

**Town of Auburn
Conservation Commission
Public Hearing
October 4, 2016**

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

Absent: Ed Fehrenbach, Member. Stephanie Hanson, Alternate.

Others present: Michael Rolfe.

Mr. Porter called the meeting to order at 7:01 p.m. and introduced the Board members to everyone present.

NEW BUSINESS

Mirela Durakovic

111 Steam Mill Road, Tax Map 2, Lot 9-31

Discuss reduction in wetland buffer

Mrs. Durakovic began by saying that they just moved to Auburn in May and is before the Board tonight to ask for relief to reduce a portion of the wetland buffer on her property. What they are asking for is approximately 80 feet behind their house and 50 feet to the side of the house beyond what is already flat. Mrs. Durakovic went on to say that when they purchased the house that there was no mention of any wetland buffer and actually did not know what it meant until Mr. Eaton came to their house to show her where the radon pipe was and to see if his company could help them work on the land. It was at that time that Mr. Eaton pointed out that their property had a wetland setback. They were very excited to purchase their dream home with a large lot size in a perfect neighborhood. Mrs. Durakovic showed the Board members the location on a plan that they would like to extend that was colored in. Mrs. Durakovic pointed out a finger of wetlands that extends onto their property which shows a 125 foot wetland buffer. At this time, the Board members reviewed the plan. Mrs. Durakovic stated that they were expecting in January and so they would like to flatten the backyard out and would be taking down about 10 trees so that they could have a play area for their growing family. Their plan is to have a playhouse and play area for the kids to play in the backyard because currently do not have a lot of useable land. When they take down the trees they would then plant some fruit trees along the edge. They also would like to build a little barn or playhouse so they can use as storage for a boat and extra space for kids to play in. They would appreciate to be able to move forward on this.

Mr. Porter asked Mrs. Durakovic about her conversation with Mr. Eaton if she knew what level of wetlands this was. Mrs. Durakovic believed it was a Level One wetland. Discussion ensued with regard to what level wetland it was and the area that would be cleared of trees. Mr. Porter believed it was substantially close to the wetland. Mrs. Durakovic informed the Board members that they were planning on planting fruit trees along the edge of wet. In looking at the plan presented by Mrs. Durakovic, Mr. Porter pointed out the wetland buffer and asked if they could go away from the wetland and more out the rear of the property. A brief discussion ensued on what the property was like in the front of the house and on either side of the house. Mr. Porter believed that if Mrs. Durakovic reduced the impact to the wetlands by turning it away from the wetlands that it would be better from their standpoint.

Mr. Porter again pointed out that if Mrs. Durakovic could keep it 75 feet from the edge of wet that the Conservation Commission could support her on that in terms of changing the footprint so that it was less of an impact to the wetlands. This would be a nice compromise. Ms. Heaton also wanted it noted that if Mrs. Durakovic could see about the drainage from the lawn is not going to be going towards the wetlands so when they grade it to make sure that the drainage is sloping and was unsure how the land sloped. Ms. Heaton informed Mrs. Durakovic that the concern was to keep whatever that is occurring on the lawn or the shed and keeping any further disturbance out of the wetland. Mrs. Durakovic understood what Ms. Heaton was saying and agreed.

In conclusion, Mr. Porter explained that the Board would support up to a 75 foot buffer area and that her job was to redo the plans to support that. At this time, Mr. Porter asked Mr. Villeneuve if he had anything to add. Mr. Villeneuve said that he did not have any comments.

Mr. Porter discussed the plan with the Board members and commented that, it probably wouldn't be a bad idea to walk the property because she would be going before the ZBA on October 25th. The Board discussed doing a possible site walk of the property located at 111 Steam Mill Road. Ms. Donovan and Ms. Heaton both wanted to do a site walk. The Board discussed doing a site walk with Mrs. Durakovic and came up with conducting a **site walk on Saturday, October 15th at 9:00 a.m.**

Mr. Porter explained to Ms. Durakovic what is to be expected when she goes before the Zoning Board of Adjustment that they will hold her to her plan and that also Mrs. Rouleau-Cote, the Building Inspector would be in attendance at that hearing and that the Conservation Commission would make a recommendation based on the new plans.

Mr. Porter thanked Mrs. Durakovic and moved on to the next discussion.

Eric Mitchell
On Behalf of Luis Arteaga
10 Anderson Way, Tax Map 5, Lot 19-7
Discuss reduction in wetland buffer

Mr. Mitchell began by saying that he was present tonight to talk about Lot #7, 10 Anderson Way again. Mr. Mitchell stated that they were before the Conservation Commission about two (2) months ago and Strategic Contracting was the owner of the property and Mr. Arteaga was the buyer who had it under agreement. Mr. Mitchell passed out copies of a proposed plan showing a pool location. Mr. Mitchell went on to say that they were before the Zoning Board of Adjustment and asked for a continuance until they were able to visit with the Conservation Commission and at the meeting where they met with the Commission it was discussed that the area they were looking at to put a pool in and there were questions from the Commission about what the pool would look like and what they would do about the backwash and what they would do when they were going to drain the pool. It was also indicated that the variance would only be good for two (2) years and they didn't know that and they went to talk with the Zoning Board of Adjustment which they were already on the agenda for and went and talked to the buyer and since the Conservation Commission meeting and before the Zoning Board meeting, Mr. Arteaga bought the property so he was the owner when they were back before the Zoning Board of Adjustment. Mr. Mitchell went on to talk about the fact that Mr. Arteaga had young children and was unsure if he would be putting in the pool in two (2) years but it was something that he wanted to do but not right now so they went on to look at not committing to do the pool right now but to take a look at the backyard for a place so that they could play soccer and kick the ball around. Mr. Mitchell talked about the plan which had two (2) photos that showed the backyard as well as the buffer area. Mr. Mitchell explained that when they applied to the Zoning Board that they applied the application in Strategic's name and by the time they were before the ZBA, Strategic was no longer the owner any more but in fact Mr. Arteaga was the owner so they needed to apply in the new owner's name so they withdrew their application. Mr. Mitchell indicated that they were back before the Conservation Commission with Mr. Arteaga as the owner and then they will have to go back before the ZBA as well.

At this time, Mr. Mitchell went over the proposed plan presented to the Conservation Commission tonight that shows a proposed pool along with a shed and also showed a berm in a location. Mr. Mitchell talked about the pool and drainage and the recommendation to let the pool go for at least 10 days with the sun shining on it with no chlorine to go in it and then use a meter and if your down to less than one-tenth of parts per million of chlorine then you can let it go on the ground. Most of the in ground pools do not have to be drained completely but drained down in the fall so that you can put your cover on it so you would just take some of the pool water down. Mr. Mitchell indicated that they did put a note on the plan on how to get the levels down and they also show an 18 inch earth berm. Mr. Mitchell went on to talk about the different ways to deal with the pool water which included putting in a dry well. In conclusion, Mr. Mitchell indicated that they are certainly willing to work with the Commission to do something that seems to be right. Mr. Porter asked if there was a plan for a pool. Mr.

Mitchell said it was an in ground pool and they did not have construction plans for a pool. Mr. Porter asked what the plan was to go before the ZBA and what relief would they be looking for. Mr. Mitchell stated that they would be looking for a dimensional relief from the 125 foot buffer down to 85 feet in one area, 90 feet in another and 75 feet in yet another area so that the backyard could be used for a shed, a yard and also for a future pool and understand that they would not be installing the pool right away and that there was a two (2) year time limit but that there would be a possibility for an extension. Ms. Donovan stated that it sounded like you weren't putting in the pool right away. Mr. Mitchell understood that it would be good for two (2) years as Mr. Arteaga's kids were 2½ and 3 months old and it would probably not get constructed next year. Mr. Porter's question was that if you are seeking relief right now why not wait until you're looking to do the development. Mr. Arteaga commented that before he puts the pool in that he would like to have a place to play sports with his kids because right now if he were to play ball that they would probably break a window because it's too close and would also like a place to put a shed so that he can store the kids toys and patio furniture for the winter. Mr. Villeneuve stated that he could do a 12 foot by 10 foot shed without requiring a variance.

Mr. Villeneuve asked Mr. Mitchell to talk about elevation as it looked like Mr. Arteaga had a walkout basement as it looks like this lot slopes gently towards the wetlands. Mr. Mitchell said yes it does and that there was less than an 8 percent grade. Discussion ensued with regard to elevation and concern about the speed of the runoff. Mr. Porter asked if there were gutters on the home. Mr. Starace answered by saying that there were no gutters on the home. Mr. Mitchell talked about putting in a berm to slow things down. Mr. Villeneuve stated that the Board is being asked to provide some feedback on something that is possibly going to be built sometime in the future but we do not have the exact plans of what that might be in the future and once the Board signs off on this that they would not be back before the Conservation Commission because there would be no need to. Mr. Villeneuve further stated that he would like to see a little more of a plan on whether it's a ditch line or something else to protect today from that future thing. Mr. Villeneuve would like to hear about if there is other protections you can offer them within the scope of this so that if it doesn't happen that way that they still provide some level of protection of excess water runoff going down in that direction. Mr. Mitchell stated that they could do that and that this also requires a variance and that the variance if it were to be approved would still need a building permit which would mean that the Building Inspector would want it built according to the variance. Mr. Villeneuve pointed out that they were not showing them a pool plan with a dry well or anything like that right now but that if they could provide something with some level of protection then it would all be good in the long run. Mr. Mitchell stated that they could provide something like that at the next Conservation Commission meeting.

