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**Town of Grantham-Planning Board
Meeting Minutes
January 22, 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, Alden Pillsbury, Karen Ryan, Selectman Warren Kimball, Alternate Mary Hutchins, and Clerk Jessica Smith.

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

Public Attendance: Bob Schwartz, Mauri Schwartz, Troy Simino, Helen Schotanus, Dr. Rick Van de Poll, Renee Gustafson, Joey Holmes, Alan Eckbreth, Peter Crowell, Thain Allen, Craig McArt, Michael Whipple, Eliza Whipple, Caroline Hoen, Sheridon Brown, Frances Hastings, Mert Hastings III, Merton Hastings Jr., Jen Beaulieu, David Beaulieu, Daniel Field, Brian Molly, Todd McIntire, Ruthann Eastman, Andy Eastman, Elaine Lascher, Bob Peterson, Bob MacNeil, Patricia MacNeil, Jerry Benoit and other members of the public.

APPROVAL OF MINUTES

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

UNANIMOUSLY APPROVED

C. Hanson asked the Board if there are any corrections from the January 8, 2013 hearing. C. McCarthy stated that on page 2, 1st paragraph where it says “M. Schotanus as if” should say “M. Schotanus asked if”. Also, page 4, 2nd Paragraph 3rd line where it says “low line” it should be “low lying” on page 11 3rd paragraph 2nd line where it says “covert” it should say “culvert” and on page 15, 3rd paragraph, line 5 change “That” to “they”.

C. Hanson explained that on page 2, 3rd paragraph, line 1 currently says “so of us” should be “some of us”. B. Schwartz stated that on Page 10, 3rd paragraph, line 4 should state “in-ability” and not “ability”. J. Beaulieu stated that on page 6, last paragraph, line 4 should state “what would the impact on the pond be” not “what the impact on the Town would be”.

C. Hanson asked if there were any corrections to the January 8, 2013 meeting minutes, with no further corrections suggested, *a motion was made by C. McCarthy to approve the minutes as amended; seconded by K. Ryan.*

UNANIMOUSLY APPROVED

Planning Board
Public Hearing
Prime Wetlands Hearing

C. Hanson explained that this is a public hearing on two proposed warrant articles, this process begin back on January 8, 2013 and there was a tremendous amount of information given at that hearing. This hearing is an opportunity for anyone from the general public to speak regarding the proposed warrant articles. C. Hanson explained that depending on whether there are additions, amendments or changes to the proposed warrant articles as a result of this meeting, we will perhaps have another hearing on February 5, 2013. Ultimately the Planning Board will vote to recommend or not recommend adoption of these warrant articles. The Planning Board does not have the authority to adopt them; they have to be voted on by the entire Town at the Town Meeting. The purpose of this hearing is to allow the public to state their position and concerns regarding the warrant articles and ultimately it will lead the Planning Board to vote to either recommend or not recommend the purposed warrant articles.

C. Hanson explained that he was opening the hearing up for discussion. A. Eckbreth asked for a clarification regarding the final report, in the final report is stated that there were actually 12 recommended wetlands that had high value to be designated as Prime Wetlands and yet in the warrant article you only selected the very high value wetlands to be designated as prime. So the question is why did you only pick the 8 wetlands with the highest value and exclude the 4 others wetlands.

M. Schotanus stated that based on Dr. Van de Polls statistical analysis and wetlands evaluation he selected 12, and the Conservation Commission completed their analysis around the four mandates in the Master Plan (Water Quality, Flood Control, Wildlife Habitat, and Water Supply) those are all dictated by the Master Plan. The Commission analyzed those against the four mandates and we also analyzed those 12 in terms of the guiding principle that we wanted to put the least restriction on our wetlands and still get the most protection, and to avoid a conflict between Town Wetland Ordinance and State Wetland Ordinance. Based on this we went through all of them and we selected the 8 very highest that were statically rated by Dr. Van de Poll and the 8 that met our analysis and that's how we selected the 8 Prime Wetlands.

M. Schwartz asked when the Master Plan would be updated because a great deal of what we are discussing is based on items written on the Master Plan and after reading it closely there are incorrect facts. C. Hanson stated that the process should be addressed by 2015. M. Schwartz stated that the Master Plan in 2000 in census, we talked about numbers and population and that was one of the key things that might kick in to municipal wells with population growth. In 2000 the US Census says we were 2,167 people and 2003 the Mast Plan says 2, 344 people and it made a projection that the population growth would be over 3,000 in one more year. So by 2004, based on the earlier rate of growth would be over 3,000. However, the U.S. Census in 2010 said we were still under 3,000, so our growth rate from 2000-2003 was 8% and then from 2003-2010 was 27% and between 2000-2010 the two U.S. Census our growth rate was 36% but the Master Plan was basically written on information from the decade before from 1990-2000; those were the only statistics the Town would have had available our growth rate was 73.8%. So in the last decade we are less than half of that, and that is information that should be considered because this is one of things that has to do with the demand on water.

