

Lewis Engineering, PLLC
44 Stark Lane
Litchfield, NH 03052
lewis.h2o@comcast.net

E-mail Correspondence

August 26, 2010

To: Ms. Jean Allan Sovik

Fr: Bruce W. Lewis, P.E.



Re: Research Summary Relative to Approvals Associated with the High Birches Mountain Spring Water Supply and Bulk Water Loading Facility

Jean:

We have completed a review of our approval files associated with the above referenced matter.

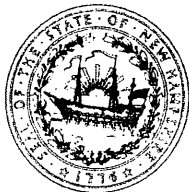
The following is a listing and summary of the documents attached with this memorandum, which evolved over time due to the initial plan of developing residential property, followed by the High Birches enterprise, noting that approvals during this time were dated letters, and there were no approval tracking numbers per se:

1. June 1, 1988 and August 22, 1988 – Early approvals from Mr. Robert Mann, P.E. at NHDES relative to developing an on site municipal water supply source. NHDES also sent a letter to the North Woodstock Board of Selectmen approving the then plans and specifications for the water system design. It is also noted that this particular on site water source noted in the approval letters from Mr. Mann, was developed later that year. This was a 12” diameter, naturally developed gravel based borehole. This source ultimately became the main source of water for High Birches. Our files indicate that the borehole was installed and had a 5 day pumping test completed during November 1988.

2. March 16, 1989 – Mr. Gregg Comstock’s memorandum as a follow up to a conversation with Mr. Bernard Lucey, P.E., NHDES, relative to the fact that at the time of this water source development, the approval for the water supply system had no expiration deadline.
3. April 28, 1994 – Mr. Charles Collins, Chief of the Bureau of Food Protection’s approval letter for the approving the High Birches as a site for a bottled water spring, borehole source.
4. November 18, 1994 – Mr. Robert Mann, NHDES and the State’s position relative to testing of water sources too close to open bodies of water, and Groundwater Under the Direct Influence of Surface Water (GWUDI), in this case the Pemigewasset River. There was no problem.
5. February 28, 1995 – Ms. Leah Keller, Supervisor, NH Dairy Sanitation Section’s approval of High Birches as an approved spring water source and bulk water facility in the State of New Hampshire. It is noted that a number of other State approvals for the Tetra-Pak process as well as the specific facility that High Birches utilized for packaging the spring water, Amstell of Bedford, MA., were in place. Product was being distributed through direct US Mail orders around the country prior to the commercial sabotage through contamination of the HB source, as well as adjacent monitoring wells.
6. Finally, we located a copy of the Easement Deed between Senter Cove and Netmark International that may be of interest to you. This is not a recorded copy, but only signed and notarized.

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ALDEN H. HOWARD
COMMISSIONER

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER SUPPLY & POLLUTION CONTROL DIVISION

6 Hazen Drive, P.O. Box 95, Concord, NH 03301
603-271-3504

COUNCIL
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JAMES VAROTSIS
WILLIAM T. WALLACE, M.D., M.P.H.

RUSSELL A. NYLANDER, P.E.
CHIEF ENGINEER

June 1, 1988

Earle M. Chesley, P.E.
Costello, Lomasney & DeNapoli
540 Commercial Street
Manchester, New Hampshire 03101

SUBJECT: MWS, WOODSTOCK, HIGH BIRCHES

Dear Chip:

We hereby concur with the proposal outlined in your letter dated May 25, 1988, which calls for temporary on-site water supply if the Town is temporarily unable to supply water to the High Birches development. Our concurrence is based on the following understandings:

- 1) The on-site water system, if necessary, will meet our "Design Standards for Small Public Drinking Water Systems," Ws 310. A design review fee of \$30 per unit included in the design submittal.
- 2) The on-site system will serve a maximum of 150 units for a maximum period of five years.
- 3) The on-site water source, understood to be located 300 feet from the waste water plant operations building, will be abandoned upon availability of Town water.
- 4) Hookup fees will be paid as local building permits are granted and will be held in escrow. Please supply us with confirmation of the agreement to this effect.

Please call me at 271-3139 if there are any questions.

Very truly yours,

Robert W. Mann, P.E.
Water Supply Engineering Bureau

RWM/k1c
4679J

cc: Board of Selectmen

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5597Jk



ALDEN H. HOWARD
COMMISSIONER

RUSSELL A. NYLANDER, P.E.
CHIEF ENGINEER

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER SUPPLY & POLLUTION CONTROL DIVISION

6 Hazen Drive, P.O. Box 95, Concord, NH 03301
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WAYNE L. PATENAUDE
JAMES VAROTSIS
WILLIAM T. WALLACE, M.D., M.P.H.

August 22, 1988

Board of Selectmen
Town Offices
North Woodstock, New Hampshire 03262;

Subject: M.W.S., WOODSTOCK; WOODSTOCK WATER WORKS
HIGH BIRCHES DEVELOPMENT

Dear Members of the Board:

The plans and specifications for the water system for the subject project have been reviewed and are hereby approved. This approval is subject to the following conditions:

1. It is understood that the well to be developed on the site will remain privately owned and is to be used only in case the Town is temporarily unable to serve water to the initial stage of the project (as agreed in our letter dated 6-1-88). There must be a physical separation between this well and the municipal water system at all times. Details of a method of separation, as by removal of a section of connecting pipe, must be submitted to this office.
2. If use of the on-site well is necessary, water quality and quantity data, plus other design information, will be submitted in accordance with our letter of 6-1-88.
3. The foundation design for the A.O. Smith storage tank is to be designed and stamped by a registered professional structural engineer.
4. Disinfection of the water line shall be done according to current AWWA Standard C-601-88.
5. Separation of water and sewer lines shall conform to New Hampshire Water Supply and Pollution Control Division Design Standards.

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Board of Selectmen
Town Offices
No. Woodstock, NH 03262

- 2 -

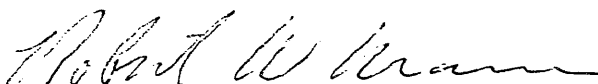
08-22-88

Subject: M.W.S., WOODSTOCK - HIGH BIRCHES

6. It is understood that the design documents have not yet been reviewed by the Town of Woodstock. Any substantial changes which are made as a result of the Town's review must be submitted for our review.

If you have any questions, please contact this office at 271-3139.

Sincerely,


Robert W. Mann, P.E.
Water Supply Engineering Bureau

RWM/klc

Encls.

cc: Gregg Comstock, P.E.,
Costello, Lomasney & DeNapoli, Inc.
Perrin Prescott,
R.E. Prescott Co., Inc.

② 1/1

Castello, Lomasney & de Napoli, Inc.
Consulting Engineers • 540 Commercial Street • Manchester, NH 03101 • (603) 444-3813

- Mr. [unclear]
- Mr. [unclear]
- Guy
- John
- Ken
- Eric
- _____
- _____

M E M O R A N D U M

TO: Files

FROM: Wm. Gregg Comstock, P.E.

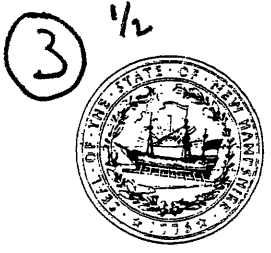
DATE: March 16, 1989

SUBJECT: High Birches
Woodstock, New Hampshire
Our Reference No. 85-256

On this date I called Bernie Lucey of the New Hampshire Department of Environmental Services, Water Supply Division. I inquired if there was an expiration deadline for the approval for the High Birches Project. Bernie stated that for a system this large, there is currently no expiration deadline for the approval and he does not foresee one being established in the near future. He did say that they are in the process of adopting a rule for small systems which states that their approvals would lapse after five years. This rule should be adopted by June 1, 1989. He did not see this rule as being applicable to the High Birches Project as the water system for the High Birches Project is not considered a small water system.

