

Wetlands Working Group
TOWN OF PETERBOROUGH, New Hampshire

Minutes of May 3, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting on Monday, May 3, 2010 at 7:30 a.m. in the Selectmen's Meeting Room of the Town House. The purpose of the meeting is to continue the preparation of an amended Wetlands Protection Ordinance.

Members Present: From the Planning Board David Enos and Ivy Vann, and from the Conservation Commission JoAnne Carr and Matt Lundsted. Also present was Alternate Francie Von Mertens.

Staff Present: Carol Ogilvie, Director and Laura Norton, Assistant, Office of Community Development.

Chair Enos (Mr. Enos) called the meeting to order at 7:36 a.m. and began a discussion about the former NEBS site. The members agreed they should take an overall look at the footprint as an example, noting the parcel was "a very constrained one with wetland and shoreland aspects."

The members then reviewed the wetland ordinance and discussed the Wetland Setback/Buffer Width Determination Table. Ms. Vann inquired about a clarification in the definition section for Impervious Surfaces. Mr. Lundsted noted he had performed an exercise using the setback table on five wetlands and added "I can see some adjustments and clarification will need to be made." He noted that the points tabulation should be moved to the bottom of the table "so that a calculation is done before totaling the points." He pointed out other areas that may cause confusion when attempting to score functional values. The members went on to discuss intermittent streams and steep slope adjustments and mitigation. Mr. Lundsted distributed the data for his exercise and the members reviewed it together. Mr. Enos noted that he had done some online data review of the list of towns that have Conditional Use Permits and reported "OEP lists 84 towns but I found 93." Mr. Enos also noted "and there are an additional 14 towns that have buffer and setback requirements not on the New Hampshire Buffer List, this is a daunting endeavor."

The members briefly discussed how other towns use Special Exceptions and Conditional Use Permits. It was noted that in some towns it is required for the applicant to go to the Planning Board first and use the Planning Board recommendation as a consideration in the special exception decision process. One member noted "in some towns even the Board of Selectmen have involvement." Once again Mr. Enos echoed "this is daunting."

The members went on to discuss the implication of receiving a 0.5 point value on the determination table and the qualifications needed to perform the functional analysis. They briefly discussed using certified New Hampshire Wetland Scientists as the individual that would be qualified and recognized for doing the analysis. Mr. Lundsted also pointed out that "vernal pools and endangered species are not included in Moosewood's report." Mr. Enos replied "I think we are comfortable with the assignment of points and moving the points part to the bottom." Ms. Vann concurred noting "so am I" adding "and I think we can lose the shoreland stabilization as is

does not seem to affect the outcome and it is difficult to explain.” Ms. Von Mertens spoke briefly about protection through sediment standards with Mr. Lundsted noting he could take a paragraph out of the New Hampshire Method and put it with the steep slope section, noting “it is not a numerical evaluation but a case by case evaluation.” The members discussed creating a map using available data to show the flexibility of the new ordinance.

Ms. Von Mertens noted tree cutting on Route 123 and Ms. Vann reported a problem with drainage of the All Saints parking lot into the river. Mr. Enos asked if the members would like to request a map from the mapping specialist to be able to see the shoreline ordinance buffers “and then see an equal rendition of the proposed regulation as an overlay” adding “it can be two maps or just one at Fash’s discretion.” Mr. Lundsted interjected “I think it might be easier to compare if you have two maps.” The members agreed they would like to see such a map at the next meeting. Ms. Von Mertens pointed out several confusing definitions (including “not withstanding,” “previous developed,” and “vegetative buffers”) in the language and the members discussed them. The members also discussed areas they felt were redundant or covered in the basic zoning regulations as well as several differences between town and state regulations.

In conclusion the members once again reviewed Conditional Use Permits with Ms. Ogilvie pointing out that Conditional Use Permits are only used for telecommunication applications in Peterborough.

Ms. Von Mertens mentioned gravel up to the river bank at a property on Concord Street and suggested the Code Enforcement Officer be advised and investigate it.

The meeting adjourned at 8:55 a.m.

Respectfully submitted,

Laura Norton
Administrative Assistant