

**Peterborough Conservation Commission Meeting Minutes  
August 17, 2017, Peterborough Town House, 7 p.m.**

Present: John Kerrick, Cynthia Nichols, Matt Lundsted, Francie Von Mertens;  
Select Board Liaison Tyler Ward  
Guest: Jeff Kevan, TFMoran

Minutes were approved for May. It was noted that June and July meetings were workngang projects on the Evans Flats trail to replace boardwalk across wet sections and clear encroaching brush.

**RiverMead expansion / Jeff Kevan, TFMoran**

As part of upgrades and expansion proposed for the original RiverMead campus, approximately one half of a new 12-unit residential buildings is in the Wetlands Protection Overlay Zone (WPOZ) impacting 2,551 S.F.; and Stormtech drainage system impacting 865 S.F. Mr. Kevan explained the placement was the best option given required setback from a town well (no longer in operation), floodplain, and minimal environmental impacts given stormwater mitigation that is part of the proposed project

Part of the proposed stormwater treatment also encroaches in the WPOZ.

Project location is sloped (approximately 2:1), requiring a retaining wall approximately 5-6 feet tall located approximately 5-6 feet from the wetland.

It was pointed out that Peterborough's wetlands code, in event of slopes greater than 10%, reserves the Planning Board's right to increase the 50-foot buffer (245-15-H-3).

As mitigation, Mr. Kevan said the proposed stormwater treatment, in addition to picking up runoff from increased new impervious surfaces, would treat stormwater from the existing campus that predates current stormwater treatment standards. Two proposed rain gardens also are intended to pick up that runoff.

He said TFMoran's wetland scientist determined high function/value of the abutting wetland, but minimal buffer function/value slowing stormwater given lack of significant understory because of the dominant pine/hemlock canopy, as well as steep slope.

Referring to the plan displayed by Mr. Kevan, ConCom members and Select Board liaison Tyler Ward pointed to possible repositioning of the building, questioning whether all efforts had been made to avoid WPOZ impacts through alternative siting—always a major consideration when impacts are proposed.

The point was made that town boards rarely have permitted encroachment in Peterborough's wetlands protection zone. The few cases have been for minimal encroachment with offsetting mitigation that clearly resulted in a natural resource gain.

Mr. Kevan cited property line and wellhead setbacks leading to the proposed siting; that the project would have no direct impact to the wetland; and overall campus stormwater treatment would be upgraded.

A second variance application relates to a property line setback 20 feet less than the code 100 feet. ConCom members suggested that decreasing the property line setback should be fully explored instead of wetland zone encroachment.

The wood turtle concern noted by NH Department of Environmental Services (NHDES) based on a NH Natural Heritage Bureau finding was raised. Mr. Kevan

acknowledged that he knew about the documented wood turtle sightings and concern. Cynthia Nichols read the NHDES recommendation that a 50-foot wooded, no-cut buffer from wetlands be maintained in the project area.

A site visit was scheduled for Friday, August 25 at 3 p.m. Means of increasing wetland buffer functions/values will be explored as mitigation, as well as general site features including slope and buffer vegetation. Mr. Kevan stated RiverMead's high interest in "being green," citing 5 new geothermal well and overall campus planning.

## **Discussion**

The group thanked Mr. Kevan for his presentation and warned him to exit the side door rather than the front door that triggers ear-splitting alarm. ConCom, through experience, has learned to avoid that.

Members agreed that such an unprecedented incursion in the WPOZ would have to have mitigation that clearly resulted in a natural resource protection gain. Von Mertens said she searched for past encroachments that were permitted. Some were avoided at the conceptual plan stage; some were temporary impacts; and some were minor with clear mitigation (ex. revegetating the buffer to replace existing lawn that lacks buffer function/value).

Correspondence from NHDES cited a wood turtle sighting approximately one-third mile from the project site in addition to another sighting in the Contoocook corridor indicating is it likely wood turtle habitat (a state Species of Concern). In addition to maintaining a wooded, no-cut 50-foot wetland buffer, NHDES recommended both signage and deed language that would permanently protect the buffer, and avoiding webbed plastic siltation protection barriers that could snare a turtle.

Regarding TFMoran's stated stormwater treatment benefit as impact mitigation, Friday's site visit will help determine slope and therefore likely runoff. Soil type (Adams loamy sand) suggests a high perk rate.

Besides slowing and filtering stormwater, town wetland code cites maintaining aesthetics, wildlife habitat and conservation corridors. And town code's Conditional Use Permit performance standards require "No net loss of buffer functionality" (233-52B-1a) and require clear mitigation as well as monumentation of the wetland zone edge.

They also cite a formula for buffer width expansion beyond the standard 50 feet if the existing buffer area is sloped.

The five variance criteria include that the use if approved must meet the spirit of the ordinance. Members agreed that town voters, by voting in a protective wetland buffer as recommended by the Planning Board, indicated strong support for natural resource protection. Many towns have not taken that initiative.

ConCom comment to the Zoning Board of Adjustment will combine the evening's discussion with further information from the August 25 site visit.

## **Downtown parking lot and park**

From a wetlands application the town submitted to NHDES it appears the town's riverfront parking lot and park are progressing, including some changes the ConCom was not aware of despite request to be kept informed. These include—from the plans submitted to NHDES—a detention basin in the 50-foot buffer instead of a treatment system under the parking lot.

ConCom past concerns include minimizing lighting in the parking lot. The plans also indicate streetlights along the river.

ConCom had requested to be informed of impacts to the WPOZ before plans were firmed up.

Tree canopy concerns include shading pavement to minimize heat buildup as well as maximizing shoreline shade on Contoocook. Paved pathways and hardscape in WPOZ. Winter treatment of same (salt to combat ice buildup?).

Matt Lundsted also said the CNBRLAC in addition to park is seeking information on the Library's proposed overhang and a hydropower project on Nubanusit Brook by Elm Street and Union.

Tyler Ward said the overhang likely has been removed because of costs; Von Mertens said the hydro was in existing raceway with no new impacts. The ConCom wrote a letter of support for a grant for the project.

Von Mertens will contact Rodney Bartlett with a request for an update. She said a query to the Parks Committee determined that group has not been updated on park plans.

### **Climate Change / Peterborough as "Green Town"—living up to the claim**

Possible projects include water bottles with town logo on them to encourage reusable bottles; cloth shopping bags with "Peterborough bag man" or "Peterborough bag lady" perhaps partnering with the Recycling Committee on both.

To make point, could the Recycling Center bag up a week's worth of water bottles tossed out at dump?

Education push on lawn pesticides, especially systemic neonicotinoid Imidacloprid, an insect neurotoxin that is a standard lawn treatment by contractors like TruGreen. Canada is in the process of banning. Linked with honey bee decline. Towns and states have banned various pesticides in school daycare center yards.

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