

DRAFT – SUBJECT TO CHANGE

GREENLAND PLANNING BOARD PUBLIC WORK SESSION MINUTES

Thursday, December 01, 2011

Members Present: Chair Stu Gerome, Selectmen's Rep. Mo Sodini, Debbie Beck, John McDevitt, Dave Moore, Rich Winsor, Alternate Stephen Gerrato

Absent: Alternate Randy Bunnell

Staff: Dylan Smith – RPC Circuit Rider

Also Present: Rick Mauer – Chairman, Conservation Commission

Chair Gerome opened the meeting of the Greenland Planning Board Work Session at 7:00 p.m., and a roll call was taken. He stated that a quorum was present and the meeting was being recorded.

1. Review and Approval of Minutes of November 17, 2011 Meeting

Motion 1: Mr. Sodini moved to approve the minutes of November 17, 2011; seconded by Mr. Moore. Five in favor; one abstain (Mr. McDevitt). MOTION CARRIED.

2. Review of Wetlands Ordinance (DRAFT #6)

Chair Gerome asked Mr. Smith if Eric Weinreib, Town Engineer, had received a copy of the latest draft. Mr. Smith responded that he had spoken with Mr. Weinreib earlier in the day. Mr. Weinreib received a copy of Draft 6, but did not have an opportunity to review it. Chair Gerome would like to have solid comments from Mr. Weinreib for the next meeting. Chair Gerome reminded those present that in Draft 6 Mr. Smith tried to incorporate feedback from all concerned parties. When asked if Mark West, Wetland Scientist, had seen the latest draft, Mr. Smith noted that he had commented on it.

Chair Gerome asked Mr. Smith what changes were made in the latest draft. The drafts started out trying to clarify issues with the current ordinance, but now there are some major changes. Mr. Smith responded that we're looking at the wetlands and how they're connected to surface water bodies and perennial streams, having a level of protection of 75' with an inner buffer zone of 25', and a limited cut area of the outer 50'. He has put together a packet of buffer science, which is available in the Building Inspector's office, as it relates to buffers and development. In review of the literature, it would seem appropriate to have a higher level of protection for wetlands, especially as they connect to surface water bodies. There will probably be Clean Water Act regulations coming from the EPA regarding nitrogen reduction in Great Bay as well as providing functional values wetlands as they relate to water quality and flood storage, and at the same time looking at habitat.

Chair Gerome commented that inland jurisdictional wetlands were changed to 75'. Mr. Smith explained the latest draft shows that change based on comments from the Conservation

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Commission. They suggested at least a 75' setback for all wetlands. Mr. Smith placed a setback of 75' for wetlands greater than .5 acres or more to address part of the Conservation Commission's concern. Wetlands of this size have high functioning value as far as wetland habitat and flood storage capacity as well as water quality functions that make a wetland of that size better.

The setback for vernal pools has been lowered from 75' to 50', based on the fact that a strong vegetated setback from vernal pools is very important to jurisdictional wetlands. This change is also more in line with other town ordinances.

The major change is the .5 acre. Mr. Smith was looking at the concerns from the Conservation Commission. A wetland of 22,000 sq ft would have a higher functioning value than something of a smaller size.

Mr. Smith has tried to clarify some of the verbiage in the ordinance. He has attempted to clarify "bulk storage" as it relates to propane and oil for residential use. Conditional use permits have basically not changed. There are still special exceptions for current lots of record for expansion and structures on the property.

It was the general consensus that the Board would like input from Mr. Weinreib. Some of his preliminary comments concerned slopes and buffers as well as if a road split a wetland area, is it considered one (1) wetland or two (2). He mentioned that "hydrologically connected" can be quoted as contiguous wetland. When considering slopes, you're looking at the least resistance of water flow to the wetland or water body. Next year, the Board should consider looking at slopes as they relate to storm water management in new developments.

When reviewing Mr. Weinreib's comments, there will probably be some mention of slopes. Mr. Smith mentioned that when looking at other town ordinances and slopes, you should consider wider buffers. The wider the buffer, the more things filter out.

This draft is basically in line with other ordinances in the region. Mr. Smith reminded the Board that hydric soils are "off the table", it's no longer poorly vs. very poorly.

Chair Gerome opened the discussion to the public. Mr. Mauer stated that the goal of the Conservation Commission is still closer to 100', not 75'. His feeling is that the Town really needs to be at 75% of the nitrogen count. Mr. Smith agreed, stating that even though you want to get it closer to 100%, 75% is a good direction, especially with what is going on with the bay. Surface water runoff is a major problem with nitrogen in the bay right now. This draft tries to address that as well as allowing for flexible use, with management, within the buffers and setbacks.

Mr. McDevitt stated his concerns regarding the individual property owner abutting the bay and their property rights. At some point, the focus is actually taking someone's property vs. actually attacking the problem, which seems to be more of an enforcement issue. Chair Gerome added that regardless of whether the buffers are 50' or 300', it's violated. We're changing the ability of what someone can do, but we're not protecting because we're not enforcing. Mr. McDevitt pointed out that private property rights are a very key component, and must be looked at as well. He would like the issue looked at very carefully. With the language in the current Special

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Exception, it should be very easy to obtain a permit.

Mr. McDevitt asked if a denser filtration system closer to the buffer (Mr. Smith added untouched, uncut) meant you still had to go out 75'. Mr. Smith responded that a vegetated buffer area of 75' would probably take care of roughly 75% of the nitrogen. The science literature suggests a range when looking at nitrogen removal. After reviewing information with Mr. McDevitt and Mr. Winsor, he added that only includes nitrogen; there are other pollutants including total suspended solids and other sediments.

Mr. McDevitt asked Mr. Mauer for the Conservation Commission's feelings regarding the draft. Mr. Mauer again stated they would like to see setbacks of larger than 75', and that is their biggest concern. Mr. Smith has met with them and tried to incorporate their suggestions in this draft. Chair Gerome mentioned that vernal pools is a change; Mr. Smith indicated that they decreased from 75'.

Referring to Section 18.9.4, Mr. Winsor asked who has the ability to levy fines. Mr. Smith stated this was taken from the original. Fines can come from the Town, DES or the Selectmen. Chair Gerome stated that even though a fine has never been levied, the Building Inspector has brought in DES to resolve a situation.

Chair Gerome asked Mr. Smith to put together a graph showing area towns and their buffers/setbacks. Mr. Smith will have a slide for the next meeting using Portsmouth, Newington, Rye and Exeter.

Mr. Smith reviewed the time line to present the ordinance at the Town Meeting.

- January 13: last day to post and publish notice for first public hearing
- January 07: should have an ordinance in the "finalish" form
- January 19: must have the first public meeting (regular meeting date for Planning Board)
- January 24: last day to hold first public hearing
- January 27: last day to post and publish notice for final public hearing
- February 02: must have final public hearing (regular work session date for Planning Board)
- February 07: last day to hold final public hearing

Mr. Smith suggested that at the next meeting there be some review of the document. Mr. McDevitt would like to have Mr. Weinreb's comments available, with inclusion of slopes.

Motion 2: Mr. McDevitt moved to send the Wetlands Protection Ordinance (Draft #6) to the Town Engineer for review; seconded by Mr. Winsor. All in favor. MOTION CARRIED.

3. Other Zoning Changes

Chair Gerome asked Mr. Smith the review the Building Inspector' concerns. He distributed minor zoning change considerations to the Board.

- 1) For clarity, add to Article 1, Section B: Occupancy permits are required for home occupation and cottage industries.

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- 2) Cottage Industry is not listed on the Table of Uses. Add Cottage Industry at Item 5, and Home Occupation as Item 6.
- 3) Signs: The Building Inspector has requested that the Board review the Sign Ordinance and setbacks for front yard structures, which is 30'. After a brief discussion, Chair Gerome asked Mr. Smith to add Section 4.3.7 under “Explanatory Notes”.

4. Review and Revision of Planning Board Rules of Procedures

The purpose of reviewing the rules of procedure is to revisit your roots and how to determine . The Board stated that although they have been patient and even helpful over the last several years, they need to see complete applications when plans are presented. Mr. Smith reminded them that it was up to the Board to determine if an application is complete. Mr. Winsor stated that he would like to have a checklist and conditional approval checklist available when plans are submitted.

4. Adjournment

Motion 3: Mr. Winsor moved to adjourn at 8:10 p.m.; Mr. Sodini seconded the motion. All were in favor. MOTION CARRIED.

Attachments:

Agenda
Other Minor Zoning Change Considerations

Respectfully Submitted: Charlotte Hussey – Secretary

NEXT MEETING
Thursday, December 15, 2011
7:00 p.m.
Town Hall Conference Room

Approved by the Greenland Planning Board on _____