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Discussion of Wetland Ordinance Buffers

Comments from Earle Chase and Sandy Crystall: Do we present the draft using the scientifically justified buffers, or do we assume a smaller buffer may be more acceptable to town residents?

Motion made by Mary Anne: leave the buffer size as written, and as justified by scientific research. Seconded by Jenny: all in favor. The public hearings will determine the will of town residents.

All ordinances are ballot votes, so there is no additional discussion at Town Meeting. Once the public hearings occur, revisions are made to the ordinance that reflect the public hearing comments.

The ordinance allows landowners to get conditional use permits for many practices; however, there is no exception for the requirement that primary residences are not allowed in buffers.

Once the draft ordinance is presented to the Planning Board, they will decide if they want to proceed.

Section VIII B 4 & 5. Permitted Uses

The model ordinance says forest and agricultural practices are permitted if "best management practices" are being used. This raised the question: how do you know if best management practices are being used? There will be times when it will not be possible for a Town board to determine if a practice is threatening a wetland. We changed section XIII, B, 2 to say that the Planning Board could request help from the CC in securing a wetland scientist if needed.

Identification of Buffer XIII B

We agreed a wetland scientist is not needed in all circumstances. Earle Chase suggested a number of triggers for when a wetland scientist might be involved, and we have included them in new section XIII, C. The Planning and Select Boards need to be involved in finalizing this list.

The ordinance doesn't apply to vernal pools until they are delineated (mapped). Does the ordinance apply to what is mapped or what is actually "on the ground"? If a wetland scientist determines an area is a wetland and uses the NHDES rules to establish the boundaries, it is then added to the map and falls under the requirements of the ordinance. This process is in the ordinance. The maps are only a guideline.

Definition of Vegetated Buffer

Earle Chase stressed that the buffers must be marked, or there will be encroachment. Aside from this ordinance, we must mark the prime wetland buffers at Bog Pond and White Oak. Jesse will research metal markers which state "wetland buffer."

Boundary line markers should be visible from one marker to the next and remain for the duration of construction. Section XII, A and A, 5 and Section XIII were changed to incorporate this decision. Note that Section XIII says that markers can be obtained from the Town, so we need to have a supply available.

Overlay Boundaries, Impoundments and Ponds

Sections V, C and X, C. 3 of the ordinance have been revised to clarify that pre-existing ponds are exempt and the creation and maintenance of ponds is regulated by NHDES. A goal of this ordinance is to not include something already regulated and that has a permit by NHDES. If landowner gets a permit from DES for ponds or septic systems, we accept that as meeting the ordinance.

Shoreland Water Quality Act

Earle suggested that having additional restrictions for the Shoreland Water Quality Act would be confusing and that enforcement would be difficult. Motion made by Mary Anne to remove section 14C, Additional Restrictions to Shoreland Water Quality Protection Act. Seconded by Jesse: all in favor.

At Earle's suggestion, we added not using hay mulch for re-vegetation. This is to avoid spreading unwanted or invasive seeds.

We did not include anything about reclamation work at Bog Pond.

We will send the color coded copy of the ordinance to Nancy Teach so she knows where the various elements came from.

At Planning Board Meeting

Mary Anne will explain the work and research that went into writing the ordinance, and that an important goal is to make it acceptable to the town. The base for this ordinance was the model ordinance in the innovative land techniques book. Added to this was information from the 1997 Guidebook to Municipalities and sections from other towns. All proposals are supported by wetlands ordinances in other towns and by scientific research.

Sandy Crystall has offered to come to a Planning Board meeting to answer questions. She is a wetlands expert at DES, a member of her town's planning board and conservation commission.

State law used to include a 100-foot buffer for prime wetlands, which was removed. Many towns have introduced ordinances that provide a buffer for wetlands.

The top 10 functions of a wetland will be given to the Planning Board.

Other Business

New mapper on DES: one stop wetlands planning mapper shows wetlands and all permits granted.

Year end expenditures: Jenny will look at tools, Jesse will look at markers. Motion made by Jesse seconded

by Jenny: to approve all the changes to the ordinance that we discussed at this meeting, seconded by Jenny. Mary Anne will make changes and edits as discussed: all in favor.

Nancy Robart, Jesse Schust, Lee Wells, Jenny Bodwell, Wood Sutton

Guest: Barbara Richter
Concern about Eversource Activities

Wood Sutton expressed his concern about extensive Eversource work in East Andover. Lydia Morton (rep from Eversource) said that they were doing routine maintenance. Wood says that they are putting in an access road and he suspects that they are doing this without regard to wetlands and streams.

See Minutes on page 20

Conservation Commission

November 13, 2019

Condensed from approved minutes

Members present: Mary Anne Broshek, Jerry Hersey, Tina Cotton,



Help Wanted!
We are hiring full and part-time cashiers and deli help. Great Mother's hours. Come in and get an application or call Jen (603) 848-1244

193 Main Street, Andover Call ahead: 735-5406

What's Up at The Hub in February?
The Andover Community Hub
157 Main St., Andover

For more information on any of the following, email TheAndoverHub@gmail.com.

Meet the Artist: Sat. Feb. 8, 10-11 A.M. An opportunity to meet Molly Leith whose art will be hanging in the Hub hallway during February. Or stop in whenever the Hub is open.

First Friday Films: Fri. Feb. 7, 2:30 P.M. "RBG," the fascinating 2018 documentary about the life, career, and legacy of Justice Ruth Bader Ginsburg. All welcome, free. Plus popcorn!

Restorative Yoga Workshop: Sun. Feb. 23, 3-5 P.M. \$25. Pre-register to Julie Parenteau at julie@somavana.com. Great for recovering from an injury or just working out the kinks.

That Thing at The Hub: 1st & 3rd Wed., 2:45-5 P.M. Andover 5th-8th graders can hang out, create, build, chat and snack after school. Registration forms available at AE/MS office.

Knitting Circle: An informal knitting group meets on Thursdays, 6:30 P.M. Led by Andover resident Karen Lang who is also glad to help solve knitting problems or teach a new skill.

Morning Yoga: A gentle yoga class with emphasis on core fitness & flexibility. Fridays, 8:15-9:15 A.M. Drop-in, \$10/session. Contact maris.wofsy@gmail.com for more information.

"Paris to Pittsburgh:" Fri. Feb. 7, 6:30 P.M. Sponsored by the Andover Energy Group, this film captures the inspiring ways Americans are responding to the climate challenge.

German Conversation Hour: Mon. Feb. 24, 5-6 P.M. Info, Gisela Darling, 735-5681.

Karate for Kids, Teens & Adults: Ongoing classes on Mondays, kids ages 6-9, 4:45 P.M., older beginners 6 P.M., intermediate 7 P.M. \$65/month. Contact Gayle Fleming, 477-3174.

VNA Senior Health Clinic: Tues. Feb. 18, 10 A.M.-1 P.M. for foot care, blood pressure screenings, etc. For an appointment, call Concord VNA nurse Kerrin Pratt, 410-9834.

Bone Builders: Tuesdays & Thursdays, 9-10 A.M. Men & women welcome, free of charge.

Stop in for Coffee @ The Hub—grab a cup, hang out, see what's happening!
Tuesdays and Thursdays, 8:30-11 A.M.



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