

# APPROVED

## Town of Grantham Grantham Conservation Commission

### MEETING MINUTES October 15, 2012

With Chairman Richard Hocker's delayed arrival, Commissioner Merle Schotanus called the Grantham Conservation Commission to order on Monday, October 15, 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:** Merle Schotanus; Kristina Burgard; Lindsey Lefebvre; Joseph Watts (Alternate); David Wood (Alternate); and Caroline Hoen (clerk).

**Delayed:** Chairman Richard L. Hocker

**Absent:** Jeremy Turner

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

#### ADMINISTRATIVE

##### *Approval of Minutes for 8 October, 2012 Special Meeting*

Schotanus asked the Commission members if there were any additions, corrections, or modifications to the draft minutes for the October 8, 2012 special meeting.

*There being none, Watts moved to approve and accept the October 8, 2012 minutes as written; second by Lefebvre. There being no further discussion, the motion was put to a vote.*

##### *Unanimously Approved & Accepted*

Chair Hocker arrived at this point and Schotanus ceded control of the meeting to him.

#### NEW BUSINESS

##### *Shoreland Protection Cutting Applications*

Hocker reported that there has been a significant rise in the number of applications from Eastman's Environmental Control Committee (ECC) for shoreland tree cutting permission along with the submission of 5-year forest management plans. The ECC requires a forest management plan from property owners who want to cut trees within 250 feet of Eastman Lake. The Grantham Board of Selectmen also requires an application to ensure compliance with New Hampshire's Shoreland Water Quality Protection Act (SWQPA), the enforcement of which falls under their control. Normal procedure is for the ECC to forward an application to the Board of Selectmen who then pass it on to the Conservation Commission for comment before making a

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decision on the application. Once the Town renders a decision, the document goes back to the ECC for Eastman's final internal decision. These applications are normally approved and, until now, Hocker has been reviewing them personally on behalf of the Commission and providing recommendations to the Selectmen. However, with the rise in the number of applications, he proposed the formation of a two-person sub-committee to take over these duties. He explained that with the increased workload, the responsibility for making recommendations should be more broadly shared. Schotanus registered his full approval of this concept as a way to bring greater objectivity to the Commission's recommendations. He suggested that notice of this change in procedure should be submitted in writing to the Selectmen and that the Commission could formalize the creation of the sub-committee with a vote.

In answer to a question from Burgard, Hocker explained that the normal turnaround time for these applications is about two weeks, reflecting the interval between Board of Selectmen meetings. Burgard observed that the Town requires shoreland tree cutting applications for a number of other bodies of water in Town and that it seems circumstantial that the current increase is coming from Eastman. Hocker noted, however, that applications from Miller and Stocker Ponds are generally fewer. With Hocker's suggestion that Dave Wood serve on the new sub-committee, there was discussion of a possible conflict of interest issue, given that Wood is both a Commissioner and a member of Eastman's Environmental Control Committee. It was ultimately agreed that any possible conflict was not significant enough to bar him from serving on the sub-committee and it was agreed that he and Lindsey Lefebvre would comprise its membership. Hocker agreed to pass on to them two applications currently under review and put forward the following resolution:

**A Grantham Conservation Commission sub-committee of two shall be established for the purpose of reviewing Town shoreland cutting applications filed with the Commission, and for the purpose of providing advisory comments to the Grantham Board of Selectmen in ruling on these applications.**

*Schotanus moved to approve and accept the resolution; second by Watts. There being no further discussion, the motion was put to a vote.*

### ***Unanimously Approved & Accepted***

With the agreement of the Commission, Chair Hocker appointed Lindsey Lefebvre and David Wood to serve as members of the new sub-committee.

### ***Grant for Hazardous Material Disposal***

Burgard reported that the New Hampshire Department of Environmental Services is again offering grants to cover up to 50% of the costs associated with town hazardous waste collection days. One required element of the grant is that the town offer an education component regarding proper disposal of hazardous waste, which she believed was something the Commission could easily coordinate. She stated that she had contacted Town Administrator White and offered to write and submit a grant application for a 2013 collection day. However, she was recently advised that the Selectmen had declined on the grounds that they have decided to have hazardous waste collections every two years and that one has already been held in 2012. They were open to

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Burgard's submitting the application next year for 2014, if the grant is still available. Burgard indicated she understands the Selectmen's decision but expressed concern that with a two year wait, residents might be strongly tempted to dispose of hazardous materials in ways that are unhealthy for the local environment, particularly as the Town is not currently paying a fee that would allow residents to participate in regional hazardous waste collection days.

### ***Budget Submissions***

Chair Hocker reported that he had requested the following allocation of funds from the Board of Selectmen to support the work of the Commission: \$800 for operational expenses and \$1,200 for secretarial support. He also reported a renewal of his request for \$100,000 for the Land Preservation Capital Reserve Fund.

## **OTHER BUSINESS**

### **Planning for Conservation**

#### ***Grantham Wetlands Inventory and Protection Program – Ongoing Planning***

Schotanus laid out the timeline for the next phase of the Wetlands Inventory and Protection Program as follows: upon receipt of Dr. Rick Van de Poll's final report soon after this meeting, the Commission will work toward getting certain wetland evaluation units (WEU's) approved by the Town for designation as prime wetland candidates, and toward getting a map of the fifty-four (54) WEU's approved as the Town wetland map. Then in 2014 the Commission will work toward putting a new wetlands protection ordinance before the voters. He reported that he and Burgard had met with Conrad Frey, Chair of the Zoning Board of Adjustments (ZBA) to review this timeline. Frey was in full agreement with the goal of submitting a request to the Planning Board at its scheduled November 1, 2012 meeting to discuss the inclusion of two Commission items as warrant articles for the March, 2013 Town Meeting: 1) approval by warrant article of the Commission's recommended wetlands for designation as prime wetlands and submission to the New Hampshire Department of Environmental Services (DES) for State designation as such and 2) approval by warrant article of a wetlands evaluation unit map as the official Town wetlands map. Frey also agreed that in the summer/fall of 2013 the Commission would work with ZBA to prepare amendments to the existing ordinance to create a wetlands overlay district which is directed to the prime and other significant wetlands shown in the wetlands map. That new ordinance would then be recommended for warrant article approval at the 2014 Town Meeting. Schotanus added that Frey is confident that this timeline is entirely appropriate and that he is prepared to assist the Commission in its implementation.

Schotanus outlined three goals for this meeting: to come to an agreement, with the assistance of wetlands consultant Dr. Rick Van de Poll, on the substance of the final report; to determine which WEU's would be recommended to the Planning Board for prime wetland designation; and to prepare for a public forum to present an overview of the Wetland Inventory Final Report and to present the Commission's recommendations for prime wetland candidates.

In response to a request from Schotanus, Dr. Van de Poll reviewed his current analysis of the WEU evaluations and discussed those WEU's which achieved a high or very high ranking based on his analysis. He expressed appreciation for the Commission's diligence and thoroughness throughout the process. He emphasized that the basis for his ranking analysis was the "very

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active language” in the Town’s Master Plan and other Town documents describing the community mandate to develop a program to protect natural flood control capability, water quality, water quantity, and wildlife habitat. He explained that the top ranked WEU’s reflect a nuanced consideration of this mandate, along with the scientific data collected and the exceptional, or “noteworthy,” quality of certain WEU’s. There followed an extended exchange on the statistical methods used to analyze the results in the context of the four values emphasized in the Town’s Master Plan. The Commission noted several places where the spreadsheet appeared to show an inconsistent application of mathematical formulas and the group worked together to find and correct those administrative errors.

Thereafter, Dr. Van de Poll advised that the top ranking WEU’s were as follows:

Chase Pond	15 points
Upper Dunbar Hill Beaver Pond	14 points
Bog Brook	14 points
Lily Pond	13 points
Grass Pond West	12 points
Upper Stroing Brook	12 points
Lower Eastman Brook	12 points
Stocker Pond	12 points
Miller Pond	11 points
Leavitt Pond	10 points
Butternut Pond	10 points
Cole Pond	10 points
Eastman Lake	10 points

He also put forward the next highest scoring group as being possible candidates for prime wetland consideration:

Hogbox Pond	9 points
Grass Pond	9 points
Ash Swamp East	9 points
North Branch Floodplain	9 points

Watts observed that some of these WEU’s, such as Hogbox Pond, are actually part of a complex of wetlands. Van de Poll explained that in instances where WEU’s were interconnected, he had made distinctions among them based on the practicality of establishing and managing buffer zones around them.

In response to the Commissioners’ discussion of trying to minimize, where possible, the amount of overlapping regulation for a particular WEU, Van de Poll drew the Commission’s attention to the additional layer of protection that would be created by the prime wetland designation of those WEU’s that already receive a measure of State protection under SWQPA. He advocated that the Commission consider keeping all the high ranking WEU’s that are also covered by SWQPA on their recommendation list because SWQPA may be subject to future legislation designed to weaken enforcement. Burgard observed that State prime wetland protection currently offers the

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opportunity to comment on proposed activities around a prime wetland at a hearing. She added that SWQPA only offers protection for a buffer measured from the water's edge and that this might not be sufficient in the case of WEU's such as Lily Pond and Chase Pond whose water's edge is often very different from the wider *wetland* edge, depending on mutable natural conditions. Schotanus emphasized the Commission's goal of keeping new regulation to a minimum and was of the opinion that the existing measure of state protection provided under SWQPA (and in the case of Butternut Pond under NH Fish and Game regulations) should be sufficient in most instances. He observed that SWQPA is not actually in danger of legislative elimination because of its strong twenty-year track record and the firm support it enjoys from the environmental NGO lobby. He further noted that in the last legislative session, a move to repeal the act had been successfully rebuffed.

A discussion ensued regarding the relative merits of the top ranking WEU's in terms of the goals and mandates of the Master Plan and the attendant issues of public interest and public safety. The Commission discussed the best method to afford adequate protection of the public benefits provided by a particular WEU while minimizing potential impacts of prime wetland designation on citizens owning land adjacent to that WEU. Existing regulations were also factored in. After a lengthy debate, Schotanus called for nominations of WEU's to be recommended for prime designation.

Burgard proposed the first seven highest ranking WEU's from Van de Poll's list, noting that Upper Dunbar Hill Beaver Pond is potentially under particular threat of future destruction of its WEU functions because it is located in a prime area for development. After further discussion, Stocker Pond was added to the list because of its extreme importance to the creation of a future municipal water system, should one be needed. An area between Stocker Pond and Stoney Brook Road was assigned particular significance because it is currently the only identified location deemed acceptable for a high-yield wellhead site. Burgard suggested that the Commission include with its recommendations a statement affirming the high value of certain other WEU's, such as Miller Pond, that are not currently being recommended for prime designation. Schotanus observed that the Commission could always consider future recommendations of additional WEU's for prime status as needed. Agreement was reached that, assuming synchronization of the oral discussion of Van de Poll's analysis at this meeting with his Final Report, the Commission would recommend the following eight (8) WEU's for prime wetland designation:

Chase Pond  
Upper Dunbar Hill Beaver Pond  
Bog Brook  
Lily Pond  
Grass Pond West  
Upper Stroing Brook  
Lower Eastman Brook  
Stocker Pond

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It was further agreed that a second public forum should be scheduled for October 29, 2012, assuming the Commission receives the Final Report by October 22, 2012. This forum would be in advance of the November 1, 2012 Planning Board meeting at which the Commission is scheduled to present its recommendations regarding wetland-related warrant articles to be added to the March 2013 ballot. Schotanus observed that this timetable would give the public two additional opportunities to participate in a full discussion of the Commission's recommendations. It was also decided that the final written report should be made available to the public in advance of the forum in the following ways: distributed in hard copy to those who have specifically requested a copy, posted on the Town's website, and made available in hard copy at the Town Hall. The Commission requested that Dr. Van de Poll attend the forum as specified in his contract. Van de Poll stated he would try to get the Final Report to the Commission in PDF form by October 22<sup>nd</sup> for distribution. Schotanus made the assumption that the Planning Board would ask the Commission to draft the warrant article for the March 2013 Town Meeting vote and there was consensus that one (1) warrant article covering the eight (8) recommended WEU's would be sufficient and preferable to eight (8) separate ones.

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

Hocker reported that the annual inspection walk of the Flewelling easement property was held as scheduled on site at 9:30 a.m. on Sunday, October 14, 2012. Joining him were Commissioner Dave Wood, Selectmen Warren Kimball and Ken Story, Town Administrator Melissa White, Commission Clerk Caroline Hoen and Renee Gustafson. Three (3) of the pins which delineate the 5.1 acres were discovered. Hocker will send a report and photographs to Steve Walker at the New Hampshire Office of Energy and Planning in the next few days.

### **Land Issues**

#### ***Hastings Lot Activities***

Hocker congratulated the Commission on a job very well done in establishing the Hastings Memorial. He extended particular thanks to Joe Watts for the procurement and installation of the plaque and to Kristina Burgard for organizing a very successful dedication ceremony.

### **Perambulation Status**

No report

## **HANDOUTS**

None

## **ADJOURNMENT**

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

***The Commission voted unanimously to adjourn at 9:47 p.m.***

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## **NEXT MEETING**

The next meeting of the Grantham Conservation Commission will be held at 7:00 p.m. on Monday, November 19, 2012, in the Jerry Whitney Memorial Conference Room.

Respectfully submitted,

*Caroline Hoen*

Caroline Hoen, Clerk