

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

Minutes of October 4, 2010

Members of the Peterborough Planning Board and Peterborough Conservation Commission held a joint meeting on Monday, October 4, 2010 at 7:30 a.m. in the Selectmen's Meeting Room of the Town House. The purpose of the meeting is to continue the preparation of an amended Wetlands Protection Ordinance.

**Members Present:** From the Conservation Commission JoAnne Carr and Matt Lundsted. There was no representative from the Planning Board. Also present was Francie Von Mertens.

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

The meeting was called to order at 7:40 a.m. Ms. Ogilvie began by noting "I think the first question that needs to be resolved is whether to stay with what you have been working on or include the shore land with the amendment." She noted she had e-mailed out the latest draft for review. She added she had heard back from Ms. Carr and Mr. Byk, with both suggesting "that we do not bring that component in at this point." Mr. Lundsted also agreed by noting "that is too much to take on now." Ms. Von Mertens noted that she did not see the draft that was sent out but asked about the assessment process for shore line. A brief discussion followed with Ms. Carr noting "I just don't understand why surface waters are not considered wetlands" adding "our ponds, lakes and rivers are wetlands." Ms. Carr went on to note "there is a disconnect; a misunderstanding of what a wetland is." It was noted and agreed that "that connectivity of wetland and surface waters on plans is not always what it should be." Mr. Lundsted added "intermittent streams not defined at all." Ms. Von Mertens made a reference to asking Katherine Owens of Franklin Pierce University about it adding "and she didn't know either, so it is a bit of a mystery."

Ms. Carr briefly reviewed the 5 categories of wetland systems in the National Wetland Inventory, specifically the two found in our area, Palustrine and Riverine (which both have a 100 foot setback regulated by the State). It was noted "Peterborough can grant a Variance for less than that (100 feet)" with Ms. Ogilvie adding "right now we do not have a good enough grasp of how that jives with DES." A brief discussion about shore line waivers and reductions followed. Ms. Carr noted "DES Wetlands Bureau includes surface waters" with Mr. Lundsted interjecting "that is the easy answer as to why we are not including it."

The members had a brief discussion about the purview of both the Planning Board and the ZBA in the determination of shore line issues. Ms. Von Mertens noted "if you bring shoreline as it is under the Planning Board it seems arguably inefficient to bring a plan to both boards." She added "to me, everything should have a 100-foot setback." Ms. Carr suggested "let this go (without shore line incorporation) for a year or so and see how it goes." "I like that reasoning" replied Ms. Von Mertens adding "and the reason we are not recommending shore line be included is that we want to see how the wetland ordinance goes, see how it works." The members agreed "wetland *and* shoreland is a little too much right now." "And" interjected Mr. Lundsted, "we don't want to take everything away from the ZBA right now." Ms. Von Mertens concurred and added "let's

see how the Planning Board does with this.” It was noted that some people see the ordinance as a taking with Ms. Von Mertens noting “my fear is that it is a giving.” Mr. Lundsted replied “maybe you should say that and not a rework of what was said before.”

Ms. Ogilvie noted the second thing to talk about was the outreach presentations and public hearings. She noted Joe (Byk) and Barbara (Miller) are planning to visit service organizations and groups to present the proposal. She added that attendance by a Wetlands Workgroup member would be appreciated by the Selectmen. Ms. Von Mertens asked about the timeline and the next steps for public outreach. She noted “we should hold the public hearings first, then we will know how much outreach will be necessary.” She also asked about the need for numerous public hearings “if nothing has changed.” Ms. Ogilvie confirmed there were no substantive changes to be made at this point but there was the need for at least one additional public hearing as the Planning Board would need to vote to bring the proposal to town meeting. It was also noted that Ms. Miller had requested some examples for their presentation that would “take a couple of properties through the process.” A brief discussion about the Shaw’s Supermarket as an example followed with one member noting “they would have had a simpler time with the new process than the variance process they went through.” The Supermarket discussion also involved re-charge issues, wetlands impacts and the fact that the store property overlays an aquifer. Ms. Von Mertens concluded by noting “it will be helpful to include graphic examples in the presentation.”

The members briefly reviewed several properties that had been researched (including Evans Flat, ConVal High School, Carley Road and Boggle Brook). Ms. Ogilvie noted she would contact the two selectmen “to get a sense of where they are” adding “it will be good to have a sit-down with them before they go public.”

A brief discussion about the economical impact followed with Ms. Ogilvie referring to the established FAQ list prepared in earlier meetings. A brief discussion about wetlands, property assessments and wetlands credits followed with Ms. Ogilvie noting “there is not an automatic abatement just because you have a wetland.” She added “if the property is totally unusable you have a conversation starter for abatement but otherwise it is a process.” The members also briefly discussed wetlands in current use and whether or not Peterborough was involved with such a practice. Ms. Ogilvie noted she would follow up with the assessors. The members then had a very brief discussion about the maximization of density, smart development and preplanning.

Ms. Ogilvie noted the next workgroup meeting was slated for two weeks but said she would contact the two selectmen first and get their thoughts. Both attending members reiterated their support for the outreach presentations and offered their participation as liaisons. They also noted the importance of a “tailored approach” to the groups being presented to.

The meeting adjourned at 9:06 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant