

# **COMMENTS**

**Submitted to  
New Hampshire Department of Environmental Services  
Hearing of April 27, 2004**

**on  
Motorsports Holdings, LLC's  
Joint Federal and State Wetland  
Permit Application No. 2004-00377**

**By  
Rath, Young & Pignatelli, Prof. Assn.,  
Haley & Aldrich, Inc.  
Harris Miller Miller & Hanson, Inc., and  
Ecosystems Management Consultants of New England  
On behalf of  
FOCUS:Tamworth**

## **I. Introduction**

On March 5, 2004, Motorsports Holdings, LLC (“MSH”) filed its Joint Standard Dredge and Fill Permit Application (file No. 2004-00377) with the New Hampshire Department of Environmental Services (DES) and the Army Corp of Engineers (ACE). For the reasons set forth in the sections below, the permit application fails to comply with numerous statutory and regulatory criteria under New Hampshire RSA Chapter 482-A and the regulations adopted pursuant thereto. The application is both incomplete and inaccurate, and fails to demonstrate that this project should be approved for construction on this site.

The Motorsports Holdings, LLC project to be constructed on the 251-acre site off Route 25 in Tamworth, New Hampshire is a “major” project pursuant to the definition set forth in New Hampshire Admin. R. Wt 101.49. Upon construction, the project will impact more than 130 acres of the site, (Application, p.67), create at least 45 acres of impervious surface, (Application, p.79) and impact more than an acre of wetlands. The site is centered on the north slope of Mt. Whittier in the Ossipee Mountains. The Ossipees are a visually dramatic range of mountains in east central New Hampshire and are considered the best example of a “ring dike” in North America.

The site is also located directly over primary and secondary recharge areas for the Ossipee Aquifer, which is New Hampshire's largest stratified-drift aquifer. The aquifer, which is the major source of drinking water for Tamworth and many surrounding towns, is a high-yield aquifer that can recharge quickly with rainwater, but which is also vulnerable to contamination. The site is surrounded by approximately 20,000 acres of conservation and recreation lands, including approximately 10,000 acres of the Chocorua Forest Lands, the 5,540 acre Castle in the Clouds property in the Lakes Region Conservation Trust, and the 3,000 acre Ossipee Mountain Preserve in the Lakes Region Conservation Trust.

## **II. The Application Fails to Adequately Address Many Issues Required by the New Hampshire and Federal Wetlands Regulations**

### **1. Motorsports Holdings, LLC does not meet the threshold requirements of an "Applicant", and has not received required abutter approvals, for a wetlands permit.**

A. Under the NHDES wetland rules, an "applicant" is defined as "any person with a property interest in the land on which the project is to be located *sufficient for the applicant to legally proceed with the project. . . .*" See New Hampshire Rules Wt. 101.04. While permits issued by the NHDES generally contain a condition that they are not effective until other legal requirements for the project are met, the State rules as written require that an applicant obtain a property interest in the land *before* submitting an application. This requirement makes sense because if an applicant who has no legal right to construct the project on the property obtains a wetland permit and is subsequently unable to acquire the property rights, the project would have to be reconfigured, relocated, or possibly abandoned. In the case of substantial reconfiguration or relocation, the applicant would likely need to begin the permit process again or, at the least, apply for a permit amendment. The result would be a great deal of wasted time and expense for the Department, the applicant, and all parties involved.

Motorsports Holdings, LLC ("MSH") has stated in its Application that it does not have a property interest in all of the land on which the project is to be constructed. In Section 2.1 of the Application, "Overview of the Site," MSH states that:

As part of the purchase agreement for Parcel 28 (the Davis property), an approximately 16-acre area of land immediately adjacent to Route 25 was subdivided and retained by Mr. Davis, as there is an existing business (Lakes Region Fire Apparatus) on this parcel. *Out of those 16 acres, the Applicant is finalizing a lease agreement to utilize approximately 9 acres for the Project and the remaining 7 acres remain under the complete control of Mr. Davis. In conclusion, the 242 acres owned by Motorsports and the additional 9 acres to be leased from Mr. Davis comprises the Site (251 acres) as presented in this Joint Application. (emphasis added).*

Mr. Davis has apparently given MSH permission to proceed with the project on the 9-acre parcel; however, it does not appear that this agreement has been formalized in a lease agreement. Furthermore, Mr. Davis cannot legally lease the property to MSH until he obtains subdivision approval from the Tamworth Planning Board. Under Tamworth Subdivision Regulations, a "subdivision" includes the division of a lot for the purpose of a lease. Subdivision Regulations of Tamworth, NH, Section III(V)<sup>1</sup>. Therefore, until Mr. Davis and MSH complete the entire subdivision process, including an application to the Planning Board, a public hearing, and any appeals, MSH can have no legal right to proceed with respect to those 9 acres. *See* Rath, Young and Pignatelli's letter to Collis Adams at NHDES, Attachment 1.

B. As discussed further in Paragraph 4 below, it appears that the Applicant will be required to construct a substantial noise abatement barrier around the perimeter of the property to comply with the Tamworth Race Track Ordinance. The Applicant has included no plans in the Application for noise abatement; however, based on the opinion of Harris Miller Miller & Hanson, Inc., Attachment 2, the Applicant's project cannot meet the Town noise ordinance limits at the property boundary without at least a 20 to 25 foot tall earthen berm approximately 80 to 100 feet wide at the base, or a 35 foot tall wall, located around almost the entire perimeter of the property. These structures will encroach into the required setback areas and therefore the Applicant is required to obtain an approval from each abutting property owner to construct the project. While the Applicant has obtained approval from Mr. Davis for the project, that approval could not specifically have encompassed construction of noise abatement structures because the Applicant has not presented any plans to construct them. Furthermore, no approval has yet been obtained from the Town or from the owners of the Silver/Thomas property. As consideration of the noise abatement structures and approvals of the abutters have not been addressed in the Application, the Applicant has not adequately addressed the requirements of Wt 304.04(a) regarding setbacks and written approval from abutting property owners. In addition, due consideration has not been given to the aesthetic interests of the general public under Wt 302.04(a)(9) or the impact upon abutting owners under Wt 302.04(a)(11).

**2. The Application does not accurately address the impact of the proposed project on public commerce, navigation, recreation, or the aesthetic interests of the general public.**

The Application inaccurately characterizes the likely impact of the project on the surrounding community. The Applicant incorrectly states that the amount of "active" and "passive" recreation are roughly equal in Tamworth and the surrounding communities.

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<sup>1</sup> It is worth noting here that the Tamworth definition of "subdivision" is identical to that in NH RSA 672:14, and is intended to prevent the avoidance of the application of subdivision regulations by leasing, rather than selling, the divided lot.

However, although active recreation does occur in the area, passive recreation, such as hiking, is far more common. The surrounding lands are used extensively for hiking, swimming, boating, fishing, bird watching, rock climbing, and other passive, low-impact activities. These activities are enjoyed by both residents and visitors, and are actively encouraged and supported in the community.

The public and private commitment to conservation of natural lands for passive recreational purposes is powerfully demonstrated by the extensive conservation effort that has been undertaken in the areas surrounding the proposed project site. More than 20,000 acres of land in the immediate vicinity of the site, including 14 parcels adjacent to the project site and an additional 108 parcels in the vicinity, have been preserved through acquisitions by public and private organizations. Adjacent properties include:

- 1,982 acres in the Ossipee Mountain Preserve, purchased by the Lakes Region Conservation Trust with \$346,000 from private funds, individuals and foundations;
- 983 acres of the Sanger Brook Lot in the Ossipee Mountain Preserve, purchased by the Lakes Region Conservation Trust with \$353,880 from private funds, individuals and foundations;
- the 5,540-acre Castle-in-the-Clouds and Chellman Lot properties, purchased by the Lakes Region Conservation Trust with \$5,900,000 from private funds, individuals and foundations;
- 5,268 acres of the Chocorua Forest Lands, preserved by the NH Department of Resources and Economic Development, facilitated by the Society for the Protection of New Hampshire Forests, for \$1,400,000, provided as a grant by the U.S. Forest Service under the Forest Legacy Program; and
- 4,851 acres owned by the Chocorua Forest Lands, under deed restriction to the Society for the Protection of NH Forests, valued at \$1,875,000.<sup>2</sup>

This list, which is by no means exhaustive, represents an investment of approximately \$10 million of public and private funds to preserve and protect land for generations to come.

The impacts from the proposed racetrack, discussed in more detail in these comments, would permanently mar the peace and natural beauty for which these conservation lands were preserved. For example, noise from the race track operations will likely carry across area lakes and be heard throughout the area, disrupting wildlife and disturbing the natural tranquility of these lands. Noise, water, traffic and light contamination will negatively impact recreational hiking, camping, fishing and swimming, as well as harm the wildlife in the area. Long after the track has ceased operating, the mountainside will be permanently scarred by the interstate highway-sized cuts proposed by

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<sup>2</sup> See summary table on conservation lands, [Attachment 3](#).

the Applicant. While the track may serve the interests of a small segment of the New England population, it is clear that Tamworth, surrounding communities, and the State of New Hampshire have made a commitment to preserving the natural state of the lands in this area for the enjoyment of current and future generations of the wider general public. This nearly \$10 million public and private investment to conserve the natural beauty and recreational value of the area in such a majestic setting should not be compromised for the narrow pursuit, by the relatively few, to engage in private motorcar racing.

In light of the above, the Application fails to adequately speak to the need for the project under Wt 302.04(a)(1) or the impact of the proposed project on public commerce, navigation, and recreation as required under Wt 302.04(a)(8). In addition, the Application insufficiently addresses the interference of the project with the aesthetic interests of the general public under Wt 302.04(a)(9) and the benefit the project will provide to the health, safety, and well being of the general public under Wt 302.04(a)(12).

**3. The impacted wetlands are far more than an acre, *not* the 0.72 acres as defined by the Applicant.**

Pursuant to a letter of Ms. Irene G. Garvey, Certified Wetlands Scientist, and Ms. Jenny Lord, Certified Soil Scientist, consultants retained by the Tamworth Conservation Commission, the Applicant has failed to identify the full extent of the wetland impacts at the site. *See* letter dated 12 April 2004 from Abenaki Environmental Services to the Tamworth Conservation Commission, Attachment 4a, and letter dated April 25, 2004 from Irene Garvey to John Mersfelder, Attachment 4b. Based on their review of only approximately one-fourth of the site, as of the date of the April 12, 2004 letter, these independent environmental specialists had identified 19 different wetland areas of the site that the Applicant had failed to properly delineate, as follows:

...[W]e found numerous incidences where the flags were too far downslope, into the wetland thereby delineating jurisdictional wetland areas as being upland areas. In addition, we found jurisdictional wetlands and intermittent streams that were not delineated and are therefore not depicted as wetlands/streams on the Plans... [and] streams, which were found during the field review to be flowing through a number of the wetlands, were not depicted on the plans [at all]. In most of these incidences, the [Applicant's] representative who accompanied us during the field review agreed with these observations. *Attachment 4a, p.2.* ...In summary, The Motorsports Plans do not accurately portray the existing wetland and waterbody conditions on the portions of the site that were able to be covered during this April 9, 2004 field review and, based on the findings as outlined above, we do not have a confidence that the rest of the site is properly delineated. *Attachment 4a, p.4.*

After a further visit to a small area of the site, an additional 5 wetland areas were observed which had not been properly delineated, including three wetland areas not previously mapped or incompletely mapped, an intermittent stream, and another vernal pool. *Attachment 4b.*

Although no quantification of the additional wetland impacts were assessed, it appears that at least 16 of these 24 additional wetland areas will be impacted by the proposed project. Furthermore, since Ms. Garvey and Ms. Lord have not observed the entire site yet, a complete site visit may result in the discovery of even more undesignated wetland areas that will be impacted by the project. Under Wt 302.04(a)(4) and (17), the Application must address the relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters, as well as the impact of the proposed project on the values and functions of the total wetland or wetland complex respectively. Since it is clear that the wetlands discussion in the current Application does not include all wetlands and surface waters to be impacted by the project, the Application is incomplete and erroneous, and DES must deem the application as incomplete until a further wetlands delineation, and revised wetland impact analysis, is independently verified by the DES and/or the ACE.

In addition to the erroneous wetland delineation and impacts discussed above, approximately 14,000 square feet of stream bed wetland impacts and 800 linear feet of stream bank impacts will occur beneath permanent metal arch stream spans (Application p. 50; *see also* Wetland areas 1 – 6). This area alone increases the permanent wetland impact from 0.72 acres (Application) to more than 1 acre. The Application states that, beneath steel spans, “Functions such as production export and the wildlife habitat value of the vegetated wetland will be impaired” (Application p. 35).

The combination of road drainage swales, ponds and culverts appears to intercept flows to Wetland Area B shown on Drawing Numbers GD-5 and GD-6 and to Wetland Area C shown on Drawing Number GD-9 of the Site-Specific permit application (submitted after the wetlands Application). This adds substantially to the area of impacted wetlands not currently considered as “impacts” in the Application.

Since the Application fails to show or consider these additional impacts to wetlands, and given the inadequacies discussed in section 4 (below) on noise abatement barrier impacts to wetlands that are as yet not considered, the surface area of the wetlands that will be impacted by the project has not been adequately evaluated in the Application as required by Wt 302.04(a)(6). Furthermore, until these inadequacies are remedied, the Application cannot fully address whether the proposal is the one with the least impacts to wetlands or surface waters on site under Wt 302.04(a)(2), the impact on plants, fish and wildlife under Wt 302.04(a)(7), the impact of the proposed project on the quantity or quality of surface or ground water under Wt 302.04(a)(13), the potential of the proposed project to cause or increase flooding, erosion, or sedimentation under Wt 302.04(a)(14), the extent to which a project located in surface waters reflects or redirects

currents which might cause damage or hazards under Wt 302.04(a)(15), or the impact of the proposed project on the values or functions of the total wetland or wetland complex under Wt 302.04(a)(17).

**4. Wetland impacts from required noise abatement measures have not been calculated.**

The Town of Tamworth recently passed a Race Track Ordinance that mandates that noise levels from operations at the proposed motorsports park not exceed 69 dBA at the property boundary. Based on the opinion of Harris Miller Miller & Hanson, Inc., Attachment 2, the Applicant's project cannot meet the Town noise ordinance limits at the property boundary without at least a 20 to 25 foot tall earthen berm approximately 80 to 100 feet wide at the base, or a wall, located around almost the entire perimeter of the property. Based on Figure 7-3 of the Application showing wetlands at the property boundary in several places, it is reasonable to assume that many of those wetland areas will also be affected by such a perimeter barrier. In order to appropriately evaluate the impact to the surface area of the wetlands as required in Wt 302.04(a)(6), the design and location of noise abatement barriers must be included in the analysis in the Application.

In addition, the noise abatement barrier must be included in the plans for the site specific (alteration of terrain) permit application to NHDES. It is estimated that a 35-foot high wall around the perimeter of the site would certainly pose impacts both to wetlands and surface water flow, requiring additional consideration of the relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters under Wt 302.04(a)(4) and the potential impact of reflection or redirection of surface water current under Wt 302.04(a)(15). The design of a noise abatement barrier would also impact the evaluation of many other issues required to be addressed by Wt 302.04(a), including but not limited to: whether the Applicant has proposed the alternative with the least impact to wetlands or surface waters on the site under Wt 302.04(a)(2); the impact on plants, fish and wildlife under Wt 302.04(a)(7); the extent to which the project would interfere with the aesthetic interests of the general public under Wt 302.04(a)(9); and the impact to abutting property owners under Wt 302.04(a)(11).

**5. Hydrologic alteration/dewatering impacts to wetlands have not been calculated.**

The approximately 130 acres of development (Application, p.30) and 45 acres of impervious surface (Application, p. 79) will significantly alter site hydrology, especially with regard to wetland impacts. As discussed above, the necessary noise reduction berms or walls have not been addressed in the Application. Significant stormwater and stream diversions will be required to install the berms or walls. This creates a potential impact to the surface water current from reflection or redirection by the berms or walls, which impact is not adequately addressed as required in Wt 302.04(a)(15). It may also result in an impact to the quantity or quality of surface or ground water on the site, which

the Applicant is required to address under Wt 302.04(a)(13). The patterns of flow created by the proposed stormwater drains will likely disrupt natural groundwater discharges into intermittent channels and associated wetlands. There are no plans to integrate detention basins into the existing wetland system. The Application does not include groundwater monitoring well data to assess impacts to groundwater. The Application mitigation plan does not address hydrologic modifications. Therefore, potential impacts to nearby wetlands, impacts to abutters, and impacts to the overall value and function of the total wetland or wetland complex, are not effectively addressed in the Application as required in Wt 302.04(a)(6), (11), and (17), respectively.

**6. Groundwater withdrawal impacts were not properly calculated or addressed in the Application.**

The Application states “the Project will require the development of a small community water system to meet the estimated water demand of approximately 56,000 gallons per day (gpd).” (Application, p. 72). The daily water usage estimate of 56,000 gpd is simply not realistic for all of the uses proposed in the Application. Upon applying reasonable estimates for the anticipated daily water usage for the various aspects of the project as described in the Application, it appears that an *average daily usage for the project will be in excess of 80,000 gpd*. Calculations were made based on the information supplied in the Application, the New Hampshire Safe Drinking Water Act RSA 485, and daily water usage assumptions in Env-Ws 372.10 and Env-Ws 1008.03. *See* discussion and calculations in Rath, Young and Pignatelli’s Water Quantity Usage Memo, Attachment 5.

Only a single well is proposed in the Application (in the northeast portion of the site). The water supply for the Phase II hotel is not discussed. Discussion of conveyance piping installation was not included (*see* LM-2, LM-3 and related GD plans) and thus its impacts to the site are not included in the overall impacts assessment.

The potential need for additional water supply for fire suppression is not discussed. Adequate backup well(s), storage and associated piping are all lacking in the assessment of water supply for this project.

A proposed withdrawal of 80,000 gpd (large groundwater withdrawal via a small community well system) is approximately 15 to 25 percent of the estimated annual recharge to the site (assumes 251 acres and 18 in./yr. recharge). The potential impact of this amount of groundwater withdrawal on wetlands should be more completely evaluated.

Large groundwater withdrawals of 57,600 gallons or more in a 24-hour period will either be classified as a Minor Large Groundwater Withdrawal or a Major Groundwater Withdrawal. A Large or Major Withdrawal carries with it far

greater potential for impact to groundwater flow and a negative effect on the general hydrologic regime of the surrounding area. Therefore, classification of a withdrawal as either Large or Major is significant, and the permitting process is far more involved than that for a groundwater withdrawal of under 57,600 gpd. *See Attachment 5*. No discussion of these requirements was provided in the Application.

The Application states that a water supply well will be “deep” (likely drilled into bedrock; p. 28). Bedrock water supply wells can draw groundwater from long distances, raising the potential for adverse impacts to nearby, existing water supply wells. There are two private water supply wells within 1,000 feet of the site, and five private water supply wells and a Surface Source Water Protection Zone within 2,000 feet of the site (*See Application Figure 2.12*).

Construction dewatering and permanent groundwater cut-off and diversions were not evaluated with respect to overall hydrologic impacts to the site. Therefore, potential impacts from changes to groundwater hydrology were not completely assessed. The proposed post development watersheds include many culverts, some on the order of 600 to 1100 feet long. The combination of 25,300 feet (about 5 miles) of road drainage swales, 10 retention ponds and 8,800 feet (about 1 ½ miles) of culverts appears to intercept flows to Wetland Area B shown on Drawing Numbers GD-5 and GD-6 and to Wetland Area C shown on Drawing Number GD-9. It is very possible that this interception of inflows to these areas could result in water supply deficiencies and impacts.

For the reasons above, the total impact of the proposed project on the quantity of groundwater has not been adequately considered as required in Wt 302.04(a)(13), and requires further evaluation to determine the impact this may have on abutting property owners under Wt 302.04(a)(11). Further, in light of these issues, the Applicant has not addressed the cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights under Wt 203.04(a)(16).

**7. Groundwater recharge impacts were not properly calculated or addressed in the Application. Release of contaminants to groundwater onsite will impact recharge to the Ossipee Aquifer.**

The northern portion of the site overlies both Primary and Secondary recharge areas of the Ossipee Aquifer Application, (Figure 2.11) where substantial development is planned (parking, fuel storage and handling, automobile maintenance, and wastewater disposal (leachfields)).

Multiple on-site wastewater disposal systems will be required, with combined projected discharge volumes ranging from approximately 49,000 to 68,600 gpd (85% of estimated maximum water use (Application pg. 72). As discussed above, the water use based on the Application (<56,000 gpd; pg. 72) is significantly understated if simultaneous, maximum water demand from the usages listed is required (a more reasonable estimate is 80,000 gpd).

Most wastewater disposal systems will be located on the northern portion of the site that overlies Primary and Secondary recharge areas of the Ossipee Aquifer. Sewage wastewater will contain elevated concentrations of nitrogen compounds (e.g. nitrate and nitrite). The attenuation of these contaminants must be demonstrated to occur on site. A subsurface discharge of this magnitude will require a Groundwater Discharge Permit (GDP) and an appropriate groundwater quality monitoring program approved by the NHDES. Plans show stormwater will be routed to detention ponds located mostly in the northern portion of the site. The quality of this stormwater may be degraded by race track and parking lot discharges. Infiltration from detention ponds may adversely impact groundwater quality.

It should also be noted that no records of soil borings or test pits from the reported 2003 explorations were provided to support the claim of “low transmissivity” as stated in the Application. If, in fact, there is “greater hydraulic conductivity” (i.e., greater recharge potential) in the discharge areas, the expressed concerns of contaminant transport to the groundwater aquifer are heightened. As the Application does not adequately address the issue of potential contamination of ground and surface waters during or following construction, impact to ground and surface water quality must be further assessed under Wt 302.04(a)(13) and additionally under Wt 302.04(a)(11) to determine the potential impact of groundwater contamination on the interests of abutting property owners. Further, in light of these issues, the Applicant has not addressed the cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights under Wt 203.04(a)(16).

**8. The risk of MtBE and other gasoline contamination of groundwater and surface waters caused by spills from track operations is not adequately assessed.**

According to New Hampshire Attorney General Peter Heed, “In New Hampshire, clean water is a precious resource that we depend upon for drinking, recreation and every aspect of our health and economic well being. MtBE has become a significant and costly threat, especially to the underground aquifers that most of us rely upon for drinking water.”<sup>3</sup> “New Hampshire ground and surface waters are under attack,” Heed said. He

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<sup>3</sup> NHAGO Press Release October 6, 2003, *See* [http://doj.nh.gov/publications/nreleases/pdf/MTBE\\_Press\\_Release.pdf](http://doj.nh.gov/publications/nreleases/pdf/MTBE_Press_Release.pdf).

described non-biodegradable MtBE as the ‘Houdini of pollutants’ because of its ability to escape tanks, pipes and other containers, dissolve fast, and spread quickly into aquifers.<sup>4</sup> “Heed, Gov. Craig Benson and Department of Environmental Services Commissioner Michael Nolin stressed the urgency of the situation by citing increasing levels of MtBE being found in public and private water supplies even where no known gasoline leaks or spills have been detected nearby.” *Id.*

“Unlike other components of gasoline, MTBE dissolves and spreads readily in the groundwater underlying a spill site, resists biodegradation, and is difficult and costly to remove from groundwater. Low levels of MTBE can render drinking water supplies unpotable due to its offensive taste and odor. At higher levels, it may also pose a risk to human health. (EPA, “Advance Notice of Intent to Initiate Rulemaking Under the Toxic Substances Control Act to Eliminate or Limit the Use of MTBE as a Fuel Additive in Gasoline.” 65 Fed. Reg. 16094 (Mar. 24, 2000))”. Regarding the current contamination in New Hampshire, Attorney General Heed stated “...spills and leaks of gasoline occur wherever it is used, so that contamination of water resources [is] inevitable ... the result is pervasive contamination of the state’s waters, especially the groundwater aquifers that most residents rely upon for drinking water.”<sup>5</sup>

“In addition to the health and environmental risks posed by MTBE in drinking water supplies, MTBE can render water supplies undrinkable by changing the taste and odor of water in such a manner that it becomes a foul smelling liquid with a turpentine odor and a chemical taste unfit for human consumption. Many individuals can smell and/or taste MTBE in drinking water at levels well below the health-based MCL [Maximum Containment Level] of 13 ppb”.<sup>6</sup>

According to observations made by Dr. Robert M. Newton, a professor in the Department of Geology at Smith College in Northampton, Massachusetts who has extensively studied the Ossipee Aquifer<sup>7</sup>, contaminants entering groundwater beneath the site could impact the underlying aquifer and thereby affect private drinking water wells that rely upon it for their water supply. Dr. Newton states “...about 20 percent of the site is directly on the aquifer and the remaining 80 percent is in an area that directly feeds water into the aquifer. Even water that runs off the steep slopes enters the aquifer when it reaches the primary recharge area. Much of this recharge is associated with the wetlands at the base of the slope.” (See Dr. Robert Newton’s letter submitted to the Tamworth Conservation Commission at its Hearing on April 12, 2004, Attachment 6, p.1.) As a

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<sup>4</sup> Manchester Union Leader article dated October 7, 2003.

<sup>5</sup> The Attorney General’s comments are available online at [http://doj.nh.gov/publications/nreleases/pdf/MTBE\\_QA.pdf](http://doj.nh.gov/publications/nreleases/pdf/MTBE_QA.pdf)

<sup>6</sup> *State of New Hampshire v. Amerada Hess Corp., et. al.*, filed in Merrimack County Superior Court on September 30, 2003, available online at [http://doj.nh.gov/publications/nreleases/pdf/MTBE\\_Declaration.pdf](http://doj.nh.gov/publications/nreleases/pdf/MTBE_Declaration.pdf).

<sup>7</sup> See, for example, Newton, R.M., 1974. *Surficial Geology of the Ossipee Lake Quadrangle, New Hampshire*. State of New Hampshire Department of Resources and Economic Development.

result, a gasoline leak from an accident on the racetrack has a high probability of reaching the aquifer.

It should be obvious to everyone that racing cars on a road course with 500 ft of vertical relief is a high-risk activity. Accidents will happen. Gasoline will be released in these accidents. The steep slopes will cause the gasoline to rapidly move down the slope to areas where it will be able to infiltrate the ground. Given that the incidental spills associated with fueling at regular gas stations has led to MTBE groundwater contamination, accidents on the steep slopes of the track will surely end up contaminating the aquifer. The very low MCLs for Benzene and MTBE mean that a little gasoline can contaminate a large volume of groundwater. At 5% benzene a gallon of gasoline will contaminate over 29 million gallons of groundwater; at 30% MTBE a gallon of gas will contaminate over 30 million gallons of groundwater. Id.

High octane racing fuels will be used for autos racing on the track. Those specialty fuels contain high levels of MTBE, up to 14% or more by volume in every gallon of gasoline. The Application states that the facility will not use any underground fuel storage tanks. It will, however, be using a “mobile racing fuel distribution system” which, as far as we can tell, is not much different from an above-ground refueling tank on wheels. MtBE contamination is associated with all manner of transportation, storage and use of gasoline containing MTBE.<sup>8</sup>

Contamination of water resources from small spills (for example involving automobile accidents or regular refueling) has been the cause of extensive contamination. “According to a report in the March 2001 Successful Farming magazine, even a minor spill of gasoline containing MtBE is a big threat to ground water supplies. In one instance, *just ten gallons of gasoline containing MtBE was spilled as a result of an automobile accident on one person’s property. This single event led to MtBE contamination of the water supply for twelve families.*”<sup>9</sup> Additionally, the Governor of the State of Maine directed a study of MtBE in Maine drinking water based on several small spills of gasoline in 1998. According to the report from this study, *one gasoline spill from an overturned car was the likely contamination of 24 domestic wells within 2,200 feet*, 10 of which wells registered levels exceeding 100 ppb,<sup>10</sup> far above the New Hampshire standard for MtBE in drinking water of 13 ppb.

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<sup>8</sup> *State of New Hampshire v. Amerada Hess Corp., et. al.*, filed in Merrimack County Superior Court on September 30, 2003 (available online at [http://doj.nh.gov/publications/nreleases/pdf/MTBE\\_Declaration.pdf](http://doj.nh.gov/publications/nreleases/pdf/MTBE_Declaration.pdf)).

<sup>9</sup> *Drinking Water and MtBE*, a brochure funded by a grant from the EPA Office of Ground Water and Drinking Water (available at <http://www.uwex.edu/farmandhome/wgpaap/pdf/mtbe.pdf>) (emphasis added).

<sup>10</sup> *The Presence of MTBE and Other Gasoline Compounds in Maine’s Drinking Water – A Preliminary Report*, 1998, State of Maine Bureau of Health, *et. al.*, (available online at [www.maine.gov/dhs/ehu/wells/MTBE.PDF](http://www.maine.gov/dhs/ehu/wells/MTBE.PDF)) (emphasis added).

Given the high risk for MtBE contamination at the site, which is located directly over the Ossipee Aquifer, the major source of drinking water for Tamworth and many surrounding towns, the Application has not adequately considered nor designed for prevention of potential impacts to ground and surface water quality as contemplated in Wt 302.04(a)(13), nor does it satisfy Wt 302.04(a)(11), which requires the Applicant to address the impact this contamination could have on abutting property owners. In addition, the high risk of contamination raises questions under Wt 302.04(a)(7) regarding the impact to plants, fish and wildlife, Wt 302.04(a)(8) regarding the impact of the proposed project on public commerce, navigation and recreation, Wt 302.04(a)(9) regarding the extent to which the proposed project would interfere with the aesthetic interests of the general public, and Wt 302.04(a)(12) regarding the benefit of the proposed project to the health, safety and well being of the general public. Further, in light of these issues, the Applicant has not addressed the cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights under Wt 203.04(a)(16). At a minimum, fully protective measures to prevent accidental discharges from reaching the aquifer, such as an extensive oil-water collection and separation system around the track, must be implemented.

**9. The Spill Prevention Control and Countermeasure (SPCC) Plan is incomplete and contradictory.**

The SPCC Plan (Appendix F) does not provide the volume or location of proposed storage areas (petroleum, oil, grease, transmission fluids, radiator fluid, brake fluids, and other regulated fluids). *See Attachment 7, SPCC Plan Memorandum.*

The statement “The Applicant is not proposing the installation of any permanent ... above ground storage tanks for the storage of any petroleum products.” (Application, p. 28) is incorrect. The SPCC Plan (Appendix F, p. 3) clearly states that each facility may have one to two above ground storage tanks to store fuel oil.

The SPCC Plan lacks the required figures needed to show locations and contents of storage containers, locations of portable containers, outdoor piping for petroleum and other regulated liquids, release flow direction and distance of travel, and sensitive receptors and water bodies.

In addition, the SPCC Plan is a generic document that lacks the required specificity regarding the details of the containment systems type, design, maintenance and inspection intervals, fueling locations and associated spill containment and countermeasures and the necessary details regarding the “mobile” fueling system that is not described.

Appendix D of the SPCC Plan (first page) states that Medical Emergency Response Vehicles (MERVs), described as four wheel drive Ford 250 trucks, have “the ability to reach any potential accident site within 60 seconds of the accident taking place.” Simple arithmetic indicates that to be able to reach many portions of the site within 60 seconds of an accident taking place, MERVs must be able to travel at extremely high speeds (based on the questionable assumption that the accident notification occurs and the vehicle responds instantaneously). It would seem reasonable to expect response times much longer than 60 seconds. If that is the case, considering that the proposed paved racing and fueling areas of the site are either close to or are hydraulically connected to the drainage swales, culverts, inlets and unlined stormwater retention basins, runoff and releases to the environment will be rapid.

There is no specific discussion of hazardous waste management protocols. Under the Tamworth ordinance, generators of any hazardous waste must receive approval for such activity from the Town. The following products and substances are associated with automotive repair activities:

Battery terminal protection compound	Spray lube
Battery terminal cleaner	Rust-oleum primer and paint
Spray paint	Hydraulic oil
Adhesive	Automatic transmission fluid
Threadlocker	Antifreeze
Gasket remover	Gear oil
Grease	Shaft & bearing mount
Brake fluid	Silicon lube
Brake cleaner	Power steering fluid
Propane	WD-40
Kerosene	Lysol
Gasoline	Bleach
Diesel fuel	Fire extinguishers
Argon-welding gas	Degreasing system
Carbon dioxide-welding gas	Cable lube
Oxygen-welding gas	Windshield washer lube
Acetylene-welding gas	Tire mounting rubber
Starting fluid	Injector cleaner
Belt dressing	Di-Electric grease
Silicone gasket compound	Hand cleaner
Anti-seize lubricant	Battery ignition sealer
Sealant with Teflon	

In light of the discussion regarding the serious consequences of contamination from fuel spills, and the wide range of pollutants expected to be used on a regular basis in the operation of the project, the Application has not adequately considered nor designed for prevention of potential impacts to ground and surface water quality as

contemplated in Wt 302.04(a)(13), nor does it satisfy Wt 302.04(a)(11), which requires the Applicant to address the impact this contamination could have on abutting property owners. In addition, the high risk of contamination raises questions under Wt 302.04(a)(7) regarding the impact to plants, fish and wildlife, Wt 302.04(a)(8) regarding the impact of the proposed project on public commerce, navigation and recreation, Wt 302.04(a)(9) regarding the extent to which the proposed project would interfere with the aesthetic interests of the general public, and Wt 302.04(a)(12) regarding the benefit of the proposed project to the health, safety and well being of the general public. At a minimum, the Applicant should fully set forth the details of its SPCC and hazardous waste management plans.

**10. The LEDPA requirement analysis has not been met.**

The Applicant is required to demonstrate that there is no practicable alternative to the proposed plan that would have less adverse impact on the aquatic ecosystem. 40 C.F.R. §230.10(a). An alternative is “practicable” if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant that could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered. *Id.* However, the Application does not comply with this requirement because it does not adequately demonstrate realistic alternatives to the proposal.

The on-site alternatives presented in the Application involve commercial developments that are unrealistic. (*See* Application, Section 7.1.) In particular, Alternative 1 is not feasible since 50 acres of the project are located on property that cannot be obtained by the Applicant (the owner of that lot has declined to permit the Applicant to use it). Alternatives 2 and 3 concentrate the parking areas and paddocks in the wetland area at the base of the slope and show little effort to minimize wetland impacts. Alternative 4 is not realistic since it relies upon a subdivision configuration in violation of the Town of Tamworth’s subdivision ordinance (based on soils and slopes)<sup>11</sup>. The so-called “preferred alternative” is the only one presented as feasible, but it is not compared with any other meaningful, on-site alternatives that significantly reduce wetland impacts. In all on-site plans, the majority of the motorsports support facilities are located in the primary wetland areas.<sup>12</sup>

The off-site alternatives presented are also unrealistic and improbable. Both the Albany-Madison site and the Freedom site have extremely steep slopes (more than 60% of the properties have slopes that exceed 25%). Perennial stream crossings also bisect

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<sup>11</sup> In addition, it is comparing a residential subdivision to alternative motorsports park layouts – this is neither an appropriate nor a meaningful comparison.

<sup>12</sup> Oddly, the Application does not include a plan of the “preferred alternative”. (*See* Figures 7-1 through 7-4).

each property, and more wetland and aquifer impacts would arise on either site than as is proposed in Tamworth. If there are truly no on-site alternative configurations that are feasible, it becomes even more important that the Applicant demonstrate a meaningful consideration of realistic alternative site locations and a reasonable conclusion that the “preferred alternative” is the least environmentally damaging practicable alternative. Therefore, since the Application does not demonstrate that there is no practicable alternative that would have less adverse impact, it fails to adequately address the requirements of Wt 302.04(a)(2).

**11. The wildlife function assessment was inadequate.**

The Application does not adequately assess the potential loss of wetland wildlife function, as required in Wt 302.04(7). The functional assessment was completed in late fall when very few wildlife species are observable, and the subsequent list of species they directly observed is minimal (e.g. 5 mammals, 5 birds, and 2 amphibians and 1 reptile). Secondly, their potential list of species has 11 errors of inclusion (i.e. species that do not occur in the region), and 23 errors of exclusion (i.e. species that are known to occur but are not listed). Most importantly, they do not mention direct noise impacts to wildlife species that occur in the upland buffer, especially those such as black bear, bobcat, eastern mountain lion and lynx, all of which have been recorded in the vicinity of the proposed racetrack. Further, their statement “mortality to wildlife is not anticipated to significantly exceed mortality compared to other profitable land uses ...” does not offer a reasonable argument for creating the largest and loudest commercial enterprise in Tamworth.

**12. The rare or endangered species assessment was inadequate.**

The Application did not document a purposeful survey for rare and endangered species. The New Hampshire Fish and Game Department has received field and/or DNA-verified evidence of two wide-ranging rare species, lynx and eastern mountain lion, in the area. While these are the most likely observed state and federally-listed vertebrate species in the area, neither is likely to be observed during the times of year in which the Applicant conducted its survey. It is significant that noise, light, and pollution impacts of the proposed racetrack would have severe consequences in the upland buffer for the *opportunity* for these two species to repopulate this portion of the Ossipee Mountains. As the Application did not document a purposeful survey for rare and endangered species, the impact to rare or endangered species was not adequately considered as required in Wt 302.04(a)(7)(a) and (b).

**13. The likely impacts to vernal pools (Wetland G) were not evaluated.**

Vernal pools are seasonal in nature. A comprehensive evaluation of wildlife habitat and the potential for wetland wildlife functional loss from impacts to vernal pools can only be properly evaluated in the spring after snowmelt. Based on the April 12, 2004

letter of Abenaki Environmental Services to the Tamworth Conservation Commission (attached as Attachment 4), Wetland G is functioning as a vernal pool and as a breeding ground for wood frogs. (Attachment 4, paragraph 11.) Wood frogs, one of two documented amphibians at the site, are obligate vernal pool breeders; wood frogs disperse up to 1,100 meters from their natal breeding locale, and their “genetic neighborhood” is considered to be as large as 1.6 km sq. (Calhoun, DeMaynadier, and Baldwin 2004). In addition, the forested wetlands (red maple swamps) at the base of the slope might contain vernal pool habitat because they include “hollows [that are] seasonally flooded in fall and spring.” (Application, p. 16).

The discovery of two previously unmarked vernal pools on the site by Abenaki Environmental Services is significant, particularly so because it was based on site visits during which only a portion of the site was actually observed. The Application does not adequately consider impact to wildlife in seasonal vernal pool habitats, and therefore further evaluation in-season is necessary to address adequately the type/classification of the wetlands involved under Wt 302.04(a)(3), the rarity of the wetlands under Wt 302.04(a)(5), the surface area of the wetlands that will be impacted under Wt 302.04(a)(6), or the impact on wildlife as required by Wt 302.04(a)(7).

**14. Nearby exemplary natural communities were not described.**

Very little natural community data have been researched at the proposed site even though their presence is indicated by known information. In particular, old growth forests are typically considered exemplary natural communities by the New Hampshire Natural Heritage Bureau. In an area immediately west of the site, a band of old growth forest extends from the Sanger Lot (Lakes Region Conservation Trust) to Lot 207.1. Steep, rocky slopes that prevented prior timbering in this area continue onto the site, indicating the likely presence of old growth forest on the southwest corner of the site. A site inspection of this area by qualified ecologists is required in order to properly evaluate the impact on nearby exemplary natural communities as required under Wt 302.04(a)(7)(e).

**15. Habitat fragmentation potential is high.**

As presented in the Application, the project poses a high potential for habitat fragmentation that is inappropriate for the area and will not be adequately mitigated by proposed measures. The perimeter of the 3.1 mile road course will be enclosed by a 6-foot tall chain link fence. (Application p. 25). Furthermore, in the likely event that noise abatement measures (discussed in Section 4 above) are used, the entire perimeter of the site may be enclosed by a 35-foot high noise barrier. Thus, the majority of the 251 acres will be within a fenced-off area, and the entire site will be enclosed within a 35-foot high wall. This would effectively cut off any access across the property to the wildlife in the region, and, unless the Applicant drives out on-site wildlife, any wildlife residing on the site when the fencing is constructed could be trapped within the walls.

The proposed site is surrounded by approximately 20,000 acres of conservation land, most of it immediately abutting the property, including the White Lake State Park, Black Spruce Ponds Preserve, Chocorua Forest Lands (a National Forest Legacy investment), and the Castle-in-the-Clouds and Ossipee Mountain Preserve properties purchased by the Lakes Region Conservation Trust. The habitat fragmentation caused by the project will have an adverse impact on sensitive wildlife species present in this area that rely upon large, unbroken tracts of forest land for survival (e.g., lynx, mountain lion, moose, and bear). Such an impact would directly contradict and undermine these multi-year, multi-million dollar conservation initiatives to protect the Ossipee Mountains.

In addition, rather than mitigating habitat loss on-site, the Applicant proposes to preserve an upland buffer that is several miles away. Wildlife habitat at the proposed mitigation area is quite different from that at the proposed project site and would therefore do little to offset the adverse effect of habitat fragmentation at the site. The above discussion demonstrates a lack of adequate consideration in the Application of the impacts to wildlife at the proposed project site as required in Wt 302.04(a)(7).

**16. Destruction of archaeological evidence is likely.**

Archaeological evidence is commonly found in the Ossipees, especially along the Bearcamp River below the project site. If such evidence is present on the site, which is probable, then the proposed project will likely destroy it. Until the Public Archaeology Laboratory, Inc. (PAL) archaeological field survey is completed (*see* Application, p.20), it will not be clear whether such evidence is present on the site, what level of significance such evidence has, and what steps will be required to preserve, remove or study it. Therefore, consideration of the Application cannot be completed until survey results are available, and the resulting affects on the project, if any, are ascertained.

**17. There is no on-site mitigation monitoring plan.**

The Application includes no on-site mitigation monitoring plan, and expresses very little concern about on-site mitigation measures for the “temporary” impacts that will occur. The proposed plans are inadequate because they do not include measures to assess placement/removal of temporary erosion control structures (e.g., hay bales, silt fences and sand bag levees, *see* drawings W-1 through W-10 of Application), nor do they address soil stabilization measures (e.g., hydroseeding or establishing vegetation, *see* Application p. 86). The plans also fail to include the monitoring that would be required to prevent the establishment of invasive species such as purple loosestrife, glossy buckthorn, and phragmites. Therefore, the Application fails to demonstrate that the proposal by the Applicant is the one with the least impact to wetlands or surface waters on site, as required by Wt 302.04(a)(2), nor does it adequately address the potential of the proposed project to cause or increase flooding, erosion or sedimentation under Wt

302.04(a)(14) or the impact of the proposed project on the values and functions of the total wetland or wetland complex under Wt 302.04(a)(17).

**18. The choices for off-site mitigation are not reasonable.**

The Applicant proposes to rely exclusively on off-site mitigation to address direct wetland impacts, but this proposal does not appear to take into account all of the appropriate mitigation candidate sites. For example, an exemplary silver maple community was identified approximately 900 feet from the site (Application, p. 18) but was not considered for mitigation purposes. Possible restoration of previously-impacted on-site wetlands (Wetland Impact Areas 10 and 14) was not evaluated. Off-site restoration opportunities were not well-researched, and an adequate review of the possible sites for upland buffer protection was not performed. (*See* Application, p. 99.)

Also, as noted in paragraph 11 above, the proposed off-site mitigation will not adequately compensate for the particular kinds of impacts that will occur. Without an “in-kind” replacement strategy (Application pg. 100), off-site replacement of destroyed wetland functions should at least seek to replace similar functions (e.g. wildlife habitat types, flood flow alteration, groundwater recharge/discharge potential, sediment/toxicant retention, and nutrient removal opportunity). This further demonstrates that the Application does not demonstrate that the proposed design is the one with the least impact to wetlands or surface waters under Wt 302.04(a)(2).

**19. Stormwater management impacts are not adequately characterized and addressed.**

The assumptions and calculations made in the Application regarding stormwater flow, patterns and time of concentration are inaccurate, the proposed controls are inadequate, and the Application fails to address many important issues regarding stormwater management, as well as many requirements under Wt 302.04(a). *See* Stormwater Management Memo, Attachment 8.

At the outset, assumptions regarding stormwater time of concentration are inaccurate and should have been calculated (a) using approved methods, and (b) taking into account the effect that the project’s features will have on stormwater discharge patterns. In addition, it appears that the runoff down the proposed swales and through all culvert pipes has been underestimated. The calculations also improperly assume that the pitch of the race track surface has a significant bearing on efficient stormwater management (*see* Application, p. 25). A proper analysis will likely indicate that the proposed stormwater controls are inadequate. Thus the culverts, swales, stormwater retention basins, retention basin outlet structures and retention basin emergency spillway structures must be re-evaluated to verify that they will actually be capable of handling the 24-hour duration, 10-year storm conditions as represented in the Application.

There are also several significant omissions in the Application regarding stormwater. For example, there is no indication that dam permits will be sought from NHDES for the detention ponds, but as shown in the Application it appears such permits will likely be required. Full design calculations for stormwater management are not included, and should also reflect likely contributions from groundwater intercepted by development features. The Application does not include locations of catch basins to capture the first ½ inch of stormwater runoff, or specific plans for drainage of parking lots. In addition, only general drawings of erosion or sediment controls for the drainage swales, culverts, detention ponds and spillways are provided. Detailed drawings showing the locations of these systems and their relationship to the other design components are not provided. These are but a few of the many omissions and inaccuracies in the Application's discussion of stormwater management issues. *See Attachment 8* for more details.

These omissions and inaccuracies result in inadequate consideration of the requirements of Wt 302.04(a), including, but not limited to: the relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters under Wt 302.04(a)(4); the potential impact upon abutting owners under Wt 302.04(a)(11); the potential of the proposed project to cause or increase flooding, erosion, or sedimentation under Wt 302.04(a)(14); and the degree to which the project may redirect water from one watershed to another under Wt 302.04(a)(20).

**20. Erosion control measures and construction dewatering impacts are not adequately addressed.**

Proposed erosion control measures are inadequate for the project and do not meet the minimum erosion and sedimentation control standards recommended in NHDES's "Stormwater Management and Erosion Control Handbook for Urban and Developing Areas in New Hampshire" (August 1992). *See* Erosion Control Memo, Attachment 9. In addition, shallow groundwater and proposed excavation depths (Application p. 5) indicate that construction dewatering and groundwater management will likely be required, but the Application contains no provisions for construction dewatering. Subsurface drainage measures (e.g., swales, *see* Application p. 89) are not adequately addressed, and the maximum height and slopes of the temporary construction berms are not provided (Application p. 90). Proper consideration has not been given to the potential for a project to cause or increase erosion as required in Wt 302.04(a)(14), or the degree to which the project has the potential to redirect water from one watershed to another under Wt 302.04(a)(20).

It is also significant to note that the Application states that the slope of the site is "gradual" (Application, p. 3). However, the average slope across the developed portion of the site is roughly (1,130 – 450 feet MSL)/ 4,300 feet = 16%. The Town of Tamworth (Master Plan Update; March 1995, page IV-3; referenced in the Application) classifies land with slopes greater than 15% slopes as "steep".

**21. Erosion control and impacts from cut slopes are not adequately characterized and addressed.**

The Erosion Control drawings indicate that steep (50%) cut slopes nearly 80 feet high and over 200 feet long will be required, greatly increasing runoff and erosion on the site. Cuts of 50 feet (e.g. an approximately 80-foot-tall, 210-foot-long cut slope shown in the vicinity of the proposed hotel, Drawing EC-12) will create a swath of disturbance exceeding 300 feet in many areas. Depth to bedrock is likely shallow at most excavation sites (*see* Application pg. 7).

Excavation into bedrock to the depths proposed could very likely require drilling and blasting. Surprisingly, the Application did not include a bedrock blasting plan or any mention of the significant noise and other impacts that will result from the use of a portable rock crushing operation (Application, pp. 81, 84). In addition, quantitative impacts to wetlands from the volume of water to be diverted by these steep cuts are not evaluated even though it is clear that the major terrain alterations proposed will create both a temporary impact (during construction) and a permanent impact. *See also* Construction Impact Memo, Attachment 10, and the Haley & Aldrich full set of comments to MSH's Site Specific (Alteration of Terrain) permit application, Attachment 11. This further demonstrates that neither the potential for the proposed project to cause or increase erosion nor the impact of the proposed project on the values and functions of the total wetland or wetland complex have been adequately considered as required in Wt 302.04(a)(14) and (17), respectively.

In addition, no subsurface information has been presented concerning the stability of the proposed soil cut and fill slopes. Slopes of the magnitude proposed in the Application must be analyzed with a slope stability model to be certain that they are feasible and not prone to failure. In his April 16, 2004 letter to the Tamworth Conservation Commission (Attachment 6), Dr. Newton indicates that a lower glacial till deposit in this area is prone to liquefaction once disturbed by construction equipment. The presence of this deposit at the racetrack site must be assessed in order to avoid the potential for slope failure, erosion, sedimentation and turbidity impacts.

### **III Conclusion.**

The Application itself states it well: "the cumulative effects of the Project ... will be negative." (Application p.68). The impacts of this major project will be significant, and will permanently and adversely affect the environment, the community of Tamworth and neighboring communities, and those using the conservation and recreation lands surrounding the site for camping, hiking, fishing and swimming. Permanent impacts include deterioration of wetland quality and function, fragmentation of wildlife habitat, the generation of considerable noise pollution, light pollution and traffic congestion, and

the diminution of property values in the area.<sup>13</sup> Perhaps the most alarming potential impact is contamination of groundwater. The site is located directly over the Ossipee Aquifer, which is New Hampshire's largest stratified-drift aquifer and the major source of drinking water for Tamworth and many surrounding towns.

The 251-acre site is centered in the majestic Ossipee Mountains. It is surrounded by approximately 20,000 acres of conservation and recreation lands. In light of the significant investment of public and private monies to preserve thousands of acres of conservation land in the immediate area surrounding the site, and the location of the project directly over a major drinking water aquifer supplying Tamworth and more than 20 other communities with its drinking water supply, the construction of a private motorsports park to accommodate the desires of the few who will utilize it, at the expense of the many that will suffer the negative impacts of it, simply makes no sense.

For all of the above reasons, we respectfully request that DES deny this Application.

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<sup>13</sup> See also, additional items to consider regarding impacts of this project, [Attachment 12](#).