

FAQ on Amendments to the Aquifer and Wellhead Overlay District

On March 10th Madbury will vote on updates to our Aquifer and Wellhead Overlay District zoning ordinance. The Planning Board offers the following to help explain these updates.

Q. Why is the Aquifer and Wellhead Ordinance being changed?

A. The ordinance is being updated to better align it with state rules and more equitably apply the District's restrictions on the use of property.

Q. What process was used to create these updates?

A. The updates are based on the State's model ordinance and are the result of open meetings, input from outside agencies, review by the Madbury Water Board, and a formal Public Hearing.

Q. Will our water still be protected?

A. Yes. The ordinance will continue to strictly regulate what can and cannot be done within the District. Many of these rules go beyond the standards set in model ordinances. The updates to the ordinance will not change these protections and will support Madbury's priorities.

Q. Will the changes affect our residential wells?

A. No. The updates do not change existing residential restrictions or requirements and will continue to protect our water supplies as they are now.

Q. Is protection for Public Water Supply (PWS) wells being removed?

A. No. All land within 400 feet of a PWS well will still be part of the District and will remain subject to its rules and regulations helping keep possible contamination away from our wells.

Q. Is the protective area around PWS wells changing?

A. Only the area which must be maintained in a natural state is changing. It will move from a fixed 400 feet to the State's standard of 75 to 400 feet. This standard is based on the actual size of a well (how much water it draws) instead of an arbitrary number. This will allow for more appropriate protective areas.

Q. Shouldn't we just keep the fixed 400-foot "natural state" area around PWS wells?

A. The standard is not equitable. It is effectively a ban on any use which often encroaches onto surrounding properties. This could deprive a neighboring owner of the reasonable use or value of their property. The updates will allow suitable, limited land use while protecting our water.

Q. Won't these changes allow dense development in Madbury?

A. No. The updates do not change the rules governing density or commercial development.

Q. Where can I get more information?

A. Information from the Public Hearing approving the updates is available at:
http://www.madburynh.org/MadPlan/show_meetings.php

The draft ordinance and warrant article, explanation of specific changes, and a draft ordinance are available at: <http://madburynh.org/Madbury/handouts/2020-01-15%20ZO%20Article%20IX-A%20Warrant%20Info.pdf>

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