

**Town of Auburn
Conservation Commission
April 7, 2015**

Members: Jeff Porter (chair), Diana Heaton, Alan Villeneuve, Ed Fherenbach, Peg Donovan

Non-Members: Paula Marzaloff, Mickey Rolfe, Eric Mitchell, Larry Gould, Kevin Dandrade, Jean Gagnon, Michael Gagnon, Steve Fabonio

Meeting called @ 7:10 p.m.

Non Public Session

A. Villeneuve – motion to go into nonpublic session

D. Heaton – second

All in favor, motion passes

Commission enters nonpublic session at 7:12 p.m.

Commission resumes public session at 7:36 p.m.

Carlucci – Excavation Pit – Silver Hill Road

Not present

Galvin Property Development – Pingree Hill Road

Not present

Maverick Development – Eric Mitchell map 5 lots 29 & 36

E. Mitchell stated he was at the Zoning Board last week, where they discussed the lots with the detention ponds in the 125' set back, they plan to combine the two ponds and create a trail for access, this will cause less impact to the 125', but more to 75'. They will do a box culvert low, with a pipe on top of it at the other pond with the entrance off Pingree Hill. This will also be partly in the 125' and partly in the 75'.

The ZBA approved both of these locations with impact into the 125' buffer. A question came up with the crossing of the vernal pool; Eric Mitchell stated that we talked with the Planning Board about the through road connection, we contend the Planning Board wanted to see that. Grade wise, we could go off Cohas Road, we could do 2:1 slope with guardrails, we could do that but we do not have an easement to run water down stream and no place for the treatment which makes it not workable. There are houses close to the right of way and no place to treat storm water makes it an issue, thus was not further contemplated.

Eric Mitchell stated that his and his client's position is that the planning board wants a through road and that is what we are providing; even if it was feasible, continuity to continue out helps connect another portion of town for fire and police. The variance approved by the ZBA was going to be at the Planning Board tomorrow but it was continued to the meeting two weeks from tomorrow because there are comments from Stantec that have not been addressed.

J. Porter: I stressed that he wants to see the comments from Stantec. Going through the vernal pool would be a game changer from the town's point of view. Avoiding the vernal pool is what we should be doing from a wetland standpoint

A. Villeneuve: are there conditions on your variance?

E. Mitchell: yes, there are conditions from both Stantec and the Planning Board approval for the two detention areas

A. Villeneuve: the one detention pond from Pingree, is it possible to get that out of 75' buffer at all?

P. Donovan: is there any other place that it can be put?

E. Mitchell: We know it is a sensitive area, given the proximity to vernal pool but, no.

A. Villeneuve: doesn't it seem that you are jamming stuff into the most sensitive area on the parcel. Lots haven't been joined yet?

D. Heaton: how far into buffer are you going with the detention pond?

E. Mitchell: we will be close to 100' into the buffer.

D. Heaton: so you will be about 25' from the edge of the wetland.

E. Mitchell: yes, 25' from the vernal pool.

A. Villeneuve: I would like to see details regarding how you plan to protect what remains of the vernal pool.

E. Mitchell: we have reports from tract tarp that will be available at the next planning board meeting.

A. Villeneuve: I would like to see those details and the planning board should have that. You keep saying the planning board wants you to go this way, I recall it as their preference, but I have not heard that they are okay with you going through the vernal pool with a road, I do not remember them saying that.

E. Mitchell: The area is zoned R1 and clusters are not permitted in that zone, only by special exception, which has been given. Should be in the minutes

A. Villeneuve: we should be able to find that? I have never heard them say that is what they want you to do

S. Febonio: A. Cote spoke about it at a meeting, that connectivity and safety is important. We have a very detailed plan provided from GZA (GeoEnvironmental, Inc.) with steps that will be taken.

A. Villeneuve: I am trying to get my bearings on what the developer will be asked to do, how he will be mitigating the wetland issues, I am trying to place this with those other things to be done.

J. Porter: I recall the town is not agreeable for an extended cul de sac, however, I am hoping to have a conclusion; if it is truly unworkable, fine, but I am hearing it has been talked about but not reviewed by STANTEC.

E. Mitchell: That is true, we have not submitted to STANTEC asking what they think.

J. Porter: I talked with them, and Dan Tatem has not seen any of this, STANTEC needs to review.

Kevin Dandre (Pingree Hill resident): I have walked that corridor and it is high and dry for much of its length, however, there are some comments that maybe couldn't fit the traditional way but doesn't mean you couldn't do treatment under the road. Also, we need to ask, since the road is for emergency purposes only, must it be 24' wide or could it be narrower with retaining walls. If serving for emergency only, could be narrower, that with underground treatment is absolutely feasible they just do not want to spend that money. There is zero traffic benefit to the road, it is an emergency access only, perhaps should seek the opinion of the fire chief, if limited Cohas Drive serves benefits of connecting to Pingree Hill, this should be part of equation of feasibility.

