

**TOWN OF EXETER
PLANNING DEPARTMENT MEMORANDUM**

Date: November 28th, 2018
To: Dave Sharples and Exeter Planning Board Members
From: Kristen Murphy, Natural Resource Planner
Subject: Proposed Zoning Amendment

I. Proposed Amendment:

See attached language.

II. Purpose and Justification:

In 2016, the Town adopted a zoning amendment that added a definition for fertilizer and imposed a prohibition to the use of fertilizer in the Shoreland and Aquifer Protection districts. Since that time two things have become clear: 1) The intent was to limit the movement of water soluble fertilizer into our rivers and groundwater but the definition of fertilizer we adopted prohibited the use of all fertilizers, including those that are water insoluble (such as organic fertilizers) and therefore are less likely to run-off and reach our water resources. 2) Heavy use turf is often managed different than lawns. Additional nutrient input is often recommended in order to sustain the level of use they are exposed and our ordinance may benefit defining separate heavy use turf requirements.

For the past 2 years we worked with Phillips Exeter Academy to learn of their concerns and turf management needs, sought advice from Chip Osborne our advisor for organic turf management, and reviewed regional guidelines for turf management. This amendment is a compilation of that effort.

II. Application Impacts:

Adoption of this modification will allow more flexibility for fertilizer application but still retains limits to its application. Fertilizer that is phosphate free (or no more than 2% phosphate if a soil test indicates a deficiency) and a minimum of 50% slow release nitrogen fertilizer will be able to be applied in areas greater than 100' from the shoreline of regulated waterbodies. Both the application rate (0.5lb total N/1000ft²) and annual maximum application (1.5lb total N /1000ft²) have been limited to reduce the likelihood of excess nutrient runoff. This amendment would also permit areas of heavy use turf to apply fertilizer at a greater application rate (1lb total N /1000ft²) and a greater annual maximum (3 lb total N /1000ft²) provided they submit a turf management plan to the Board or their designee that shows adherence to other fertilizer restrictions defined. The amendment also retains the ability for waivers to be granted for the establishment of new landscaping and restoration.

2.2.30. Omit in its entirety, definition is added within each district below.

~~2.2.30. **Fertilizer:** Any substance containing one or more recognized plant nutrients which is designed for use in promoting plant growth such as nitrogen, phosphorus and potassium. Fertilizer as defined shall not include vegetable compost, lime, limestone, wood ashes, or any nitrogen-free horticultural medium (e.g. vermiculite).~~

9.2 **AQUIFER PROTECTION DISTRICT**

9.2.3K.12. Replace in its entirety with the following:

12. The use of fertilizer is restricted to the following conditions:

- a. **Application follows best management practices, limiting the potential for nutrient runoff or groundwater infiltration.**
- b. **Fertilizer use is restricted to a minimum of 50% slow release nitrogen.**
- c. **Fertilizer must be phosphorus-free unless a recent (within 12 months) soil test indicates a deficiency. In those situations, fertilizer is limited to $\leq 2\%$ phosphorus.**
- d. **Application rates may not exceed 0.5 lb total nitrogen/1,000ft², with an annual maximum application of 1.5 lb. of nitrogen/1,000ft².**
- e. **Fertilizer restrictions may be waived by the Planning Board or their designee for circumstances indicated, provided the following conditions are met:**
 - i. **Heavy-Use Turf (ie. athletic fields or high priority areas of golf courses such as greens): Upon submission of a turf management plan documenting adherence to all other criteria above, the Board or their designee may increase application rate limits established in 12d. to a maximum rate of 1 lb. total nitrogen/1,000ft², with an annual maximum application of 3.0 lb. of nitrogen/1,000ft². Waivers granted shall provide for temporary allowance, not to exceed 3 years.**
 - ii. **Restoration or Establishment of New Landscaping: With the exception of 12a, the restrictions above may be waived by the Board or their designee upon submission of written justification addressing the need and the specific location(s) within the property where the request applies and their relationship to the district boundary. Waivers granted will provide for temporary allowance, not to exceed 1 year.**

9.2.4. **Definitions. Add the following definition.**

C. Fertilizer: Any substance containing one or more recognized plant nutrients which are designed for use in promoting plant growth such as nitrogen, phosphorus or potassium. Fertilizer as defined shall not include nitrogen-free soil-building products such as molasses, humic acid, kelp, soil biological stimulants, secondary macro-nutrients, micronutrients, and biological inoculums

Renumber remaining list.

9.3 EXETER SHORELAND PROTECTION DISTRICT ORDINANCE

9.3.2 Definitions: Add the following definition.

C. **Fertilizer:** Any substance containing one or more recognized plant nutrients which are designed for use in promoting plant growth such as nitrogen, phosphorus or potassium. Fertilizer as defined shall not include nitrogen-free soil-building products such as molasses, humic acid, kelp, soil biological stimulants, secondary macro-nutrients, micronutrients, and biological inoculums

Renumber remaining list.

9.3.4.F.12. Replace in its entirety with the following:

12. The use of fertilizer is restricted to the following conditions:

- a. Fertilizer may not be applied within 100 feet of the shoreline of all regulated waterbodies in the Shoreland Protection District.
- b. Between 100 feet from the shoreline of all regulated waterbodies to the extent of the District, fertilizer application must meet the following criteria:
 - i. Application follows best management practices limiting the potential for nutrient runoff or groundwater infiltration.
 - ii. Fertilizer must contain a minimum of 50% slow release nitrogen.
 - iii. Fertilizer must be phosphorus-free unless a recent (within 12 months) soil test indicates a deficiency. In those situations, fertilizer is limited to $\leq 2\%$ phosphorus.
 - iv. Application rates may not exceed 0.5 lb total nitrogen/1,000ft², with an annual maximum application of 1.5 lb. of nitrogen/1,000ft².
- c. Fertilizer restrictions may be waived by the Planning Board or their designee for circumstances indicated, provided the following conditions are met:
 - i. Heavy-Use Turf (ie. athletic fields or high priority areas of golf courses such as greens): Upon submission of a turf management plan adhering to all other criteria above, the Board or their designee may increase application rate limits established in 12.b.iv. to a maximum rate of 1 lb. total nitrogen/1,000ft², with an annual maximum application of 3.0 lb. of nitrogen/1,000ft². Waivers granted shall provide for temporary allowance, not to exceed 3 years.
 - ii. Restoration or Establishment of New Landscaping: With the exception of 12.b.i, above restrictions 12.a. and 12.b. above may be waived by the Board or their designee upon submission of written justification addressing the need and the specific location(s) within the property where the request applies and their relationship to the district boundary. Waivers granted will provide for temporary allowance, not to exceed one year.

