

Wetlands Working Group
TOWN OF PETERBOROUGH, New Hampshire

Minutes of July 8, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting with the Zoning Board of Adjustment on Thursday, July 8, 2010 at 7:00 p.m. in the upstairs Kitchen meeting room of the Town House. The purpose of the meeting was to discuss the Working Group's recommendation to the Planning Board for amendments to the Wetlands Protection District ordinance.

Members Present: From the Planning Board Dave Enos and Ivy Vann, and from the Conservation Commission JoAnne Carr and Matt Lundsted. From the ZBA Loretta Laurenitis, Alice Briggs, Matt Waitkins and Sharon Monahan.

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

ZBA Chair Waitkins (Mr. Waitkins) called the meeting to order at 7:00 p.m. ZBA Chairman Waitkins thanked everyone for coming and noted that "for a long time we have just wanted to have a dialogue with the Workgroup and get your understanding of what the proposal is all about." He added "we as a group have some questions and want to hear about what you are thinking."

Mr. Waitkins went into a general discussion about the role of the ZBA in reviewing the criteria for wetland crossings, property owner rights and minimal wetland intrusion. He added "we (the ZBA) grant Special Exceptions when the criteria are met; we are not allowed to deny it." Mr. Enos agreed noting "you can only approve or deny the application as it is presented to you" adding "with this ordinance we can look at an entire lot and have flexibility as to where a driveway may go." The members briefly discussed the fact that the ZBA was not afforded dialogue to make improvements to a plan with one member noting "that is not available under Special Exceptions right now." Mr. Enos noted "I know it is a source of friction, it seems like high stakes that this is something that the ZBA does." He added "but it is what is best for the overall development of Peterborough that is what this is about." Ms. Carr interjected that the revision was based on the wetland functions and values, adding "when a Conditional Use Permit is applied for the Moosewood study will be taken into consideration." Another brief discussion of the ZBA criteria followed with Mr. Enos noting "the criteria do not address the whole site."

Ms. Monahan asked for clarification on a driveway question. She asked the group about further reductions in the buffer or setback by meeting Performance Standards. A short discussion followed with Ms. Carr concluding "if you don't want to go through the Conditional Use Permit process an applicant can always go to the ZBA for a variance."

Ms. Laurenitis asked about the specific criteria for granting Conditional Use Permit applications and a standards and criteria discussion followed. Ms. Laurenitis also asked about the time limit of a Conditional Use Permit with Ms. Vann replying "they would expire" adding "much like a site plan would evaporate in a year" Ms. Carr interjected "or a building permit" as an example. The members then had a brief discussion on where to place the criteria (ordinance versus

regulations). One member noted by putting the criteria in the regulations “it allows you to revisit them in a year to see what is working and what is not.” Another member noted “it allows for clarifications to be written in.” Ms. Vann noted the process of reviewing the regulations would be done through public hearings.

Ms. Monahan asked for clarification involving the comprehensive Shoreland Protection District. Mr. Enos replied “we are not replacing that” and a brief discussion with an example followed. Ms. Monahan went on to ask about exemptions, specifically the construction of accessory structures associated with and/or additions to legally pre-existing non-conforming primary structures. Ms. Vann noted “the ordinance is based on the idea that every wetland gets what it needs, it does not go down to the lowest common denominator.” Ms. Carr interjected the workgroup's adopted motto for the ordinance of “not every wetland is created equal.”

Ms. Ogilvie reviewed some examples of the evaluation process. Ms. Monahan asked about enforcement of setbacks and buffers with a member replying “it would be done through permits.” Ms. Ogilvie noted that the Code Enforcement Officer had been significantly involved in the workgroup meetings and the drafting of the ordinance. She noted he had one additional point to discuss that she would bring up later.

Ms. Monahan noted her concern that there was no distinction between residential and commercial properties. The members also discussed the minimum wetland size of 10,000 versus 20,000 square feet, the importance of vernal pools, and the role of the Conservation Commission in the process.

Ms. Laurenitis noted her concern about the criteria for Conditional Use Permits and that specific criteria are not included in the proposed ordinance. She noted other towns, (specifically Rochester, NH) listed the conditions or criteria necessary for the permit to be granted “right on the application.” Ms. Ogilvie pointed out where the criteria could be found adding “we have not designed an application form yet but what an applicant has to do is here” she said. She went on to note “the application is the administrative tool to get before the Planning Board.” Ms. Laurenitis noted she would like to see more specificity including potential impacts to an abutting neighborhood.

When asked about an expedited process Ms. Ogilvie replied “that is Tom’s concern.” A brief discussion about Minor Site Plan Review as an expedited process followed. It was noted that Mr. Week’s thought was that *any* application for reduction in the buffer/setback should go to the full Planning Board, not the Minor Site Plan Review team. The members concluded with additional discussion about the opportunity for an applicant to choose between Conditional Use Permit or a Variance in seeking a reduction in their wetland setbacks.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant