PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Minutes of January 31, 2011

The Peterborough Planning Board held a Workshop on the Wetlands Proposal on Monday, January 31, 2011 at 5:30 p.m. in the Selectmen's Meeting Room at the Town House.

Members Present: Chairman Leandra MacDonald, Ivy Vann, Michael Henry, Rick Monahon and Barbara Miller, *ex officio*.

Also Present: Carol Ogilvie, Director Office of Community Development, Laura Norton, OCD Administrative Assistant. Tom Weeks and Dario Carrara, Code Enforcement Officers; Matt Lundsted, Jo Ann Carr, and Francie Von Mertons, Wetland Working Group members.

Chair MacDonald called the Workshop to order at 5:30 noting "I have a few things." She began by asking "with the changes, what would we be using the wetland (functional analysis) evaluation for?" Ms. Ogilvie replied "It occurred to me that as the Board goes through the Conditional Use Permit process you may be able to take advantage of it as a guide in the process." "Using it for site plan and subdivision would add to our information base that is for sure" replied Chair MacDonald.

Chair MacDonald also spoke briefly about Boundary Delineation, the Moosewood Ecological Report and at what point (when in time) would that information no longer be useful. Ms. Carr interjected "you are asking about a sunset" adding "be careful of setting up a project for the town to update the Moosewood Report" adding "are you willing to take on that financial obligation?" The discussion that followed included maintaining wetland "snapshots" over time and how that information was relevant and valuable to the town.

Mr. Weeks asked where in the proposal did it state that the Moosewood Method would be used to assess wetland values in the future. A discussion about the Moosewood report and significant divergent methods and the evaluating of wetlands over time followed. Ms. Von Mertens noted "that is not what Moosewood is about" and that evaluations over time at the applicant's expensive is not right. Ms. Von Mertens gave an example of a beaver building a dam in a wetland is not necessarily degradation. "It is not that fine a tool" she said, adding "our wetlands are in pretty good shape. We (The Conservation Commission) spent $15,000.00 for the Moosewood material "that may or may not be used on this round." Chair MacDonald asked if that were the case should the definitions of *Comparative Wetland Evaluation* and *Functional Value* be kept in the proposal (found in the §245:15 Definitions and §233-4 Definitions). Ms. Vann suggested the terms be moved to Site Plan Review with Chair MacDonald noting "we do not have to decide that now." Sharon Monahan noted that the definitions could be used at the request of the Planning Board "especially if the ConCom feels a particular wetland has high function." Mr. Weeks interjected "the Comparative Wetlands Evaluation should be kept in Site Plan, *that* is where it is being used" he said.

The members then discussed whether or not to remove the words "Do-Not-Disturb" from the Wetland Protection Overlay Zone Components Chart and just use the work "Buffer." Chair MacDonald noted the problem of seeing "Do-Not-Disturb" "and then reading about all the things you can disturb it for." The members also discussed surface water wetlands and the current state definition and loosening up the definition of "naturally-vegetated buffer" so that land owners would be able to do some of their own planting. "Keep it simple" said Ms. Von Mertens, adding "the buffer is a do-not-disturb area to remain naturally vegetated but that does not exclude pruning for example." She went on to note "what we don't want is lawns and the tagging system should be helpful for that." Ms. Vann asked about eradicating invasive species in the Buffer with Chair MacDonald replying "yes, you can; that is in there." A brief discussion about re-vegetation of a Buffer followed with Ms. Von Mertens reiterating "basically a lawn is not natural vegetation, we do not want lawns." It was also noted and agreed that the natural vegetation of a wetland differs from parcel to parcel and the vegetation really depends on the wetland itself. The members also had a brief discussion about the overlap of the Wetlands Protection and Shore land Conservation components. This led to a discussion about the appropriate width of unpaved or gravel footpaths. After consideration of the current ten (10) foot width restraint the members agreed to reduce that width to five (5) feet and drop the word "gravel" and use the word "path." The members also briefly discussed grazing, forestry and tree farming. In conclusion the members also agreed to "swap out" *Do-Not-Disturb Buffer* to *Naturally-Vegetated Buffer*. Ms. Carr added that the definition of Wetland Buffer on Page 2 (12) of the ordinance read "The protected upland area adjacent to wetlands." She noted "as measured on the horizontal plane" should be added.

Mr. Weeks asked about the monumentation of wetlands. "What are they putting out there?" he asked. A brief discussion about the size and uniformity (standardization) of the tags followed. It was noted the tags are inexpensive and will be provided by the Conservation Commission at no cost to the land owner. Mr. Carrara asked for as much definition and direction as possible noting any leeway would lead to assured inconsistencies in the tagging process.

Ms. Monahan led a brief discussion about the §233-53 (A) (3) which states "any wetland mapping that has been created for the application shall be filed with the County Registry of Deeds and in the Town's application file" and suggested it be taken out. She noted wetland mapping may be submitted by a wetland scientist, septic designer or engineer "and this would preclude them from doing it" adding "the Registry of Deeds will only accept work from a licensed land surveyor." A brief discussion followed.

Mr. Monahon in at 6:10 p.m.

Mr. Weeks asked about the necessity of a plan showing the location of the monuments and after some discussion the members agreed such a plan was not necessary. Mr. Weeks once again questioned the cost involved in the monumentation process with Ms. Von Mertens reassuring him that the tags would be provided by the Conservation Commission at no cost to the landowner. Mr. Weeks noted the necessity of marking the wetland buffer every 50 feet with a monumentation tag. Ms. Von Mertens asked Ms. Ogilvie to contact the town of Bow, New Hampshire to see how they do things. Mr. Lundsted interjected "and where there are no trees, we want to make it clear that the applicant is responsible for the post or whatever." Mr. Carrara

again noted the need for "as much detail as possible" adding "if you leave it up to the landowner you do not know what you might get." The members then briefly discussed the two examples of monument tags on Page 7 of the proposal.

Loretta Laurenitis introduced herself and stated she had several questions. She began by noting the old Wetlands Buffer definition described the buffer as the protected upland areas adjacent to wetland and surface water where no stumps may be removed or contours filled, graded or altered. She asked the Board why removal of stumps was not in the current proposed regulation. "It is important that be included" she said. A brief discussion about §245-15 H (2) the wetland buffer area is considered to be an inviolate, do-not-disturb buffer that must retain any existing natural vegetation and maintain any vegetation that naturally occurs followed. The members agreed it was important to include stumps in the regulation but agreed it was more appropriate to place the language in §245-15 (J) *Permitted Uses* versus in the definition section. One member noted "that is a good place for it; removal of stumps is not a permitted use." The members also discussed and agreed to add that in no case, except as allowed for a permitted use, uses that would allow the storage or parking of any type of motorized vehicle in the buffer.

The Permitted Uses continued with the members mentioning retaining walls, septic systems, grazing and forestry. An audience member asked "how do you reconcile a naturally-vegetated buffer when allowing agricultural uses?" Chair MacDonald immediately replied "that is not in my pay scale" adding "I agree with you but we do not get to regulate that, we have no control over that." The members went on to discuss Best Management Wetland Practices for Agriculture.

In conclusion the members briefly discussed Exemptions and Legally Non-Conforming Grandfathered uses. Ms. Vann noted "no zoning regulation can be applied retroactively."

Ms. Ogilvie noted she would re-work the draft and e-mail it out for review the next morning. The members agreed to change the time of their February meeting (and Public Hearing) to 6:30 p.m.

Before the meeting adjourned Ms. Laurenitis asked if a vote was necessary to put the proposal forth. Chair MacDonald replied "I don't think we ever voted" with Ms. Ogilvie adding "there was never a vote." Ms. Laurenitis noted she thought she recalled something about a vote from reviewing the Minutes. Chair MacDonald noted "I would be happy to entertain a motion." A motion to accept the soon to be amended proposed draft for Public Hearing on February 14, 2011 was made/seconded (Vann/Monahon) with all in favor.

The Workshop adjourned at 6:50 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant