APPROVED

Town of Grantham-Planning Board
Meeting Minutes
January 8, 2013

Carl Hanson, Chairman called the meeting to order at 7:00 p.m. The meeting was held in the Lower Level of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Chair Carl Hanson, Vice Chair Charles McCarthy, Karen Ryan, Selectman Warren Kimball, Alternate Mary Hutchins, and Clerk Jessica Smith.

Absent: Alden Pillsbury

Conservation Commission: Chair Richard Hocker, Merle Schotanus, Lindsey Lefebvre,

Public Attendance: Peter Gardner, Bob Schwartz, Mauri Schwartz, Troy Simino, David Barrett, Bruce St. Peter, James Romiblio, Chris Johnson, James Harding, Helen Schotanus, Selectmen Connie Jones, T.J. Alexander, Dr. Rick Van de Poll, Renee Gustafson, Donna Floritvanti, Don Floritvanti, Paul Osgood, Jean Duval, Joey Holmes, Alan Eckbreth, Ernie Collier, Town Administrator Melissa White, Sheridan Brown, Pat Woolson, Thain Allen, Margery Bostrom, Rae Tober, Reggie Field, Claire Douglass, Carolyn Lewis, Aleene Hastings, Glenda Szczesiul, Robin Palermo, Sandra Palermo, Craig McArt, Michael Whipple, Caroline Hoen, David Szczesiul, Frances Hastings, Mert Hastings III, Jen Beaulieu, David Beaulieu, Daniel Field, Brian Molly, Selectmen Ken Story, Marilyn Lyons, Jim Stamper, Todd McIntire and other members of the public.

Planning Board
Public Hearing
Prime Wetlands Hearing

Chair Hanson stated that the purpose of this Hearing is to review the proposal of the Grantham Conservation Commission to designate Prime Wetlands and also to adopt a wetlands map. All the materials and maps that you see at the meeting are also and have been posted on the website and made available to you. There were 116 abutters and property owners who are directly affected by this project have been notified by certified mail.
Chair Hanson explained that the Planning Board will start by allowing the Conservation Commission to go through their presentation.

R. Hocker stated that this project goes back to the 2005 master plan and within that master plan was the requirement to conduct a wetlands inventory within the Town of Grantham. This project basically is set up to identify any wetlands that were greater than 2 acres in size throughout the Town of Grantham, what we found was that there are 54 wetland properties that were potential candidates for Designation as Prime Wetlands. During our investigation, we visited all 54 of the potential wetlands and completed an evaluation on each one.

R. Hocker turned the rest of the discussion over to M. Schotanus who was the Project Manager. M. Schotanus started off by correcting the Chairman "there were actually 121 abutters, because 5 of the properties belong to the Town. M. Schotanus asked if everyone has gotten and reviewed a copy of the frequently asked questions & a Basic Facts Sheet that were handed out when they arrived tonight. M. Schotanus explained that he and R. Hocker would be manning the maps that are displayed in the front of the room during the presentation; this power point presentation will come in two parts and will take about 45 minutes. M. Schotanus explained that during this two year process, Dr. Van de Poll identified 54 potential wetlands for evaluation. With the help of 15 volunteers, 6 Conservation Commission Members and with the collaboration of 87 Landowners in town we were able to complete this project. M. Schotanus explained that after tonight's hearing there will be two more hearings one on January 22, 2013 and the last one on February 5, 2013.

Mr. Schotanus introduced Dr. Rick Van de Poll to being his power point presentation of "Wetlands Inventory & Assessment Project". Dr. Van de Poll started by addressing one of the natural resources that he considers to be the most valuable to all of us whether or not we are aware of it wetlands. Dr. Van de Poll has lived in flood zones with the building of wetlands have destroyed houses, he has seen the floods in Connecticut, North Walpole and take out dozens of trailers over the years that I have lived in New Hampshire. Dr. Van de Poll describes a time where he had to re-drill a well when he lived in Fitzwilliam due to contamination of wetlands from road salt. He has seen at least 4-5 areas of the State be compromised relative to wildlife population that have brought things like Lyme disease and ticks into the neighborhood because the wetlands have been compromised and the wildlife habitat has been destroyed.

The value of wetlands is in the public interest, some of us may not agree with this. Dr. Van de Poll stated that he understands that as a property owner, especially one that has gone through the permitting process more times than any one of you wish too, lobby for the proper balance between the use of the resource and abuse of the resource. Dr. Van de Polls explained that his job for the Town of Grantham was to ensure that the use of the resource was appropriate. It is to favor that in the future for the residence who are not yet living here and will rely on the clean drinking water, because in 50 years it might look very different than it doe's today.

Dr. Van de Poll explained that the Conservation Commission with the help of 15 volunteers identified and assessed 54 wetland evaluation units, Chase Pond, Chester Road Pond, Hartshorn Road, Hogbox Pond, Leavitt Pond, Leavitt Pond North, Lily Pond, Lower Chase Pond, Lower Mill Pond, Meadowbrook Road North, Meadowbrook Road South, Mill Pond, Miller Pond, Miller Pond West, New Aldridge Road NW, Northwest Corner, Old Route 10 North, Sherwood Forest Isolated, Upper Dunbar Hill Brewer Pond, Anderson Pond, Butternut Pond, Cole Pond, Eastman Lake, Grass Pond, Grass Pond West, Lower Stony Brook, Lower Stroing Brook, Mill Pond Dam, Upper Stroing Brook, Bog Brook, Deer Run North, Eastman Access NW, Little Brook Gravel Pit, Logging trail, Lower Eastman Brook, Lower Stocker Brook, Hastings Road South, Stocker Brook Median, Wellfield West, Ash Swamp East, Cote & Reney Complex, Eastman Entrance

North, Greensward Drive East, Lower Sawyer Brook, Madore Spruce Fen, North Branch Floodplain, Olde Farms Road-Skinner Brook, Stocker Pond, Stony Brook Floodplain, Upper Stocker Pond, Upper Ash Swamp, Yankee Barn North, and Hogbox West. Out of the 54 wetland units that were assessed only 8 were nominated by the Conservation Commission for designation of Prime Wetlands.

Dr. Van de Poll explained that this project was to support the Town and its Master Plan and the goals that were set by the Critical Conservation Lands Index (CCLI) that were completed a few years ago, all to protect floodplain storage area to ensure long-term water quality, drinking water supplies, to preserve wildlife habitat and to conserve some of these lands for the recreational uses that they are already serving.

Each of the Wetlands were evaluated for 12 different functions using the methods for assessing and inventorying fresh water wetlands in New Hampshire (aka The New Hampshire Method) this is the standardized assessment that was first written in 1991 (Dr. Van de Poll was one of the co-author's then) and it was just revised 2011(Dr. Van de Poll was the Principal Wetlands Scientist author) based on the national standard and uses at least 12 different functions that are looked at critically for each of the wetlands in concern.

Ecological Integrity is the ability of a wetland to be whole and to continue serving its functions in general. We have on the average, scores for each of the 54 wetlands across the X access and the scores between 0-10 are illustrated and highlighted. In this case the mean value for ecological integrity for all 54 wetlands was 6.6 (on a scale 0-10), this is just one function, one set of numbers for all 54 wetlands. All of the 54 wetlands were evaluated for all 12 functions and the mean was found:

1.	Ecological Integrity	6.6
2.	Wetland Wildlife Habitat	6.4
3.	Fish & Aquatic Habitat	4.5
4.	Scenic Quality	6.8
5.	Educational Value	6.0
6.	Wetland-Based Recreation	5.7
7.	Floodwater Storage	3.7
8.	Groundwater	2.2
9.	Sediment Trapping	5.1
10.	Nutrient Transformation	6.4
11.	Shoreline Anchoring	6.9
12.	Noteworthiness	21.5

Dr. Van de Poll devised a point rank score for all of the 54 wetlands based on their values whether they were above the mean or below the mean, if they were above the mean they got a point and if they were below the mean they got 0 and then we went through all the 12 functions and came up with an accumulative point score for the highest ranking wetlands. So for instances, Chase Pond in 11 out of the 12 functions it exceeded the

mean, so it got 11 points. This was the first step in the second round of assessments, giving point values to highest scoring wetlands.

In the second step he looked at floodwater storage because the Town said that flood water storage was important, we choose not to destroy low line areas by pulling wetlands and reducing the amount sponging effect of floodwaters by these wetlands in the low lining areas. In this case again, for anything that become above the mean it got a point. Points were also given for being, 2 standard deviation above the mean, it wasn't enough that it was above the mean we wanted to predict the most important wetlands that were storing floodwaters. The one along North Branch for instance is critically important for preventing houses and other structures from washing away. Lastly we gave it a point if those wetlands were adjacently to or connected to port or fourth or fifth order stream.

The Third step in this process looked at water quality; the Town said that water quality is important here, the Master Plan says that the water quality is important and the residence of the Town voted the Master Plan in stating that the water quality is important. The Town has looked at this for many, many years stating that we want to be able to drink our water, use our water for our crops. Let's protect the wetlands that have the highest value for water quality. The four functions that contribute to water quality are groundwater, sediment trapping, nutrient transformation and shoreline anchoring. Point values were given for functions that exceeded the mean for each of the wetlands assessed.

The last step was to look at the Wildlife, because again the Town stated that wildlife was important. So, we looked at the functions that contribute to wildlife: ecological integrity, wetland wildlife habitat, and fish & aquatic habitat. Point values were given for each wetland function that exceeded the mean. Once this was completed a calculation was completed for each wetland for overall value, flood value, quality value and wildlife value. In the case of Chase Pond it got 11 points for exceeding the mean, 1 point for wildlife, 1 point for Water Quality and 2 points for Flood Storage giving it a total point rank of 15, Chase Pond had the highest number of points. Dr. Van de Poll looked at all 54 wetlands and ranked them accordingly and his report came up with the top 12 on the basis of a statistical calculation:

1. Chase Pond (15)
2. Upper Dunbar Hill Road
   Beaver Pond (14)
3. Bog Road (14)
4. Lily Pond (13)
5. Grass Pond West (12)
6. Upper Storing Brook (12)
7. Lower Eastman Brook (12)
8. Stocker Pond (12)
9. Miller Pond (11)
10. Leavitt Pond (10)
11. Butternut Pond (10)
12. Eastman Lake (10)

And all the rest of the 54 wetland evaluation units fell below 10 points or more. Dr. Van de Poll explained that he removed Cole pond from the list as it is largely outside of the Town. The Method calls for the evaluation of the ENTIRE wetlands unit regardless of where is lie's demographically because ecologically it is contributing downstream. We also looked at Bog Brook which is more than 60% outside of the Town of Grantham, Yet Bog Brook as a whole is so valuable that it easily made one of the top ranking wetlands with 14 points.

Dr. Van de Poll explained that only 3 out of the 12 have 50% of their shore lands protected in Conservation the 9 remaining are not protected. After some deliberation the Conservation Commission choose 8 out of the 12 as candidates for designation of prime wetlands:

1. Chase Pond
2. Lily Pond
3. Upper Dunbar Hill
   Beaver Pond
4. Grass Pond West
5. Upper Storing Brook
6. Bog Brook
7. Lower Eastman Brook
8. Stocker Pond

Dr. Van de Poll explained a few basic facts out of the 8 wetland evaluation units we have 778 acres out of that only 389 acres is in Grantham, this is only 2% of the Town for all the functions and values these wetlands that we are asking for extra layer of protection.

Dr. Van de Poll introduced L. Lefebvre to discuss the analysis of Conservation Commission with the Prime Wetland Warrant Articles. L. Lefebvre explained that the second part of the presentation is about what the Conservation Commission did and how they made their choice. The Conservation Commission had a different train of thought than Dr. Van de Poll, for the benefit of the Town and landowners not to have restrictions.

L. Lefebvre explained that the Conservation has two Warrant Articles that they want to address tonight. The first one is very simple that they are proposing is the draft Warrant Article which is basically is to adopt the official wetlands map to serve as a resource for the Town in the Master Plan. We would like to accept this as a resource and doesn't necessarily affect any landowner.

The second draft Warrant Article is actually what we want to designate as Prime Wetlands and out of the 12 the Dr. Van de Poll mentioned tonight we decided on final 8 that were listed: Chase Pond, Lily Pond, Beaver Pond, Grass Pond West, Upper Storing Brook, Bog Brook, Lower Eastman Brook, and Stocker Pond.

After looking through all the data that Dr. Van de Poll gave us; we had our four main goals in our mind and how we wanted to choose these, and they all came from the Master

Plan: Flood Storage Capability, Contribution to Water Supply, Contribution to Water Quality, & Wildlife Habitat. We wanted to make sure that each wetland designated held the highest of points within these functions but wanted to determine the best way to achieve least restriction, but most protection of valuable resources, balancing rights or landowners with demands of public interest, health, and safety in resource protection.

How they were chosen: they had to be high scoring across multiple Master Plan mandates, We also wanted to identify wetland units that are most critical and urgent to protect, protect functions & values of entire wetland unit , and where possible to avoid duplicating State and Local protections that are currently in place.

L. Lefebvre then proceeded to discuss the characteristics and supporting details of each of the eight (8) WEUs the Commission currently recommends be designated as prime wetlands, and discussed why it is important to public health, safety, and welfare to protect the current functions and capabilities of each WEU recommend for designation as prime wetlands. Those WEU[1]s discussed were:
1) WEU#32-Bog Brook;
2) WEU#1-Chase Pond;
3) WEU#26-Grass Pond West;
4) WEU#8-Lily Pond;
5) WEU#37- Lower Eastman Brook;
6) WEU#50-Stocker Pond;
7) WEU#20-Upper Dunbar Hill Beaver Pond;
8) WEU#30-Upper Stroing Brook.

Decision not to recommend other wetland units for prime designation at this time does not mean these wetland units do not perform valuable functions. Current recommendations focus on those most critical and urgent to protect based on the focus areas discussed earlier. There are a number of other wetland units evaluated in the wetland inventory that are particularly important in relation to one or more functions or values.

L. Lefebvre explained that right now water protection is big in New Hampshire; she had just received a newsletter from DES explaining all the different things that are going in New Hampshire. One of the articles is about Sodium Chloride in New Hampshire water and how that is increasing. Help protecting our water will help keep our Town off that list of Towns with high levels of Sodium Chloride.

C. Hanson opened the floor up for abutters and landowners to address any questions or concerns or concerns.

Allen Eckbreth stated that he is not a resident of Grantham but have lived on Stocker Pond since 1983. A. Eckbreth requested more detail regarding the aquifer under Stocker Pond and if that became a primary water source for the Town what would the impact on the pond be? I don’t know how deep the aquifer is, I don’t know what the impact on the pond itself would be if you started taking out more than 75 gallons per minute. Also if

this area became designated as prime wetlands, could we use that in any way to limit the amount of salt that the State puts down on interstate 89?

