FREQUENTLY ASKED QUESTIONS

1. Why was a Wetland Inventory conducted?

The Master Plan adopted by the Town in 2005 mandated that the Grantham Conservation Commission "prepare a local wetlands inventory and evaluation, and consider the designation of prime wetlands." The primary goals of the Wetland Inventory were to: 1) identify and evaluate all Town wetlands greater than 2 acres; 2) identify those wetlands with the highest value to the Town in terms of public benefits, health, and safety goals and objectives set forth in the Town's Master Plan; and 3) recommend to the Planning Board and Selectmen designation of prime wetlands according to state standards defined in RSA 482-A:15 and NHDES EnvWt Rules Chapter 700.

2. How does the Town determine which wetlands to propose for prime wetland designation?

Pursuant to the Master Plan mandate, the Town's wetlands were identified and assessed via a Wetland Inventory. In 2011, the Conservation Commission initiated Grantham's Wetland Inventory and Assessment project by hiring Dr. Rick Van de Poll of Ecosystem Management Consultants to lead the project in order to identify and evaluate the wetlands of highest value in Grantham. Fifty-four (54) wetland units were identified as meeting the minimum criteria for designation as a prime wetland. These wetland units were further evaluated using the 2011 revised version of the "NH Method" (Method for the Inventory and Evaluation of Freshwater Wetlands in New Hampshire). Dr. Van de Poll's final report for this project identified thirteen (13) wetland units as having particular value to the health and safety of the Town. Each of them scored high to very high in connection with important functions such as flood control, contributions to water supply (or groundwater recharge), contributions to water quality (such as nutrient transformation, sediment trapping, and shoreline stabilization), and wildlife habitat. Dr. Van de Poll recommended that the Town consider twelve (12) of these wetland units for prime wetland designation. Based on the results of the Wetland Inventory, Dr. Van de Poll's final report, and review of state and local statutes and ordinances, the Conservation Commission recommended to the Town that in 2013, eight (8) of the twelve (12) wetland units recommended by Dr. Van de Poll be designated as prime wetlands. Copies of a town-wide wetland unit map, maps of the eight (8) wetlands recommended for designation as prime in 2013, as well as Dr. Van de Poll's final report and the Conservation Commission's recommendations to the Planning Board and Selectmen, are all available for review at the Town Offices, or online by going to www.granthamnh.net/Conservation, then go to the Wetland Inventory page.

3. What happens after the Conservation Commission makes prime wetland recommendations?

On November 13, 2012, the Conservation Commission's recommendations arising from the Wetland Inventory and Assessment project, which included 2 proposed warrant articles relating to prime wetlands for the Town's March 2013 ballot, were submitted to the Planning Board for further action, and discussed at its December 6, 2012 regular meeting. The Planning Board decided to move forward with the recommended warrant articles, and will hold a series of public hearings on the two warrant articles for the March 2013 ballot in January and February 2013. Specifically, these public hearings are scheduled for January 8, January 22, and February 5, 2013, each will begin at 7:00pm in the Town Hall's Lower Level meeting room, and will be held regardless of the weather. The proposed warrant articles are available for review at the Town Offices, or by going online to www.grantham.nh.net/Conservation, then go to the Wetland Inventory page and click on "Proposed Prime Wetland Related Warrant Articles." After the hearings, the final warrant articles will be placed on the Town's March 2013 ballot for a vote by the Town.

4. What does Prime wetland designation mean?

Prime wetland designation is a way for individual towns to provide additional protection to wetlands that are particularly unique, fragile, and/or unspoiled. These wetlands protect and purify our drinking water, buffer us from floods, and harbor a diverse community of plants and animals. Prime wetlands are designated by a municipality according to the requirements of RSA 482-A:15 and Chapter Env-Wt 700 of the State administrative rules. A town votes to recommend selected high value wetlands be designated as "prime" through warrant article(s) on the Town ballot. If the Town vote passes the warrant article, a map and description of each wetland in the warrant article is submitted to the NH Department of Environmental Services (DES) for approval. Once approved, any filling or dredging proposed for a prime wetland would require a public hearing at the NH Department of Environmental Services in Concord prior to approval.

5. Have other New Hampshire towns designated prime wetlands?

There are currently about thirty-three (33) towns in New Hampshire that have designated prime wetland areas, including Enfield and New London.

6. What does the designation of a prime wetland mean to the property owner?

An ordinance relating to prime wetlands designation is like any other overlay district in the Town's zoning. The difference is that if the prime wetlands designation is approved by the State, this overlay district has State oversight as well. Currently, that oversight includes a public hearing, typically held in Concord, if a property owner wants to build or put a structure in or adjacent to a designated prime wetland. It doesn't mean that they can't get the permit, but they've got to go through a public hearing in Concord in order to demonstrate

their need and provide an opportunity for comment by the public. When deciding whether to approve a permit request in a prime wetland, the State will consider any comments it receives from the public and the municipality, and evaluate whether the proposed project will result in a significant loss of wetland values, and if it can be modified or relocated to minimize any impacts. What the prime wetland designation does *not* mean is that the Town or State has the right to restrict any activity that does not materially impair the function of the wetland in question. At present, waivers are allowed for certain activities such as timber harvesting and the maintenance of utility rights-of-way.

7. How does NH DES review an application to work in prime wetlands?

Since 1988, "no net loss" has been the key policy in wetlands protection at both the federal and state level. In New Hampshire, policy makers have adopted a no net loss strategy that aims to maintain a minimum number of wetland acres throughout the state. NH DES reviews permit applications relating to prime wetlands to determine that there will be no significant net loss of wetland values, the project could not otherwise be relocated outside of the wetland, and that the impacts are as minimal as practicable.

8. How is a prime wetland permit application different from a regular wetland application?

Regular wetland applications do not require a public hearing to allow for community input. In general, they also have faster turn-around times at the State offices.

9. Aren't wetlands already protected by the Shoreland Water Quality Protection Act ("SWQPA")?

The SWQPA is focused on protecting waterbodies, and in particular, tidal waters, lakes, ponds, and impoundments greater than 10 acres, 4th order and greater streams and rivers, and certain designated rivers and river segments. In Grantham, the current zoning ordinances also extend the provisions of SWQPA to a few other smaller water bodies in Town. The protections afforded around waterbodies covered by the SWQPA are measured from a reference line at the water's edge. While some wetlands may be entirely waterbodies (also called open water), others contain no open water and only consist of other wetland habitats and soils. In addition, while some wetlands may contain a waterbody protected by SWQPA, the wetland may also encompass other "land-based" wetland habitat and soils that are afforded little or no protection under the SWQPA. Thus, in many instances, the SWQPA will provide insufficient or no protection to a wetland and its functions. All eight (8) Grantham wetland units that are proposed for designation as prime wetlands in 2013 are either provided no protection under SWQPA, or they contain both a waterbody protected under SWQPA as well as other important "land-based" wetland habitat and soils that are afforded little to no protection under SWQPA.

10. Nutrient Transformation is one of the evaluation criteria in the Revised NH Method. Does Nutrient Transformation have anything to do with the problems that Lake Sunapee is facing right now?

Wetlands help attenuate, uptake, and transform the nutrients that could otherwise degrade the water quality of a water body. Nutrients such as phosphorous and nitrogen contribute to algae blooms and often result in anaerobic conditions that can kill fish and other aquatic life. Wetland plants take up these nutrients removing them from the outflow. Grantham has a number of nice open water bodies, such as Stocker Pond, and we want to keep them that way. Designating a wetland as a prime wetland provides protection from unregulated alteration to a wetland's features that perform valuable functions, such as nutrient transformation, which in turn help avoid problems like those seen at Lake Sunapee.

11. Why are buffer zones often recommended for prime wetlands?

Buffers protect the wetlands from activities that may erode or degrade the functions of a wetland. For example, buffers help:

- Reduce silting of the wetland;
- Protect the ability of the wetlands to recharge aquifers;
- Provide flood control by slowing run-off into the wetland;
- Provide "edge" important for wildlife habitat;
- Provide recreational opportunities.

12. The State rescinded its 100-foot buffer for prime wetlands in 2012. What is the basis for buffers, or the lack of buffers, set by the State? Are they based on science?

The amount of buffer set by the State has never been, nor will it ever likely be, based purely on science since each wetland has a unique set of functions and values. The previous statewide 100-foot buffer for prime wetlands is a round number that was intended to protect most of the important functional values that wetlands provide. It is also a number that has been used in several other states in the Northeast and many municipalities in the state with designated prime wetlands use 100-feet as their default setback distance.

13. If the State does not set a required buffer for prime wetlands, why would Grantham adopt an ordinance in the future that contains a buffer?

The Town-wide Wetland Inventory and Assessment project results provide the Town with detailed information about each of the wetlands evaluated, as well as identifying which of those wetlands are the most valuable to public health, safety, and welfare. Wetland functions absolutely depend on adequate buffers. A large body of research demonstrates that damage to essential services — property loss due to flooding, loss of drinking water quality, elimination of wildlife — have resulted from inadequate buffer integrity. Any locally recommended buffers would be appropriately sized so that the buffer protects the integrity of these wetland's functions. In certain instances *(e.g.*, sand & gravel soils next to a deepwater wetland) a buffer that exceeds 100

feet may be appropriate, particularly if that wetland overlies an aquifer or contains a community drinking water supply well field. In most cases, however, the standard setback used by dozens of towns in the State (i.e., 100 feet) should be sufficient for protecting the integrity of a prime wetland.

14. Does Grantham currently have buffers or setbacks for wetlands?

Yes, Grantham does have existing ordinances generally applicable to surface waters and setbacks relating to the same, for example, septic setbacks in various districts and the 250-foot buffer applied in the Shoreland/River Overlay District. One of the reasons that the Conservation Commission was mandated by the Master Plan to perform a Wetland Inventory and recommend high value wetlands for designation as prime wetlands was to ensure that any future ordinances relating to wetland setbacks are based on knowledge about where critical wetland functions exist. The results of the Wetland Inventory and Assessment provide the Town with sufficiently detailed knowledge to provide the most efficient protection to wetland functions in the least restrictive way. Any future setbacks proposed by the Town should therefore provide protections only where needed.

15. What activities are regulated in prime wetlands?

A person wishing to fill, dredge, alter, or construct structures must get a permit from NH DES. A property owner may request a waiver from NH DES to perform forest management work and related activities in the forested portion of a prime wetland.

16. Does designating a wetland as a prime wetland mean that existing activities can no longer occur in the wetland?

Designation of a wetland as a prime wetland has no impact on existing activities within the wetland. For example, if you are currently legally permitted to carry out recreation activities (such as boating, kayaking, hiking, skiing, fishing, hunting, or snowmobiling) in a wetland before it is designated as a prime wetland, you will be able to continue those activities after the wetland is designated as a prime wetland. Similarly, if there is a culvert, bridge, septic leach field, or other structure in a wetland prior to its designation as a prime wetland, these can remain or be replaced in-kind. Existing forest management and agricultural activities are allowed, although if you conduct any new activity or expand current activities, you must obtain a permit, a waiver, or both.

17. Does prime wetland status mean that now everybody knows where the wetland is behind my house, and they get to go see it because it is deemed valuable?

No. Information relating to the location of all wetlands is publicly available, so people will know where both non-prime and prime wetlands are located in Town; however, that does not mean that a landowner ever

has to allow people on their property to see a wetland, or that the landowner can't post their land. An exception to that would be if your land is in current use and you receive the 20% recreation allowance, you are then required to allow public access to your land for various recreational purposes. The requirement to allow the public on your property under that scenario exists regardless of any wetlands designation.

18. My house was built 10 years ago. If my house ends up being in or adjacent to a prime wetland, will I be able to put an addition on my house? Build a shed? Landscape my back yard?

Existing uses and structures will be "grandfathered", but proposed new construction, including additions to existing structures, may require a permit, and approval from the Planning Board. Normal land use, such as trails (including snowmobile trails), gardens, and brush cutting are not regulated under wetlands permits, and will likely not be affected.

19. If you are within a buffer zone, is everything pre-existing grandfathered in? For example, can the Town come in and say we think your septic system is within the buffer and we don't want that there?

A Town cannot require a landowner to move or relocate anything that is pre-existing within a buffer zone prior to adoption of such; however, a permit may be required for any expansion or change to the existing use. In general, like most ordinances, prime wetlands designation is a forward-looking ordinance.

20. How can a wetland boundary be designated on my property when no one ever walked on that part of my property?

If on-site access to some part of a wetland was not available, the wetland scientist hired to delineate the wetland boundaries relied on aerial imagery, which with today's technology is extremely detailed. The aerial images used in the Grantham Wetland Inventory project were 4-band, 1-foot pixel resolution images that included an infrared component. These images showed distinct vegetation and temperature changes that were used to determine wetland boundaries. In certain instances, additional information was also gained from roadside evaluations, where possible.

21. If a landowner believes a prime wetland boundary is not correct, or if the wetland boundary shifts over time, what does the landowner need to do to have the boundary revised?

Landowners can petition the Town and NH DES for a change to the wetland boundary, but must provide data and evidence relative to the correct location of the boundary. This type of information would be required in any case if the landowner wished to apply for a wetlands permit in or adjacent to a prime wetland.