

**GREENLAND CONSERVATION COMMISSION
MONTHLY MEETING MINUTES**

MONDAY, November 2, 2009

Members Present: Vice Chair Chip Hussey, Jean Eno and Nancy Zuba

Member Absent: Chair Rick Mauer and Jane Man

Staff: Theresa Walker, R.P.C.

Agenda

Vice Chair Hussey opened the meeting at 7:07 P.M. and asked for a roll call of the attending Board Members (see listed above).

**1. Plan review for a Minimum Standard Dredge & Fill Permit;
Intersection of Route 33/Bayside Road/Winnicut Road from DOT**

The Commission reviewed the Standard Dredge and Fill Application for the Department of Transportation at the intersection of Route 33, Bayside Road and Winnicut Road. The proposed work includes adding signals, a new guardrail and widening of the pavement. The Commission found no issues with the application or project and asked the secretary to report their findings to DES. After the review, the following motion was made:

Motion 1: Chip Hussey moved to recommend and approve the Standard Dredge and Fill wetlands application for the proposed project as submitted; regarding the Department of Transportation adding signals, a new guardrail and widening the pavement at the intersection of Route 33, Bayside Road and Winnicut Road. Nancy Zuba seconded the motion. All were in favor. MOTION CARRIED.

2. Review and accept final Natural Resource Inventory

The Commission deferred the Natural Resource Inventory review, due to the final maps still not being completed.

3. Discuss zoning ordinances & warrant articles

The Commission continued the discussion on potential warrant articles, which included: a. Appoint up to seven (7) members to the Conservation Commission per NH RSA 36-A:3 (presently, the Town has a five (5) member Conservation Commission); b. Authorize up to \$15,000 for the Conservation Commission to use in matching potential grant fund opportunities and conducting natural and water resource research and education; c. Authorize the Conservation Commission to expend funds for contributions to "qualified organizations" for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization; the Town will not retain interest in the property; d. Authorize the deposit of 100% of the revenues collected pursuant to RSA 79-A (the land use change tax), not to exceed \$50,000, in the conservation fund in accordance with RSA 36-A:5 III as authorized by RSA 79-A:25 II.

At the suggestion of Ms. Eno, the Commission also discussed Zoning Ordinance 18.9 'Buffer Zone Requirements'. It was agreed that buffers for both tidal-influenced wetlands (e.g. Great Bay and any tidally associated tributaries, creeks or brooks) and non-tidal wetlands (e.g. inland surface water bodies and wetlands) should be increased by 25' to more closely follow updated zoning regulations being applied in towns and cities impacting the Piscataqua River watershed (Great Bay and its reaches). Ms. Eno suggested that section 18.9 'Buffer Zone Requirements' be divided into two sections to make it easier for all users to interpret; one for "Abutters of Tidal-influenced wetlands" and one for "Abutters of Non-tidal wetlands", as there are varying levels of protection between the two categories that are not made clear in the existing ordinance. Ms. Walker and Ms. Eno then suggested that each wetland or water body be specifically listed under the relevant category, which the committee agreed with. Ms. Eno stated that section 18.6 'Additional Permitted Uses...' also needs to be revised as there are many new aspects of what the state permits and doesn't permit within areas abutting tidal-influenced wetlands that are not identified in the present ordinance (e.g. cutting of trees is now based on a grid & point system, not overall basal percentages). Ms. Eno also stated that for that matter, 18.9.2 A. should be more clear about what "natural state" means, that each of the layers of vegetation that make up a buffer be identified. Ms. Eno clarified CSPA (Comprehensive Shoreline Protection Act) regulations regarding fertilizer and pesticide applications, at which time the committee felt it prudent to include specific information on fertilizer and pesticide requirements within sections 18.9.2 A. and 18.9.2 B. Thus, the following changes were suggested within Ordinance 18.9: 18.9.1 Buffer Zone: No structure, septic system, or impermeable surface shall be permitted within 100' of tidal influenced lands or within 75' of inland wetlands; 18.9.2 Buffer Depth: A vegetated buffer shall have a depth of 100' for tidal influenced lands and 75' for inland wetlands and bodies of water. Depth shall be measured in accordance with 18.3 of this ordinance. A. The inner 75' of tidal-influenced lands, 50' non-tidal, closest to the body of water or wetlands is to be left, as much as possible, in its natural state. [Natural state identified here.] Within this inner zone only natural limestone may be used as fertilizer, and only licensed applicators may apply pesticides. B. The outer zone of the buffer (from 75' to 100' and 50' to 75', respectively) can be managed forest with some pruning and clearing of trees allowed. Low phosphate, slow release nitrogen fertilizer that is guaranteed, as indicated on the package label, to contain no more than 2% phosphorous and a nitrogen component that is at least 100% slow release nitrogen may be used in the outer zone; 18.9.3 Waivers: No change; 18.9.4 Exceptions: No change; 18.9.5 Making Buffer Zones Known: Developers, builders, residents and property owners shall be informed of the location and reason for the buffers. Markers for the buffer zones shall be placed before excavation and construction at the developer's expense, as well as, printed on all development and construction plans; 18.9.6 Buffer Crossings: No change. Ms. Walker and Ms. Eno stated they would assist with writing up these ordinance changes if approved.

4. Approve October 5th minutes

The Commission reviewed the minutes of October 5th minutes. There were no suggested changes to the minutes and the following motion was made:

Motion 2: Chip Hussey moved to approve the October 5, 2009 minutes, as submitted. Jean Eno seconded the motion. All were in favor. MOTION CARRIED.

5. Review Mail and Any Other Business

1. The Commission reviewed the pre-hearing conference information from DES, Wetlands Council regarding Docket No. 08-55 WtC - Tracy Middleton Revocable Trust of 1992 Appeal.
2. The next Conservation Commission meeting will be held on December 7, 2009.

No other business was discussed and the meeting was adjourned at 8:07 P.M. The following motion was made:

Motion 3: Chip Hussey moved to adjourn the meeting at 8:07 P.M. and Jean Eno seconded the motion. All were in favor. MOTION CARRIED.

Recorded, transcribed and typed by:
Amy Leonard
Secretary, Conservation Commission

Attachments:

1. Agenda, dated 11/2/09

Approved by the Greenland Conservation Commission on December 7, 2009.