

11/24/98

NASHUA

OBITUARIES *Page 13*BUSINESS *Pages 14-19*NEWS FOR KIDS *Pages 20*

► NASHUA

Pennichuck slams water proposal

Company chief says plan to curb wetlands pollution too strict on development

By CORENE DEE BRUCE
Telegraph Staff

NASHUA – A controversial water protection ordinance should be amended further before the Board of Aldermen votes on it tonight, the president of Pennichuck Corp. said Monday.

Maurice Arel said the plan, as written, would require the corporation's real estate arm, Southwood Corp., to seek a variance to access land it hopes to develop near wetlands. Arel said the aldermen should change the language to permit a wetlands crossing with a special exception, which is generally easier to obtain.

"If you can't get access to land, then it looks to us like a land taking," Arel said Monday.

"We are only asking that there be a perpendicular crossing of the wetlands." The ordinance is intended to protect –

from both pollutants and impurities carried by storm-water runoff – the Pennichuck Brook watershed, which supplies the city's drinking water. Officials also want to raise the groundwater level in the area.

The aldermen's Planning and Economic Development Committee unanimously recommended final approval of the plan last week, following a number of amendments to ease the burden on commercial and industrial property owners.

The plan is expected to come before the full board when it meets today at 7:30 p.m. in the aldermanic chamber of City Hall.

One part of the plan would set up a 300-foot "no build" zone around Supply, Bowlers, Holt, Harris and Pennichuck ponds, which provide the city's water supply.

A second conservation zone would limit construction within 150 feet of other bodies of water and wetlands connected to the Pennichuck ponds. But such things as park-

ing lots and sidewalks could be built as much as 75 feet into this conservation zone.

The Southwood land in question is adjacent to Delta Education at 80 Northwest Blvd. Under Southwood's build-out plan, additional office buildings would be built on land abutting wetlands.

A road across wetlands – some have said it would require a 400-foot crossing – would be required to reach the land from the Route 101A side.

Alderman-at-Large Katherine Hersh said the committee had discussed amending the proposal to require a special exception rather than a variance for wetlands crossings, but ultimately chose not to do so.

"There is a totally different mindset in the way a variance versus a special exception is viewed," she said.

For a variance, a property owner must demonstrate a specific hardship exists in order to be granted a relaxation of land-use

regulations. For a special exception, a property owner only must show that certain conditions would be met.

Ward 5 Alderman Brian McCarthy said he has spoken with Arel about the issue in the past. McCarthy argues that the ordinance would not prevent Southwood from gaining access to the property from a road in Hollis. But Arel said that that road has a decided easement and is not a right-of-way. He argued if wetlands crossings had been prevented, most of Route 101A could not have been built.

Meanwhile, aldermen are awaiting an opinion from city attorney James McNamee regarding the scope of the wetlands protection plan in general.

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