

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

Minutes of January 25, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting on Wednesday, January 20, 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. Also present was Francie Von Mertens and Sharon Monahan.

**Staff Present:** Carol Ogilvie, Director and Laura Norton, Assistant, Office of Community Development; and Tom Weeks, Code Enforcement Officer.

The meeting was called to order at 7:35 a.m. by Chairman Enos (Mr. Enos). Ms. Ogilvie noted the latest working draft was the January 4<sup>th</sup> version. The members began with a continuation of the foundation and roof drain discussion that concluded their last meeting. They discussed the exceptions of ditches, swales, and other storm water management devices as well as management of perimeter water and runoff. Following this discussion Ms. Von Mertens asked "can we look at silviculture construction?" The discussion about agriculture and silviculture construction under Best Management Practices that followed included forestry and tree farming as well as cultivation and the harvesting of crops.

The members also discussed exemptions including the construction of accessory structures associated with legal pre-existing non-conforming primary structures. They reviewed the accessory building definition as Mr. Weeks read it aloud. Ms. Von Mertens confirmed "so an accessory structure is a structure not being lived in" with Mr. Enos interjecting "or doing business out of."

Ms. Von Mertens then asked if the draft ordinance was on the agenda for the Planning Board Workshop later in the day. She went on to note she felt a lot of the opposition they faced at the January 11<sup>th</sup> meeting was based on misconceptions and asked "can anything be done?" She went on to specify that many people in attendance had adopted the philosophy of "why change what is working?" but added "right now we do not have adequate buffer protection." Mr. Enos suggested a purpose statement of a buffer zone from the Conservation Commission might be helpful. Ms. Von Mertens replied "I just think the Planning Board was probably taken back with what they heard at the meeting." Mr. Enos noted the balance of "what is best for the wetlands and the political arguments are both part of the process." He went on to note he felt the Workgroup's efforts and recommendations followed the Master Plan and were reflected in the ordinance.

A brief discussion of the proposed versus old ordinance followed with the members agreeing the two should be "put side by side" to eliminate the cherry picking of bits and pieces of amendment. "How do we get there?" asked Ms. Carr. "Who does that?" she asked. Mr. Enos suggested starting with a recommendation from the Conservation Commission "to strengthen the ordinance." Ms. Von Mertens disagreed noting "I think it is better coming from the Planning

Board than the ConCom” with Mr. Enos replying “I disagree with you, the ConCom is who people turn to for advice.”

Mr. Weeks asked if there was any more interest or discussion about combining the shoreland and wetlands ordinances with Mr. Enos replying “I don’t think you can at this time.” A brief discussion regarding surface waters and wetlands followed. The members also discussed the potential of a two-stage approach where one ordinance may supersede the other.

Mr. Weeks then asked about the issuance of Conditional Use Permits. The members discussed the current Minor Site Plan Review Committee (consisting of the Public Works Director, the Fire and Police Chiefs, the Code Enforcement Officer, the Director of OCD and one Planning Board Member) and how that group makes decisions currently. Ms. Monahan briefly reviewed the Conditional Use Permit process of another New Hampshire town she has been working with. She noted the Conservation Commission, a wetland scientist and the Code Enforcement Officer “make up the group who hears those requests.” Ms. Ogilvie noted “Conditional Use Permits for the wetlands ordinance may in fact be a different configuration of people than those for Minor Site Plan Review.” Mr. Enos noted that currently “Minor Site Pan Review “ takes the process out of the time frame, it has minimal impacts and can be addressed very quickly.” It was noted that perhaps the group not be called the Minor Site Plan review but something like a Conditional Use Permit Review Team. A brief discussion about Planning Board assignment of designees authorized to issue Conditional Use Permits followed. Ms. Carr noted “this will give the Planning Board ultimate authority without having to knit-pick the ordinance every time.” Mr. Von Mertens interjected “this is bringing wetlands into Site Plan Review. That is what it is.” Mr. Enos suggested creating Staff Reports for Conditional Use Permits, much like what is done for other applications currently. He also noted input from the GIS Specialist would be an asset. “Known conditions on site are very helpful” he said. A brief discussion about meeting the criteria of Conditional Use Permits and publically noticing these applications followed. Ms. Carr noted she knew of one instance of a Conditional Use Permit issued in Jaffrey, NH “and it was noticed” she said. The discussion about Conditional Use Permits versus the jurisdiction of Variances and Special Exemptions from the ZBA that followed included the member’s ideal and common goal that the issuance of Conditional Use Permits would have greater benefit to the overall design and planning efforts of the Board.

The members then discussed setbacks and buffers in general with Mr. Enos advocating an “advise, minimize and mitigate” approach to any activity within a setback that has already been achieved. They also discussed setbacks for driveway and some state regulations.

The members went on to discuss Performance Standards and the Comparative Wetland Checklist.

The meeting adjourned at 9:35 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant