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**Town of Grantham-Planning Board
Meeting Minutes
December 6, 2012**

Carl Hanson, Chairman called the meeting to order at 7:00 p.m. The meeting was held in the Jerry Whitney Memorial Conference Room, Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Carl Hanson, Chair; Charles McCarthy, Vice Chair; Alden Pillsbury, Karen Ryan, Connie Jones; Selectman, Mary Hutchins; Alternate and Jessica Smith; Clerk.

Public Attendance: Bridget Taylor, Brian Taylor, Melissa White; Town Administrator, Richard Hocker, Renee Gustafson, Kristina Burgard, Merle Schotanus, Rick Van de Poll, Conrad Frey, Carole Wood, Dave Wood, Don Wenz, Ernie Collier, Bob MacNeil, Patricia MacNeil, Allen Wilson, Tina Stearns, and Jeremiah Stearns.

APPROVAL OF MINUTES

C. Hanson asked if there were any corrections to the September 6, 2012 meeting minutes, with no corrections suggested, *a motion was made by C. McCarthy to approve the minutes as submitted; seconded by A. Pillsbury.*

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CORRESPONDENCE

NEW BUSINESS

Chair Hanson welcomed Mary Hutchins to the Planning Board.

Site Plan Review Application:

**Brian & Bridget Taylor; Building Blocks, Tax Map 226 Lot 020 151 Route 10 N
Grantham, NH**

B. Taylor explained that currently she is providing child care for 8 children out of her home, and have several other families that would like to receive child care services through Building Blocks but at this time unable to accept any more children due to lack of space. Child Care services would be open for children Birth to age 12 years of age.

B. Taylor has talked with the school and the school has agreed to pick up and drop off children directly in front of their new space. The hours of operation would be from 6am till 6pm Monday through Friday.

C. McCarthy asked if they were planning on making any structural changes to the building. B. Taylor stated that they were not going to be making any structural changes.

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C. Hanson asked if there were any further questions regarding the application. With no further questions, *a motion was made by C. McCarthy to approve the Site Plan Review Application as submitted for Tax Map 226 Lot 020; seconded by C. Jones.*
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Sign Permit Application:

**Brian & Bridget Taylor; Building Blocks, Tax Map 226 Lot 020 151 Route 10 N
Grantham, NH**

C. Hanson confirmed that the sign would be 4ft X 4ft attached to both sides of the building with no lighting.

C. Hanson asked if there were any further questions regarding the application. With no further questions, *a motion was made by C. McCarthy to approve the Sign Permit Application as submitted for Tax Map 226 Lot 020; seconded by K. Ryan.*
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PUBLIC HEARING

The purpose of this Meeting is to review the following proposed
Zoning Ordinance amendments:

➤ Zoning Ordinance Proposed Amendment to Article VIII –Home Business:

C. Frey explained that currently, any proposed home business (or any change to a home business that would then violate the terms of the Article) must come before the Zoning Board to receive a “Special Exception”. The proposed amendment to this Article would exempt any proposed home business that would only involve the use of computers from having to apply for a “Special Exception” as long as the computers were used only by one or two persons who lived in the dwelling and met all other provisions of the Article.

C. Frey stated that this would also eliminate time and expense from both the applicant and the Zoning Board.

K. Ryan confirmed with C. Frey that if a home business is selling merchandise out of the home (online) or has customers coming to the home then they would still need to come before the Zoning Board and meet all other provisions of the Article.

C. Hanson asked the Board members if they recommend or not recommend the Home Business amendment to Zoning Ordinance.

All the Planning Board members unanimously recommended the proposed Home Business amendment to the Zoning Ordinance.

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➤ Zoning Ordinance Proposed Amendment to Article X-C- Shore Land and:
River Overlay District

C. Frey explained that the Department of Environmental Services changed the title of the Article from “shore land Overlay District” to “shore land and River Overlay District” to reflect more accurately that the Article covers both lakes/ponds and rivers.

The Department of Environmental Services (DES) “Comprehensive shore land Protection Act” underwent a name change to the “shore land Water Quality Protection Act” and was so noted in the Article where appropriate.

Sawyer Brook, Chase Pond and Lily Pond, which are, not designated lakes/ponds and rivers by the DES Shore land Water Protection Act. Because of their aesthetic and environmental impact, these two ponds and river are to be given equal status in the Article to those that were designated by the DES.

A. Pillsbury explained that he had some concerns with the proposed article, one is that Grantham really has no control over Chase pond and the other pond runs through two towns. Also, on the meadow A. Pillsbury has three acres down there planted and now the proposed amendment states that we can no longer use any chemicals or fertilizers. What about the gardens; that are within 100 feet of a pond or brook? This proposed Amendment is forcing everyone to go through Concord that wants to plant a garden.

C. Frey stated that anything agricultural then it is pretty well exempted. This proposed amendment is basically about building and cutting trees. A. Pillsbury stated that the proposed amendment clearly states “Use of agricultural fertilizer or chemicals within 250 feet or designated high water mark of all the above specified lake, ponds, and rivers must comply with the provisions of the Shore land Water Quality Protection Act and may require approval from the Department of Environmental Services.”

A. Pillsbury explained that the reason why the State is not including the three ponds is because it is not necessary. C. Frey stated that the State is doing this for the other rivers and ponds already. A Pillsbury explained that the State is doing it for the other rivers and ponds because they are next to a river or main roads, but Shaw Brook runs through the woods.

C. Hanson asked for confirmation around his understanding for the proposed amendment. This proposal is to expand what is defined as a water body under the Shore Land Protection Act to smaller water bodies. C. Frey explained that the old Article before 2009 included anything that was a river, brook, or pond that is mostly in Grantham.

C. Frey stated that the reason for including these water bodies is to protect them from any potential building or cutting from those areas. A. Pillsbury expressed his concerns that the Town is over regulating.

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M. Hutchins asked if “alterations of vegetation” means mowing and brush hogging. C. Frey explained that within the first 50 ft. you are not supposed to cut certain types of trees and that within a certain footage you are not able to put in a septic.

M. Hutchins explained that the proposed amendment states “Any application for change to a shoreline or new land use or modification to an existing use or structure, including non-conforming lots and/or structures, alteration of vegetation or use of agricultural fertilizers and chemicals within 250ft. of the designated high water mark of all the above specified lakes, ponds, and rivers must comply with the provisions of the Shore land Water Quality Protection Act and may require an approval from DES.”

Dr. Rick Van de Poll explained that the 50ft. restricted zone is for trees and weed vegetation greater than an inch diameter; there is a point system which limits the amount of trees you can take within 50ft. Any vegetation less than 3ft in height you’re supposed to leave except for a 6ft wide path for access to the Shore land which is allowed.

C. McCarthy asked if the proposed amendment is to just add Sawyer Brook, Chase Pond, and Lily Pond to the other list of ponds and rivers that are already named in the Article. C. Frey explained that they were already on the list, we are just re-confining that they are not protected by Concord. A. Pillsbury stated that they are protected by Concord, because you cannot build anything without going through Concord and DES if you are that close to the river. If you are going to build next to a river, swamp or wetlands of any kind you need to go through DES.

K. Burgard explained that DES based on water body size applies their shore land Water Quality Protection Act, even if Grantham had no Zoning Ordinance those water bodies that qualify for the State would be subjected to the State rules for the shore land Water Quality Protection Act. If you wanted to build there is different wetland rules but it is not the Share land Water Quality Protection Act. Lily Pond, Chase Pond and a portion of Sawyer Brook do not satisfy the DES requirements for the water size, so they do not automatically fall under the States jurisdiction. In order to have application of the same criteria of the shore land Water Quality Protection Act with those three areas we have in the past put them in our Zoning Ordinances but DES won’t look at them because to them they don’t qualify, we by our Zoning Ordinances applying the criteria of the State rule locally and will be managed by our local Zoning Board.

B. MacNeil explained that he is unable to support any additional Zoning Ordinance that makes the process harder and more costly for the applicants.

K. Ryan questioned the reasoning for delineating these three water bodies. C. Frey explained that they were named in the Ordinance in 2009, what the new Ordinance is to define that no they are not under DES regulations; they are under the regulation of the local Zoning Ordinance.

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C. Frey explained that the only proposed change in the current ordinance is the wording in “red” 2nd paragraph on page 2. The Planning Board members stated that they were given only a black and white copy of the proposed Zoning Ordinance.

C. Hanson expressed his concerns around the language and basic understanding of the proposed amendment changes. If the Town is going to be regulating activities such as cutting, fertilizing, or planting vegetation of certain types then it should be clear in the Zoning Ordinance on where the applicant should be going and what they should be doing.

C. Hanson asked the Board members if they recommend or not recommend the proposed Article X-C: shore land and River Overlay District to Zoning Ordinance.

Planning Board members voted 4-1 with NOT recommending the proposed Article X-C: shore land and River Overlay District to the Zoning Ordinance.

OTHER BUSINESS

Grantham Conservation Commission: Submission of wetlands Inventory Report & Recommendations.

R. Hocker explained to the Board member’s 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. About a year ago, we began that process starting with the hiring of Dr. Van de Poll. Dr. Van de Poll reviewed the existing data and nominated 54 wetland properties as potential candidates for Designation as Prime Wetlands within the Town of Grantham. Within the last year, we have had several teams visit each of the 54 wetlands and completed an extensive evaluation of those wetlands.

R. Hocker turned the rest of the discussion over to M. Schotanus who was the Project Manager. 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. What the Conservation Commission would like to do tonight to fulfill our obligation to the Planning Board and to the Master Plan is to report to you the results of this inventory project and to ask for your recommendation to go forward.

Mr. Schotanus introduced Kristina Burgard of the Grantham Conservation Commission, and indicated she would provide more details on the Commission’s recommendations.

Ms. Burgard stated that the basis of the Commission’s recommendations included careful review of the Revised NH Method evaluation results for each of the fifty-four (54) wetland evaluation units (WEUs), the analysis and recommendations in Dr. Van de Poll’s Final Report, relevant RSAs and local zoning ordinances, DES rules, and other applicable references such as guidelines for municipal water supplies, and flood zone

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information and history. She noted that a primary focus of the Commission's recommendations was four (4) characteristics mandated in Grantham's Master Plan as being of high importance to public benefit, health, and safety, specifically:

- 1) flood storage capability;
- 2) contribution to water supply;
- 3) contribution to water quality;
- 4) wildlife habitat (collectively, Master Plan Mandates).

Ms. Burgard noted that the Revised NH Method consists of twelve (12) functions, with a total of eighty-eight (88) questions, and described which functions relate to each of the Master Plan Mandates. She then noted that a primary focus of the Commission's review was how a particular WEU scored in relation to each of the Master Plan Mandates, and on how many of the Master Plan Mandates did the WEU score well.

Ms. Burgard 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'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.

She noted that supporting details for each recommended WEU can be found in Attachment 1 of the Commission's November 13, 2012 submission to the Planning Board, which is available for review at the Town Offices and on the Town's website.

The Commission is proposing that an ordinance for the 2013 ballot to designate these wetlands as Prime Wetlands under RSA 482 A: 15. Essentially the process would be subject to all the hearings that would need to occur before it could make it onto the ballot; and the if the Town were to adopt them, the Conservation Commission would than submit the packages with all the scientific evidence to the State; the State then would review it and if the State decided to adopt them, then the State would apply all of the prime wetland related regulations.

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M. Schotanus explained that if the Board members approve the Commission's recommendations then the next step in this procedure would be a third Public Hearing that requires a 30 day notice and that is a Public Hearing for abutters only to these wetlands. The Commission has worked with the Town Administrator to devise a letter of notice which is ready to go out in the mail tomorrow morning; if the Board approves and the hearing is scheduled for Tuesday January 8, 2013. There are 116 abutters on these (8) eight Prime Wetlands.

If the Board approves this and decides to go forward with the RSA 657; you decide what the form of the Warrant Articles are going to be and then there are two Public Hearings that are required by law, one of those Hearings would be on January 22, 2013 and the other one February 5, 2013, if those are approved then they will go on the ballot for the Town Meeting. If approved by the Town then we will submit that list of Prime Wetlands to DES for their adoption; they will then send it back around April or May of Next Year. The Commission will sit down with C. Frey and the Zoning Board to restructure a wetlands ordinance to establish wetlands overlay district for the Town.

C. Hanson expressed his appreciation all the work that the Conservation Commission has done; there has been an enormous amount of work put into this project, many volunteers and hour that have been put in this project.

C. Hanson explained that his understanding is that the Conservation Commission is proposing the designation of these wetlands and the adoption of the map; and at this stage C Hanson does not believe that the Planning Board needs to take a vote to approve or not approve on any of this tonight. However, the Planning Board needs to set a Public Hearing with a 30 days' notice to the abutter and landowners who are affected.

C. Hanson asked Dr. Van de Poll if he could explain what restrictions and regulations are implicated by this designation. Dr. Van de Poll explained that the way RSA 482 A: 15 is currently instructed based on the law that was changed this past year is that the prime wetlands exist from the wetland boundary. Any activity within Prime Wetlands requires a Public Hearing that the State holds typically in Concord, NH and what the Wetlands Bureau does is hold those projects to a higher standard performance than the typical minimum impact project. They are registered with the State, a map is submitted in a standard format and only the Town can appeal the status with the State. To date we currently have 32 Towns of Prime Wetlands, there have been a large number of Towns that Dr. Van de Poll has worked with that has stated that they do not want to rely on the State they wanted to do it locally.

M. Schotanus asked if they should go ahead with sending out the 116 letters for the 30 day notice for the Public Hearing, so that they can proceed with this project.

C. Hanson stated that the way he understood the statue was that either the Planning Board or the Conservation Commission can propose this designation and it appears to C. Hanson that the Conservation Commission has proposed this designation. The Planning Board is just providing a forum for these Hearings. C. Hanson explained that the Public

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Hearing will be held on Tuesday, January 8, 2013, and that the other Public Hearing Dates are scheduled for Tuesday, January 22, 2013 and Tuesday, February 5, 2013.

B. MacNeil stated that this afternoon he contacted the Town Office looking for copies of the draft ordinances and he was told that they had not yet been submitted. B. MacNeil expressed his concerns for the delineation of primary wetlands and the language that was submitted from the secondary ordinances that would be coming forward that would provide 25ft buffer around any wetlands. B. MacNeil stated that he believes that the primary wetlands are extremely important, but he felt that the other ordinance is being slipped in using the importance of the primary wetlands.

C. Hanson explained the difference between the two proposed Warrant Article, one is to adopt an official wetlands map along with a wetlands evaluation unit ranking map and an index of wetlands evaluation units, and the second proposed Warrant Article is to designate these (8) eight Prime Wetlands.

C. Hanson asked if there were any further questions regarding the proposed Public Hearing for Designation of Prime Wetlands.

With no further questions; *a motion was made by A. Pillsbury to schedule a Public Hearing for the Designation of Prime Wetlands on January 8, 2013 and send out a letter of notice to all the abutters and property owners; seconded by C. Jones.*

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Planning Board Representative on the Capital Improvement Projects Committee:

C. Hanson asked the Board members if anyone was available to represent the Planning Board on the Capital Improvement Projects Committee, at this time no members were able to commit their time to the Capital Improvement Project Committee. C Hanson stated that they would table discussion until the next meeting.

Conceptual Review:

A. Wilson explained that he had two conceptual reviews to present to the Board tonight. The first conceptual review is regarding a parcel owned by Jeremiah Stearns, the parcel that we are looking to subdivide is already considered a primal facial subdivision as a road goes through it with a piece of land on the Northern part of it and a piece of land on the Southern part of it. They are just looking to divide the parcel, where it is already divide naturally by the road. C. Hanson asked if the road is up to Town standards. T. Stearns explained that the Town Truck actually plows right to the end of where J. Stearns driveway is and has plowed that road for at least 15-20 years.

C. Hanson explained that the only issue he would be concerned with is to make sure that there is at least 250ft of frontage on a road, and that term is defined in the subdivision regulations.

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T. Stearns explained that she understands that J. Smith is one of the abutters but her property does have a 25ft right away. Also, this subdivided lot was offered to both of the abutting owners.

A. Wilson explained that the other conceptual is regarding the Cote Reney Property; would like to subdivide off 3.5 acres for Fish and Game to put a Public Boat Landing in.

R. Hocker explained that owner had come to the Conservation Commission back February 2012 looking to donate 3.5 acres to the State for a State Boat Landing and would like to donate 7/10th of acres on the East side of the interstate to the State. C. Hanson stated that A. Wilson does not need to appear in front of the Planning Board for a subdivision; this 7/10th of an acre can just be deeded to the State.

ADJOURNMENT

With no further business before the Board, a motion was made by C. Jones to adjourn and seconded by K. Ryan.

The Planning Board voted unanimously to adjourn at 9:35pm.

The next meeting of the Planning Board will be held on Tuesday, January 8, 2013 at 7pm in the lower level of the Town Hall.

Respectfully Submitted,

Jessica Smith
Planning Board Clerk