
Buffer Options *for the* Bay

Challenges & Barriers to Buffer Management for Great Bay Communities

OVERVIEW

[BOB's Community Assessment](#) contains an analysis of the local factors influencing buffer-related decision-making within four communities in the Exeter-Squamscott subwatershed and the relevance of these factors to communities throughout the wider Great Bay watershed. This study's overarching goal is to help outreach, communication, and technical assistance efforts related to buffers become more targeted, relevant, and helpful for Great Bay communities and the practitioners who work with them on this issue. The results of this analysis are intended to be a resource for the organizations involved in the BOB project and others engaged in helping communities and individuals to better understand local-scale perspectives, experiences, approaches, needs, and opportunities.

Stakeholders interviewed as part of the Community Assessment described a variety of barriers that factor into perspectives and decisions about buffers and other issues in their communities. Where buffer outreach and communication efforts can acknowledge and find compromise in light of these barriers they may resonate better with more stakeholders. Some of the barriers captured below can be more easily tied to buffers than others, but all are included as important context to understand when working with communities. This list is not comprehensive but represents key themes that emerged from many interviews.

1) **Municipal decision-making process:**

- a) Municipal decision-making process is parcel-by-parcel; it's hard to take a town-wide view.
- b) Each application should be evaluated on its own merit, but municipal boards fear setting a precedent and getting sued. This fear can influence decision-making.
- c) The town meeting process slows down decision-making and regulatory change.
- d) SB2 (a form of town meeting that has a deliberative session and a voting session) leads to people voting without knowing what they're voting for.
- e) Municipalities are dealing with bigger issues than buffers.

2) Municipal Boards:

- a) Conservation Commissions lack power
- b) Zoning Boards are challenged with time - often by the time it reaches their board it's already underway
- c) Shortage of board members
- d) Turnover affects the personality of the board
- e) Boards often lack technical expertise
- f) Boards have to deal with developers and consultants that threaten the takings clause and bring in lawyers, show up to board meetings with new information, or bully the boards.
- g) Developers are from outside the community, so municipalities need to defend their values.
- h) Boards get incomplete, poorly filled out applications but are under pressure to decide.
- i) It can be difficult for board members (volunteers) to attend trainings.
- j) Some boards are worried about developing a reputation for being anti-development.
- k) There are questions and different perspectives about whether boards should compromise or stick strictly to the ordinance.
- l) Board members are often older and may have a different vision for the community than younger residents.

3) Municipal ordinance:

- a) Piecemeal revisions of the ordinance are problematic. Municipalities are dealing with the zoning boundaries that were determined decades ago, which may not fit today's needs.
- b) It's not just the ordinance, but also how it's enforced and decision maker visions for the community.

4) Enforcement:

- a) Municipalities and the state lack capacity for oversight and enforcement.
- b) Enforcement can be logistically difficult, e.g., how to effectively monitor and implement a no-clearing buffer or fertilizer restriction? What's the punishment for buffer violations? Timing of enforcement opportunities isn't ideal, e.g., violations can occur after inspection.
- c) Code enforcement officers may lack a clear connection to the rationale for buffers, and often have other priorities for code enforcement above buffers.
- d) If a municipality feels like it doesn't have the capacity to enforce a buffer ordinance, staff and board members may be reluctant to consider the ordinance in the first place.
- e) Code enforcement officers sometimes hear people say, "Why didn't someone tell me I couldn't do this?" People often don't take responsibility to find out regulations proactively.

5) Lack of understanding, awareness, and connection:

- a) There is a broad lack of understanding and awareness of 1) the functions and values of wetlands and importance of buffers; 2) drinking water sources, quality, and threats; 3)

rationale for regulation, especially buffers; and 4) purpose of municipal boards and existence of municipal regulations.

- b) People tune out the importance of buffers (and other environmental protections and municipal regulations), or think it doesn't apply to them. Most (especially newcomers) aren't aware of the ordinance, let alone buffers. It can be difficult to understand the benefits of some municipal regulations. Do residents who violate buffers or other regulations not know or not care? Benefits from environmental resources are externalized, and there is a disconnect from cumulative impacts.
- c) There's a broad disconnect from the environment. It can be difficult to maintain and grow a sense of connection to the community's history and values, especially with newcomers and changing demographics. Shifting baselines are also a challenge, for example, a disconnect from the municipality's agricultural past, different perceptions of "rural," different baselines for water quality, etc.
- d) It is tough to engage community members, especially younger residents. The "bedroom community" nature and changing demographics contribute to lack of participation, loss of connection to the past, unfamiliarity with the process, and sometimes divisiveness and tension due to different visions for the town.

6) Science:

- a) Trust in science seems to vary depending on the issue.
- b) People want a final number for buffer width recommendations. Ranges contribute to the perception that buffers are arbitrary and the science isn't adequate.
- c) There is generally a preference for engineered solutions over natural solutions and a sense that we can engineer around any obstacle.

7) Challenges for developers:

- a) Inconsistency between communities makes it hard to know what to expect, for example, board personalities, relationships, level of expertise, and comfort level in asking questions and dealing with developers and consultants. Some communities are very resistant to growth and change. Conservation commissions are an especial wildcard because the degree to which they are involved and empowered in the decision-making process varies.
- b) Navigating municipal, state, and federal regulations can be confusing and frustrating.
- c) Developers feel like they don't have an avenue to get involved and don't trust the process.
- d) One bad developer abuses the regulations and communities get gun-shy.

8) Trust and integrity:

- a) Some feel regulations and the decision-making process lack integrity. Regulations have unintended consequences.
- b) Fear of risk or liability impedes innovation.
- c) Wetland identification, evaluation, and delineation methodologies need to be trustworthy.

-
- d) Consultants (wetland scientists and engineers) may face pressure in their decisions and develop reputations for being developer-friendly or not based on their work. Despite the certification requirements, competence among consultants can vary.
 - e) A history of mistrust and skepticism between stakeholders impacts decision-making. One community opinion leader or small group can direct or derail the process.
 - f) Transparency, trust, and relationships are critical.