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M. Schwartz stated that in many of the documents that she read the Master Plan, Dr. Van de Polls reports, and some cover letters from the Conservation Commission, when Grantham was asked to inventory and evaluate wetlands. How did Grantham get to designate the wetlands? Originally it says in the Master Plan Grantham was to inventory and evaluate the wetlands, which has been done. How did we get to designate prime wetlands from the charge to inventory and evaluate wetlands, how was this leap made.

C. Hanson explained this is a proposal from the Conservation Commission. M. Schwartz asked if the Commission was told by the Town to go ahead and designate them. C. Hanson stated the Commission has several different charges and responsibilities in the Town and from the information given at the last hearing and looking at the charts from the Master Plan and in the context of all the responsibilities from the Conversation Commission they determined to make this proposal. M. Schwartz stated that the letter from the Conservation Commission says to prepare a local wetlands inventory and evaluation and “consider” the designation of prime wetlands. The Master Plan that we are to prepare a local wetlands inventory and evaluation according to the administration rules in Chapter 700, which has been a big issue.

M. Schwartz also stated that only 59% of the properties that were asked to be inspected had a “Boots on the Ground” inspection and the others were evaluated from a distance, meaning that 41% of the properties were not evaluated with “Boots on the Ground”, and a great portion of the area around Stocker Pond was not evaluated with “Boots on the Ground” mainly the West and South Shore the most important parts. If we have 90-92% accurate maps from the fly overs and 50% accurate tax maps which leaves us with 45% combined accuracy between the maps which would leave a wide margin of error of 55%. M. Schwartz expressed her concerns of the Town moving forward with such a large margin of error. M. Schwartz stated that she has read through the field notes and she questioned the accuracy of the notes around Stocker Pond. One of the notes stated that there is moderate humane activity and some trails are used, actually there are two deeded right a ways to the pond and there are some snow mobile trails and those are the key links to snow mobile trails in the entire area they go to Croydon Turnpike area and are used a great deal when we have snow. It also says that there is public access from Hillsdale Cemetery, which is also incorrect there is a large sign that clearly states no public access. It also asked if any of this area contains any important or archeological sites, they listed Cote & Reney Mill which has been recently sold rebuild or restructured, it’s about 40 years old and M. Schwartz stated that she does not know of any archeological or historical importance it really has.

M. Schwartz explained that there were 16 volunteers listed and 6 Grantham Conservation Commission Members who were sent out to evaluate; why did Stocker Pond get evaluated by 2 Conservation Commission Members, when there were 16 volunteers to choose from. It stated in some of their documentation that this was done to minimize the risk of biases, and if 2 Conversation Commission people came and evaluated what ends up being the most important target from Prime Wetlands and municipal wells I would question that statement “to minimize bias”. There is a place in the Master Plan that says that re-designated selected under developed portions of the Town for substantially less development potential by means of rezoning with significantly larger lot sizes and a more appropriately range of permitted uses. New London put in 25 acre zones in order to help reduce the impact of wetlands and prime wetlands, have we done this? K. Ryan confirmed that this has been done, Grantham does have increased lot sizes in areas of Town, i.e.: Old Farms. M. Schwartz stated that the Master Plans states it encourages new subdivisions to consider incorporating small community water systems. For instance; if the 3C’s Development if that would be put into today; would they be encouraged to put in their own water system. C. Hanson stated that the Town has not received a subdivision of a size that would call for a public water system. M. Schwartz questioned the subdivision over by the Town Ball Field,

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how many properties is that going to be. C. Hanson stated that it would be 17 approved lots. A Pillsbury stated that there is no reason why any place in the Town of Grantham couldn't have their own well. In the Town of Belmont, NH (population of more than 7,000 people) in the past they had implemented the designation of Prime Wetlands, adopted it and then they "revoked it" do to inaccuracy of maps and a great deal of unhappiness by the population of Belmont. They stated that any Town who is thinking of adopting should insist on geo-reference maps; so that we can manage the inaccuracies that come from overlaying fly over maps and local maps. They also suggest that outline a way to make changes if something is not correct.

Dr. Van de Poll explained the process of getting a permitted use of the Prime Wetland. The Prime Wetlands statute RSA: 42A:15 recognize unspoiled, high, and fragile areas as potentially nominated by Town votes as Prime Wetlands there by incurring rules under Chapter 700, which requires a public hearing in Concord, NH of any permitted activity within the footprint of the wetland. This is for wetlands that have been designated and voted on by the Town and approved by the State, and require any permitted activity within the Prime Wetland. The waiver process that was voted on in 2009 which allows activities such as timber harvesting and agricultural activities to apply for a waiver within a prime that is not deemed to be significant impact to the functionality of wetlands. The Shore land Protection Act is another set of regulations but only implies to fourth order and larger stream and ponds greater than 10 acres in size.

P. Crowell stated that with the Master Plan being outdated, the Town should reconsider going any further with the designation of prime wetlands. There are people in Town who have built their businesses, and built their values on what you are taxing them on; on a pre-existing notion that they can operate, and when you start having individuals come in and you have to explain to them that they have to live with a new set back and you can't use that property. Acts like this are just a way to take a portion of the property out of use, restricting people's uses of their own land, and how do you justify the tax base when someone has 40 acres of land but they can only build on 3 acres.

B. Molloy expressed his concerns about the added regulations to property owners and how that would affect the value and not just talking dollar values, has anyone tried to get anything done with the Town, State, Architect or an Attorney lately; there is no more 5 minute conversations, no more easy process, everything is hard. You now have to go to the State of New Hampshire to change something in your house. As landowners, we are paying for everything that we want to do on our land with money, time, and resources. The rest of the Town is not going to be here to vote this out, they're going to see that the Planning Board recommends it and so they will vote it in and then all the 160 of us abutters and landowners will have to pay the price.

C. Hanson shared a letter from T. Allen to the Planning Board expressing his support of the Conservation Commission's recommendation to designate eight wetland areas within the Town as Prime Wetlands.

M. Whipple reminded the Board that at the last hearing he had asked the Board if anyone had a copy of Chapter 700 rules, and nobody had a copy at that time. This whole prime wetland designation is defined by the Chapter 700 rules as well as the RSA. Dr. Van de Poll stated again that it only affects the footprint of the prime wetlands, according to the Chapter 700 rule the permit process specifies a project in or adjacent to the prime wetland and the public hearing held prior to approval of an application for any project in adjacent to or contiguous to the property on which the project takes place. M. Whipple suggested tabling the warrant articles for 1 year until the property owners of adjacent or contiguous lands can be assessed and legal implications reported Grantham Conservation Commission.

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Allen Wilson confirmed that we have heard some very articulate testimony here tonight and when we take into consideration how many people who will actually benefit from a water supply that is not part of Eastman, maybe 40%? A Majority of the people in the town are going to look at that Warrant Article and see recommended by the Planning Board or not recommended by the Planning Board they are not going to know anything that is actually in it. Once it is approved it is in, and we are the people who are going to be affected by it, in the end it's going to be a huge expense for someone to fight for their own property and their right to use their property. M. Whipple asked the Planning Board not to recommend these Warrant Articles at this time, give it some time to be investigated.

B. MacNeil stated that a lot of this argument is based around Stocker Pond, but the bigger issue is if you encumber land you're going to take away value of land. The town may need to identify these primary wetlands and they may need a future water supply, without knowing the science. If in fact the Town needs set aside this land, which means encumbering private property has the Planning Board or the Town given any consideration of compensation for what I believe legal taking. I'm looking at this as a tax payer and seeing a cost associated to this, never mind the cost those we already occurred by going through this process.

B. Schwartz addressed T. Allen's comment regarding population around Stocker Pond. What has the Conservation Commission done to stop or reduce the sodium chloride or the calcium chloride on the roads, that's one of the biggest problems and no one has even applied any resources towards it. Also, if you have a septic system on your property and you have to replace it, my understanding is that you would have to go to Concord, NH and explain why you want to do all this, because it is a permitted use. At the last hearing Dr. Van de Poll talked about the substantial changes required for mending map errors, we know we have a 50% map error on one side and 90% on the other side leaving us a 45% potential for accuracy. There still no definition for substantial changes required for mending these map errors. We don't even know what the impact is going to be on the landowners and tax payers; you're proposing new buffers there coming after the prime wetlands. If water quality is the prime issue for the Conservation Commission then why are they not doing something to improve the quality of water now, its winter and they are putting down salt every day.

L. Lefebvre clarified that when you map wetlands you in no way use a tax map to determine where the wetlands are in Town. The tax map is simply an overlay where the wetlands are. The tax maps were used just to look at the properties, so the property boundaries may be inaccurate but as far as what Dr. Van de Poll mapped that error should not be applied to the work he completed.

C. Hanson asked Dr. Van de Poll if the designation of Stocker Pond as a Prime Wetland have any impact at all on the Department of Transportation salting policy. Dr. Van de Poll stated that legally there is no requirement for the State to adhere to any kind of salt restriction due to a Prime Wetland and that is something we face in all 33 towns that have Prime Wetlands. However it does increase the argument that goes to DOT that request the reduction of salt use and that could happen today, it does not require any prime wetlands.

J. Benoit asked doesn't everything have an affect all the ponds and streams lower; like where it drains out. At any time could the State just say that Miller Pond is a wetland area, which would affect my property and my neighbor's property? Isn't the whole Town basically a wetland?

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M. Schwartz asked Dr. Van de Poll how different the areas in 483B are from the ones listed as Prime Wetlands. According to DES the border of the Prime Wetlands is from the upland side of the wetlands up to whatever we make the buffer, they don't overlap. If we currently have a 100-250ft setback buffer the Prime Wetlands will be from that upland edge, which is the one that is really hard to figure out as it moves a lot. What are the other 15 items that are not yet listed in the Prime Wetlands?

Dr. Van de Poll confirmed that the Prime Wetlands and the Shoreline Protection Act operate on a line on the ground, that can be identified by a certified wetlands scientist, in the case of the Shoreland Act 43B that line is the so called high water mark and in many large lakes it is called the reference line which is more apt an designation usually from the power company. In the wetlands it's called the wetland boundary and that is the point of which a jurisdiction wetland becomes upland. In terms of the 15 things in 43B there is overlap in the values that are recognized in 43B and 42A. There is an overlap because the water resource is a concern and the motivating factor to protect the water resource under both of the State Laws.

M. Hastings expressed his concerns regarding the landowners losing rights away from their own land and concerns with no clear information on exactly how much of a buffer will be put in affect. M. Hastings stated that he hardly believes that anyone is going to want to drink the water from the Beaver pond and would like it removed from the list of designated prime wetlands. How can the Planning Board recommend this warrant article when the Conservation Commission has not provided everyone with all the information needed? Dr. Van de Poll stated that there are no restrictions by the State in cutting timber in a prime wetland; what you can't do it is leave a bunch of skidder ruts in that wetland as it is considered a dredge and that would require a permit.

T. Simino stated that everything that the Town is trying to protect is already protected under the Shoreland Quality Water Protection Act or the Wetlands Act. If anyone wanted to work in a wetlands area they would need to get a permit, this is just another layer to the process that we do not need. Until we know what that buffer is actually going to be it is impossible to state how many acres you are affecting. T. Simino asked the Planning Board to not recommend this warrant article until you have all the information.

S. Brown stated that the Conservation Commission is not including a buffer at this time, if we are to delay doing this then we would be forgoing the benefits of having the additional State Protection and their involvement in this. This issue regarding the buffer will be revisited at the State level at some point and we could find ourselves down the road at a time where there is a 100ft buffer in the State statute again and then we have lost the opportunity to have flexibility here at the local level.

B. MacNeil stated that he was more and more uncomfortable with the idea of taking a little bite now and then define the buffers at a later time. Why is the Town pushing this through so quickly?

M. Whipple explained that according to Chapter 700 if you're contiguous or adjacent to a prime wetland you have to go to Concord to a public hearing to get a permit approved, that's what it says in the rules.

B. Schwartz asked how many members from the Conservation Commission actually own land in Grantham; and what are their credentials that make them an expertise to make this decision for all of us. How much of this is political verses scientific? Everything is so fluids, the Conservation Commission members are not providing any specifics. B. Schwartz asked the Planning Board to not recommend this proposal.

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C. Hanson thanked everyone for participating in tonight's hearing to express their concerns and to ask questions. At this point C. Hanson closed the public portion of this hearing and asked the Board if they wanted to address any concerns that they may have.

A Pillsbury stated that there has been a lot of people, hours and sacrifices made to put this proposal before the Town. This whole Town is considered a wetland; the State has laws and rules that are already in effect. The more rules and regulations that we make are just going to affect the people that are here. A. Pillsbury confirmed that he could not recommend proposal at this time.

C. McCarthy explained that he has read a lot of the documentation, and you can clearly see that there has been an awful lot of time and work put into this project. The overall concept could be a wonderful benefit to the Town. Over the last couple of hearings we have heard a lot of objections and concerns, which have left us with some unanswered questions. There needs to be more designation or regulations i.e.: setbacks, at this time C. McCarthy expressed that he could not recommend Warrant Article #2 – Designation of Prime Wetlands.

C. Hanson asked the Board to vote whether they recommend or not recommend the adoption of the official Wetlands Map.

The Planning Board voted 4 in favor and 1 against to recommend the adoption of the Official Wetlands Map.

C. Hanson asked the Board to vote whether they recommend or not recommend the Designation of Prime Wetlands.

The Planning Board voted unanimously to not recommend the Designation of Prime Wetlands.

C. Hanson adjourned the hearing at 8:50pm.

The next meeting of the Planning Board will be held on Tuesday, February 5, 2013 at 7pm in the lower level of the Town Hall.

Respectfully Submitted,

Jessica Smith
Planning Board Clerk