

**Wetlands Working Group**  
**TOWN OF PETERBOROUGH, New Hampshire**

Minutes of June 28, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a meeting on Monday, June 28, 2010 at 7:30 a.m. in the Selectmen's Meeting Room of the Town House. The purpose of the meeting is to continue work on recommendations for the preparation of an amended Wetlands Protection District Ordinance.

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

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

Ms. Vann arrived early and noted she could not stay for the meeting but noted she had a statement for the record. Ms. Vann noted that she believed the Workgroup should increase the quarter acre minimum back to a half acre size for the regulation to kick in. Although not in session she felt she needed to go on the record with her suggestion. Ms. Vann also noted that vernal pools were not considered in her suggestion and should be protected regardless of their size. Chair Enos (Mr. Enos) suggested if that were her recommendation that they go with the easier number of 20,000 square feet to make calculations easier. Ms. Vann left at 7:30 a.m.

Mr. Enos called the meeting to order at 7:40 a.m. He noted the purpose of the meeting was to review the comments from the EDA and the updated version of the ordinance. He then asked Ms. Ogilvie if the language in bold italics were the changes or the preexisting language. Ms. Ogilvie clarified that the bolded italic represented the newest language.

The members then reviewed the comments by the EDA one by one. They started with Boundary Delineation (1) and (3). They had a brief discussion of common practice of looking at an entire wetland even if it were not under one property ownership. They discussed culverts and buffers impacting another's property, as well as wetlands bisected by a road. The members then approved the language changes. It was noted that if a wetland clearly met the minimum size, it would fall under the ordinance (Ms. Ogilvie explained how the town's mapping and data can be used for such a thing) but all agreed it would be difficult if it was not clear as they could not force another property owner to have his wetland delineated.

The members then addressed a concern over the wetland buffers and setbacks. The members had been asked to consider the current minimum 100 foot buffer and setback (50/50) in all wetlands over 10,000 square feet in size. They reviewed the language with Mr. Enos reiterating Ms. Vann's earlier comment about an increase of the minimum size to 20,000 square feet with the exception of vernal pools. After a brief discussion Mr. Enos noted "I favor the language as it is" but added "buy the same token, I add a recommendation from the Planning Board for the size." It was noted the new ordinance decreased the current minimum size from 20,000 to 10,000 square feet. Mr. Lundsted noted "I know when we discussed this in the past Richard (Freitas) was hesitant to go to the 10,000 square feet as well."

The members had a brief discussion about what the state was doing to address vernal pools with Mr. Enos noting he felt they were addressed in mitigation and that the state was more in touch with their values and protecting them than they had been in the past. Mr. Enos then suggested the Workgroup leave the language as is and send it to the Planning Board, adding “the Planning Board can change it back to 20,000 if they want.” Mr. Enos noted the Wetland Workgroup was formed to create a better ordinance for wetland protection. “That is what we are doing” he said. Ms. Von Mertens asked if changing the minimum size would get more people on board with Mr. Enos replying “yes, but does that make it right?” He reiterated their charge to create a good ordinance for wetland protection.

The members moved on to discuss the addition of buffer that may be required when wetlands abut a slope of 10% or more. “The EDA asked if we would consider increasing the 10% number” said Mr. Enos. He again noted their charge and said “I feel the same way about this.” Ms. Carr referred to the Steep Slope Adjustment Formula on page 8 of the ordinance and a brief discussion followed. Ultimately the members decided to not change it but refer to the Planning Board.

The members discussed the suggestion that “the use of nitrogen and phosphate fertilizers is prohibited with the buffer area” be removed from the ordinance as is virtually impossible to enforce and monitor. Mr. Lundsted interjected “put it in the regulations, we don’t want to have it in the ordinance if we cannot enforce it.”

The members moved on to page 5 (iii) and the request to see greater opportunity for redevelopment of the properties in the commercial districts. After some discussion the members agreed to remove the “Conditional Uses (d) to (K) Conditional Uses (1) c. It was noted that this does not include the Business/Industrial District.

The members went on to discuss Conditional Use Permit to grant reductions in the buffer or setback area within the Wetland Protection Overlay Zone. The question from the EDA was whether or not the 25 feet was the absolute minimum or did the ordinance mean a 25 foot buffer *and* a 25 foot setback. The members discussed their interpretation (that the minimum was 25 feet – combination of buffer and setback). It was noted that “in some instances or extreme situations there may not be any buffer at all. The members agreed to remove the wording “*in no case shall any approved reduction resulting less than 25 feet of undisturbed area being maintained from the edge of any wetland, except for those uses approved to cross the setback and/or buffer*” as Mr. Enos noted “it is redundant in this case.” The members agreed that the bottom line was the 25-foot minimum, exempting the urban situation and those conditional uses specified in K (1) c.

In conclusion Ms. Ogilvie noted she had not heard back for the ZBA Chairman about a joint meeting. The members expressed their concern as the first Public Hearing is scheduled for July 12, 2010, two weeks from today.

The meeting adjourned at 9:15 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant