

DRAFT MINUTES
Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, February 15, 2024 at 7:00 PM

Meeting Place: Old Town Hall, 19 Meeting House Hill Road

The meeting was called to order by Andy Sanborn at 7:02 PM

1. Roll Call

Regular Members present: Chair Andy Sanborn, Selectman Brandon Deacon

Alternate Members present: Patti Bartlett and Tom Lynch

Planning Board Assistant, Stephen Laurin

2. Seating of Alternates for Absent Members

Andy Sanborn designated Patti Bartlett and Tom Lynch to serve as voting members.

3. Approval of draft Planning Board minutes from February 1, 2024 – Brandon Deacon made a motion to approve the draft minutes of as submitted. Pattie Bartlett seconded the motion and the motion passed 4-0-0.

4. New Business

a. Presentation by, and discussion with, Kevin Leonard, P.E., about potential changes to the Sanbornton Wetlands Conservation District ordinance.

Andy Sanborn welcomed Kevin Leonard, P.E., to the meeting. Kevin Leonard introduced Randy Shuey, Northpoint Engineering's Senior Environmental Scientist. Chairman Sanborn said that several months ago the Planning Board and Selectmen both started questioning why there are conflicting septic system setbacks between the Town's Septic Regulations, the State Septic Regulations, and the Town's Zoning Ordinance. They saw 75', 100', and 50', and wondered how the dimensional setbacks were established. They were unable to find a scientific basis or any other information in Town files or from NHDES to support the appropriateness of the setbacks. The thinking was that the setbacks were based on soil types which might explain the differing setbacks.

Randy Shuey described the characteristics of poorly drained soils, and very poorly drained soils. He said that NHDES regulates very poorly drained soils as open water. Kevin Leonard added that the intent of septic system setbacks is to provide a soils/biotreatment of waste between the leach field and the water table or ledge.

Mr. Shuey said small scale surveys of the nation's soils can now be found on the internet at Web Soils Survey produced by the USDA's Natural Resource Conservation Service (NRCS). The smallest mapping unit on a Web Soils Survey is 2-3 acres, often much larger than that. He said you can get properties of soils, infiltration rates, engineering properties, suitability for different uses, and you can map prime agricultural soils, etc. When smaller wetlands cannot be captured by the Web Soils Survey, DES requires

on-site surveys via their Alteration of Terrain (AoT) permit. AoT applications require a site-specific soils map where a soils scientist will map the site at a large scale.

Kevin Leonard proceeded to 'walk' through the Wetlands Conservation zoning district ordinance, Article 15, A through F, and pointed out sections that are contradictory or are unclear. He noted that some of the documents referenced in the ordinance (e.g. Army Corps of Engineers, New England Interstate Water Pollution Control District) need to be revised or updated. Mr. Leonard said that 15.C(3)(c) does not appear to be in the right place in the ordinance because it has nothing to do with identifying the location of wetlands. Rather, it is identifying the 'watershed protection area' which is a whole other concept.

Randy Shuey spoke about the Meredith zoning ordinance that ranks their wetland into 4 categories: Prime Wetlands; Designated Wetlands (as identified in their wetland study); non-designated wetlands greater than 3,000 s.f.; and exempt wetlands which are less than 3,000 s.f. Each category has its own set of requirements (he handed out his notes about the requirements).

He said that in the 1970's and 1980' many towns were considering updating their wetlands ordinance. They looked at the State requirements and in many cases the Town's felt they needed to have more protective requirements for wetlands. He added that UNH has published a good reference guide entitled Buffers for Wetlands and Surface Waters when considering appropriate buffers to wetlands. Things to consider include the purpose of a buffer and the function of specific wetlands.

Mr. Shuey said the State Wetlands Bureau allowed Town's to establish Prime Wetlands designations back in the 1990's, which Sanbornton took advantage of. He said you can go to NHDES 'Wetlands Planning and Permitting Tool' which is a GIS program, and identifies the Town's that have prime wetland buffers.

He reiterated that buffers serve different purposes such as protecting wetlands water quality, flood storage, and wildlife habitat which requires much larger buffers. With regard to wetlands water quality, setbacks are important for treating stormwater runoff which collects pet waste and other containments that are on the ground. The type and amount of vegetation is important to treat surface water.

Kevin Leonard discussed the separation between the bottom of an excavation site and the average seasonal high-water table, and suggested that the Town may want to consider whether the distance specified in the ordinance should be increased. Regarding stormwater runoff, he added that the ordinance does not define 'buffer' which is important for treating surface runoff. Buffer is different from setback in that it should address a no-disturb vegetative area that can treat surface water. The distance of a buffer might be different for an isolated wetland vs. a prime wetland.

Andy Sanborn agreed that the ordinance needs to define the word buffer to clarify that it is undisturbed vegetation, and to be more clear about where those buffers are required.

Brandon Deacon suggested also to define 'commercial excavation' along with set-back, buffer, and other terms that may be interpreted in more than one way. In addition to the overall intent of the Wetlands Conservation ordinance, the revised ordinance should include language about the intent of specific provisions, e.g. setbacks and buffers that may be different from State DES requirements.

In response to a question from Selectman Deacon, Randy Shuey said the State does not pre-empt Towns from establishing greater buffers and setbacks that what DES requires. If Towns can show that larger setbacks and buffers are required to protect water resources the State does not interfere. He said the UNH document and other documents justify that buffers work to protect water quality, public health, welfare and safety, and wildlife habitat. He added that if any work needs to be performed in a buffer or if a

project requires crossing wetlands, he suggested that the ordinance might include a provision for Special Exception or Conditional Use Permit that establishes criteria to allow that to happen. The criteria could include, for example, a requirement for a wetland scientist or septic designer to report on the function of the impacted wetland and show how their proposal would not impair the function or how it would mitigate the impact.

Mr. Shuey said that Article 15.E(2)(b) regarding cultivation and harvesting may need to be modified because of issues with the AoT permitting requirements. He suggested including language to distinguish between new and existing operations. Mr. Leonard added that the way the ordinance is currently worded, small acreage disturbances, e.g. under two acres, are not protected with regard to wetland impacts.

Stephen Laurin asked that they look at Article 4.V regarding Right-to-Farm to see if there are any conflicts with any proposed changes to the Wetlands ordinance. Kevin Leonard added that they will look at Article 4.L regarding Water Body Setback. He handed out copies of the States list of Consolidated Water Bodies which identifies water bodies greater than 10 acres which are regulated by the States Shoreland statute regarding structure setbacks and woodlands clearing. He said Article 4.L attempts to provide similar protections for water bodies of 5 acres or more. He suggested that the reference to water's edge be modified to correspond with the Shoreland statute. He also handed out copies of the States septic system-minimum distance rules, which are less stringent than the Town's ordinance setbacks.

Andy Sanborn said the Town is facing issues with siltation from Town roads settling into Lake Winnisquam. Brandon Deacon said the biggest contributor to lake siltation in Sanbornton is from Dr. True Road/Maple Circle, and he is concerned that at some point the water quality will degrade to the point where property values are affected.

In response to a question from Andy Sanborn, Randy Shuey said that in addition to identifying wetlands, soils maps are utilized primarily for AoT permitting purposes to design stormwater systems for large sites, and for soils-based lot sizing.

Discussion ensued regarding updates to the existing Town Watershed System map (SP76002) and making it easily accessible to the public. Kevin Leonard said he can scan the Watershed System map, the base map, and other land use Mylar and paper maps the Town has in storage.

5. Old Business

None

6. Other Business

None

7. Planners Update

None

Meeting adjourned at 8:56 pm. The next Planning Board Work Session is scheduled for Thursday, March 7.

Respectfully Submitted,
Stephen Laurin