TOWN OF PETERBOROUGH
ECONOMIC DEVELOPMENT AUTHORITY
JUNE 22, 2010
MINUTES

Members Present: Chair Craig Hicks, Hope Taylor, Jack Burnett, Jeffrey Crocker, Cy Gregg, and Susan Phillips-Hungerford.

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

Meeting was called to order at 8:00 a.m. by Chair Hicks who noted the purpose of the meeting was to hear a status report from the Wetland Workgroup and their progress on an amended Wetlands Protection Ordinance.

David Enos explained that in 2005 there had been discussion by the Planning Board to increase the wetland setbacks in town, adding "but at that time it did not go forward." He went on to explain that "there had been an interest to re-visit that" and the Planning Board had gone forward last year to explore the most appropriate way to approach it. He explained that "in doing so the Wetland Workgroup was formed and had been meeting for months, reviewing current reports and researching current science." Mr. Enos stated that the Group advocated a regulation that would be geared to the individual wetlands in town and "not just one wetland against another." He also noted this was much more appropriate than a "one size fits all" approach and noted the group's motto of "not all wetlands are created equal" and that "not all wetlands required the same protection." He gave a brief history of the Conservation Commission funded wetlands assessment by Moosewood Ecological last summer and reviewed the wetland buffer/setback width determination table. He noted "in a nutshell that was the process in and of itself and the language that was developed from that became unique to Peterborough."

Mr. Enos noted the Wetland Workgroup was in the process of approaching several groups (Business Support Group of the Chamber of Commerce, the EDA and the ZBA) for their input on the proposed ordinance noting "it is appropriate to come to these groups for input and hear your concerns" he said. Mr. Enos then briefly reviewed the credentials of the Workgroup membership.

Ms. Ogilvie noted that the ordinance started out as strictly a zoning amendment. She explained how the handout they had received was broken out into the zoning component (the first 5 pages) with the rest of it as language of Site Plan Review where the process for further reduction can be sought.

Selectman Miller was in the audience and took a moment to explain that she was both a Selectman and the Liaison to the Planning Board. She noted "I continue to learn as I go along and I do see this as a more flexible, less restrictive ordinance." Ms. Miller went on to note the

importance of support by groups like the Chamber's Business Support Group, the EDA and the ZBA. She noted "my goal is to make sure we talk to as many people as we can to get feedback on this ordinance."

Mr. Lundsted, a member of the Wetland Workgroup noted the group had already reviewed and addressed a lot of comments from the public hearing and other concerned individuals in town. He added "this (the handout) addresses a lot of those concerns." He went on to note that Moosewood Ecological has assessed wetland functional value for approximately 85% of the wetlands in town (public and private). He reviewed how the wetland buffer/setback width determination table would be used. He also briefly reviewed the use of Performance Standards and Low Impact Development (LID) techniques to attain further reduction from the ordinance.

Mr. Burnett asked "will this make development more attractive?" Mr. Lundsted noted several community examples that included West Peterborough. He added "communities are embracing the LID approach." He added "it is a greener approach and many states are moving in that direction." Ms. Carr (a Workgroup member) cited the many years of research on this type of development. Ms. Vann (another Workgroup member) interjected "and it would allow the Planning Board to plan for connectivity of our roads" adding "I know I am the poster child for that but it is still important."

Mr. Burnett asked about possible economic impacts with Mr. Enos replying "specifically I would say no, there are none." Mr. Enos added "this ordinance is the best protection for the wetland and extends the most flexibility for the applicant." Mr. Burnett responded by commending the Workgroup for doing what they were charged to do but added "to move forward with this seems a little reckless at best." Mr. Enos replied "we have encompassed standards for the development of properties and what is in existence is not adversely effected." A brief discussion about grandfathering from the ordinance followed. Mr. Enos concluded by addressing cumulative impacts over time, adding "We all live here, recognize the value of the wetland to the community at large, and want to protect the functions that serve us best."