J. Porter: Alternate considerations should be part of the STANTEC review.

K. Dandre: I am requesting a rehearing with the ZBA re the approval that was granted concerning the detention ponds. Maverick can create a smaller footprint and move into one of the house lots, but they have not proposed this because they do not want to lose a scenario that has much less of an environmental impact.

J. Porter: It has been suggested by the Commission, that they could lose a house lot and thus protect the vernal pool.

A. Villeneuve: An environmental impact study needs to be done in regards to this vernal pool, we should be suggesting that to the planning board.

P. Morozoff: It has always been the purview of the Planning Board that it is up to the developer and engineer to find solutions to their problems, suggest them and then we review and decide whether or not to go with it. The Boards should not be solutions. The Boards approve or disapprove. Paula said that we are not going to suggest to the applicant that they revise their plan, our function is to approve or disapprove the plan we are presented with.

S. Febonio: My biggest concern with this is how the board would respond. We have final plans here before planning permitting is going out and we are talking about going another way. GZA has a wetland plan, we are trying to meet everyone's approval.

J. Porter: I appreciate your effort, but it has been in the works all this time with no one putting it before the town's engineers. The fact that it is disturbing a vernal pool weighs heavily on me, the abutters and others in town. We still need the secondary plan vetted out to the engineers to the satisfaction of those interested, and we have asked for it before tonight. I would appreciate a discussion with STANTEC and hearing their opinion, a yes or no, simply because of the sensitivities of what is involved, approval to destroy the vernal pool opens a flood gate that we want to avoid. I am hearing other options have not been explored.

A. Villeneuve: Are you looking for anything from us tonight?

E. Mitchell: no

A. Villeneuve: For the record, I am requesting you have an environmental impact study done by peer review. Is there any way you can redesign the plan so it is out of the impact area?

E. Mitchell: because the area is flat but wet, we feel no.

There was discussion about possible alternatives to the present plan with wetland impacts.

A. Villeneuve: I do not like that we are again putting these structures within our wetland setback, I do not think that is a necessity, but that is what is before us.

Lover's Lane Development - E. Mitchell

E. Mitchell: the detention pond has been moved a little bit further away from the original design, we have moved out from within the 75' buffer. The ZBA asked us to look at the detention pond within the 125', the variance was denied, and another was approved. The only way to get it out of the buffer was to lose a lot. Can get it further out of the 125' but would lose the lot so we are not sure if we will do that and have not decided whether or not to appeal the denial.

A. Villeneuve: so you are showing the furthest uphill you can go by engineering standards?

E. Mitchell: we talked about moving it to a different area and collection and pitches and slopes, we looked at different scenario, still some encroachment into 125'.

D. Heaton: what would that be?

E. Mitchell: the treatment swale required, we would get out of vernal pool but then be 20' into the level 1 buffer, the swale would be in the 125'. If we try to put anything within the 125' that needs another application to the ZBA but we have not decided if we are going to reapply or ask for a rehearing.

D. Heaton: Your plan right now looks it is like going into the 75' buffer of a level 2 as well.

E. Mitchell: yes, there is probably a 25' encroachment, but the slope is fairly flat so run-off shouldn't drain into the pond. The second item is not in front of the ZBA, but is in front of the planning board for conditional use. If we put off to the side then it will change the impact area and if we leave the lot alone we will have impact inside the 75' buffer for the pond, it seems to be out of the way, but have less impact to the level 2 this way.

K. Dandrade: E. Mitchell with this plan has provided a wonderful analysis of what I think you could ask for his Maverick plan. It is the same engineer, just a different project, this shows there is always an alternative and offers workable solutions.

A. Villeneuve: is there any benefit of using pervious pavement?

P. Morozoff: What is the date of revision to these plans? Is this what the planning board will see tomorrow night, because the plans say March 11, 2015?

E. Mitchell: We changed the plans on April 6. But we are not sure if we are going on this direction. Roads w/in 75' of level 2 wetlands.

There was then discussion about why the date on the plan did not reflect the date they were supposed to be changed.

P. Donovan: Will you be changing the date on your plans?

J. Porter: are you presenting this tomorrow?

E. Mitchell: we think so, the planning board will be acting on a conditional use permit.

J. Porter: will you speak to the fact that we have seen this but not a formal plan?

A. Villeneuve: I can say the Commission supports a plan with the detention pond as far from the 125' as possible.

Audubon

P. Donovan was asked by the Audubon if they could re-blaze the trails, she suggested they go to the Selectmen. P. Donovan had not heard back.

Approve Minutes of Last Meeting

A. Villeneuve - motion to approve minutes of the March 2015 meeting as written

E. Fehrenbach – second

All in favor, motion passes

A. Villeneuve - motion to adjourn D. Heaton - second

Meeting closes at 8:40 p.m.