

Wetlands Working Group
TOWN OF PETERBOROUGH, New Hampshire

Minutes of February 8, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting on Monday, February 8, 2010 at 7:30 a.m. in the Selectmen's Meeting Room of the Town House. The purpose of the meeting is to continue recommendations for the preparation of an amended Wetlands Protection District Ordinance.

Members Present: From the Planning Board Richard Freitas and David Enos, and from the Conservation Commission JoAnne Carr and Matt Lundsted. Also present was Francie Von Mertens.

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

Chair Enos (Mr. Enos) called the meeting to order at 7:35 a.m. Mr. Weeks began by holding up a wetlands working group statement penned by Ms. Von Mertens. Mr. Weeks noted "this is good." Ms. Von Mertens quickly reviewed the charge to evaluate the existing buffer protection relating to both wetlands and shore lands in town. She emphasized that the greatest threat to water quality was coming from non-point pollution sources such as road treatment run off, lawns and faulty septic systems. The members also reviewed wetland conservation ordinances from the towns of Auburn and Kingston, New Hampshire. Ms. Carr noted the Auburn model used the US Army Corps of Engineers Methodology adding "I am not sure how it compares to the New Hampshire Method." A discussion about how to employ the functional values of the checklist to these methods followed. One member noted "the values seem to be a carry over from the New Hampshire Method but we think all wetlands serve some function." Ms. Carr interjected "and that brings us back to evaluating each wetland on its own merits, which is what we want." Ms. Carr also noted she liked the idea of creating a Table versus a Checklist noting "it is something to look at." Mr. Enos reiterated "this is the intent of the New Hampshire Method; a town can pick and choose their values. We say all wetlands have some value but some are more important in this town than others." The members also briefly discussed the Highway Method in conjunction with the Army Corps of Engineers Method but noted "these are two different entities." Ms. Carr asked "how do we prioritize?" and a brief discussion about water quality and wildlife habitat followed. Mr. Enos suggested the members take the functional values in the checklist and lay them out to create a Table. It was noted that the current checklist had 14 items to consider. Ms. Von Mertens asked about credit for bringing a degraded buffer up to a higher status or standard with Mr. Enos interjecting "what is embedded in my brain is an *avoidance credit* first." He added "and I think most people would wish to comply." The members then reviewed the importance of water quality, level of human actions in the wetlands, wetland divisions, wildlife habitat, groundwater recharge, sediment stabilization, stream width, available shade and existing public and private water supplies. They also discussed how to create a system to use when sending out a wetland scientist to do wetland delineation. Mr. Enos noted it was also important to have a system in hand for an ongoing monitoring process.

Ms. Carr reviewed her concerns about grouping functional values for points. She drew a value table on the white board as she explained her thoughts. A brief discussion about developing a

point system and value table, as well as additional discussion about the Auburn and Kingston Methods followed.

White board exercise by Ms. Carr:

Ms. Carr suggested three categories a follows:

Groundwater recharge/discharge

Flood flow attenuation.....3 PointsAcre Size \geq 10 Acres

Nutrient attenuation

Sediment trapping

Shore line stabilization.....2 PointsAcre Size 2-10 Acres

Ecological integrity

Wildlife habitat

Fish habitat.....1 PointAcre Size $\frac{1}{2}$ - 2 Acres (or) 20,000 SF

Vernal pools

Endangered species.....Maximum Protection

The members then discussed the Groundwater Overlay District and primary and secondary aquifers and the intent of the New Hampshire Method. The members re-reviewed the Moosewood report and the wetland size issue. Ms. Von Mertens noted she still had questions about the amount of wetlands that were assessed and maintained that using mapping may not have captured all if it. Ms. Enos disagreed noting if the assessments were “done in the water sheds then yes, it is captured” adding “we just need to confirm that.”

The members then discussed the minimum acreage size for the ordinance (between $\frac{1}{2}$ acre or 20,000 square feet as possibilities). They also discussed whether or not a wetland was contiguous if it is associated with a water body. Mr. Weeks noted “if the wetland is attached to a stream, if that is the case every wetland will be over 10 acres.” Mr. Enos noted “if it is downstream it is” with Mr. Weeks replying “everything is downstream, no matter what you do.” The members then discussed a definition for bordered vegetative wetland buffers with references to both the Highway and the Army Corps of Engineers Methods. It was noted that the borders were finite and “did not go chasing up a stream.”

Ms. Von Mertens noted her “football field” connotation of the size of an acre of land adding “I would hate to lose jurisdiction over a half acre of wetland that may be at the 50 or 60 yard line in size. That is a pretty good size wetland.” Me. Enos interjected “it would trigger a review process only.” Ms. Von Mertens added “we will need a grandfather clause as well, a disclaimer that states this does not apply to pre-existing subdivisions and lots of record, we need that.”

A discussion about flexibility and using Conditional Use Permits as guidelines and what should and should not be stated in the ordinance followed. Ms. Carr suggested a fact sheet accompany the ordinance “but the ordinance itself should be as clean as possible.”

Mr. Enos redirected the discussion to the minimum acre size for the ordinance. One member noted that for regulatory ease they could vote for a half acre minimum “but for scientific support, no.”

Mr. Enos noted he would entertain a motion for a minimum size. Ms. Carr responded “I make a motion that the minimum size acreage be a **quarter acre**.” Mr. Enos acknowledged her motion but there was no second.

Ms. Carr continued by making a second motion. She stated “I make a motion the minimum size be a **half acre**.” Mr. Freitas seconded the motion. Mr. Enos called for a vote with no one in favor. Mr. Enos looked at the members and said “we need to define minimum size” and a brief discussion followed.

The members ultimately agreed to draft the amendment with a minimum size of either a quarter or a half acre size to be determined by the Planning Board. “It is a judgment call that we will allow them to make” said Mr. Enos. He added “I would like to see this ordinance pass, the Planning Board can address the minimum size and the three ranges we suggest” adding “the only reservation is our belief that **all** wetlands deserve protection.”

Ms. Ogilvie reviewed that posting for public hearing schedule which pointed out what little time the Workgroup and the Planning Board had left.

It was noted next Monday is a Holiday so the group will meet Wednesday, Feb. 17th as well and Monday Feb. 22nd at the usual time of 7:30 am.

The Workgroup adjourned at 9:10 a.m.

Respectfully submitted,
Laura Norton
Administrative Assistant