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PLANNING BOARD

Planning Board Report

Petition by the Board of Commissioners of the Grafton Water District to Amend the Zoning By-Law to Prohibit the Use, Storage and Manufacture of Perchlorate within the Water Protection Overlay District (WSPOD) Article 45: May 11, 2009 Town Meeting

March 12, 2009

At their meeting on March 2, 2009, the Grafton Planning Board conducted a public hearing to consider a proposed amendment to the Grafton Zoning By-law submitted by the Board of Commissioners of the Grafton Water District to prohibit the “use, storage and manufacture of perchlorate” within the Town’s Water Supply Protection Overlay District (WSPOD). Board members present were Chairman Christophe Courchesne, Vice Chairman Robert Hassinger, Clerk Peter Parsons. Those individuals wishing to speak to the proposed amendments were heard.

The petition requested the following:

In the Town of Grafton, Grafton Zoning By-law; ADD the following after paragraph 7.4.C.16:

“7.4.C.17 The use, storage and manufacture of Perchlorate as it applies to:

- a. Fireworks*
- b. Blasting Agents*
- c. Other materials containing Perchlorate”*

The article was reviewed by Town Counsel for compliance with state laws as well as to form.

Testimony was received regarding the nature of ammonium perchlorate which is widely used an oxidizer in solid propellants for rockets, missiles, fireworks, and explosives. The state Department of Environmental Protection (DEP) has identified perchlorate as health risk and has set the allowable drinking water limit at two (2) parts per billion (ppb). Further testimony was given that perchlorate is very water soluble and expensive to detect and remove from water supplies. In addition to fireworks, perchlorate is found in explosives that can be used during the development process.

The Planning Board debated whether the zoning by-law was the appropriate location for this control, noting that the current WSPOD by-law prohibits the use of “hazardous materials” and that the Fire Department regulates the use of explosives used in blasting. The Board did agree

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that if the amendment were to be adopted that its location within the WSPOD by-law was appropriate.

At its meeting on March 23, 2009, the Planning Board voted, 3-0, to support the amendment if it included the provision of an exception as follows:

“7.4.C.17 The use, storage and manufacture of Perchlorate as it applies to:

- a. Fireworks*
- b. Blasting Agents*
- c. Other materials containing Perchlorate,*

excepting uses of perchlorate specifically approved by the Board of Selectmen in a municipally sponsored fireworks display, for which no satisfactory alternative to the use of perchlorate exists, subject to oversight by the Board of Health and the Fire Department.”