

Wetlands Working Group
TOWN OF PETERBOROUGH, New Hampshire

Minutes of May 17, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting on Monday, May 17, 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 from the Conservation Commission JoAnne Carr and Matt Lundsted.

Staff Present: Carol Ogilvie, Director and Laura Norton, Assistant, Office of Community Development; Fash Farashahi, GIS Specialist.

Chair Enos (Mr. Enos) called the meeting to order at 7:36 a.m. He noted Mr. Farashahi had sent out PDFs of wetland and shoreline maps last week and that hardcopies were available to review as well. It was noted that parcel numbers were not listed on the maps with Mr. Farashahi replying "I left them off on purpose." Mr. Enos interjected "cause that is all anyone is going to look at" with the others in agreement. The group reviewed the maps and discussed the difference between the town's 50 foot setback for wetlands and the state's 100 foot setback for shore land. When Mr. Enos noted a meeting with the Business Support Group was confirmed for June 11th Mr. Lundsted suggested he take the maps with him. He noted "if you take off the hatch and compare them side to side there is no visual difference" adding "that would drive it home." It was also noted Mr. Enos would ask to address the Economic Development Authority at their July meeting.

The members then engaged in a discussion about the Commerce Park that included the various wetlands data, the road that currently goes through the wetland buffer at two different points and location of the original entrance. They moved on to the Route 101/202 intersection and Bridge Street, discussing the wetlands located in those areas.

The members then discussed the town regulations versus the state regulations. Mr. Enos noted "we have always said the town is more restrictive but we can no longer say that ad hoc." Ms. Ogilvie noted "right now the town building setback is more restrictive than the state" with Mr. Enos reiterating "and again, this will have nothing to do with developed property, we need to hammer that home."

A brief discussion about the difference in the 1953 and 1987 USGS quadrangle maps followed. Mr. Farashahi noted "the current shoreland ordinance uses both the 1953 and 1987 maps." Mr. Enos noted some discrepancies between the maps and noted the 1987 map should be corrected, "they should be the same" he said. It was noted the shore line regulations went into effect in 1986 and the wetland regulation went into effect in 1990. The members specifically discussed a waterbody that was present on the 1953 map but not on the 1987 version. When asked about combining the wetland and shore land buffers Mr. Farashahi explained that the town's data was a much larger source scale than the USGS "so that while combining the maps was possible, it would be misleading." The members went on to discuss the uses allowed in the shore land protection zone, including lawns and gardens and recreational uses. They also reviewed the

floodway and floodplain of both the Contoocook and Nubanusit Rivers noting “they are essentially the same.”

Ms. Ogilvie led a discussion about the urbanized shore land application to DES. She explained that she had met with the OEP staff person who does the preliminary review prior to it going to DES, in order to review the criteria, among other things the definition of “urbanization.” Ms. Ogilvie reported her fear that the town could not meet the definition in enough places for it to be worthwhile. She reviewed the portion of the definition to include having a completely diminished vegetative buffer and housing density of 10 units per acre. She noted “so we have bits and pieces of this all along Grove Street and Concord Street” but added “these are in the General Residence Districts.” Ms. Ogilvie noted that she asked herself if we were to do this (submit the application for an exemption to the Shore Land Protection Act) “what are the results?” She followed up by noting the one thing she could come up with was that the a land owner would be exempt from obtaining a permit from the state for certain activities, but in turn would have to face the town’s regulations requirements “that were more stringent in some ways.” She added “these properties would be off the state’s radar screen but not the town’s setback of 100 feet that must be met no matter what.” Mr. Enos concurred and a brief discussion about the value of the exemption followed. It was the consensus of the members **not** to pursue the application at this time. Ms. Ogilvie reiterated her concerns about the application and Mr. Enos noted the “hodge-podge of qualifications that would be necessary.”

The members then briefly discussed the Downtown area and the confluence of the Contoocook and Nubanusit River. The members agreed the current shore land protection regulations should be maintained. Mr. Lundsted asked about exemption of the two rivers from the wetland ordinance adding “then the conflict between the wetland and shore land ordinances goes away.” Mr. Enos noted he would like to get Ms. Carr’s input on that and that the idea should be reflected in the minutes for the record.

Mr. Lundsted then brought up Conditional Use Permits, public notification and security. When asked where they were located Ms. Ogilvie replied they were in the Site Plan Regulations adding “it seems reasonable that site plan regulatory items would come into play and I had to put them someplace.” The members agreed it seemed to make more sense to put them in Site Plan rather than the Subdivision regulations.

Ms. Ogilvie concluded by noting she would incorporate the input from the session into the regulation and e-mail it out to the members. She also noted she would send a copy to the town attorney for review, “to make sure everything belongs where it is and we have not overstepped the regulatory authority.” She added the reorganization of the scoring boxes for the wetland table would also be completed. She reiterated the “scoring, then points, then tabulation” order of the table with Mr. Enos interjecting “good, it has got to be clear.”

Ms. Ogilvie also suggested using Evans Flats (a town-owned property) as an exercise parcel for the June workshop. She stated she would be happy to approach Mr. Hicks about receiving permission to also use the Commerce Park parcel (as another example for the scenarios that the Group will prepare for public presentation).

Ms. Ogilvie stated she had been in contact with the ZBA Chairman about a joint meeting regarding the proposed regulation. She noted the case load for their June meeting was heavy and

proposed a separate night and time versus being at the end of a long agenda. The members agreed and Ms. Ogilvie will follow up. It was also noted that the ZBA members would all receive the most updated draft of the regulation with plenty of time to review it prior to that meeting.

The meeting adjourned at 8:55 a.m.

Respectfully submitted,

Laura Norton
Administrative Assistant