

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

Minutes of June 7, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a meeting on Monday, June 7, 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 and Ivy Vann. From the Conservation Commission JoAnne Carr and Matt Lundsted.

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

Chair Enos (Mr. Enos) called the meeting to order at 7:36 a.m. The members began with a discussion of a letter sent to Town Attorney by Sharon Monahan along with the administrative rules of the New Hampshire Method for rating the functionality of wetlands. The members reviewed the correspondence as well as remarks made by John Ratigan, Town Attorney. Their discussion included Mr. Ratigan's concern that within the ordinance specific words and phrases may be too difficult to define and quantify. The members discussed "ecological balances and conservation corridors" as an example but felt they actually dove-tailed from the OEP model language. "I don't have any problem with the language at all" said Mr. Enos. Ms. Carr added "it does reflect back to our Master Plan as well" with Mr. Enos adding "this follows the model ordinance in its language and its purpose."

The members went on to discuss the definition of a boundary of a zone or wetland in a boundary dispute as well as wetland buffers, setbacks, and permitted uses. Ms. Vann summarized the feeling of the workgroup by noting "more people, more disturbance."

The members discussed "Requirements" and agreed that Requirement #3 (which included the process of appraising for taxes in the Wetland Protection Overlay District) "is in the current regulations" and should be removed. The members unanimously decided to do so.

The group went on to discuss the Wetland Buffer/Setback Width Determination Table. They discussed the process of Planning Board approval of conditional use permits to grant or allow reductions in the buffer or setback areas within the Wetland Protection Overlay Zone. They also discussed their purview in making recommendations about the ordinance. One member noted and the others agreed that the responses by Attorney Ratigan were his opinion and "not the law."

The members briefly discussed Mr. Ratigan's question of considering off-site mitigation in exchange for exactions into a conservation fund and ultimately decided against it with Mr. Enos noting "the concept is fine but you would have to put the mechanism in place before you put it into the regulation." The members then briefly discussed Attorney Ratigan's question of considering waiving performance standards for those projects with only de minimus impact, concluding that it would be difficult to define "de minimus."

The members discussed how to respond to Ms. Monahan's letter to Town Attorney with the consensus being that the Wetland Workgroup would respond to Town Attorney's questions and concerns in writing and copy Ms. Monahan. The members once again discussed the New Hampshire Method with one member noting "a wetland scientist will do the analysis and then that data is applied" with Mr. Enos adding "the ordinance as written requires the wetland scientist to do nothing more than what the New Hampshire Methods subscribes." A brief review of the administrative rules for the New Hampshire Method followed. In conclusion Mr. Lundsted noted "we are not re-doing the New Hampshire Method, we are using it."

Once again the group discussed how to respond to the concerns and questions from Town Attorney. They agreed a 2-3 paragraph response from the Wetlands Workgroup would be appropriate, noting their opinion that "the argument presented by Ms. Monahan is without merit" and that "many of her concerns were "mis-stating what has been said."

The members discussed the presentation Mr. Enos was going to give the Business Support Group of the Chamber of Commerce on Friday. When it was noted that he was on the agenda for the EDA meeting in July, the members asked for an earlier special meeting with the EDA to keep within their timeline for a Public Hearing July 12, 2010.

The members discussed supportive handouts that would outline the purpose and intent of the ordinance, which is to protect all the town's wetlands based on current science while offering flexibility, and that their motto "not all wetlands are created equal" should prevail. Ms. Carr suggested adding a brief Wetland Workgroup statement "that embodies why we are here."

Mr. Enos asked about a joint meeting with the ZBA with Ms. Ogilvie noting she had been in contact with the Chairman of that Board and they were in the process of coordinating a meeting.

Ms. Ogilvie noted she would try and schedule an EDA meeting for June 22, 2010, giving the members time to review the proposal at the June 21<sup>st</sup> Planning Board Workshop. "This will allow us to post on July 1<sup>st</sup> for the first Public Hearing on July 12<sup>th</sup>" said Ms. Ogilvie "and still allow for a second and third public hearing if there are no significant changes."

In conclusion a member asked if Moosewood Ecological LLC would be present at the public hearing and it was confirmed they would in fact be present (Ms. Ogilvie will follow up on that). The members also agreed the support of the Conservation Commission and the Water Resources Committee in particular would be helpful.

The meeting adjourned at 8:55 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant