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Town of Grantham Grantham Conservation Commission

WETLANDS INVENTORY PUBLIC FORUM November 13, 2012

Chairman Richard L. Hocker opened the Wetlands Inventory Public Forum on Tuesday, November 13, 2012, at 7:02 p.m. The Wetlands Inventory Public Forum was held in the Lower Level Meeting Room at Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Commissioners Present: Chairman Richard (Dick) Hocker; Merle Schotanus; Lindsey Lefebvre; Kristina Burgard; and David Wood (*Alternate*).

Members of Public: Dr. Rick Van de Poll; and approximately 23 members of the public.

Handouts: Dr. Van de Poll's & the Conservation Commission's Presentation Slides in Handout Form

Chair Hocker welcomed everyone to the Wetlands Inventory Public Forum and indicated that the purposes of this informal forum include Dr. Van de Poll providing a summary of his final report for the Grantham Wetland Inventory and Assessment project, and the Conservation Commission reviewing its recommendations arising from this project, which recommendations were submitted to the Planning Board and Selectmen earlier that day.

Chair Hocker introduced the members of the Conservation Commission present, as well as Dr. Van de Poll of Ecosystem Management Consultants of New England, LLC, the Commission's Wetland Inventory consultant. He then turned the floor over to Mr. Schotanus.

Mr. Schotanus stated that this is the last of the informational public forums for the Wetland Inventory project mandated by the Master Plan, which project is now complete. He indicated that for this Forum, there are be two presentations, one by Dr. Van de Poll and the other by the Conservation Commission. He noted that the slides in each presentation are included in the handout available at the back of the room. Mr. Schotanus introduced Dr. Van de Poll, and asked him to proceed with his presentation.

Dr. Van de Poll conducted his presentation, which provided an overview of the results of the Wetland Inventory evaluations, and the analysis and recommendations in his final report to the Conservation Commission.

Dr. Van de Poll then indicated he was finished. Mr. Schotanus thanked Dr. Van de Poll, and then provided a summary of the Conservation Commission's review of the Wetland Inventory results and Dr. Van de Poll's final report. He stated that the primary focus of the Conservation Commission's review were the following four mandates from the Town's Master Plan: 1) flood

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storage capability; 2) contribution to water supply; 3) contribution to water quality; and 4) wildlife habitat. Mr. Schotanus stated that in formulating its recommendations, the Conservation Commission focused on determining the best way to achieve the least restriction, but most protection of valuable resources, balancing rights of landowners with the demands of public interest, health, and safety in resource protection. In addition, where possible, the Conservation Commission focused on avoiding duplication of state and local protections that are currently in place.

Mr. Schotanus then stated that at a high level, the Conservation Commission's recommendations to the Planning Board and Selectmen, are summarized as including a recommendation that in 2013, the Town adopt a Town Wetlands Map and Index, and designate eight (8) wetland units as prime wetlands, and in 2014, establish a Wetlands Overlay District.

Mr. Schotanus then asked Ms. Burgard to present the supporting details for each of the eight (8) wetland units that the Conservation Commission currently recommends be designated as prime wetlands.

Ms. Burgard then discussed the supporting details set forth in the Conservation Commission's presentation, which in addition to discussing the functions and characteristics of each of the proposed prime wetland candidates, included an introduction to the functions in the Revised NH Method evaluation that correspond to each of the four (4) Master Plan mandates that were a primary focus of the Conservation Commission's review and recommendations.

When Ms. Burgard finished, Mr. Schotanus indicated that as noted earlier, the Conservation Commission's recommendations submitted to the Planning Board and Selectmen that morning included a recommendation to include two warrant articles relating to prime wetlands on the March 2013 ballot. Mr. Schotanus then read the proposed wording for these warrant articles, which appear in the Commission's presentation and the handout for the public forum.

Mr. Schotanus then gave an overview of the next steps. Specifically, the Commission will present the recommendations discussed tonight to the Planning Board at their December 6, 2012, regular meeting. Also, assuming the Planning Board agrees with the Commission's recommendations, they will schedule, notice, and hold a series of public hearings relating to the two warrant articles recommended for the March 2013 ballot. The first of these hearings should most likely be in late December/early January, and the others in mid- to late January and early February.

At this point, Mr. Schotanus opened the floor for questions. Mr. Schotanus recognized Bob MacNeil.

- **Mr. MacNeil: First of all, I applaud the Commission for all the work relating to the wetland inventory and prime recommendations. It's very scientific, I know I overuse that word, but I think it was a great job. And I think as far as identifying prime**

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wetlands, it was quantitative. I understood it, and I understood the logic, and it seems to be pretty straightforward. Thank you very much for that. I have seen some things in the report that seem to conflict public versus private, and very few of them have to do with the primary wetlands, where if we're talking about town lands, I'm fine, but if we're talking about private property, I have concerns. For example, public recreation. If you're referring to people's private land to supply public recreation, I'm not sure I understand that. The educational value, fine if you're talking about public education on public land, but if you're talking about private land, I don't get it. The other thing is the public interest in scenic quality. Once again, if it's public land, fine, but not if it's private land. I don't get this public versus private business on those. So that's just a comment.

Mr. Burgard: Bob, I'd like to address that comment when you're done.

Mr. MacNeil: Sure. The other thing that I'm kind of wondering about is that, the discussion of prime wetlands, I support that and think that's great. But, I'm looking at the proposed ordinance attached to the final report, and there's things like regular wetlands where setbacks are being applied that has nothing to do with the Wetlands Inventory report, and the study conducted, and it hasn't really been mentioned here. There's a proposed 25-foot set back in the draft on wetlands that would seem to encumber a 50-foot radius around something as small as this chair. Now, yes you can go the Planning Board, and get a conditional use, or hire a soil scientist to do a study, and that costs money to the applicant. Am I missing something here?

Ms. Burgard: Let me clarify what you're missing, Bob. What you're... (interrupted by Mr. MacNeil).

Mr. MacNeil: I don't care if it's a 214, 215, 216, or 217, this thing is put together under the guise of primary wetlands, and you're including secondary wetlands. I support the prime wetlands one hundred percent, but this other portion I'm having a problem with.

Mr. Schotanus: Excuse me. Are you referring to the sample wetlands ordinance that's included in Dr. Van de Poll's Final Report?

Mr. MacNeil: What I'm referring to, I'll quote it to you, give me a moment to find the marked page. (interrupted by Ms. Burgard)

Ms. Burgard: Bob, as always, you are extremely detail-oriented, and it appears there is some confusion regarding the model wetlands conservation district overlay ordinance that Dr. Van de Poll attached to his report. Dr. Van de Poll provided this in his report simply as sample of what other towns have used, but it is not part the Conservation Commission's recommendations at this time. We obviously did not do a good job in making sure that it was

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clear that the Commission is **not** proposing Grantham adopt this model provided by Dr. Van de Poll. The Commission is recommending only two warrant articles for March 2013 – adoption of a Town wetlands map & index, and designation of eight wetland units as prime wetlands. No locally enforced zoning ordinances are proposed for the 2013 ballot. In that regard, the Commission is recommending that the Zoning & Planning Boards work in consultation with the Commission to draft a local overlay district for 2014, but the wording and form of that has not even been contemplated at this point in time. So...(interrupted by Mr. MacNeil)

Mr. MacNeil: If you didn't include and forward this ordinance in your recommendations to the Planning Board, then you got my support. But, I think it's important that zoning on common wetlands not be a part of this – I can't support that. Okay. I'm reading this. I'm not going to get into the mincing of words of mandate versus a focus in the Master Plan because you know, if you ask anybody in Town if they want clean water, they are going to say, "Yeah." Some would construe that as a mandate, but I won't go there.

Mr. Schotanus: You can be assured that the sample ordinance you have there will not be used by the Planning Board. That is put in as a sample ordinance that can be used as a guide. It will be used by the Conservation Commission when we work with the Zoning Board of Adjustment and the Planning Board to construct a wetlands overlay, but it will not be a carbon copy of what you see there. That is simply a recommended sample ordinance that can be used for guidance...(interrupted by Mr. MacNeil)

Mr. MacNeil: If the Conservation Commission chooses to take this to the Zoning Board next summer, fine, that's your prerogative. I would appreciate it if you don't include it in this, because it can almost be construed as part of the primary wetlands, which I think is a noteworthy task. It's just my opinion, if you separate it, you'll get more support from me.

Mr. Schotanus: I take your comment, and be assured that it will not be used as is - it is presented there as a sample.

Mr. MacNeil: Now, when you say that this is going on ballot vote, does that mean it's the verbal voting at Town Meeting?

Mr. Schotanus: No, no, it's the paper ballot.

Mr. MacNeil: So there'll be no discussion at Town Meeting?

Mr. Schotanus: That's the reason why you have public hearings in advance of it going on the paper ballot. You'll have a public hearing on the warrant articles before the vote is taken

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by ballot on Town Meeting day. There is no discussion of zoning articles at Town Meeting - they are all voted on by ballot.

Mr. MacNeil: Merle, I guess you're ignorant of the fact that we voted at Town Meeting for a police cruiser, we voted for a... (interrupted by Mr. Schotanus)

Mr. Schotanus: That doesn't have anything to do with zoning ordinances. Zoning ordinances are strictly ballot votes by state law.

Mr. MacNeil: So the ballot vote will take place before the actual Town Meeting?

Mr. Schotanus: You will vote on the ballot at the same time that you vote on Town officials. Voting usually starts at, what, 8 in the morning, and goes to 5 and then we have Town Meeting. The voting takes place that day on all zoning ordinances and Town officers.

Mr. MacNeil: Can I ask a favor? When I looked at the cable access TV to see if this meeting was on there, it was not.

Ms. Burgard: All of our meetings normally are on our local government channel, but unfortunately our Town's system is antiquated and is experiencing problems. They were asked to put this up, but I was told that they could not get it on there due to difficulties with the system.

Mr. MacNeil: Well, the CIP Committee that at least one of us here is on did show up. But that's neither here or there. What I'm asking is that people should at least know that there is a public hearing they can attend.

Mr. Schotanus: They will know that there is a public hearing because the Town is required to publish the notice in at least two places and in the paper.

Mr. MacNeil: What I am saying is that the Town of Grantham has a webpage so that people can become informed, and when it's excluded from that, you may be legal but are you really notifying people.

Ms. Burgard: Bob, every one of our forums and meetings, including this one, were on the Town calendar on the Town's website, and one or more spots on the Commission's section of the website. I always also submit a TV piece to go on the cable channel, but this time I was informed by the administrator that for this public forum, they were unable to put it on the TV channel because the system was down. It's my standard practice to put things on the Town calendar and request they go on the TV channel, and I will absolutely follow that practice with regard to the hearings.

Mr. MacNeil: Thank you very much.

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Ms. Burgard: Also, to address your opening comment regarding the other functions like public recreation. Those functions are considered in the overall ranking of wetland evaluation units in the general sense, but because we are not focusing on the ones you pointed out, we wanted not to focus on those in making prime designation recommendations. This is why in the supporting detail analysis I presented earlier, the focus was only on certain functions, none of which were the ones you pointed out earlier, like Scenic Quality or Education Potential. While they are factored in to some extent in terms of the overall ranking that comes out of Rick's analysis, that ranking was only one very minor aspect of the Commission's recommendations. We were really focused on those things that are the most important to public interest, safety, and health, such as flood storage, water supply, and water quality.

Mr. MacNeil: Once again, if these things occur on public land, I don't have a problem but I do on private land.

Ms. Lefebvre: Bob, if you look at some of these functions that you have a problem with, and you look at the questions that go along with them, even though they were answered for the wetlands on private property, due to the questions, they would get a low score because of access issues, like there's no room to park a bus, or whatever. They did get looked at, but where public access is an issue, they received correspondingly low scores, including zeros in some instances.

Mr. MacNeil: Why not then remove those from the evaluation, because the land is being encumbered. It's once again the whole public versus private issue again. If you have land and in their mind it's 100% usable, and then zoning restricts some of it, the tax value should go down, so the overall tax base would go down, and thus other's would see an increase in tax to make up the difference. So, people's taxes would go up. Is it significant? It might be, it might not, depending on the project. I wish you would take a look at that component.

Ms. Burgard: I think if you take a look at the wetland units recommended for prime designation, the ones that impact the most private landowners are the ones that are the most critical to protect in terms of the overall public interest, health, and safety. For example, Stocker Pond. Without some protection against unregulated alterations to that wetland unit's functions and values, the Town could very likely be crippled financially in the future should we ever need a municipal well supply. So, the Commission really did try to factor into its recommendations where there is the most potential impact on private landowners, to make sure that those wetlands are truly the most critical to protect in the best interests of the Town. So that weighs against a potential decrease in some property values, which may or may not occur because of those designations, as well as the corresponding potential incremental increase in others taxes.

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Mr. MacNeil: I understand. Was there ever, I understand I'm taking a lot of time, but was there ever any conversation about buying easements, or water rights, so you could compensate the private sector?

Ms. Burgard: We are not at that point yet in this whole process. But as a purely hypothetical situation, let's say the Town gets to the point where it actually needs to have a municipal water supply site. It is not unreasonable to assume that the land where a municipal wellhead will have to go will have to be purchased or leased from the owner.

Mr. MacNeil: That's equitable in my eyes. Once again, I'm just trying to express my concerns regarding some private property value may be diminished.

Mr. Schotanus: I assure you your concerns will be taken into consideration. Other questions?

Ms. Hutchins: Yeah, who saw that pelican in the picture in Grantham? (General laughter)

There being no further questions, Mr. Schotanus thanked everyone for coming and closed the Wetlands Inventory Public Forum at 8:39 p.m.

HANDOUT

The handout from the Public Forum can be found on the Town's website at www.granthamnh.net/Conservation, subpage Wetland Inventory, then click on "NOV. 13 WI PUBLIC FORUM PRESENTATIONS".

Respectfully Submitted,

Kristina Burgard

Kristina Burgard
Grantham Conservation Commission