WGC:sch

cc: Bernie Lucey
Jean Quinn *md3/21/89*
Karen McGinley



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
6 Hazen Drive, Concord, N.H. 03301-6527
TDD Access: Relay NH 1-800-735-2964
Agency Phone: 603-271-4673

April 28, 1994 April 28, 1994

Ms. Jean Quinn
Network International
10 Post Office Square
Suite 655
Boston, MA 02106

RE: Woodstock Bottled Water Source
Dear Ms. Quinn,

Based upon two source site visits, reports submitted by Lewis Companies, Hidell-Eyster Technical Services, Inc., and Kenneth E. Mayo, P.E., the site adjacent to Route 3 in Woodstock known as "High Birches" is approved as a site for a bottled water spring bore hole source. The quality of the water has been reviewed and found to be acceptable provided that the finished product shows that the pH meets the MCL. This approval is contingent upon the following:

1. The property shown on the submitted reports and maps remains under the ownership of the bottler.
2. A final water quality analysis meets the MCL's of the Safe Drinking Water Act. Note that the most recent sample did not include iron and manganese but a previous sample in 1988 showed them to be acceptable.
3. A schedule of water quality testing be submitted to include the test wells once the main bore hole is in operation.
4. An on-site inspection be made by this bureau after the grading and site work has been completed.
5. The handling and associated piping and connections to pump the water into a bulk tank truck are to be approved by this bureau.

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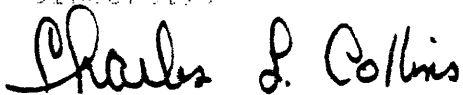
Ms. Jean Quinn
April 29 1994
page 1

Please note that the wording "spring water" is approved for use by this source for water distributed in New Hampshire but does not guarantee acceptance by other states.

Prior to bottling on-site the plant layout shall be submitted for review and approval. The labels are also to be approved. Once the plant is ready for operation a final inspection will be conducted and a license will be issued by the division. There are no requirements noted in this letter that supersede any requirements of the Town of Woodstock.

As you are aware any future contact with the division should be made with Dermot Palmer, Supervisor of the Dairy Sanitation Section. Mr. Palmer will be happy to answer any questions you may have and will be responsible for future on-site inspections.

Sincerely,



Charles L. Collins, Chief
Bureau of Food Protection

cc: Town of Woodstock
Dermot Palmer
Don Greenwood
Bruce W. Lewis
Kenneth E. Mayo
File (2)

(4) 1/1
State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

603-271-3503 FAX 603-271-2867

TDD Access: Relay NH 1-800-735-2964

NHDES



November 18, 1994

Bruce Lewis, P.E.
Lewis Companies
44 Stark Lane
Litchfield, New Hampshire 03051

Subject: High Birches Mountain Spring
Woodstock, N.H.

Dear Mr. Lewis:

Thank you for your recent clarification of information regarding the High Birches Mountain Spring.

The site has a screened 12-inch naturally developed borehole, 91.5 feet in depth, and located about 300 feet from the Pemigewasset River. There have been questions regarding the status of this water source with regard to New Hampshire policy on groundwater under the direct influence of surface water (GWUDI).

New Hampshire has performed extensive sampling of existing groundwater supplies in order to define conditions under which GWUDI may be a problem in overburden sources in natural materials. Based on these results, New Hampshire will propose investigation of only those groundwater sources in overburden materials which are located no greater than 200 feet from surface water. Based on discussions with the EPA, the final policy may call for investigation of only those sources located considerably closer than 200 feet from surface water. The borehole at High Birches will therefore not be investigated for GWUDI.

Please call us at 271-3139 if there are any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert W. Mann".

Robert W. Mann, P.E.
Water Supply Engineering Bureau

cc. Rene Pelletier
Donald Greenwood
Leah Keller

rwm77



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES

6 Hazen Drive, Concord, NH 03301-6527
TDD Access: Relay NH 1-800-735-2964
Agency Phone 603-271-4673

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February 28, 1995

2/28/95

Jean Quinn
Netmark International
10 Post Office Square Suite 655
Boston, MA 02109

Dear Ms. Quinn,

This letter is to certify that High Birches Mountain Spring located in Woodstock, New Hampshire meets the requirements for use as a spring water source and bulk water facility in the State of New Hampshire. This water source will remain an approved source provided:

1. Ownership of the property containing the springs and the bore hole does not change.
2. A full water quality analysis is performed annually and meets the requirements of the Safe Drinking Water Act. A copy of this analysis shall be sent to this office.
3. Annual inspections of the water source, conducted by this bureau indicate that the source continues to be in compliance with New Hampshire regulations.

Please note that the wording "spring water" is approved for water distributed in New Hampshire but does not guarantee acceptance by other states.

if you have any questions, you may call me at (603) 271-4673.

Sincerely,

Leah Keller

Leah Keller, Supervisor
NH Dairy Sanitation Section

cc: Bruce Lewis
Don Greenwood
Aimé Ramsey
file

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**WATER SUPPLY AND DISTRIBUTION SYSTEM
EASEMENT DEED**

KNOW ALL PERSONS BY THESE PRESENTS, that **Senter Cove Development Company, Inc.**, a New Hampshire corporation having its principal address as 1043 Town House Road, Center Harbor, N.H. 03253, (hereinafter called the "Grantor"), for consideration paid, grants to **Netmark International, Inc.**, a Massachusetts corporation with its principal place address; c/o Ms. Jean Quinn, 33 Constellation Wharf, Pier 7, Charlestown, MA. 02129, (hereinafter called the "Grantee"), and its successors and assigns forever, with WARRANTY COVENANTS, the perpetual and exclusive right and easement to the use of the parcels of land described herein below for the purpose of supplying and distributing spring water and/or water, including without limitation the right and easement to dig, drill, install, construct, place, replace, maintain, repair, operate, use, inspect, and remove; boreholes, pumping equipment, pumping stations, wells, access drives, fences, lights, pipelines, meters, readout devices, electrical equipment, control equipment, and any and all other related equipment, which may be needed, used, and/or considered useful, in the operation of the spring water supply source, pumping, transmission and/or distribution mains, supply building, monitoring equipment, loading systems, along with the perpetual and exclusive right and easement to lay, construct, install, place, operate, use, maintain, inspect, repair, replace and remove such pumping equipment, pipelines, meters, readout devices and related equipment for the distribution and measurement of water as the Grantee may from time to time desire, in order to provide spring water and/or water from the water supply system, (all together hereinafter called the "System") located thereon which tract of land is a portion of the premises as shown on a plan entitled GENERAL SITE PLAN - SOURCE & BULK LOADING FACILITIES, HIGH BIRCHES MOUNTAIN SPRING WATER, WOODSTOCK, NEW HAMPSHIRE, as prepared by Sabourn Surveying, Inc., Thornton, N.H., dated September 1994, at a scale of 1"=100', and recorded in the Grafton County Registry of Deeds as Plan # _____. Said land is hereinafter collectively called the "Site Plan".

Also granting to the Grantee, its successors and assigns the perpetual right to cross and recross the remainder of the premises for the purpose of access to and egress from all property as shown and/or depicted on the Site Plan, on foot or by vehicle, including without limitation the movement of machinery, equipment and materials in connection with the exercise of Grantee's rights upon said Site Plan property, provided that if the Grantee, in exercising said easement of access and egress shall cause any damage to said remainder of the Premises, the Grantee shall restore the Premises to its former condition.

6 2/2

The Grantor, for itself and its successors and assigns, covenants and agrees that (i) the use of the Site Plan land by the Grantee, its successors and assigns, shall be exclusive and that neither Grantor, nor any one claiming under or through them shall hereafter have any rights to use or occupy said tract of land for any purpose whatsoever that might cause any potential harm to the existing spring water supply source, or its watershed area, such that any and all improvements that might be made in the future shall meet any and all State and Local approval guidelines with the intent being no adverse impact on the spring water resource, (ii) Grantee, and its successors and assigns, shall have, and by this instrument the Grantor conveys, fee simple title to any and all improvements constructed for the utilization of the spring water resource in whatever manner the Grantee so chooses to utilize improvements which have been placed or installed on or in the Site Plan land including without limitation, the System and/or related appurtenances, and neither Grantor nor anyone claiming under or through Grantor shall hereafter have any right to said improvements.

IN WITNESS WHEREOF, Senter Cove Development Company, Inc., corporation, has caused this Easement Deed to be executed in its name and behalf by:

Senter Cove Development Company, Inc.

By: Jean Quinn
Jean Quinn

Its: President

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this the 11 day of April, 1997, before me, the undersigned officer, personally appeared and acknowledged herself to be President of the Senter Cove Development Company, Inc., a New Hampshire corporation, and that she, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

Tamara Law
Notary Public/~~Justice of the Peace~~

My Commission Expires:

TAMARA LAW, Notary Public
My Commission Expires September 10, 1997

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