

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

Minutes of August 2, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a meeting on Monday, August 2, 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. From the Conservation Commission JoAnne Carr. Sitting in as an alternate from the Conservation Committee was Francie Von Mertens, and invited guest Selectman Joe Byk.

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

Chair Enos (Mr. Enos) called the meeting to order at 7:40 a.m. The meeting began with a brief discussion about the recently reported news of a wetland task force launched by the Business Support Group of the Greater Peterborough Chamber of Commerce. It was noted that Peter Brown of Juniper LLC would head the task force. It was also noted that the only other member to date is David Simpson.

The members briefly discussed the fact that the state of Massachusetts has a mandatory 100-foot setback; the first 50 feet are inviolate buffer and the second 50 feet are somewhat negotiable. Von Mertens offered to contact a Conservation Commission in Massachusetts to get more information on their regulations.

Selectman Joe Byk arrived at 7:43. Mr. Byk stated "it was a wise decision to take the proposed ordinance to May and not September" adding "we don't want to risk people feeling it is being rammed down their throat." Mr. Byk suggested waiting to reconvene on the ordinance until after the summer noting "anything done before then will be forgotten." Mr. Byk also noted that he and Selectman Barbara Miller were offering to take a "road show" approach and go out to the businesses and service organizations alike. He noted the need "to really simplify it in terms of what we have now and what the changes are." He spoke briefly of the wetlands noting "I grew up when wetlands were called swamps, and was totally unaware of the functionality of them."

Ms. Von Mertens interjected "I think it is brilliant and it is great you are willing to do that." The members then briefly discussed the support of the proposal from the Board of Selectmen and the May 2011 town meeting.

The members went on to discuss the memorandum submitted by Sharon Monahan and the written response by Ms. Ogilvie. Mr. Enos noted "factual misstatements about the process without an inclination to understand the process" as well as "portions of the proposal being taken out of context" concerned him. Another member noted concern over Ms. Monahan "using a public forum to use her well-earned title for personal opinion." Ms. Ogilvie noted that in fairness, she had sent her response to Ms. Monahan as well. It was agreed that Ms. Monahan should be invited to the next Planning Board Workshop to discuss her concerns.

Mr. Byk asked about inclusion of the shoreline protection zone into the proposed ordinance “now that we have the time to consider it.” The brief discussion that followed included a comparison of the state versus the town shoreline protection regulations. Ms. Von Mertens noted the shoreline in this case only pertained to the Contoocook and Nubanusit Rivers and great ponds (larger than 10 acres). Ms. Carr interjected that she recalled that they had previously considered adding shoreland, but then decided not to “because we found it was not in our purview, it was more than we could handle.” A brief discussion about the new Comprehensive Shoreland Protection Act (CSPA) and wetlands adjacent to streams and rivers followed.

Ms. Carr noted her concern over the “amount of attention and energy we spend trying to dispel inaccurate statements.” She suggested being more formal at public hearings with only so much time to speak on any one issue. It was noted Ms. Monahan’s statement took 22 minutes to get through. Ms. Carr noted “we should not allow this to continue, it is confusing and after a while even I feel fuddled by it and am not sure what the question is anymore.” Mr. Enos interjected “frequently asked questions” adding “we need to put them out there for every meeting and when a repeat question comes up we refer to the FAQ sheet and say it has been asked and answered.” The members also discussed the manner of reporting done by the local paper with Mr. Enos noting “I am taken aback, it is literally one sided.” Ms. MacDonald was present in the audience and told the members that as the Chairman of the Planning Board, she was meeting with the Water Resources Committee tonight.

Ms. Von Mertens offered to contact Katherine Owen to get more on the science of why wetland buffers are so necessary. Mr. Enos noted “the difficult part is for people to look at the cumulative impacts on our environment beyond their life spans.” He mentioned the drinking water supplies and said “incrementally this is our environment, this is all there is.” A brief discussion followed with all members agreeing “it would be terrific to have this taken out of the hands of the Workgroup and Planning Board to show this is about economic development. To maintain growth you need an adequate clean water supply.” The members also all agreed “it would be great if you could get the businesses to say that.”

The conversation turned back to Ms. Monahan’s written statement. The members talked about Ms. Monahan reading a prepared statement. Mr. Enos asked about a response to it noting “for her to speak for 20 minutes with no opportunity to respond is damning.” Ms. Von Mertens interjected “she needs to be invited to come in and have her concerns answered.” Another member noted “forewarned is forearmed” adding “no written statements, let’s have a conversation with her.”

Ms. Von Mertens noted “so let’s get back to the question on the table which is do we bring the shoreland into this now that we have time?” Mr. Enos noted “most of the areas impacted are in the built environment and that needs to be made clear.” He suggested they defer the question to the next meeting “and take a hard look at in the mean time to see what is good and transportable between the two. We should lay them out side by side for operability” he said.

A brief discussion about the identification of rivers and streams, as well as vernal pools using the geodetic maps followed. The members also discussed the role of the Conservation Commission in evaluating the functionality of these waters. One member suggested “playing it out with an example.” They discussed which regulations would be more restrictive and what board would be gone to first. One member noted “you may have conflicting decisions.” Ms. MacDonald noted

“someone goes to the ZBA and gets a Variance, I don’t see the problem, the site is most likely a difficult one.” She added “we are not governing on the fringes; we are governing in the middle.”

Ms. Carr asked about the possibility of a reduction to zero in some areas of town with Ms. Ogilvie noting “it is possible in urbanized areas, in places with no vegetative buffers at all, where it is already gone.” They reviewed special exceptions from the ZBA as well as the construction of additions and extensions to dwellings in the Shoreline Conservation Zone.

Ms. MacDonald noted “it is quite easy, you go to the town offices, look yourself up, see if you qualify for relief, do the engineering and decide if you want to go for a variance or not.” Ms. Carr interjected “I think it would be helpful to have the ConCom take a look at the shoreland and wetland regulations and make a recommendation.” Ms. Von Mertens agreed adding “the ConCom has not said anything publically.” Ms. Von Mertens also noted she was very pleased with the offer of the two selectmen to go out and promote the regulation. Ms. Carr interjected she hoped the “road show” would be helpful to people and “avoid the momentum of negativity.”

The members spent some time talking about the public hearing on July 26<sup>th</sup> and the concerns of a builder in the audience. They reviewed the process of obtaining a building permit and beginning construction, identification and location of any wetlands, and the timing of inspections.

Ms. Von Mertens noted “I think some people are driven to find negative in the ordinance.” Another member added “a rebuttal did not get in the paper and the people who were here were not listening anyway.” The members again discussed the newly formed wetland task force formed from the Business Support Group of the Greater Peterborough Chamber of Commerce, with their two members to date.

The members went on to discuss non-point source contaminants and how a construction site affects a wetland. Chair MacDonald spoke about the interconnectivity of water resources noting “it is not a one-to-one comparison, it is a cumulative comparison.” She added “what your neighbor does or does not do to maintain his wetlands has effects.” The members talked about the vast amount of households with wells and water treatment.

A very brief review of the potential expansion at the Brookstone/NEBS property followed with discussion revolving around the Variance that would be needed under the current ordinance to go forth. They reviewed the several maps with one member noting “NEBS is literally an island.” They discussed the gateway and industrial setbacks in town before adjourning at 9:05 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant