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Town of Grantham Grantham Conservation Commission WETLANDS INVENTORY PUBLIC FORUM February 21, 2011

Chairman Richard L. Hocker opened the Wetlands Inventory Public Forum of the Conservation Commission on Monday, February 21, 2011 at 7:03 p.m. The Wetlands Inventory Public Forum was held in the Lower Level Auditorium at Grantham Town Hall located at 300 Route 10 South, Grantham, NH.

Notices were posted as follows: 1) Town website's Community Calendar and Conservation Commission page (1/23/2011); 2) flyers at Town Hall, the Post Office, Rum Brook Plaza, and Eastman's South Cove and the Center (all on 1/25/2011), and Dunbar Free Library (on 1/26/2011); 3) Eastman TV Channel (1/25/2011) and Grantham TV Channel (1/26/2011); 4) Grantham News List-Serv (1/21/2011, 2/11/2011, and 2/18/2011); and 5) the Upper Valley News Community Calendar (beginning early February).

Commissioners Present: Chairman Richard (Dick) Hocker; Merle Schotanus; Lindsey Dixon; Joe Watts (*Alternate*); and Kristina Burgard (*Alternate*).

Members of the public: Dr. Rick Van de Poll; and approximately 40 members of the public. *See, e.g., attached Sign-In Sheets.*

Handouts: Printout of Wetlands Inventory Public Inventory Slide Presentation.

Chair Hocker welcomed everyone to the Wetlands Inventory Public Forum and indicated that the purpose of the evening is to provide the public an opportunity to learn about the on-going Wetlands Inventory being conducted by the Grantham Conservation Commission to identify and evaluate important wetlands in our community, ask questions, and to learn about ways they can help with this important project.

Chair Hocker introduced the members of the Conservation Commission present, and indicated Mr. Schotanus would act as moderator.

Mr. Schotanus stated that the Forum will be conducted in two parts. The first part will be a two-part presentation, and the second a questions-and-answers session. Mr. Schotanus introduced the Commission's Wetlands Inventory consultant, Dr. Rick Van de Poll, of Ecosystem Management Consultants of New England, LLC ("EMC").

Ms. Burgard then conducted the first part of the presentation, and Dr. Van de Poll presented the second portion.

Mr. Schotanus then opened the floor for questions.

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- **What are other towns in our area doing about this?**

Dr. Van de Poll: Lebanon just finished a wetlands inventory this past year, and is working toward implementing some form of prime wetland designation. Other towns have also done wetlands inventories, and there are about 30 towns with designated prime wetlands.

- **Does Nutrient Transformation have anything to do with the controversy that is going on around Lake Sunapee now?**

Dr. Van de Poll: Wetlands help transform keep the types of nutrients that can change the chemistry of a lake, and contribute to algae blooms and the like, from entering open water bodies, so in that sense, the loss of wetlands and their nutrient transformation capabilities from around Lake Sunapee is involved in what is happening at Lake Sunapee right now.

Grantham has a number of nice open water bodies, and you want to keep them that way. The wetlands inventory evaluation includes assessment of a wetland's ability to perform nutrient transformation, which in turn will help us determine which wetlands are of highest importance to protecting Grantham's water resources.

- **Tell us what the designation of Prime Wetlands means to the property owner?**

Dr. Van de Poll: An ordinance relating to prime wetlands designation is like any other overlay district in your Town's zoning. The difference is that if the prime wetlands designation is approved by the State, this overlay district has state oversight. Currently, that oversight includes a public hearing, typically held in Concord, if a property owner wants to build or put a structure within the buffer zone of a designated prime wetland. It doesn't mean that they can't get the permit, but they've got to go do the public hearing in Concord in order to get their permit. When deciding whether to approve a permit request, the State will consider comments, including any from the Town's Conservation Commission, and evaluate whether the proposed project will result in loss of wetland values, and if it can be modified or relocated to minimize any impacts.

- **As a landowner with a wetland on my property, where the house is already built and there is active use of the land, like yard, gardens, and the like, how would designation of my wetland as a prime wetland affect my use of the land?**

Dr. Van de Poll: Existing uses are the first thing recognized by the State and are grandfathered when wetlands are designated prime. The ordinance applies looking forward, when someone wants to put something **new** in the buffer zone.

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

Dr. Van de Poll: The State won't require a landowner to move or relocate anything that is pre-existing within the buffer zone. Prime wetlands designation is a forward-looking ordinance.

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- **What happens if you don't get permission from a landowner to come on their property to do the on-the-ground evaluation of a wetland on their property?**

Dr. Van de Poll: We can rely on the aerial imagery, which with today's technology is extremely detailed. There may also be additional information gained from roadside evaluations. The on-site evaluation allows us to gather even more information about and more completely understand the wetland to determine what areas are really important for saving in Grantham. When a landowner grants permission, their rights are completely respected, and every attempt is made to visit at pre-arranged days/times and to take into consideration any concerns the landowner may have. In addition, just because a wetland on a property is evaluated, it does not mean that it will ultimately be designated as a prime wetland.

- **The State has a 100-foot setback buffer now, which they may change, and it's conceivable that Grantham might want to impose a buffer that's more, or less, significant than the State. If the State changed that setback, would that be based on science? What is it based on?**

Dr. Van de Poll: The amount of buffer set by the State has never been based on science, and can't easily be based on science as they are picking a round number in the abstract to apply to all wetlands without any information about the particular wetland, each of which has its own unique set of functions and values. The current State 100-foot buffer is based on high-quality wetlands, and is a number that has been used successfully in several other states.

- **Should Grantham recommend an ordinance that contains a larger buffer than the current 100-foot setback buffer set by the State, would that be based on more than "it sounds like a real good idea?"**

Dr. Van de Poll: Yes. One of the end goals of the Wetlands Inventory is to learn as much as possible about Grantham's wetlands, and the information gathered will allow us to determine which wetlands are most valuable to the Town, and of those wetlands nominated for prime designation, to use the information learned about each to determine what amount of buffer is reasonable for maintaining the integrity of the wetland. There are situations where, to protect the integrity of the wetland system as a whole, more than 100-feet may be needed, and there are those where less may be needed. What will be recommended at the end of this project is what is needed to protect the integrity of a wetland complex based on its characteristics, functions, and values.

- **Does Grantham currently have buffers or setbacks for wetlands?**

Ms. Burgard: Yes, Grantham actually does have existing ordinances generally applicable to water 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 decided to first perform a Wetlands Inventory, then designate high value wetlands as prime, and lastly propose a wetlands protection ordinance, is to ensure that what is proposed in the ordinance is based on knowledge about what is really needed to protect the integrity of particular wetland complexes. This approach allows the Conservation

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Commission to gather the knowledge needed to propose sensible ordinances relative to buffers or setbacks for the wetlands.

- **Why would a landowner not grant permission so you could go onto their land to do the evaluation?**

Mr. Schotanus: It is hard to say, but there are just some people who do not want anybody on their land for any reason, period.

- **Does it happen very often that people expressly deny you permission to go on their property?**

Mr. Schotanus: No, that doesn't happen very often. The project can be done without going onto a landowner's property because of the technology we have today, such as infrared technology; however, ground-truthing on the property allows more detailed evaluation of a wetland, which makes the results of the project the highest quality they can be.

- **The timing of the project, is the volunteer work going to be done during or after black fly season?**

Mr. Schotanus: (General Laughter) We hope to start training in late May, or early June, which would put it at the end of black fly season.

- **Does the volunteer training help eliminate subjectivity in the ratings that occur so that some wild number isn't applied. How do you account for that?**

Dr. Van de Poll: Yes, a high degree of subjectivity is eliminated from the evaluation process using the Revised NH Method. In addition, the volunteers will include on the data sheets written justification comments to support their numerical rankings. Then, the evaluation rankings and comments are reviewed by a team of people, including me, as a QA/QC process for the evaluations.

- **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?**

Dr. Van de Poll: No. Information relating to the location of all prime wetlands is publicly available, so people will know where 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 recreation adjustment, in which case, current use regulations require you 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.

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There being no further questions, Mr. Schotanus closed the Wetlands Inventory Public Forum at 8:35 p.m.

NEXT MEETING

The next meeting will be at 7:00p.m. on March 2, 2011, in the Jerry Whitney Memorial Conference Room.

Respectfully Submitted,

Kristina Burgard

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Grantham Conservation Commission, Alternate