Mr. Porter understood what Mr. Arteaga wanted to do with regard to a lawn and the like and believed that in two (2) or three (3) years with possibly putting in a pool. Ms. Donovan asked what the urgency with getting the pool approved now and why couldn't they come back when they have a pool plan. Mr. Porter believed what they were looking to do was to do the work based on the fact that they are looking to put a pool in

and not so much that their plans going to be in place now. They are looking on the reduction based on what they are going to do and they would not be able to go beyond that which is one of the concerns he has because you can't go back and ask for more. Ms. Heaton believed what they were looking at doing is Stage #1 being lawn and knowing that later on there could be Stage #2 with the pool. Mr. Porter believed that was what they were doing. Ms. Donovan did not want to approve a pool and believed there was a lot more than putting a pool in. Mr. Porter stated, in the absence of a pool plan they cannot really talk about the mitigating control and what things they would need to see done. A brief discussion ensued with regard to pool runoff. Mr. Villeneuve was concerned with speed of runoff and drainage but with an appropriate protection scheme that he would not have an issue with it. Ms. Heaton asked Mr. Mitchell what the closest point to the wetlands would be. Mr. Mitchell said 83 feet and that it was not necessary to clear all the trees to the stone wall but the wall does create an area where the water does not go towards the wetlands. Mr. Starace added that there were no trees to be cut. Mr. Villeneuve believed that the stone wall would also provide a certain amount of berm protection.

Mr. Porter asked Mr. Mitchell about the location of the pool and if the pool would be encroaching into the setback between the two (2) lots. Mr. Mitchell stated that they would check it out. Mr. Villeneuve believed if they had to move the pool over then it would be further away from the wetlands. Ms. Donovan and Ms. Heaton agreed.

Mr. Porter asked if there was any further discussion. Mr. Burnham asked what would happen if they approve the idea of a pool and they get a variance, what happens if it's not installed within two (2) years. Mr. Starace added that they could then file for an extension. Mr. Burnham suggested that they come back in two (2) or three (3) years to ask for relief when the homeowner was ready to install the pool. Ms. Donovan agreed with that as well. Mr. Porter explained what he believed they were looking for was to obtain a variance to eventually put in a pool but for now to have a yard with the possibility of a pool in the future. Discussion ensued with regard to the request for a pool. Mr. Porter stated that the variance would be for the land itself and that's not going to change. Mr. Starace asked the Board if they were suggesting that they ask for the buffer reduction for the yard extension now and then apply for relief when he's ready to put the pool in. Mr. Porter said yes and the Board members agreed. Mr. Starace understood what the Board wanted and discussion ensued with regard to the pool pertaining to drainage and runoff from the pool and how to mitigate along with best practice. Mr. Mitchell concluded by saying that they would still like to come back before the Commission at their next meeting and that the next available meeting for the ZBA is November 15th. Mr. Mitchell further added that they would file an application but would like to meet with the Conservation Commission on November 1st.

Discussion ended at 8:14pm and Mr. Mitchell, Mr. Starace and Mr. Arteaga exited the meeting.

Mr. Villeneuve moved to enter into non-public, Ms. Heaton seconded the motion. A vote was taken; all were in favor, and the Board entered into non-public session at 8:16pm.

Ms. Heaton moved to exit out of non-public, Ms. Donovan seconded the motion. A vote was taken; all were in favor, and the Board exited non-public session at 8:33pm.

Ms. Donovan moved to seal the minutes of the non-public session, Ms. Heaton seconded the motion. A vote was taken; all were in favor, and the Board voted to seal the minutes of the non-public session.

MINUTES SEPTEMBER MEETING

Ms. Donovan moved to accept the minutes of September 6, 2016 as written, Ms. Heaton seconded the motion. A vote was taken; all were in favor, the motion passed.

OLD BUSINESS

None noted.

\ADJOURN

Ms. Heaton moved to adjourn the Hearing. Mr. Villeneuve seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:45 p.m.

The next Conservation Commission meeting will tentatively be held at the Town Hall, 47 Chester Road on Tuesday, November 1, 2016.