

**APPROVED**

**Town of Grantham  
Grantham Conservation Commission**

**MEETING MINUTES  
September 17, 2012**

Chairman Richard L. Hocker called the Grantham Conservation Commission to order on Monday, September 17, 2012 at 7:03 p.m. The meeting was held in the Jerry Whitney Memorial Room at Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

**Present:** Chairman Richard (Dick) Hocker; Merle Schotanus; Kristina Burgard; Joseph Watts (Alternate); David Wood (Alternate); and Caroline Hoen (clerk).

**Absent:** Lindsey Lefebvre; and Jeremy Turner

**Members of the Public:** Rick Van de Poll, Ph.D. (consultant)

**ADMINISTRATIVE**

*Approval of Minutes for 20 August, 2012 Meeting*

Chair Hocker asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the August 20, 2012 meeting.

*There being none, Burgard moved to approve and accept the August 20, 2012 minutes as written; second by Schotanus. There being no further discussion, the motion was put to a vote.*

*Unanimously Approved & Accepted*

**NEW BUSINESS**

None

**OTHER BUSINESS**

**Planning for Conservation**

***Grantham Wetlands Inventory and Protection Program – Progress Report***

Dr. Rick Van de Poll, the New Hampshire certified wetlands scientist and consultant to the Commission leading the Wetlands Inventory project, presented a detailed status report on his review of the wetlands evaluation work performed by the Wetland Volunteers over the summer. To date, Dr. Van de Poll has completed his quality control and assurance review of the evaluation forms for forty-seven (47) of the wetland evaluation units (WEU's) and will complete the remaining seven (7) this week, after which reviewed versions of all the evaluation forms containing Dr. Van de Poll's comments and corrections will be sent to Burgard for distribution to the Commission. Dr. Van de Poll indicated he is on track to present the results of the Wetlands

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Inventory evaluations at a public forum to be held on Tuesday, September 25, 2012 at 7:00 p.m. in the Town Hall lower level meeting room.

Schotanus asked if the work of the Grantham volunteers represented the first town-wide use of the 2011 Revised New Hampshire Method. Dr. Van de Poll responded that, to his knowledge, this was the case but that the new forms were far superior to the old, providing more information and resulting in more accurate evaluations than those done by other towns. He cautioned, however, that this sort of data collection is not an exact science. An extended discussion ensued on Dr. Van de Poll's review of the evaluation forms to date.

In response to an inquiry from Wood with regard to using the data to identify candidate wetlands for potential designation as prime wetlands, Dr. Van de Poll asserted that the collected data would make clear which WEU's are the obvious candidates. He also emphasized the importance of the evaluations as a scientific tool containing empirical baseline assumptions that could be used to bolster the case for designating some town wetlands as prime and therefore worthy of protection. Dr. Van de Poll and the Commission discussed how priorities and goals set forth in Grantham's Master Plan can be integrated with the evaluation data so that prime wetland candidates are in alignment with the Master Plan. Burgard indicated that the Town's current Master Plan was adopted in 2005, and that it was her opinion that using goals and priorities from the Master Plan should be a primary determinant in using the evaluation data to identify prime wetland candidates. Dr. Van de Poll indicated that he will make recommendations, based on the evaluation data & goals/priorities of the Town, that identify approximately 15 to 20 WEU's as potential candidates, and from there, it will be up to the Commission to consider other factors and select a final list of candidates from amongst those he recommends.

Burgard reminded everyone that the timeline is tight for submission of a draft wetlands ordinance to the Town Planning Board in order to have the draft reviewed at a public hearing in conjunction with the Planning Board's meeting on November 1, 2012. Dr. Van de Poll recommended three topics for discussion at the next Commission meeting: 1) requirements to be included in the ordinance 2) recommended procedures for enforcement, and 3) a strategy to help get the ordinance passed. A discussion followed on the pros and cons of state approved prime wetlands versus locally designated and enforced ones. A combination of the two is also possible, but must be specified in the wetlands ordinance. This remains an open question for the Commission and Zoning and Planning Boards to decide in drafting the wetlands ordinance. Logistics and timelines for the September 25<sup>th</sup> public forum were reviewed after which Dr. Van de Poll exited the meeting.

### ***Annual Walk of Flewelling Easement Property***

Chair Hocker announced that the annual walk of the Flewelling easements property would take place on October 14, 2012 at 9:30 a.m. He will forward GPS points for property identification purposes to Wood. Participants are asked to meet at the bridge and to park on the left side of Miller Pond Road.

## **APPROVED**

### **Land Issues**

#### ***Cote & Reney Properties***

Schotanus reported progress to date on the potential acquisition of the previously discussed Cote & Reney parcels. He stated that he spoke with Rick Cook of New Hampshire Fish & Game, who indicated he is waiting for Alan Wilson's survey of the properties to confirm the property lines for the complete parcel and designating the property lines for the piece to be subdivided off the other parcel. Schotanus also spoke with Todd McIntire, who indicated he would contact Alan Wilson to try to expedite the surveys and the production of plot maps. Schotanus does not expect the matter to be settled until around December or the new year.

#### ***Hastings Lot Dedication***

Watts reported that the Will Hastings memorial plaque was successfully installed. A dedication ceremony is planned for October 6, 2012 at 10:00 a.m. at the site, which is the Leavitt Hill Wetlands property about 1.7 miles up Leavitt Hill Road. There followed a detailed discussion of logistics and arrangements for the ceremony, including establishing the best access route to the site and a list of speakers. Burgard is the point person for the event and is handling publicity. She reported that members of the Hastings family and friends identified by Karen Hastings will receive personal invitations, and in the event of inclement weather, the ceremony will be held in the Town Hall lower level meeting room at 10:00 a.m. on the same date. Watts recommended a future effort to install plantings around the memorial. He was congratulated by the Commission on a job well done in overseeing the plaque's installation.

#### **Perambulation Status**

Woods reported that the markers for the Enfield border are completed with the exception of the Cole Pond section. Many of the Croydon markers have been found and he anticipates that this section of the perambulation will be finished in about two weeks time. He expects that work on the Springfield border will begin this week.

## **HANDOUTS**

Hocker announced that he has flyers available for the Municipal Law Lecture series to be held on October 10, 17 and 24, 2012. Topics to be covered include land use.

Schotanus distributed copies of a press release from The Trust for Public Land, The Nature Conservancy and The Society for the Protection of New Hampshire Forests entitled "NH Voters Near-Unanimous in Support for Land Conservation."

## **ADJOURNMENT**

Chair Hocker asked if there was any further business. There being none, Schotanus moved to adjourn the meeting and Wood seconded the motion.

***The Commission voted unanimously to adjourn at 9:51 p.m.***

**APPROVED**

## **NEXT MEETING**

The next meeting of the Grantham Conservation Commission will be held at 7:00 p.m. on Monday, October 15, 2012, in the Jerry Whitney Memorial Conference Room.

Respectfully submitted,

Caroline Hoen, Clerk

## 2012 Municipal Law Lecture Series

### ENROLL TODAY!

Pre-registration required. Registration deadline: One week prior to the event date—but space is limited!

Cost: \$25 per lecture

Please make check payable to:  
Local Government Center  
(Please do not send cash.)

Register online at  
[www.nhlgc.org/nhlgc](http://www.nhlgc.org/nhlgc) or  
complete and return this  
registration form:

**Mail:** NH Local Government Center  
PO Box 617  
Concord, NH 03302-0617

**Fax:** 603.415.3087

**Email:** [registrations@nhlgc.org](mailto:registrations@nhlgc.org)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Attorneys:** Each lecture has been approved for 2 CLE credits. There is an additional fee of \$50 per lecture for CLE credit. Please include applicable fee(s) with your registration.

If you have questions or require special accommodations, please call 800.852.3358, ext. 3350.  
Cancellation notification must be received 48 hours in advance for a full refund.  
Otherwise, New Hampshire Local Government Center will invoice you for \$25 to cover the cost of materials for each lecture.

Please indicate which lectures you would like to attend. Lectures are held on Wednesday evenings from 7–9 p.m.

Location	Lecture 1 Procedural Basics for Planning and Zoning Boards	Lecture 2 Religion and Land Use Controls: What Are the Legal Limits?	Lecture 3 Innovative Land Use Controls: Reexamining Your Zoning Ordinance
Peterborough Town Library	<input type="checkbox"/> September 12	<input type="checkbox"/> September 19	<input type="checkbox"/> September 26
Laconia Middle School	<input type="checkbox"/> September 26	<input type="checkbox"/> September 12	<input type="checkbox"/> September 19
Whitefield School	<input type="checkbox"/> September 19	<input type="checkbox"/> September 26	<input type="checkbox"/> September 12
Granham Town Hall	<input type="checkbox"/> October 10	<input type="checkbox"/> October 24	<input type="checkbox"/> October 17
Newington Town Hall	<input type="checkbox"/> October 24	<input type="checkbox"/> October 17	<input type="checkbox"/> October 10
Derry Municipal Center	<input type="checkbox"/> October 17	<input type="checkbox"/> October 10	<input type="checkbox"/> October 24

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## —2012 Municipal— Law Lecture Series—



A series of three land use lectures held in six locations throughout the state for members of the New Hampshire Local Government Center

September 12, 19, 26  
October 10, 17, 24

7–9 p.m.

*Presented in partnership with:*  
New Hampshire Association of Regional  
Planning Commissions  
New Hampshire Planners Association

# —2012 Municipal— Law Lecture —Series—



## Lecture 1

### Procedural Basics for Planning and Zoning Boards

- Lecture 1**  
Procedural Basics for Planning and Zoning Boards
- Lecture 2**  
Religion and Land Use Controls: What Are the Legal Limits?
- Lecture 3**  
Innovative Land Use Controls: Reexamining Your Zoning Ordinance

These lectures are intended for municipal officials with an interest in or responsibility for any aspect of municipal land use, including members of planning boards, zoning boards and conservation commissions, and selectmen, councilors, planners, building inspectors and code officers. Attendees will receive a copy of the accompanying lecture publication.

**CLE credits available. AICP credits pending.**

Visit [www.nhleg.org/pills](http://www.nhleg.org/pills) for updates and registration information.



## Lecture 2

### Religion and Land Use Controls: What Are the Legal Limits?

To meet the challenges of land use regulation, every board member must understand how the board operates. This lecture will cover the statutory rules governing these local boards, including application, notice, hearing, decision, appeal and recent Supreme Court decisions concerning attorney-client privilege under the Right to Know Law.

*Presenters: Attorney Steven Whitley,  
Mitchell Municipal Group, PA.*

*Attorney Paul G. Sanderson,  
New Hampshire Local Government Center*



## Lecture 3

### Innovative Land Use Controls: Reexamining Your Zoning Ordinance

Both the federal and state constitutions protect the practice of religion, and Congress provides additional regulation. This lecture examines religious land use protections and provides a road map that identifies the hazards municipal officials must navigate under the Religious Land Use and Institutionalized Persons Act.

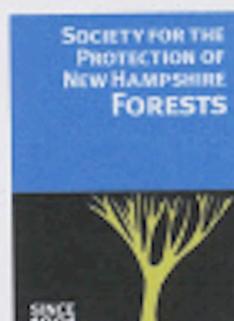
*Presenters: Attorney Daniel D. Grean,  
Grean Law Office*

*Attorney David E. Lefevre,  
Hage Hodas, PA*

Now is the time to update zoning ordinances, and municipalities should consider the various types of innovative land use controls under RSA 674:21. This lecture will address what these often overlooked techniques can accomplish. It will also cover the importance of proper administration, including updates on impact fees, and examine how courts in New Hampshire and other states have addressed legal challenges. A detailed case study on the City of Dover will be used to illustrate these techniques.

*Presenters: Attorney Kerriann Roman,  
Dunmond Woodsum & MacMahon*

*Christopher G. Parker, AICP  
Director of Planning & Community  
Development, City of Dover*



AUGUST 23, 2012  
FOR IMMEDIATE RELEASE

CONTACT: Jim O'Brien, The Nature Conservancy- 856-5378  
Chris Wells, Forest Society - 496-9246  
Rodger Krussman, Trust for Public Land, 802-371-9286

## NH VOTERS NEAR-UNANIMOUS IN SUPPORT FOR LAND CONSERVATION

**August 23, 2012** – New survey results released today find that New Hampshire voters across the political spectrum overwhelmingly support land conservation efforts in the state, believe the state should fund such efforts, and want fee revenues intended for the protection of open land and historic sites used only for those purposes.

The survey of 505 registered voters was conducted by the UNH Survey Center, an independent non-partisan academic survey research organization. It was funded by a trio of conservation groups: the New Hampshire chapter of The Nature Conservancy, the Society for the Protection of New Hampshire Forests, and The Trust for Public Land.

The poll finds that *ninety-seven percent* of the New Hampshire voters surveyed agree (76% strongly agree and 21% somewhat agree) with the statement "we must invest in land conservation to protect New Hampshire's quality of life for future generations." This support for protecting land cuts across party lines, with 94% of self-identified Republicans, 98% of Independents, and 99% of Democrats agreeing. Support for land conservation was also consistent across every region of the state.

Voters also see a connection between conservation and the state's economy. Ninety-five percent of those surveyed agree that "protecting land, water, and wildlife in New Hampshire is critical to our tourist industry and helps create jobs."

At the same time, most voters disagree with arguments that are used against state funding for land conservation. Only 23% agree that "the legislature has to make hard choices in these tough times, and we just can't afford land conservation right now," and 11% agree that "New Hampshire has more than enough forests, farms, and open space, and we do not need to do any more to protect them."

When it comes to using state funds for conservation, 81% of surveyed voters agree that there should be state funding for land conservation efforts, versus just 13% who think state funds should not be used (6% are neutral or don't know). Support for state funding again cuts across party lines: state funding for conservation is supported by 76% of self-identified Republicans, 72% of Independents, and 90% of Democrats.

The poll also asked voters about the state's current conservation funding program, the Land and Community Heritage Investment Program (LCHIP). Established in 2000 by nearly-unanimous votes in the Legislature, LCHIP is a state authority that makes matching grants to protect natural, cultural and historic resources. The program has helped fund the protection of over 263,000 acres of land around the state and 126 historic structures.

The bad news for LCHIP is that after twelve years, most New Hampshire residents have still not heard of the program. Only 15% of voters surveyed were very or somewhat familiar with LCHIP, while 69% were not familiar with it at all. However, once survey respondents were given a description of what the program actually does, 66% had a favorable opinion of LCHIP, versus just 3% unfavorable (28% said they still didn't know enough to say).

While they may not know much about LCHIP, the overwhelming majority of voters oppose state lawmaker's raids on the program's funds. In 2008 the LCHIP program's funding was moved out of the state budget to its own dedicated funding source: a \$25 fee collected on the filing of certain documents at the County Registries of Deeds. However, in the five years since the dedicated fee was established, more than half of all the revenues have been diverted by the State Legislature to fund general government. In the state's current fiscal year, all of the "LCHIP fee" revenues go to the state's general fund, and nothing to LCHIP.

When asked whether they approve or disapprove of the Legislature's diversion of LCHIP funds for other purposes, 79% said they disapprove (65% strongly disapprove), versus just 6% who say they approve of the funding diversions. Yet again, opposition to the diversion of LCHIP's funds cuts across party lines. 79% of those who identify themselves as Republicans oppose the diversions, as do 70% of Independents, and 85% of Democrats.

"We hope that the current candidates for Governor and the State Legislature will take these poll results to heart and commit to restoring LCHIP's dedicated funds to the purposes for which they were intended. Land conservation is one issue that everyone in New Hampshire agrees on, and voters are fed up with the bait and switch of collecting a fee for conservation then using it to fund general state government. The new Governor and Legislature will have the best opportunity in years to get our state back on track with conservation," said Jane Difley, President/Forester of the Society for the Protection of New Hampshire Forests.

"Even in the worst economic times, voters of all political affiliations in New Hampshire have strongly affirmed that conservation is worthy of public investment. The same is true across the country, but these are the strongest numbers we've ever seen in comparison to other states. Clearly, the New Hampshire legislature needs to invest in land conservation and restore LCHIP funding," said Rodger Krussman, New Hampshire State Director of The Trust for Public Land.

"New Hampshire understands that our state's economy and environment are linked," remarked Daryl Burnett, State Director of the New Hampshire Chapter of The Nature Conservancy. "Granite Staters have historically had a strong connection to our land, and understand that the conservation of our forests is central to our economy and quality of life. Even in these challenging economic times, voters of all backgrounds and ideologies overwhelmingly support continued investment in protecting New Hampshire's natural resources."