



ROCKINGHAM COUNTY CONSERVATION DISTRICT

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10 November 2020

Kimberly M. Reed, CFM
Planning & Zoning Administrator
10 Central Road
Rye, NH 03870

Dear Ms. Reed;

This report has been prepared to assist the Planning Board in assuring consistency between Rye's Land Development Regulations and Zoning regarding wetlands. Comments regarding Wetland Conservation District rules are also provided.

1. Rye Zoning's wetland definition is consistent with State and Federal definitions. The variations are minor and the additional wording is general, not technical. The three definitions are found on Graphic 1, attached. A few other towns define wetlands differently, most commonly by soils alone. This creates more confusion with no benefit. No change to Rye's definition is recommended.

2. Rye's Land Development Regulations require compliance with Zoning.

§ 202-6.1. A. Zoning. Land developments shall comply with the provisions of the Rye Zoning Ordinance.

This assures consistency between the two documents in treatment of wetlands. No change is recommended.

3. Wetlands Conservation District (WCD) Zoning §190-3.1.B contains reference to two documents which are no longer current. The *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987*. This should be replaced with *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region*.

The reference *Field Indicators for Identifying Hydric Soils in New England" (Version 3, April 2004)* should be replaced with the same title, but *(Version 4, April 2019)*.

4. WCD 190-3.1.B.(2) cites the vernal pool definition in Zoning 190-11.1 which cites an out of date document. *Identification and Documentation of Vernal Pools in New Hampshire, Second Edition, 2004, published by the New Hampshire Fish and Game Department* should be replaced with the same title, but *Third Edition, 2016*.

5. The Planning Board has the authority to hire outside consultants/reviewers in 202-4.0. *Additionally, pursuant to NH RSA 676:4, I(g), the Board may require additional reasonable fees to conduct investigative studies...*

WCD 190-3.1.C, "Disputes about wetland boundaries" sends wetland boundary disputes to the Board of Adjustment as an administrative appeal. This section could be changed so the disputes would first be addressed by the Planning Board hiring an independent reviewer, at the applicant's expense. If this fails to resolve the dispute, then a party could go to the BOA.

6. Rye wetland buffer provisions (190-3.1.H) are stronger than most towns and provide a measure of protection from near term sea level and water table rise. In concert with this, wetland delineations submitted to the Planning Board must reflect current conditions and be prepared by qualified professionals.

190-3.1.B. 'Delineation of Wetlands' should add **(3) Wetlands and vernal pools shall be identified by New Hampshire Certified Wetland Scientists based on field investigation conducted within 10 years of the application being reviewed.**

This recognizes that both wetland boundaries and professional standards of practice change over time.

7. At the 18 August 2020 Rules and Regulations Committee meeting, there was discussion of deducting wetlands from lot area calculations, as is done in some other towns. Because of the buffer provisions, Rye effectively limits the amount of wetlands on new lots. If there are too many wetlands, or wetlands are in certain shapes or configurations, there will be no building area left for a house and wastewater disposal system. Rye's current approach accomplishes a similar goal by different means. No change is recommended.

I look forward to meeting with the committee to discuss these items and others which may arise.

Sincerely,



Michael Cuomo
NH Cert. Soil Scientist #6
NH Cert. Wetland Scientist #4
NH Designer #788

Attachment: Comparison of Definitions