



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



August 3, 2015

Mr. George Calef
35 Mallego Road
Barrington, NH 03825

REQUEST FOR MORE INFORMATION

**Re: DR 140043 – Proposed Well at Transient Non-community (TNC) Water System,
George Calef Fine Foods
495 Calef Hwy (NH Rt 125), Tax Map 238, Lot 5, Barrington, New Hampshire**

Dear Mr. Calef:

On June 11, 2015, DES received a letter in which you asked for reconsideration of the application for a public water system on your property in Barrington. Your submittal included a plan (*Subsurface Sewerage Disposal Plan*, last revised 7-2-14) showing the location of the septic disposal system and the proposed well location. The letter indicated that this plan would be submitted to the Subsurface Systems Bureau to request an amended approval to CA2014118341, once the public water source has been approved.

On December 15, 2014, DES suspended a Well Location Approval which was issued by Robert Daniel on November 24, 2014. The Well Location Approval was rescinded based on apparent conflicts with RSA 485-A:30-b, I relative to the well's protective radius and because the septic system approval issued in 2014 (CA2014118341) was based on a submittal that did not reflect an on-lot well. (See copy of our December 2014 letter, attached.) In the December 2014 letter, DES indicated that well installation shall not proceed until DES receives information demonstrating compliance with the above-referenced statute and septic system permitting and until DES reinstates the well location approval by issuance of a new letter as applicable.

On July 13, 2015, the general court passed amendments to RSA 485-A:30-b, I which allow a private well to be installed without being located as required by subparagraph (1) [with the entire protective well radius located on-lot, on a recorded easement or on land which is permanently dedicated to a use that precludes development, or on a state or locally mandated property line set-backs] if it is needed to replace a well serving commercial buildings or a public water supply. This statute is to take effect on September 11, 2015. You have indicated that, because the Town of Barrington has required that your current water source (on the Millo's Pizza lot) be discontinued upon activation of a proposed "Town Center" public water system, proposed by Three Socios, LLC, you will no longer have a source of water for your business.

In our December 14, 2015 letter rescinding the Well Location Approval, we requested that you respond to a few questions, including whether reasonable efforts have been taken to secure an agreement for use of the water supply proposed by Three Socios, LLC, on nearby properties. That well has received Well Location Approval by DES on December 10, 2013. In their application, the Three Socios, LLC indicated that the system, if constructed, is intended to provide water to your property and others in the area. It is DES's opinion that the well proposed by Three Socios, LLC will be a safer and more reliable source since its entire protective well radius is on conservation land. The well radius for the well proposed on your property is not as protective, unless an easement is obtained on the abutting property that limits the use of the land within the protective well radius to protect the source water.

You have indicated that the terms of the draft agreement with Three Socios, LLC did not allow for your

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P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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property to obtain water from that proposed public water system in perpetuity and that the agreement would only apply so long as you owned the property. Robert Daniel has spoken with your attorney, as you suggested, and requested a copy of the proposed easement which you feel includes unacceptable terms. We have not received a copy of the easement.

DES requests that you provide a copy of the draft easement, and also that you contact Three Socios, LLC by certified mail, requesting that the terms of the easement be amended to allow perpetual rights to the water. We suggest that the easement also include language that allows use of the same quantity of water that you are currently using. In your August 11, 2014 application, you indicated that the business uses 750 gallons per day.

Please feel free to contact me at (603) 271-2949 or by email at bethann.mccarthy@des.nh.gov with any questions regarding the above.

Sincerely,



Bethann M. McCarthy, P.E.
Drinking Water and Groundwater Bureau

cc: Scott Lawler, P.E., Norway Plains Associates, slawler@norwayplains.com
Gregory D. Wirth, gwirth@gwirthlaw.com
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cc: George Tsoukalas, Millo's Pizza and Grill LLC