms. Magnuson of neglecting her duties (he had a sidebar). Chairman Burnham instructed Mr. Spaulding to stay on topic. Mr. Spaulding continued with a sharp lengthy discourse on the proposed zoning ordinance amendment.

Mr. Spaulding asked the Planning Board to move the public hearing to another date in which a NHDES representative could attend and start the process all over again. He told the Planning Board what information they could get from NHDES and the process of public hearings for a proposed zoning ordinance amendment.

Mr. Spaulding aggressively continued his dissertation. He asked for the author of a draft paper. There was no answer.

Chairman Burnham addressed the public in attendance and stated that there would be one or two additional hearings concerning the proposed zoning ordinance amendment before a final draft was completed. He went over the process and the two possibilities: one that it would not go through (to Town Meeting), the second that it would go to a Town Meeting vote. Continuing, Chairman Burnham stated that NHDES had stated that a representative could attend a meeting on 06.30.15. The 06.23.15 meeting had already been scheduled. Barring something unforeseen, NHDES rep would be at the next meeting.

Mr. Spaulding addressed the Chairman and clarified for the public the requests that had been made to Ms. Magnuson. He complained. Chairman Burnham acknowledged Mr. Nichols (BOS representative). Mr. Nichols addressed Mr. Spaulding and stated that it had been made very clear that no one from NHDES would have been able to attend the 06.23.15 meeting (no matter when the Town had called and requested). He explained that the person who would have attended had a conflict with attending the 06.23.15 meeting. He would be at the next. Mr. Nichols emphasized and restated the fact of not having a NHDES representative at the 06.23.15 meeting. The Town realizes the importance of having NHDES attend the meeting and they would. The public hearing would be continued (to a later date) and the Town would ask Mr. Michael Rainey from NHDES attend. Concluding, Mr. Nichols went over procedures that the Planning Board was correcting. The proposed article before the public at this time would be changed. Mr. Spaulding thanked Mr. Nichols.

Mr. Spaulding again disputed the claim of a NHDES representative and procedures to have one in attendance. Mr. Tanguay, Esq addressed Chairman Burnham and stated there was arguing between a Planning Board member and a member of the public. He was interrupted by Mr. Spaulding who again asked who he (Mr. Tanguay) worked for. A Board member stated he worked for the Town. There was an altercation between Mr. Spaulding and members of the Planning Board. Chairman Burnham stated that the public hearing was still open to the public. Mr. Spaulding gave a very lengthy discourse.

Mr. Spaulding addressed Mr. Nichols (BOS representative) and asked why Ms. Magnuson did not follow his request. Mr. Nichols explained that an employee, Ms. Magnuson was managed by the Town Manager. She did not take orders from individual citizens in Town; she followed directives from the Town Manager. He explained. He then stated that if there had been an error, then it was that the request should have been made directly to the Town Manager. He further explained the authority of the BOS. Chairman Burnham stated that there was a question from a lady in the audience. Mr. Spaulding argued loudly. Chairman Burnham told Mr. Spaulding he gave up the floor when he let Mr. Nichols speak.

Mr. Walsh addressed the Chairman and asked for his acknowledgement. Mr. Walsh stated that the conversation that was supposed to be a fact finding public hearing had changed to a criticism of Town employees in a public forum which wasn't appropriate. It was inadvertently turning into a detraction of reputation which he thought was harmful and dangerous for the Town to do. If there was criticism of an employee it should be done in another venue. Chairman Burnham thanked Mr. Walsh (to public applause).

Chairman Burnham addressed the public in attendance and asked if there were further questions on the proposed amendment. He acknowledged Mr. Kibbey.

Mr. Kibbey stated that smell (of septage) was germane. He addressed the processing of septage to make it suitable for spreading on a field. The other item germane to the discussion were two Supreme Court decisions that he read (he referenced them for the Planning Board).

Mr. Walsh addressed the Chairman and requested that the case decisions be read aloud for the public in attendance and at home. Mr. Kibbey stated there were twelve pages. Mr. Walsh retracted his request.

Mrs. Cummings addressed Mr. Kibbey and asked how he was an expert concerning the absence of smell (from septage). Mr. Kibbey requested permission to answer. The Chair agreed. Mr. Kibbey stated there was a smell from the lime (which raised the pH to 12). He explained further. Mrs. Cummings repeated her question, emphasizing agricultural smell. Mr. Kibbey questioned Mrs. Cummings for clarification. They discussed the topic. Mrs. Cummings repeated her question.

Chairman Burnham asked Mrs. Cummings to stand when speaking. There was a discussion between the processing of septage through the WWTP vs through an agricultural process. Mrs. Cummings asked about the industrial septage vs the residential septage and its smell. Mr. Kibbey addressed Mrs. Cummings and stated that he did not have knowledge of industrial septage. It was not allowed to be sprayed on farmland. There was discussion by Mrs. Cummings and Mr. Kibbey.

Dr. Snyder addressed the Chair. She stated she had scientific facts on sludge. She stated that hundreds of cases (with scientific papers to back them up) from of Class B sludge have revealed individuals becoming sick. She stated there were other ways to stabilize sludge that did not use lime.

Chairman Burnham acknowledged Mrs. Jean White. Mrs. White stated she knew what it was like to live beside a WWTP. She complained of the smell from the lagoons even when the septage was treated. She told of growing up near a treatment plant and of the illnesses that children and adults developed; she still had asthma. She thanked the Chairman.

Mr. Kibbey stated that everyone at the meeting was correct. There was a problem. He had attended the public hearing because he didn't know of anyone that was speaking against the proposed zoning ordinance amendment. He stated that (a one sided debate) was not the way to create legislation. He repeated there was a problem but people needed to stop fighting about it. He continued to explain.

Chairman Burnham acknowledged Mr. Walsh. Mr. Walsh had a question. He had come (as a Planning Board member) to listen and think. He explained. He asked if anyone could tell him one positive advantage of depositing septage (or sludge) on the land.

Mr. Kibbey addressed the Chair and asked if he could respond. The Chair gave him the floor.

Mr. Kibbey addressed Mr. Walsh and stated that (in plain language) there was nitrogen for fertilizer and water for the soil. Septage built up the soil so it would increase the water holding capacity. Mr. Kibbey stated that the problems he had seen with septage were with management. Mr. Walsh restated his question: what were the benefits of land application of septage. Mr. Kibbey stated grass would grow prolifically.

Mr. Walsh asked if it was a good substitute for dry cow manure. Mr. Kibbey questioned him. Mr. Walsh repeated: any cow manure. Mr. Kibbey stated they would be about the same. There was a discussion. Mr. Walsh repeated his question. Mr. Kibbey repeated his original answer.

A member of the public asked what animals would be eating the hay from the land spread with septage (she listed several). Mr. Kibbey asked for the floor. Chairman Burnham conceded. Mr. Kibbey stated in Florida he had a friend (raised beef cattle) who spread on his fields and sold the beef. Mr. Kibbey addressed the lady and stated he was not saying it was right or wrong. But (in that instance) it was done.

Dr. Snyder addressed the Planning Board and audience and gave facts why it was not correct to fertilize with any septage. She also specified the timeline between land application to land usage and the physical characteristics of septage after it had been spread on a field. She concluded by telling the Planning Board the dangers for animals that eat the hay and inadvertently eat soil that had been treated with septage (one example was a dairy herd in Georgia).

Mrs. Cathryn Baird addressed the Planning Board and asked that at a future meeting one of Newport's local veterinarians as well as the NH Commissioner of Agriculture (the ex-commissioner runs a dairy farm) to see what the two opinions were. She also would like to hear comments on the economics of the use of septage (she explained). Mrs. Baird wanted to know the potential long term health risks of many for the benefit of a small group of people to the detriment of future generations. Continuing, she asked about the land and pollution (she explained, negating some testimony). Concluding, Mrs. Baird asked about the WWTP in town and questioned why it was not being used. At a future meeting she would like the economics of its use or nonuse.

Mr. Greenleaf addressed Chairman Burnham and asked if he could speak on the economics. The Chair gave him the floor. Mr. Greenleaf addressed Mrs. Baird and explained the reason some haulers did not use the WWTP for the disposal (of septage) was that the WWTP (Town) charged \$.10 for every gallon of septage. He stated if the hauler had a cheaper place of disposal that was where the septage would go (not the WWTP). It was a market based system. Approximately 100,000 gallons per year were brought to the Newport WWTP. Approximately 250,000 gallons per year were generated by Newporters every year.

Mr. Walsh addressed Mr. Greenleaf and asked him where the septage not handled by the Newport treatment facility was sent. Mr. Greenleaf read from a paper (from NH State files) which told exactly where and how much various haulers disposed of the Newport septage.

Chairman Burnham acknowledged Mr. Spaulding. Mr. Spaulding had question for Mr. Greenleaf. He asked if all septage from all haulers went to the Newport treatment plant could the WWTP handle it. Mr. Greenleaf stated it would be difficult (explained, restating his earlier statement that 50% of what he received was hauled water). He stated the Newport treatment plant would need an upgrade if they were to accept 100% of the Newport septage. Mr. Spaulding asked if the Abbott or any hauler ever brought the Newport WWTP dewatered sludge. Mr. Green leaf stated no. He explained what he received.

The Chair acknowledged Mr. Paul Baird of Newport. Mr. Baird addressed Mr. Greenleaf and asked how many of the places he listed (earlier) were land spread. Mr. Greenleaf stated he only had the Abbott site (Sunapee). Mr. Baird then asked if there were any others (land spread) on his list. Mr. Greenleaf stated no, they were all going into a facility and treated (he explained further). Mr. Baird repeated Mr. Greenleaf's numbers of amount of Newport septage (100,000 gallons) to treatment facilities minus land spreading disposal (16,750 gallons) at the Sunapee site.

Mrs. Cummings addressed the Board and asked if a person wanted to do agriculture and use septage as fertilizer she questioned the economics and the reasons of accepting septage for land spreading.

Mr. Baird addressed the Chair and stated it was a serious question. If individuals did what she stated, they would be acquiring the septage under false pretenses and would call the individual's business ethics into...Chairman Burnham stated that the Planning Board was not in session for that subject. That would be up to NHDES to monitor who got a permit and why.

Chairman Burnham acknowledged Ms. Magnuson. She reminded the Board that there had been a letter read at the 05.26.15 from local veterinarian Dr. Jolyon Johnson regarding the (septage) topic. She would share the contents with anyone who was interested.

Chairman Burnham acknowledged Mr. Nichols. On a motion by Mr. Nichols, seconded by Mrs. O'Brien; ***the Board voted to close the public hearing. The motion passed unanimously.***

Chairman Burnham again acknowledged Mr. Nichols. On a motion by Mr. Nichols, seconded by Mrs. O'Brien; ***the Board voted to continue the public hearing to August 18, 2015 or until such time as Mr. Michael Rainey or a member of the NHDES could attend a Public Hearing for this purpose. If the date is other than August 18, 2015 that it is at the discretion of the Vice Chair (of the Planning Board) to establish that meeting. The motion passed unanimously.***

Chairman Burnham addressed the Board and Ms. Magnuson and asked that Ms. Magnuson contact local farm(ers) to attend the August 2015 Public Hearing to speak on the topic. There was a discussion between Ms. Magnuson, the Chair and the Board.

Mrs. Cummings stated that they had asked local farmers to attend. She stated that if the Town asked them, they might attend. There was further input from the audience on how Ms. Magnuson could contact local farmers. Ms. Magnuson addressed the Planning Board and stated a proposed means to contact farmers and ask for their attendance. There was a short discussion.

On a motion by Mr. Nichols, seconded by Mrs. O'Brien; ***the Board unanimously voted to adjourn the public hearing at 8:39 PM.***

Respectfully submitted,

Maura Stetson
Recording Secretary