PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Workshop Minutes of April 19, 2010

The Peterborough Planning Board held a workshop on Monday, April 19, 2010 at 5:15 p.m. in the Selectmen's Meeting Room of the Town House.

Members Present: Chairman Leandra MacDonald, Vice Chair David Enos, Richard Freitas, Rick Monahon, and Ivy Vann.

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

Also: Matt Lundsted of the Wetlands Working Group.

Chair MacDonald called the Workshop to order at 5:15 p.m.

Minutes

Chair MacDonald appointed Ms. Vann to sit as a regular member. A motion was made/seconded (Vann/Freitas) to approve the minutes of March 8, 2010 with the correction of a name, with all in favor. A motion was made/seconded (MacDonald/Monahon) to approve the minutes of March 15, 2010 with the correction of a name's spelling, with all in favor.

Monadnock Community Hospital Site Plan

Chair MacDonald explained that a question had come up as whether the Hospital needed to come back to the Planning Board, or to the Minor Site Plan Review Committee, to review amended stormwater management plans. The issue was discussed, and the Board agreed that there really was no change to the approved site plan, but that in fact a stormwater management plan that had failed in the field was being corrected. The Board concluded that this was a technical correction that required neither full Board review nor Minor Site Plan Review Committee review.

Wetlands Ordinance

Chair MacDonald then turned to discussion of the wetlands ordinance project and the reestablishment of the Wetlands Working Group. Mr. Frietas interjected at this point, that with regret he would no longer be able to serve on the Working Group due to family obligations. Mr. Enos then explained that since the Group did not have a specific timeframe, they could in fact simply pick up where they left off at the end of February.

The members briefly discussed town versus state regulations and what ever regulation is more restrictive is the one that generally applies. "That is the simplicity of it" said Mr. Enos. Ms Vann questioned the need to have both the wetlands and the shoreland protection regulations with Mr. Enos suggesting the Planning Board initiate a 2 year time frame for that portion of the ordinance

to take effect. “That allows those who feel they need to get something done time to do so” he said. Chair MacDonald interjected the waterfront properties are heavily taxed “and then to tell them (property owners) what they can and cannot do and what the state allows, is not going to fly.” The members continued their discussion about the wetland and shoreland regulations and how to handle the two. They also discussed view sheds, cutting regulations and wetland mitigation plans. In conclusion Mr. Enos noted “we have to put the two (wetland and shoreland regulations) side by side, include all bodies of water and determine what the cumulative impacts across the town will be.” He added “and the difficult lands are before us, we need to try to mitigate adverse impacts in a smart way. The Board must be able to knit that into the community.” Mr. Monahon asked if the state shoreland protection regulation had a size limitation with another member replying “yes, 10 acres for ponds.” Chair MacDonald added “smaller ponds have wetland protection applied.”

The members then reviewed the wetland setback and buffer table in the proposed amendment with one member stating “the table should make it clear how this all flows together” with another adding “so when questions come up we can use it as a visual.” Mr. Enos asked “do we want to change the table?” Chair MacDonald replied “well I am not sure we should start with the points and setback/buffer width, they should come in at the end” adding “you do the work and then come up with that information.” The discussion that ensued included the minimum footage of buffer area and what sort of “trade-offs” may be made. An example of an 80 foot setback area and how it may be divided (buffer/setback of 40/40, 50/30 etc.) also followed with Chair MacDonald interjecting “that is what needs to be written down. You get a distance based on the chart and then you can negotiate. It has to be clear that there is give and take that is spelled out.” The members went on to discuss the procedure for Performance Standards and making them clear. Ms. Vann concluded by noting “I think the chart is a great thing, it basically says things are permitted in the setback area and here is the list.” The members then had a brief discussion about paths, trails, bisecting wetlands versus going around them, and monumentation of wetlands. In conclusion Chair MacDonald noted “in the end we have to make the political decision of what the minimum buffer is.” “Without seeming capricious and arbitrary” added Ms. Vann.

The members went on to discuss some of the public feedback and questions raised at the Public Hearing on March 15th. With regards to Conditional Use Permits, the models of Salem and Bow New Hampshire were discussed with Chair MacDonald noting the members should be familiar with them. A brief discussion about the statutorily-driven lack of flexibility in the ZBA Variance process followed. One member asked “do they (ZBA) see us as taking Special Exceptions away from them?” with a discussion that included both the importance of the protection of the wetlands *and* planning followed. It was also noted that an applicant *used* to come before the Planning Board as a first step in their application process. Another member noted in an effort to streamline the process and make it easier on the applicant “we set up something that lacks the input of planning prior to going to the ZBA.” The members went on to discuss the language of the criteria for a Special Exception. Chair MacDonald noted a perfect example of the inherent flaws was the Divine Mercy Church and the denial of their request before the ZBA. She reviewed the request and the outcome adding “but they did not come in to see us so they got no guidance.” Another member noted “it is not the ZBA’s job to engage in the creative thinking that may make a process better; that belongs here.”

The members went on to discuss the additional flexibility of the proposed ordinance. They also discussed the definition of a "qualified individual" doing the functional analysis evaluation as specified in the New Hampshire Method. Mr. Freitas noted 122 parcels had been evaluated "that is 84%" he said. Chair MacDonald asked "how much money would it cost to do the other 16%?" and a brief discussion about the various evaluation methods followed. In conclusion one member noted "I don't have a problem defending more than one method, there just needs to be instruction on how to use whatever if selected with a step-by-step guide."

The workshop adjourned at 6:15 p.m.

Respectfully submitted,

Laura Norton, Administrative Assistant

Approved as written 5-10-10