Ms. Vann pointed out that the words "already disturbed" describes most homes and businesses up against a wetland adding "they are not going to suffer as a result of this ordinance." She gave a few examples including a parcel she owns on High Street. She concluded by noting "so that seasonal wet spot does not have functional value."

Mr. Lundsted gave another example of the old versus the new ordinance using a well discussed parcel of land on Vose Farm Road. He pointed out that under the current ordinance it would be difficult to construct a building there. "The owner would be in a Variance situation" he said. He added "with the new ordnance, depending on the functional value of the wetlands he may be able to construct without going to the ZBA by reducing the buffer and initiating mitigation within the setback."

Mr. Hicks asked why the ordinance did not differentiate between residential and commercial. He noted "it is a blanket ordinance it should be separated, they are two completely different things."

A brief discussion of the new ordinance, a review of the functional values of wetlands and the fact that 85% of the wetlands in Peterborough have been assessed by Moosewood followed. Mr. Enos noted that the new regulation allowed a reduction down to 25 feet using Performance Standards and mitigation, "which is more flexible." Chair Hicks replied "when the dust settles it is a regulatory taking of land."

Ms. Phillips-Hungerford suggested using the information that was out there (the 85% wetlands assessed by Moosewood) and have the EDA do an analysis. Mr. Gregg asked "who is going to do it? Who is going to pay for it?" Ms. Taylor asked about the property tax ramifications with Ms. Ogilvie replying "I spoke to the assessors and the answer is *it depends*." She went on to note "not every parcel with a wetland is eligible for an abatment, it depends on the specifics of each parcel and each parcel must be assessed based on those specifics."

Chair Hicks asked the Workgroup to think about the unintended consequences in the new ordinance, adding "I am not seeing the reflection of that in the taxes."

Mr. Burnett concluded by thanking the workgroup for coming in. "I appreciate the work you have done" he said. He then asked "where does the 100 feet come from? Is there a science behind that?" Ms. Carr replied by commenting on the vast amount of research supporting that number. She mentioned nutrient attenuation, flood storage capacity, wildlife corridors as some prime examples with Mr. Enos interjecting "economic development should not be based on real estate alone, the building environment over time should be for the good of the town." Mr. Burnett responded by noting "it makes it more difficult and continues to put more economic development nails in our coffin."

Ms. Taylor spoke briefly about that "line" between people and nature and advocated mingling the two. Ms. Vann agreed noting "there is that idea that people are not a part of the environment and that is where you will see the flexibility of the ordinance."

Chair Hick had some specific questions regarding *F. Boundary Delineation* and the assessment of wetlands as he had a situation where some wetlands assessed on a project (Wilson Farm) were not located on his property. Ms. Ogilvie noted that it should be made clear to the applicant that there is no requirement to assess beyond their parcel line. Ms. Vann interjected "we can fix that and it is a good point."

Chair Hicks continued by noting "*F3* really bothers me, where wetlands are bisected by a road, driveway or culvert it is treated as one and must be delineated as required by the ordinance." He went to note "it used to be a culvert separated the wetlands." Chair Hicks went on to give examples from another property he owned (Commerce Park) and noted "I look at F3 and there is no way to comply with this, there are ditches and culverts all over the place." Mr. Hicks looked at Mr. Enos and said "I would like to see if your group could bat that around a little bit" Mr. Enos explained the definition of the culvert was directed at two wetlands, not a drainage way and a brief discussion followed.

Chair Hicks asked about *H (1)* (minimum 100-foot buffer and setback being maintained from all wetland over 10,000 square feet in size – 10,000 is too small); *H(3)* (slopes, noting the 10% grade "is a very low number for this community, heck Vale Street is 18%"); and *I(4)* (lawns, fertilizers, pollution education and enforcement issues).

Lastly Chair Hicks asked the Workgroup to revisit splitting residential and commercial parcels in the ordinance.

The group briefly discussed economic redevelopment of the town's developed environment and the Downtown and Village Commercial Districts.

The meeting adjourned at 9:20 a.m.

Respectfully submitted,

Laura Norton