

Exhibit 09 - Watershed buffer hung out to dry

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CONCORD – Supporters wanting to restrict development along the watershed that provides Nashua's drinking water supply ran into a wall of legislative opposition Tuesday.

A lobbyist representing Wal-Mart claimed that proposed setbacks would create another obstacle to the company's desire to build a new store on Route 101A.

"This takes a significant amount of property out of the development arena, much more than you need to protect the watershed," said Edward Dupont, a former president of the state Senate.

Wal-Mart lawyers are appealing in Superior Court the decision of the Nashua Planning Board rejecting its site plan.

Pennichuck Water Works withdrew its earlier support for the bill (HB 1289). President Donald Ware said in a statement that the proposal would restrict use on 500 acres the company could privately develop, and officials in neighboring cities and towns had not endorsed it.

"The implementation of buffers around key local community where the nuances of each water supply and the potential of a regulatory taking can be evaluated," Ware wrote.

A state Senate committee voted unanimously to recommend killing the bill that had cleared the House of Representatives without controversy last month.

"I guess you have to always expect the unexpected," said Rep. Michael Balboni, a Nashua Republican and the bill's prime sponsor.

The legislation is the product of a five-year effort to create unified buffers for Pennichuck Brook, adjoining water-supply sources along the F.E. Everett Turnpike and all streams that flow from the watershed area into Amherst, Merrimack and Hollis.

Under the proposal, developments would need to be at least 400 feet from the Pennichuck Brook ponds, 200 feet from any continuous flowing stream and 100 feet from any linked wetland or stream big enough to be on a topographical map.

"This concept has had a lot of support throughout the process," said Paul Johnson, a founding member of the Pennichuck Brook Watershed Council.

But Sen. Peter Bragdon, a Milford Republican, said it does not appear supporters did much consensus building in 2006, and his hometown board of selectmen has gone on record in opposition.

Sarah Pillsbury, director of the state's drinking water program, said the bill contains what her agency wants in a regional watershed protection effort, but she agreed the campaign has lacked follow-through.

Neal Barrett, a Nashua real estate broker, claimed the bill amounts to regional zoning without local approval.

"I think it will affect the top (northern) third of Nashua and all the surrounding communities," Barrett said.

Bernie Plante, a Nashua builder, said it would outlaw the plan he and a partner have to clean up and redevelop the former Merrimack Metals hazardous waste site.

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