Legal bills pile up as Hamilton appeals water restrictions

By Steve Landwehr
Staff writer

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HAMILTON — The Ipswich River watershed may be the most litigated piece of land in the state. For the lawyers involved, it's turning out to be a river of gold.

Hamilton and a number of other North Shore communities have appealed new state regulations that would require them, some of them for the first time in history, to impose summertime watering bans.

At issue is how much water municipalities say they were promised they could use every year, without restrictions, when the Water Management Act went into effect in 1986. Two years later, the state Department of Environmental Protection issued registration statements, 20-year permits, which the towns say allowed unrestricted use of water.

When the agency renewed those permits last December, however, for the first time they imposed restrictions on outside water use, including lawn sprinkling, whenever the state Drought Management Task Force declares a drought advisory, drought watch, drought warning or drought emergency on the North Shore. The restrictions would be enforced until drought conditions abated.

Hamilton already has similar restrictions under a different permit, but officials contend they were promised there would never be any restrictions on the volume of water allowed in their original permits.

"Hamilton and a whole bunch of other communities are concerned about this," Hamilton Town Administrator Candace Wheeler said. "The question is, how far do we want to go?"

Lawyers' fees have already exceeded $200,000, and that doesn't include an earlier appeal that hasn't been settled.

Salem, Beverly, Manchester and Peabody are also objecting to the new restrictions.

The Ipswich River Watershed Association is also appealing the registration renewals, contending they don't go far enough. In Hamilton's case, the town was originally allotted too much water, said Kerry Mackin, executive director of the watershed association.

"The key issue, by everyone's admission, is a valve that was left open between Hamilton and Ipswich," Mackin said. She said Hamilton was receiving 250,000 gallons a day of Ipswich's water between 1981 and 1985, when the original registration volumes were calculated.

Longtime Hamilton Public Works Director Steve Kenney denies that charge.

"There's absolutely no evidence justifying that," Kenney said. "It was a joke between the two towns that became urban legend that became urban truth."
Kenney, who now heads the Manchester Public Works Department, calls the new restrictions from the state "ridiculous."

Hamilton already prohibits outdoor watering between 8 a.m. and 8 p.m. from May 15 to Sept. 15.

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