

**Town of Auburn
Conservation Commission
Public Hearing
June 7, 2016**

Members present: Jeff Porter-Chairman, Peg Donovan, Vice Chair, and Diana Heaton, Members. Richard Burnham, Alternate.

Absent: Alan Villeneuve & Ed Fehrenbach, Members. Stephanie Hanson, Alternate.

Others present: Michael Rolfe.

Mr. Porter called the meeting to order at 7:02 p.m. and introduced the Board members to everyone present and elevated Mr. Burnham to full voting status for tonight's hearing.

NEW BUSINESS

**George Chadwick
Bedford Design Consultants, Inc.
On Behalf of 266 Rockingham Road, LLC
266 Rockingham Road, Tax Map 25, Lot 44
Zoned Industrial**

Mr. Chadwick began his presentation by passing out copies of photos of the property as well as a wetlands crossing plan to each of the Board members. Mr. Chadwick stated that he has filed a dredge and fill permit with DES for the wetland impact area to build a driveway off of Dartmouth Drive. Mr. Chadwick informed the Board members that they have met with the owner of Linear Technologies to do a Lot Line Adjustment in order to gain access from Dartmouth Drive. Mr. Chadwick also talked about the meeting with the Planning Board and that the Planning Board approved the LLA. Mr. Chadwick further talked about aligning the driveway with the driveway with 5 Dartmouth Drive and in doing so showed the minimum impact to the wetlands that would occur. Mr. Chadwick went through the photos that he passed out to the Board members and also talked about grading. Discussion ensued with regard to removing pavement and losing parking spaces and the fact that they would require a variance for less parking than is required. Mr. Porter believed that seeking a variance for reduced parking would be more reasonable but that some of the other things that they were concerned with was the amount of dredge and fill that they were proposing on the wetlands and if they could change the location of the pool to be more in line with the side of Dartmouth Drive and get it out of the buffer entirely. Mr. Porter believed that these were some of the concerns that the Planning Board had as well and that they definitely talked about

aligning the driveway. Discussion ensued with regard to aligning the driveway and moving the detention pond to get it out of the dredge and fill area. Mr. Chadwick stated that they would be disturbing 2,290 square feet of wetlands. Mr. Chadwick directed the Board members to look at the photographs that he passed out earlier and also passed out some blow ups of those photos to the Board for their review. Mr. Chadwick stated that their wetland scientist interpretation was a result of road runoff from the road and that there were some very poorly drained soils as well. Mr. Porter asked if the level of the wetland had been determined. Mr. Chadwick indicated that it was determined to be a Level 2 wetland and that the only reason it was a Level 2 wetland was because of the size. Mr. Porter informed Mr. Chadwick that the Level is not determined by the size but because of the function and the values and soils are. They have to base things on the science and those are the things that they will be paying attention to.

At this time, discussion ensued with regard to the 75 foot wetland buffer. Mr. Chadwick indicated for the Board the 75 foot wetland buffer. Mr. Chadwick informed the Board members that, if the Board chooses that he will try to go get a variance but would like some support from this Board and the Planning Board in obtaining that variance. Mr. Chadwick wanted to tell the Board that as a professional that this will make a mess of this site and it would not be a site that he would be proud of. Mr. Porter asked about one of the photos and asked if it showed standing water. Mr. Chadwick said no that it was an existing well that was on the property.

Mr. Chadwick pointed out that there were members of the Planning Board present tonight and did not know if the Conservation Commission wanted them to comment and further indicated that they would be going back before the Planning Board as well.

Mr. Chadwick talked about moving the driveway further up Dartmouth Drive and the possibility that this does not get developed. Mrs. Marzloff asked what the size of the building would be. Mr. Chadwick stated 43,500 square feet. A brief discussion ensued with the loss of parking spaces between Mr. Chadwick and Ms. Heaton. Mr. Chadwick indicated that it would be approximately 20 parking spaces out of a total of 50 plus parking spaces which would total at least one-third of the parking spaces. Mr. Burnham asked about the parking spaces that would be loss because of the square footage of the building but that in reality the loss of parking spaces would not affect the business because there are only 7 employees.

At this time, Mr. Porter talked about reducing the detention pond. Mr. Chadwick indicated that it would be reduced in size somewhat but not drastically. Mr. Rolfe asked what the slope of the driveway would be. Mr. Chadwick said that the steepest section would be 5% and that the grades would probably not change a lot.

Mr. Chadwick talked about moving the driveway and the additional issues that would occur and that the fact that there was no reason for the 100 foot separation. A brief discussion ensued with regard to the location of the driveway. Mr. Chadwick also commented that he would prefer to have Mr. Tatem present as he did not think he would be having this discussion at this time.

Mr. Porter asked about the swale that was coming off the secondary detention area and that it looked like it was going through a buffer area or a Level Two wetland. Mr. Chadwick talked about the buffer disturbance which was part of the dredge and fill permit that they have applied for. Mr. Chadwick stated that there were two (2) different issues, one was the wetland disturbance with the Town and the State which was 2,290 square feet and the second was the buffer disturbance of 43,000 square feet which was close to the building size. Mrs. Marzloff believed that this conversation was premature and that they should get together with Stantec and that it may be that the Planning Board given the problems that this is creating by moving the driveway with the recommendation from Stantec that it's just not feasible would save a lot of trouble. Mr. Chadwick agreed that it could but that the issue that they are running into is that the Planning Board is not meeting in July and because of his work flow that he was unable to meet with Stantec. Mr. Porter stated that he was skeptical on blessing the existing dredge and fill without first hearing from the Planning Board where it does not reflect what the final plans would look like. Mr. Porter would like to see reducing the amount of dredge and fill and having Stantec review this would carry a lot of weight here and that the only way to do this is with the blessing from the Town's Engineer. Mr. Porter understood that Mr. Chadwick wanted to get going on this project and Mr. Chadwick stated that they were trying to get this thing built this year.

At this time, Mr. Porter thanked Mr. Chadwick for his presentation and Mr. Chadwick also thanked the Board members for their time and the discussion ended.

Jill Morrison

**48 Meadow Lane, Tax Map 12, Lot 16-8
Zoned Residential One**

Mr. Porter asked Ms. Morrison to begin with her request. At this time, Ms. Morrison gave her name and address and began by saying that she has a two (2) acre lot and talked about when her house was built and that there were wetlands on the property. Ms. Morrison stated that they put her property in the middle of the storm runoff and talked about the stream that was located on her property and explained that she is only able to use approximately an acre of her land. Ms. Morrison further added that she would like to put a 22 foot by 24 foot barn in for one horse. Ms. Morrison indicated that she would like to place the barn in the location of the stump dump on her property which is approximately the same size as the proposed barn she would like to install. Ms. Morrison stated that from the first wet spot to be 25 feet which is where she would have to be from a Level Three wetland and what she is looking at is to have someone tell her what level as she was unsure so she did not know what the buffer should be. What she did want to know since they filled in to her tree line and made a stump dump there because she has three (3) and four (4) foot divots where it has settled and that she can't use it anyways because she will eventually have to fill it in and asked the Board members if she could fill it in and put her barn on top of it. The Board informed Ms. Morrison that she would not want to put her barn on top of a stump dump. She asked if she could excavate it out and fill it in because it should have been there.

Ms. Morrison further informed the Board members that she has also spoken with Ms. Cornet and that she was going to get a dumpster for the horse manure and that the back of the barn would be on the tree line because there was nowhere else on her property to put the barn. Ms. Morrison also added that she was a corner lot which then requires her to maintain 50 feet all around. Ms. Morrison pointed out that she has two (2) acres and was only able to utilize approximately one acre. Ms. Morrison further stated that Ms. Cornet did not believe it would hurt anything and also Mrs. Rouleau-Cote also looked at it. Ms. Morrison also stated that she would not be removing any trees and that she would not be disturbing anything in the woods. Mr. Porter added that if it was a Level Two (2) that the buffer would be 75 feet and if there was anything to be disturbed within the 75 foot buffer that it would require her to go to ZBA. Mr. Porter explained that she would have to fill out an application for ZBA and show them a plan to show them what she was planning on doing and that chances are she would find support from the Conservation Commission and probably from ZBA because what she was trying to do was in character with the town.

Mr. Porter explained to Ms. Morrison that they were not wetland scientist but that they were an advisory board and take guidance from the experts and they will walk the land and possibly make suggestions. Mr. Porter suggested to Ms. Morrison that she look where the property line was and to look at the size of the building and where she would potentially be putting it and to speak with Mrs. Rouleau-Cote and if there are any wetlands that are marked or identifiable because if it's in the right location and there aren't any wetlands that were marked then she would be free to put the barn not in the wetlands. Mr. Porter was unsure if this would have to go before Planning Board. Mrs. Marzloff commented that it would be okay for her to have horses for her personal use but that she could not board horses.

Mr. Porter further added that if Ms. Morrison had some plans to look at that they could certainly entertain having a discussion at their next meeting. Ms. Morrison asked, doesn't someone have to look at the wetlands. Ms. Donovan informed Ms. Morrison that she would need to determine what that wetland level is and get an assessment. Mr. Porter informed Ms. Morrison to check with the town to see what they have on the town maps for wetlands already known. It was noted that the development was not that old and that the town should have something on file which would be the starting point and then they may want to do a site walk. Ms. Donovan further informed Ms. Morrison that she may want to start with her deed and a plot plan. Ms. Morrison stated that she had that already and showed the Board members the plan she had. Ms. Heaton asked Ms. Morrison how far the stream would be from where she wanted to place the barn. Ms. Morrison stated that the stream was well over 75 feet from where she wanted to place the barn. Mr. Porter asked where she would like to place the barn. Ms. Morrison showed the location on the plan she had and stated that it was where the stump dump was because it was the only location because of where the leach field was and the well location which would be basically at the end of the tree line which would be located in her existing lawn. From the location that Ms. Morrison presented to the Board members the Board believed it would be well outside the 75 foot wetland buffer. With this in mind,

