

## LAKES REGION PLANNING COMMISSION

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**MINUTES**  
**LRPC COMMISSION MEETING**

Meredith Community Center  
 Meredith, NH  
**September 26, 2011**

**PRESIDING:** Stanley Bean, Jr.

**CALL TO ORDER:** 6:10 p.m.

**QUORUM:** Yes

**COMMUNITIES PRESENT:**

**MEMBERS PRESENT:**

**SPEAKERS:**

Janet Towse (Alexandria)	Darlene Forst, NHDES
John Cotton (Andover)	Cordell Johnston, NH Municipal Association
Nancy Teach (Andover)	Paul Susca, NHDES
Maureen Criasia (Center Harbor)	
Richard Waitt (Gilford)	<b>LRPC STAFF:</b>
Stanley Bean, Jr. (Gilmanton)	Kimon Koulet
Mitch Manseau (Hebron)	Karin Landry
Robert Snelling (Holderness)	Dari Sassan
Todd Elgin (Holderness)	
Warren Hutchins (Laconia)	
Herbert Vadney (Meredith)	
Herbert Farnham (Moultonborough)	
Wayne Crowley (Northfield)	
Douglas Read (Northfield)	
Patricia Jones (Ossipee)	
Roger ter Kuile (Ossipee)	
Stephen Wingate (Tuftonboro)	
Roger Murray, III (Wolfeboro)	
Donald St. Germain (Wolfeboro)	
Chuck Storm (Wolfeboro)	

**Others:** *Andover:* Tina Cotton; *Bristol:* Don Paradis, *Center Harbor:* Robert Hormell, Harry Viens; *Freedom:* Rep. Mark McConkey; *Gilford:* Lee Duncan, Doug Hill, Patricia Tarpey; *Hebron:* Rep. Suzanne Smith, *Holderness:* Ron Huntoon, Carl Lehner; *Laconia:* Mary Hutchins; *Meredith:* George Jewell, Ralph Pisapia, Barbara & Ralph Verville, Angela Webster, Thomas Whitham; *Moultonborough:* Henry Bulett, Al Hoch, Beverly Holtsberg, Bev Nelson, Keith Nelson, Judy Ryerson; *Ossipee:* Bob Reynolds, Ossipee Lake Alliance; *Sanbornton:* Don Foudriat; *Tuftonboro:* Mike Phelps, *Wolfeboro:* Suki Faucett; *Other Interested Parties:* Peter Ames, David Hanson, Kim Leiterman, David McCabe, E. Dean Morley; Anthony Sabutis, Helga Straup, Tom Whiting; Carl Johnson, Advanced Land Surveying; Lisa Morin, BCCD; Max Stamp, PRLAC; Bob Davis and Don MacFarlane, MCC; Rebecca Hanson, Squam Lakes Association; Tom O'Brien, NH Lakes; Barbara Currier, Pine Shores Real Estate; Jim Nelson, NH Lakes Association, and other interested parties.

**1. Welcome and Introduction**

LRPC Chairman Stan Bean called the meeting to order at approximately 6:10 p.m. A motion to declare a quorum for the purpose of conducting business was made and unanimously approved. *M/S/P Waitt/Storm*. S. Bean welcomed those in attendance and introductions were made.

Bob Snelling introduced the topics. He summarized the history of shoreland protection since the first standards for development of shoreland area were effected in 1992. He introduced Darlene Forst of the NH DES, Cordell Johnston of the NH Municipal Association, and Paul Susca, Drinking Water and Groundwater Bureau.

**2. The Shoreland Water Quality Protection Act**

Darlene Forst, Shoreland Section Supervisor, NH DES, summarized the history of the Shoreland Protection Act, which passed in its original form in 1991, and is now known as the Shoreland Water Quality Protection Act (SWQPA). She reviewed the buffers and building setbacks within the protected shoreland, and explained how a reference line is established to determine what land lies within the protected shoreland. The presentation focused on the substantive changes that were made to the Act in the last legislative session:

- Within the 50' waterfront buffer, natural groundcover is redefined to include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders.
- Within the 50' waterfront buffer, there is no stump, root, and rock removal unless specifically approved by the DES, or unless stumps and rocks are removed and replaced with pervious surfaces, new trees, or other woody vegetation.
- Points are awarded for trees and saplings based on diameter, and shrubs and natural groundcover per square foot. The system favors the removal of older trees. At least 50 points must remain within each 50' x 50' grid segment within 50' of the reference line. Once the required points are accumulated, the remainder of the trees can be cut.
- The definition of unaltered state (vegetation between 50 and 150 feet) was amended to include language that makes an exception for cutting, limbing, trimming, pruning, mowing or other activities except when necessary for plant health, normal maintenance, and renewal.
- Within 50' to 150' from the reference line, 25% of the area must remain in an unaltered state for all lots regardless of size.
- The vegetation within the unaltered state is no longer required to be native.
- Cutting, limbing, trimming, pruning, mowing, or other similar activities are allowed for plant health, normal maintenance, and renewal.
- When a project proposes a greater than 20% impervious area located within the protected shoreland, a stormwater management plan must be implemented.
- A lot can contain more than 30% impervious surface if a stormwater management system that will not concentrate runoff or contribute to erosion is designed and certified by a professional engineer and each grid segment meets at least the minimum required tree, sapling, shrub, and groundcover score.
- A redevelopment waiver is no longer required for non conforming structures.
- There is no longer a provision to allow a 12' deck or porch on preexisting non conforming structures.
- Written notification is required before the commissioner or his or her designee enters a property to perform oversight and enforcement duties.

The presentation was followed by a question and answer session.

**3. Do NH Municipalities still have Legislative Authority to Plan and Regulate Water as a Natural Resource?**

Cordell Johnston, Counsel, NH Municipal Association addressed questions that have been raised regarding whether municipalities can still have groundwater protection ordinances. He explained that when HB 2 (the budget bill) was implemented, a number of programs at the Office of Energy and Planning (OEP) were eliminated and RSA 4-C: 19-23 was repealed. In conjunction with the elimination of the OEP program, the last sentence of RSA 672:2,III(d) was deleted because it referenced RSA 4-C:22, which was deleted with the OEP RSAs. However, the elimination of the sentence does not preclude a municipality from adopting a groundwater protection provision. Municipalities have authority to adopt innovative land use controls, including environmental characteristics zoning, under 674:21, which is used as a basis for groundwater protection. Although the water protection assistance program was eliminated, the OEP still has the obligation to advise municipalities in dealing with water resources management.

Paul Susca, Drinking Water and Groundwater Bureau, NH DES, reviewed the resources that are available for towns interested in moving forward with water resources protection zoning. He reviewed groundwater/aquifer protection districts throughout the state, LRPC municipalities with various levels of groundwater protection ordinances in place, known and potential contamination sources and their risk of contamination, and the types of local protections applied to groundwater. He provided a statewide summary of buffer protection under conservation land, SWQPA, and local zoning. The DES-OEP model groundwater protection ordinance, including a short list of prohibited uses and performance standards, is available on the DES website.

**4. Motion for Approval of April 25, 2011 Commission meeting minutes.**

S. Bean called for a motion to approve the April 25, 2011 Commission meeting minutes, as presented. A motion to approve the minutes of the April 25, 2011 Commission meeting was made and unanimously approved. *M/S/P Murray/Waite.*

**5. Annual Report Status**

S. Bean informed that the auditor has not completed that Annual Report due to health issues. The report will be presented to the Executive Board at its October meeting, and will be shared with the Commission at its November meeting.

**6. LRPC Membership Appropriations**

The Commissioners were provided with the FY13 LRPC membership appropriations. After a brief overview by Chairman Bean, a motion to accept those appropriations as set forth was made and unanimously approved. *M/S/P Hutchins/Cotton.*

**7. Other Discussion**

The Commissioners were provided with a guide to aid in visiting leaders and others in their communities to convey the benefits of LRPC membership. In addition, the commissioners were provided with a hard copy of the information that was presented at the Annual Meeting in the form of a PowerPoint presentation. The material can be obtained in overhead format through K. Koulet. Questions regarding the handouts should be directed to S. Bean via email or telephone. The PowerPoint presentation will be available for viewing on the LRPC website within the next few days.

K. Koulet reported that the next commission meeting is scheduled for Monday, November 21.

**8. Adjourn**

S.Bean declared the meeting adjourned at 7:50 p.m.