

**Peterborough Conservation Commission minutes
Joint ZBA-ConCom Eco Village Site Walk,
April 11, 2022, 3:00 p.m, Middle Hancock Road**

Present: Jo Anne Carr, Swift Corwin, Matt Lundsted, Francie Von Mertens; ZBA members; Code Officer Tim Herlihy and Town Planner Danica Melone; Applicant Akhil Garland; Chad Branon and Chris Guida, Fieldstone Engineering; Middle Hancock neighbors

Eco Village variance application before the Zoning Board of Adjustment

Requested by the Conservation Commission, Francie Von Mertens suggested questions that the joint ZBA-ConCom site visit could help answer, including which of the 15 structures can be moved outside of the Wetland Protection Overlay Zone.

A handout from the ConCom showed lot lines on the Eco Village subdivision application before the Planning Board for three single-family parcels in the WPOZ. The handout indicates the extent to which the parcels are in the WPOZ.

Von Mertens as background said that the Planning Board in hearing the subdivision application requested that uses for each of the 15 structures be specified. This would help determine likely further impacts to the WPOZ of any structures permitted by ZBA variance to remain. It also would help ensure that the specified and permitted uses don't change to nonconforming uses as has happened.

Note: Taking minutes while walking the site was difficult. What follows summarizes points raised by commission and zoning board members, as well as applicant responses.

In response to observations that some structures less than 100 square feet are on cinder block or rough stone foundations, applicant agreed that some could be moved outside of the Wetland Protection Overlay Zone (WPOZ).

Pig Pen, one of the structures, will be moved outside of the WPOZ, and pen fencing moved to the WPOZ perimeter, following agricultural BMPs as required by town wetland code 245-15J-2b.

Applicant said that the state-permitted community septic for the three cottages in the WPOZ that are proposed to become single-family residences is adequately sized, and there would be no further WPOZ impacts relating to septic upsizing.

Applicant stated underground utility lines would connect to the front of the three cottages in the WPOZ, limiting future impacts.

For any expansion of the three cottages in the WPOZ, Mr. Garland said that existing footprints would be maintained; the expansion would add height not footprint. As the ConCom April 8, 2022 letter to the ZBA stated, limiting the existing footprint for nonconforming structures is a standard condition of subsequent permitting.

Creation and design of the fire pond required by the Fire Department was discussed for its potential to create and replace buffer functions lost because of structures in the WPOZ. Those functions include wildlife habitat and floodwater storage. It was stated that mitigation for lost wetland or buffer functions typically are required to create more than what was lost.

Summary:

1. Towards the end of the site walk, applicant suggested changes could be made to the variance application relating to removing certain structures from the WPOZ.
2. To mitigate lost buffer functions, applicant suggested that the fire pond—in addition to meeting depth and size to meet fire pond design criteria—could be designed to expand buffer functions including wildlife habitat and flood control to more than compensate for functions lost by structures if permitted by the ZBA to remain in the WPOZ. Town code requires "no net loss of buffer functionality."

Applicant suggested these modifications could be presented at the Conservation Commission's April 21 meeting. At that meeting the ConCom will be drafting a follow-up letter of comment to the ZBA relating to the Eco Village variance application.

/fvm