Mr. Porter reiterated to Ms. Morrison to put a plan together and have this plan and she will find support from the Conservation Commission. Mr. Porter stated that she would be 75 feet from a seasonal stream which was great and that if she was putting the barn in the location of the stump dump that she would find support. Ms. Morrison reiterated that she would not be touching any trees. Ms. Morrison asked about what they would be looking with regard to a plan. Mr. Porter explained that she would have to do a building plan which will have to be fairly accurate for the town and would have to have the information to Mrs. Rouleau-Cote in order to obtain a building permit and in that plan she would need to specify the location of the barn. If it has to be within the buffer then she will need to obtain an easement from the Zoning Board of Adjustment of which the ZBA would be looking for guidance from the Conservation Commission and this is only if it needs to go to ZBA. Ms. Morrison believed that it would seem to her that it would almost be grandfathered because if it didn't meet the buffer then what they originally did with the stump dump. Ms. Donovan believed that because it was new construction that it would not be grandfathered. Ms. Morrison asked that because she was putting a structure in that was the issue but if she was just filling in the stump dump that there would be no issue correct. Mr. Porter explained that it would also depend on what she was proposing to do in that area cause if she was disturbing that area then it would be a concern from the ZBA, Planning Board and Conservation Commission and if she were going to put a structure up then they'll evaluate where it's at and take her down the next path of what she needs to do. Mr. Porter again reiterated for Ms. Morrison to put a plan together and to speak with Mrs. Rouleau-Cote. Ms. Morrison believed that all she needed to do was put the plans together and bring them to Mrs. Rouleau-Cote and then she would go from there. Mr. Porter indicated that Ms. Royce would be involved as well. At this time, Ms. Morrison thanked the Board members for their time and the discussion ended.

Ms. Morrison asked the Board if she should be able to get a tax break because she was only able to use half her land. The Board informed Ms. Morrison to fill out an abatement form. Ms. Royce further added that the form would need to be in by March 1st, 2017 because the date has passed for this year. Again, Ms. Morrison thanked the Board for their time.

Ms. Donovan asked Mr. Porter why they would possibly be meeting again at the end of June. Mr. Porter indicated that he was trying not to have a meeting during the month of July and that there was unfinished business to attend to.

MINUTES

MAY MEETING

Ms. Heaton moved to accept the minutes of May 3, 2016 as written, Mr. Burnham seconded the motion. A vote was taken; all were in favor, the motion passed.

OLD BUSINESS

Mr. Porter informed the Board members what had occurred with Anderson Way asking for a reconsideration of the Boards decision and that the Planning Board approved the reconsideration to reclassify the wetlands for three (3) lots. Mrs. Marzloff pointed out that the Town of Chester lost an almost identical case. A brief discussion ensued and it was noted that the buffer would be a 75 foot buffer and that the berm is still going to be up.

Mr. Porter moved on to talk about the Rolfe property and informed the Board that they may have to take this up later this month which means that they may have to meet in order for it to go before the Board of Selectmen at the beginning of July and asked the Board for their comment. Ms. Donovan believed this would be a justifiable reason to hold another meeting at the end of this month. Mr. Porter asked about the appraisal. Mr. Rolfe commented that it has not been done yet because the cluster provision was shot down by the voters that it now changes his property with regard to the appraisal. The Board understood that the value changes because the cluster development was shot down and therefore changes the number of lots because of the length of cul de sac. A brief discussion ensued with regard to the Rolfe property. The Board discussed a possible date to meet at the end of June and Mr. Porter will let the Board know when the date would be. Mr. Burnham was unavailable for June 27th and 28th.

Mr. Porter moved on to talk about the Southeast Land Trust where they did the Audubon woodland review.

Mr. Porter stated that they were still members of the New Hampshire Association of Resource Scientist and that they could attend their meetings because the dues were paid. Ms. Donovan asked if there was a schedule but Mr. Porter suggested that the Board check their website.

Mr. Porter moved on to say that other than that there has not been any more news. Ms. Heaton asked if Cluster Development has been discussed further at this time. Mrs. Marzloff stated that there has not been any discussion at this time. A brief discussion ensued with regard to the Cluster provision.

NEW BUSINESS

None were noted.

ADJOURN

Ms. Donovan moved to adjourn the Hearing. Ms. Heaton seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:10 p.m.

The Conservation Commission will not be meeting during the month of July so the next Conservation Commission meeting will tentatively be held at the Town Hall, 47 Chester Road on Tuesday, August 2, 2016.