Dr. Van de Poll stated that he has not looked at the subservice of that aquifer beyond knowing that its depth is approximately 75 to 100 feet. Whether or not the influence of from 75 gallons or great reduce the level of the pond is highly unlikely that will happen. Regarding the matter of reductions of salt usage, some Towns have worked out arrangements to limit or eliminate salt usage on certain roads. There are also some alternative that have been used like calcium chloride instead of sodium chloride.

T. McIntire stated that he owns Cote & Reney which abuts Stocker Pond; his concerns are that any new regulations or restriction will de-value his real estate if he chose to sell parts of his property. Any perspective buyer could look at it and say well I cannot do what I want with this land; due to the new regulations and restrictions. T. McIntire stated that he believes this could be a concern for other property owners as well. My property is one of the few light industrial commercial properties in Town. Given the economic environment, there is a concern that this will restrict me even more. T. McIntire stated that he understands the wetlands and shore land protection act but does not feel that the Town needs any more restrictions on their properties.

L. Lefebvre stated that with no buffer on Prime Wetlands, even if it's not considered a prime wetland you still need to go get a permit for anything you're going to do to the land, all you have to do is go through the same permit process. A. Eckbreth asked if this is the case for all properties, not just the ones Designated as Prime Wetlands. L. Lefebrve confirmed that this is the process for any property in Grantham. C. Hanson asked Dr. Van de Poll to explain what the impact would be if your property was a non-prime wetland yesterday; and tomorrow it is a prime wetland. What are the differences in terms of the regulations between non-prime and prime wetlands?

Dr. Van de Poll explained that for any dredge & fill by State Law requires you to get a permit, if it is a regular old run of the mill wetland you have so many days that the State will review it and there is no hearing requirement that you have to attend to present it. The Conservation Commission weighs in to say yes or no and then the permit comes back within a timely fashion and with conditions. If you have a Prime Wetland; you would go through the same process but the State would recognize that the Town has valued this wetland above all others and had voted on that fact. The State would then say hold on; we are going to hold a public hearing to see if there are any other concerns in Town that would take issue with someone using a publically designated resource first. So the applicant would have to attend that hearing in Concord, New Hampshire. This does not mean that you can't build on it; and it doesn't mean you can't develop it, it just means that it is going to be much more difficult to impact the footprint of that Prime Wetland.

M. Schwartz asked why this piece of land South of Sandborn Road that is wet and marshy is not included in the Stocker Pond area. Most of my questions are about the wells. Can you tell us when you estimate we will need a municipal water supply? R. Hocker addressed this question, stating that back in 2005 the Upper Valley Lake Sunapee

Planning Commission did a study of this area and they predicted that by the year 2020 the Town of Grantham would grow to roughly 70,000 residents. R. Hocker does not believe that this prediction is accurate. The last 4 years have indicated only a marginal growth; we are highly unlikely to reach 70,000 by 2020.

M. Schwartz asked if the 70,000 population key to when we will need municipal water supply? R. Hocker stated that it could well be. M. Schwartz confirmed that the Town doesn't really know what the kick off point will actually be for that and then asked if they are going to figure out what the actual point will be for when the Town will need municipal water supply or will they just going to decide to do wells? And if do municipal well does this mean that the Town is going to build a City Water Supply System? C. Hanson confirmed that the Town would need too. M. Schwartz also stated that the Commission had stated that Lower Eastman Brook is one of the sites that is very high ranking for municipal water supply wells, so it is not just the West Side of Stocker Pond. So it could also be the Wetlands South of Sandborn Road, is there any reason why on all these maps none of these possible well sites have been designated because right now they are on my property and how are you going to go about taking that land.

Dr. Van de Poll stated that at this point in time the study was focused on wetland assessments and high value wetlands which have a multiple number of values to one of which is drinking water supply but, it is not the only function and value we are talking about tonight. In relative to a study for a Town well for instance; Peterbourgh one of their plants contaminated Town wells they had to come up with $20,000.00 to do a study very quickly with tax payer dollars to try to find another un-contaminated aquifer to supply water demands that were already present. The nice thing about Grantham is that, that pressure is not currently present the Town can take some time. But what would happen for instance just for an example if have critical portions that was developed in such a way that it was no longer possible for a Town well to be located there. Then it would rely on Lower Eastman Brook as the only potential site for a community well system. Your speaking for so many residents who have a concern about taking on their private property, it is and will ultimately be a vote that will determine the morality of the residence that, that small compromise; it outweighed by the value for the public in general.

M. Schwartz asked if they accept this Warrant Article then we are accepting that location as the site. Dr. Van de Poll stated that this is not a guarantee that this site will be the site for a community well; that study has yet to be done. M. Schwartz asked if that study has yet to be done than why is it included in this particular paperwork to be voted on. Dr. Van de Poll explained that the combination of flood storage from Stocker Pond ranks the highest after Eastman Lake and Eastman Lake is only ranking higher because it is a big lake. Relatively speaking flood storage is the most important protection value for Stocker Pond, wildlife habitat also ranked very high and of course water quality, so it is not the only issue we are dealing with at Stocker Pond. M. Schwartz stated that there has been a situation in Grantham where they put in a public well and it just sucked all the water out of the neighboring houses, are you aware of that situation. Dr. Van de Poll explained that he was not aware of that situation and asked where it was located in Grantham. M.

Schwartz explained that the situation occurred from the school; and that there needs to be a lot of studies before anybody install's any wells around Stocker Pond. Dr. Van de Poll agreed that there needs to be a lot more studies done before any public wells are built. In fact, pump test are part of that process. M. Schwartz stated that before she agrees to this proposal she would like the wording of the proposal changed to say that "that these are potential sites, studies YET to be done" because if you read this proposal and we vote on this it currently states that those are the two sites and that is where they are going to be. Dr. Van de Poll stated that he does not agree, he believes that the findings of this study is only on the value of the wetlands and is not to include that these are the only two drinking water supply sites. M. Schwartz stated that the proposal should state that more clearly.

C. Hanson stated that he believes that this warrant article is to adopt the map itself and there is no well put on the map, because at this time we don't even know if we are going to need one.

C. Johnson asked if this would require all people living along Stocker Pond Road that designate this area as wetlands will have to have flood insurance. C. Hanson answered no; this will not require landowners to have flood insurance.

M. Whipple stated that he sees in all the paperwork that the buffers are being discussed but nowhere does it say what the buffer will be and does the State require a public hearing when the project is outside the buffer zone of an adjacent property with the wetland. Dr. Van de Poll state that it does not, that law changed last year. You only have to have a public hearing when it affects the footprint of the wetland itself. M. Whipple stated that he lives on eastern Shore of Stocker Pond, which the red line follows the shore line, so he understands it's from the reference line to include that whatever the buffer is that is put in place. Dr. Van de Poll stated that since M. Whipple lives on the East side your obviously in the shore land district with anything within 250ft. So, you are already affected by the Shore land water quality protection act. Whether or not there is a buffer is determined in the future by the Town. What I can say is that right now you are already affected by State regulation that we have nothing to do with. M. Whipple asked the Board if they had any information regarding any new buffer requirements that would be added by the Town. C. Hanson stated that the Board has no information at this time regarding any new buffer regulations. M. Whipple stated that the Buffer is discussed a lot in the handouts about the State doing away with its 100ft buffer and that possibly it will be more than 100ft. in areas that over lay in aquifer. C. McCarthy asked the Commission if they had any information to add regarding buffers. R. Hocker stated that he had no input regarding the buffer regulations.

M. Whipple stated that this matters because in the Shore land Water Quality Protection Act the setback is 75 ft. up to 125 ft. So, if the Conservation Commission decides to go with their own buffer, is it going to improve on what the State is already using? M. Schotanus stated that the issue with the buffer is a sticky one, your currently subject to Shore Land Protection Act buffer and your also subject to a local buffer in terms to septic system setbacks and that kind of thing, there is no buffer in this prime wetland

designation, it was removed by the legislator. So the only thing we are talking about here is the actual delineation of the wetland. If the wetland overlaps the shore land than that is the area of the wetland; that is the case on both the West Side and South Side of Stocker Pond. And as for the buffer that will not become an issue until such time as the Zoning Board of Adjustment and the Conservation Commission work together to structure an wetlands overlay district for the Town of Grantham. What M. Schotanus believes will happen is if this passes the Towns meeting and we send these designations to DES and DES accepts them, we then work with the CVA over the summer and next fall to update and amend our current wetlands ordinance to expand it to the wetlands overlay district which will include not only these 8 Prime Wetlands but also this map as the Master Map. Whether or not a buffer will be suggested as part of that process, I don't believe anyone has that information at this point. It is assured that you will get another bite of the apple, you will be able to comment because that overlay district has to go through public hearing, just as this Prime Wetlands Designation has.

M. Whipple asked if this passes at Town Meeting than in the next year the Ordinance will be put together and that will be voted on the next Town Meeting. So the next 15 months the landowners operates on existing statues. M. Schotanus confirmed that the landowners will continue to operate as they do now.

B. Schwartz stated that after listening to the discussions tonight that he finds it astounding that yet limited research on the Stocker Pond aquifer yet the Board is proposing to take control of the site for a municipal water system yet you don't know the impact of those wells on the aquifer and you already demonstrated an inability to project ahead with the school, you put a well there and it sucked up the water from all the houses around there. So when you ask for approval from the Town without knowing the affect from the wells on the surrounding area, I just find that rather arrogant, when asking for control over private land. Also, in your presentation you didn't mention the existence of two high capacity wells over by Yankee Barn Road and Route 10 South Sawyer Brook, these wells have been there for a number of years and no one has talked about those.

Dr. Van de Poll stated clarification this project, assessment and most importantly the 2 warrant articles DO NOT PROPOSE TAKING LAND FOR PUBLIC WELLS. These 2 warrant articles merely suggest or to encourage designating 8 wetland units; that has nothing to do with designating a public well or taking anybody's land from them. B. Schwartz stated that this means that if we approve your designation for these wetlands than we pretty much locked in pre-staged your ability to come in and just take these lands and say we want to put high capacity wells here.

Dr. Van de Poll stated that this is NOT what Prime Wetlands does. B. Schwartz stated that he believes that the research is inaccurate to many areas that are critical to the long term health of these wetlands. Dr. Van de Poll stated that he is a wetland scientist; it is not his job to determine the drinking water potential of Stocker Pond aquifer. B. Schwartz stated that his job should have been to as it is an entire valid area that has been totally ignored and should have been part of the study before this was brought forth. Dr. Van de Poll stated that he disagrees, as that Stocker Pond has many other values besides water

supply and quality. B. Schwartz stated that ultimately the Town wants to put in a high capacity wells in that area and that it clearly states that in the report that he is reading tonight. W. Kimball stated that it only states that its location would a place that would be desirable; it does not mean that that's the location. B. Schwartz told the Board that they were splitting hairs; you've gone this far now you're going to just say well that just hypothetical. Some of the conclusions that you have stated in the reports are misleading and your ultimate goal is not supported by the facts and yet you want us to adopt this warrant article. You are putting us in an extremely vulnerable position and that is not acceptable. L. Lefebvre explained that if we don't protect these wetlands now and then we deplete this resource it won't even be an option later if we need it.

B. Schwartz asked what would happen if somebody put Stocker Pond in some sort of Conservation Easement, wouldn't that protect it. L. Lefebvre stated that it would protection it, but you would ultimately be protecting it for the same reasons. C. Hanson and B. Schwartz stated that they both disagreed with that. B. Schwartz stated that he still did not see enough information from their study to give anyone more control the wetland areas. C. Hanson stated that he does not believe that the proposal is to give anyone any control over the wetland areas, only to designate prime wetlands. B. Schwartz stated that it is one of the affects that will happen once it is approved. C. Hanson explained that while there may be some restrictions from what the prime wetland designation is going to do to an abutting landowner. The owner will continue to have the vast majority of the same rights before the Prime Wetlands Designation as after.

C. Douglas asked if the Commission has more detailed maps that will show us the boundary line of the proposed prime wetland on our property because it seems like there is quite a bit cutting into the back of my property and I can't tell based on this small map where this boundary is. Dr. Van de Poll explained that there is a large version of this aerial photograph on line and that is the most accurate. You will be able to see within 10ft. where that line crosses your property.

C. Douglas stated that part of her concern is that part of her property is being flooded by a culvert that dumps into her property from across the road. Is this included as prime wetlands as this is not natural wetlands, this was man made. Dr. Van de Poll explained that he did not get on the ground, as he was not going to get permission from every resident in Grantham it would have taken a lot of money and time.

B. Molloy stated that this is getting a little confusing and he wants to make sure that he understands how this process is going to work giving that this goes forward and it gets approved. So we are going to approve just the plan first, then once that is approved on the warrant article, we would actually approve that this buffer zone is set and we could come back at that point and say to the Panning Board that we only want 25ft. and the Board could say 250ft.

C. Hanson stated that we are having a series of hearings now so that at the Town meeting in March the whole Town is going to vote on whether or not to adopt these 2 articles, one to designate the prime wetlands and the other to adopt the wetlands map, then will come

the question of what are we going to do with this wetlands map and so the suggestion is to create a wetlands district within the Town which is going to overlay all the other Zoning Districts and create some other restrictions about what can and cannot be done in the wetlands and also the issue of how big the buffer is from the wetland in order to protect the wetlands. B. Molloy asked when the Town puts the warrant article on the voting docket it states whether or not the Planning Board recommends the article or not, if the Planning Board recommends this article do we have a choice to not have it stated on the voting ballet. C. Hanson stated that the Planning Board is going to have to vote on whether or not they recommend the 2 warrant article on February 5, 2013.

M. Schwartz stated that moving forward some sort of plan will be put in place whether it is this plan or another plan that plan will make landowners who are within whatever the designated area is have to go through much further restrictions of what they can and cannot do with their land. We are still going to pay the same tax rate, so we will still be paying the same amount of money for something we will have great restriction on using. C. Hanson stated that he believes that this is all true.

D. Beaulieu suggested that the Board wait on all this until all the facts are together, how far the setback are going to be, where all the wells are going to go and do your study on Stocker Pond. Why do we have to push this through now and then later on we won't be able to back out, because like other Town's this only affects 10% of the people in Town 90% of the people are going to vote yes and it's going to get voted in. Why not put Eastman Lake on this and then that will change the whole voting process because all the voters in Eastman, if that's the biggest body of water we have in Grantham why isn't that number 1 on here. Dr. Van de Poll stated that on a scientific basis Eastman Lake was not ranked as high as the ones that were selected. D. Beaulieu also asked about Anderson Pond. Dr. Van de Poll explained that Anderson was one of the 54 originally selected but it still did not rank has high in value; it ranked 6 out of 15.

E. Collier stated that water is important, no question about that. Over by Bog Brook we have the transfer station and the old dump, when I did my environmental study on my property over there we had to bring in the experts who told me about the contamination in the water over there. We are now talking about restricting all this land and yet we haven't even begun to understand what is actually there. C. Hanson asked in considering the potential water quality values of these wetlands was there water testing done for contamination. Dr. Van de Poll stated that there was no water testing done, and to be honest when we do the ecological integrity assessment it looks at potential concerns for water quality. Dr. Van de Poll stated that he does not remember exactly how Bog Brook tested but he is sure it was not perfect score because it obviously has had some land use practices in the past that has impacted the water quality.

T. Simino stated that he works for and is representing some of the landowners and abutters that are here tonight. Some of these units are land properties that are open for public recreation and are very proactive in their use for forestry and have been very forward thinking in their forestry plans and well utilized by the Town. T. Simino explained that he believes that the Commission is being dishonest to the Town by not

stating what the buffer zone is going to be and that is key and believes that the Commission and the Town has addressed it at some level, it is an important fact that should be put out there because that really designates how much of a burden that you are going to transfer to the tax payers because you can draw the line where you want and when they want dispute it they are the ones that are going to have to pay Dr. Van de Poll to come in. T. Simino asked how the Commission collected all their data on properties where you weren't given permission. It is very difficult to believe that you collected all that data from aerial photos. Could you please review how your volunteers where trained, if they went through any certification process, because the New Hampshire Method is quite subjective. The volunteers probably have a slanted view because they are people that are naturally inclined to Conservation. That is key that if you are talking about collecting data that you have people that are not slanted one way or another. It is hard to believe that you can designate a wetland by a 1ft. pixel photograph. One of your statements was that you would like to avoid duplication most of the wetlands that you have talked about are protected by either Shore Land Water Quality Act or as in my case I'm primarily interested in forestry; we have very strict wetland laws that we have to go by. You say that it will have a very minimal impact on forestry but your special use permit is going to take at least 120 days to complete because it has to be given to the Board at least 30 days before and they have 90 days to act upon. I will estimate that the permit is going to cost at least $2,000.00 to complete, which is another expense that is going to be bestowed upon the tax payer. You stated that you wanted to protect the entire wetland, and Chase Pond is primarily located in Plainfield. So, I am wondering why that made the list.

L. Lefebvre stated that they had a choice to use volunteers or to have Dr. Van de Poll complete the land surveys. The Commission chose to have volunteers for a number of reasons, one to have as many people involved as we could, and to help keep the cost at a minimal. The volunteers were trained by me and Dr. Van de Poll. The Commission did not choose the volunteers; it was open to the public. Dr. Van de Poll explained that the buffer is out of his hands and the Commission will have to address that. Aerial photo interpretation has been done as long as photos have been around 1935 to determine the location of natural features on the ground. But it is not a perfect science, a 1 ft. pixel 1 ft. on the ground for every pixel, four bands of color provide not only detail but also reflects on the warmth of vegetation which is regulated by the water saturation in the soil. Dr. Van de Poll stated that he doubts that the Foresters will ever be kept out of Prime Wetlands to cut trees.

Regarding concerns around Chase Pond being 2/3rd out of the Town of Grantham met the requirement to look at the entire wetland resource because according to the wetland is an entire resource it is not split in half. The Value of protecting Chase Pond was the fact that the Town Forest is not a forever situation; the Town Forest can be sold and developed if the Town chooses, unless there is a Conservation easement it can be developed and sold. You mentioned the special use permit, but I think that you meant wetland permits taking 120 days to approve and the estimate of $2,000.00 permit fee is possible. If you think that wasting tax payer dollars inappropriate then you should look at the cost to public health safety and welfare from laws that are not present and have not been written and look at

the land use practices that people in this State have been practicing for 100 hundreds of years that have compromised some of the functions and were not paying for. In example the Water Treatment facility in Keene, NH cost tax payers 7.2 million dollars because somebody contaminated Rockbury Pond.

T. Simino explained that earlier Dr. Van de Poll had stated that with using the aerial photos that the line on the photo is up to 10 ft. that may make the difference of thousands of dollars to the property owner and it is irresponsible of the Board and the Commission to rely on aerial photos to make that decision when it has such a great impact to the property owner. You also stated that in the permitting process it was not going to affect forestry at all, but it is going to affect forestry. Because the permitting process at best is going to be at least 120 days and with the cost of at least $2,000.00 it is going to be very hard for me to explained landowner why they should spend thousands of dollars to get a very low return on this sustainable use of their land and when.

T.J Alexander stated that he has a 5 acre lot over by Bog Brook on the Grantham, Springfield line. The lot is approximately 75% wet, I'm currently considering doing a house on it and if you put a buffer on it, it's awful small. Will there be some kind of variance I will be able to go through to deal with that. Dr. Van de Poll stated that it is common ordinance is to protect that wetlands contains additional use permit for special exception process through the Planning Board or Zoning Board.

J. Harding asked how the volunteers collected the information when they weren't given permission to access the land. Dr. Van de Poll stated that he would have to talk to each of the volunteers that did the assessment and then asked which unit he was inquiring about. J. Harding stated that he was inquiring about the one around Chase Pond. J. Harding confirmed that all the assessments were completed by aerial photos only and that no one walked onto any of the properties they were not given permission to go onto. L. Lefebvre stated that they compiled as much information as they could with the information that they had, including aerial photos and other resources, if there was one access point to that wetland to view the wetland the evaluator evaluated that way.

J. Harding asked again if anyone entered any property that they were not originally given permission to access. L. Lefebvre confirmed that they did not enter any private property without getting prior permission from the landowner.

M. Whipple stated that the Chapter 700 rules clearly states that if there is a designated prime wetland then the adjacent property has to go to the public hearing to do any projects and since there is no buffer established the entire property that abuts would be adjacent property. Dr. Van de Poll then the public hearing is for the purpose of presenting the public body your requested intents around dredge and fill in prime wetlands area. M. Whipple stated that he is only asking about the Chapter 700 rule, stating that the adjacent property has to go through the hearing process for projects abutting the wetlands. Do you have the Towns 700 rule here? Dr. Van de Poll has never heard that the abutting property owners have to go through that process. M. Whipple explained that if he abuts a prime wetland, even if my property is not in the wetland, I'm still an adjacent property. So if

there is no buffer established then my entire lot would be adjacent. When I asked you earlier, if my project is outside the buffer; would I have to go through a hearing, you said no. Now if there is no buffer established then my entire property abuts the wetland I would assume would be subject to having to go through a public hearing in Concord, NH before I could proceed. M. Whipple expressed concerns with the Town designating units as prime wetlands before having a buffer established, maybe it should be in conjunction that we are going to use the standards that are established for the Shore Land Water Quality Protection Act until an ordinance is established, and leaving it wide open leaves the property owners vulnerable.

C. Hanson asked if this map was adopted is there a procedure to amend the map and what would that procedure entail, would we have to go back to Town Meeting to make these amendments. Dr. Van de Poll confirmed that they would need to go back to the voters with new maps to have them approve the revised maps as official prime wetlands for the Town. C. Hanson explained that if this map is adopted by the Town, and we are not sure that it is more than 90% accurate. But when push comes to shove and there is a line somewhere that is very important to somebody there is a procedure to fine tune it. Dr. Van de Poll explained that Marianne Russo oversees the Prime Wetlands Designations and works with her staff to record them uses the word "substantial" If you can find the definition for her term "substantial" then be my guest. But she says there has to be "Substantial" changes to the map before it can go before the Town for a vote. If the maps are outdated then that is perfectly acceptable.

C. Hanson explained that it appears that we are adopting this map that has some pretty fine lines on it. You're talking about 1 ft. pixels and yet there is a possibility that those lines are actually wrong. You would think that there would be a process just like there is in the rest of the Zoning Law with respect for the Zoning Ordinance for special exceptions, variances or whatever it may be. C. Hanson explained that he would hate to have someone trapped in a situation where they just have to deal with it when we know that the map isn't 100% accurate. Dr. Van de Poll explained that the Conservation Commission language states that the maps that are accepted are guidelines ONLY and that on the ground delineation scientifically determined by certified wetlands scientist provide the legal line will supersedes any and all map line.

D. Barrett stated that he is a professor of medicine that deals with scientific principals only and he has never seen a more important decision being made such loose scientific evidence. In medicine we often ask for a second opinion, I don't know that Dr. Van de Poll was paid for this job, but maybe we should be asking for a second opinion. Also, are any of the Planning Board Members or Conservation Commission members involved in any way with your own property regarding the wetlands that we are talking about? Also, I have never seen any scientific conclusion being made by collection of random volunteers providing the data for analysis.

Dr. Van de Poll stated that he reviewed every single data sheet and there is a record of my comments on every finding on all data sheets. They are public records you can review all my comments and view all the changes that were made. D. Barrett stated that there is

no peer review on this project. Dr. Van de Poll stated that the facts sheet that was completed by the Conservation Commission provided a peer review process which included another certified wetland scientist.

B. Schwartz addressed the group as being arrogant and then explained that the Commission provided incomplete information, that the assessment was done by aerial photos only, no properties were assessed by ground and you want us to accept everything you have provided as gospel. You're rushing and pushing landowners into a situation that they will not be able to back out of, why can't this be slowed down. I would like to see impact on the aquifers, the impact on the wells around the aquifers; there have just been so much information that you have not provided us, it's just astounding the arrogance of this group is over whelming.

C. Douglas asked how she could access the data sheets from public record, as she is interested in knowing what kind of information was collected from her property. Dr. Van de Poll referred C. Douglas to the Conservation Commission for the information.

C. Hanson thanked everyone for participating in tonight's hearing to express their concerns and to ask questions. There will be 2 more hearings on this issue before it goes before the Town Meeting and the ultimate ballet on whether to adopt this Article 1 and Article 2 to adopt the wetlands map and to designate these 8 prime wetlands units.

C. Hanson adjourned the hearing at 9:35pm.

The next meeting of the Planning Board will be held on Tuesday, January 22, 2013 at 7pm in the lower level of the Town Hall.

Respectfully Submitted,

Jessica Smith
Planning Board Clerk