PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Workshop Minutes of February 22, 2010

The Peterborough Planning Board held a workshop on Monday, February 22, 2010 at 5:15 p.m. in the Selectmen's Meeting Room at the Town House. The purpose of the Workshop is to discuss a potential amendment to the Wetlands Protection Ordinance and other potential zoning amendments as time allows.

Members Present: Chairman Leandra MacDonald, Vice Chair David Enos, Michael Henry, Carl Wagner, Richard Freitas, Rick Monahon, Ivy Vann, and Barbara Miller.

Also Present: Carol Ogilvie, Director Office of Community Development, Laura Norton, OCD Administrative Assistant and Tom Weeks, Code Enforcement Officer.

The Workshop was called to order at 5:15 p.m. Chair MacDonald noted a request by the Heritage Commission to postpone discussion about the Demolition Delay until at least Thursday's workshop. Chair MacDonald then led a brief discussion about rezoning the couple of Office Districts in town back to Rural. She noted "I believe we only have two parcels and one of them belongs to the State. I don't see where the State would care; it should be what it is." She asked about the appropriate contact for the Community Garden parcel off Route 202 North with Ms. Von Mertens replying "that would be me." Ms. Von Mertens agreed the Community Garden parcel should also be re-zoned Rural. Ms. Vann asked "does this mean we are eliminating the Office District?" with another member noting "the only one left is the Church on Route 101." It was noted that 80 Pine Street had also been re-zoned General Residence with Chair MacDonald noting "there is no more Office there." Mr. Weeks noted several other offices that were located in Rural Zones (Drs. Johnson and Khouw's offices) and added "but they are not home occupations, they were purposely built as offices so we must allow it."

Ms. Miller in at 5:20 p.m.

The members went on to briefly discuss the prohibition of internally-lit signs in the Downtown Commercial District, Work Force Housing and the exception of emergency generators from the Noise Ordinance (noise pollution and disturbance in §245-33C).

Chair MacDonald then suggested the members discuss the wetlands amendment. "Lets see where we are overall" she said. The members reviewed a status update for the Wetland Working Group. It was noted the purpose of the group was to evaluate the existing buffer protection and the threats to the water quality from generalized non-point sources that included lawn care, farms, road treatments (sand and salt) and septic systems. Mr. Enos pointed out that the Master Plan noted that studies conducted in New Hampshire suggested minimum buffers of 100 feet. He added "not all wetlands are created equal but all wetlands deserve protection," adding "it has been a long process." Mr. Enos concluded by noting "this draft is the belief of the Workgroup and includes a recommendation to the Planning Board. We believe we have incorporated all the concerns that have come up and that it was most appropriate to look at this through the planning

process." He went on to note "we recommend that the wetland protection consist of a 50-foot buffer with a 50-foot setback and incorporate flexibility for relief with the use of Conditional Use Permits."

A brief discussion about input from the Conservation Commission, Conditional Use Permitting, the Moosewood Report and the New Hampshire Method followed with Mr. Enos noting "the Planning Board can then recommend a variable setback area based on the functions that exist on a given site." It was noted "the intention is to take a sensible look at what an applicant proposes, and then make allowances for the individual to accomplish what they need to do to obtain a reduction." More discussion of Conditional Use Permits followed.

When the hockey rink discussion surfaced Mr. Enos dismissed it by noting "no plan was presented, so there is nothing to discuss." He added "what we are trying to achieve is how to obtain the most advantageous outcome for an applicant in the least harmful way. This process allows that to happen."

Mr. Weeks then questioned the definition of *bulk storage* noting the current setback from hazardous materials is 125 feet. He also noted the language used a quantity measured in gallons and asked about other forms or amounts of storage. He noted "bulk storage could come in a dry form as well as gallons." A brief discussion about a conversion system followed. While discussing definitions, Ms. Vann asked "if we are defining *impervious* shouldn't we also define *pervious* as allowing the passage of water to the underlying substrate?" A brief discussion about the definitions followed.

The members went through the rest of the draft amendment and briefly discussed boundary lines, wetland buffers versus wetback setbacks, exemption, conditional uses, permitted uses, where Ms. Vann suggested adding the word "foot" to bridges in section (i). They spent time reviewing and discussing the wetland setback/buffer width determination table that awards points that equate to buffer widths. The members reviewed the functional values as well as sizes of wetlands 10,000 square feet up to two acres, two to ten acres and wetlands over ten acres.

The members then participated in a functional value exercise using a parcel of land in town to see how the wetland would score. The members then had a discussion about crossing wetlands and alternative routes for the most productive use of the land and how Conditional Use Permits from the Planning Board would provide flexibility. They reviewed the limitation of the ZBA and the opportunity for the Planning Board to assist in site plan development. The members agreed the exercise was very helpful while linking the scored data with the chart.

Mr. Henry asked about the role of the Conservation Commission and their impact on the process. He noted his concern of "the influence or motivation of who may be sitting on that Board." A brief discussion that included the interests and expertise of the Conservation Commission as an advisory group followed. Mr. Henry noted he wanted his concerns noted for the record and was pleased to know that their participation "is solely representative of the public" adding "I just wanted to voice my concern."

A brief discussion about defining the size of a wetland that may stretch beyond one person's property followed. Mr. Weeks noted "you may not be able to get on to the neighbor's property." Ms. Carr interjected "true, but much of the information we have is measureable through polygon sizing." The members then participated in a brief discussion about mitigation of wetland disturbances and steep slopes. Chair MacDonald concluded by noting "I think we have learned a lot so far."

The workshop adjourned at 6:55 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant