

Env-Dw 902.24 Protection of the Purity of the Water of Lake Waukewan and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Lake Waukewan, which is the principal drinking water supply for the town of Meredith.

(b) This rule shall apply within the Lake Waukewan watershed above the Lake Waukewan dam, which is located at approximate latitude 43° 39' 26", longitude 71° 30' 02", in the towns of:

- (1) Ashland;
- (2) Center Harbor;
- (3) Holderness;
- (4) Meredith; and
- (5) New Hampton.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Ashland, Center Harbor, Holderness, Meredith, and New Hampton and their duly authorized agents, and the board of selectmen of the town of Meredith and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the town of Meredith engaged in the performance of necessary duties for the protection and control of said lake.

(g) Grandfathering of existing land uses shall be subject to the following:

(1) Existing uses as of June 14, 1993 may be continued by the landowner, subject to any other rules which may limit the continuance of an existing use;

(2) If a change in use, including but not limited to a change from seasonal to year round use of property or structures, higher intensity of use of campsites, or the addition of domestic farm animals, occurs or expansion of an existing use is proposed, the rule requirements shall be met;

(3) Discontinuance of a grandfathered use for 2 consecutive years shall result in termination of any and all grandfathered rights; and

(4) The intent of these rules, to improve and maintain protection of Lake Waukewan, shall be considered at all times.

(h) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Lake Waukewan watershed described in (b), above, shall be as follows:

(1) A person shall not build or maintain any pigpen, stable, or other building or structure in which horses, cattle, swine, or other animals or fowl are kept within 200 feet of Lake Waukewan or

adjacent wetlands;

(2) A person shall not build or maintain any privy, toilet, sink drain, or subsurface septic disposal system or discharges therefrom, within 125 feet of Lake Waukegan. Existing properly functioning septic systems within 125 feet of the shoreline may remain in place. If failure occurs, the repair or replacement system shall be in accordance with Env-Wq 1003.10;

(3) A person shall not deposit any dead animals or parts thereof, food, perishable or decayable material, kitchen waste, swill, garbage, manure, or human wastes into or upon said water or ice, or place any such materials in, upon, or within 200 feet of the waters or ice of Lake Waukegan or adjacent wetlands;

(4) A person shall prepare and follow an animal waste management plan to be approved by the Belknap County Conservation District if any one property within 200 feet of Lake Waukegan or adjacent wetlands has more than 5 adult livestock, 10 immature livestock, or 50 poultry;

(5) A person shall not place any hazardous waste, as defined in RSA 147-A, VII, such as solid, semi-solid, liquid or contained gaseous waste, or any combination of wastes which pose a threat to human health or the environment in or within 200 feet of the water or ice of Lake Waukegan or adjacent wetlands. State of New Hampshire hazardous waste laws shall be strictly enforced;

(6) A person shall not place any solid waste, as defined in RSA 149-M:4, XXII, in, upon, or within 200 feet of the water or ice of Lake Waukegan or any adjacent wetlands;

(7) A person shall not place any chemical waste, such as, but not limited to gasoline, paint, fertilizer or similar waste in, upon, or within 200 feet of the water or ice of Lake Waukegan or adjacent wetlands;

(8) A person shall conduct all pesticide applications made on land areas which contribute surface water runoff either directly to Lake Waukegan or indirectly by running into adjacent wetlands, in strict accordance with the rules of the New Hampshire pesticide control board adopted pursuant to RSA 430;

(9) A person shall not apply fertilizer, manure, or compost on land areas which contribute surface water runoff either directly or ultimately to Lake Waukegan or adjacent wetlands, other than in strict conformance with Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food pursuant to RSA 431:34;

(10) A person shall perform all forestry or timber harvesting activities conducted within the Lake Waukegan watershed in strict compliance with state of New Hampshire rules adopted under RSA 227-J;

(11) A person shall not wade, swim, water ski or perform any similar water contact activities, within 400 feet of the intake of the Meredith water department;

(12) A person shall not discharge from a vessel, cruiser, boat, houseboat, wharf or a structure of any kind, whether on or in the water or on the ice, or any tank or receptacle thereon or therein contained,

any excrement, urine or any waste, nor shall any such waste be left in, on, or within 200 feet of the waters or ice of Lake Waukegan or adjacent wetlands. All boats or structures of any kind used on the water or on the ice that are equipped with toilet, lavatory or other waste fixtures shall be provided with water-tight tanks for the temporary storage of such wastes. The aforementioned tanks shall be maintained as required by RSA 487 and the contents thereof shall be disposed of into a municipal sewerage system or any approved sewage disposal system on shore;

(13) A person shall not moor, anchor or otherwise secure any occupied vessel, cruiser, boat or houseboat of any kind on or to the water or ice, or tied to the shore of Lake Waukegan or adjacent wetlands for an overnight period or any part of an overnight period;

(14) A person, firm or corporation shall not cut and take ice from Lake Waukegan or adjacent wetlands except by permission of, and under the direction of the appropriate board of selectmen as prescribed in RSA 485:54;

(15) A person shall operate off-highway recreational vehicles on the water or ice of Lake Waukegan or adjacent wetlands or upon any land of the Towns within the watershed in strict compliance with the laws of the state of New Hampshire, as described in RSA 215-A. The use of any land belonging to any of the towns within the watershed or any frozen or non-frozen surface of Lake Waukegan or adjacent wetlands by the owner or operator of any OHRV shall be done at the owner's or operator's own risk;

(16) A person shall not use highway motor vehicles on the waters or ice of Lake Waukegan or adjacent wetland except by written permission by the board of selectmen of the town where each entrance or exit is to be made;

(17) Nothing in these rules shall be construed to prevent access to Lake Waukegan for fishing purposes, so long as the intent of the rules is observed;

(18) A person shall not place any garbage, refuse, or trash of any kind brought from home, camp, or place of business in or near public waste containers. Refuse resulting from picnicking on or adjacent to the Lake Waukegan or adjacent wetlands shall be deposited in approved containers;

(19) A person shall not break bottles or deposit refuse or wastes of any description into Lake Waukegan or adjacent wetlands;

(20) A person shall kindle or maintain only charcoal fires or portable propane grills within 75 feet of the Lake or adjacent wetlands;

(21) A person shall keep dogs and other pets on a leash while adjacent to the shoreline, shall not leave pets unattended, and shall not permit pets in the water within the area described in (b), above;

(22) A person shall not ride horse-back along the shoreline within the area described in (b), above; and

(23) A person shall not tent, camp, or use recreational vehicles overnight, or use trailers and campers within 125 feet of Lake Waukegan or adjacent wetland.

(i) The town of Meredith shall post a summary of the prohibitions contained in (h), above, at all public

access locations where persons might reasonably be expected to access Lake Waukegan or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance. A complete set of these rules shall be available and on file at the Center Harbor, Meredith and New Hampton town clerk's offices.

Source. (See Revision Note at part heading for Env-Dw 902)  
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