

**Town of Auburn  
Conservation Commission  
Public Hearing  
November 1, 2016**

**Members present:** Jeff Porter-Chairman, Peg Donovan, Vice Chair, & Diana Heaton, Member. 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. At this time, Mr. Porter elevated Mr. Burnham to full voting status.

**NEW BUSINESS**

**Mirela Durakovic**

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

**Discuss reduction in wetland buffer**

The Conservation Commission conducted a site walk of the property on Saturday, October 15<sup>th</sup> and began discussion of what occurred at the site walk. Mr. Durakovic began by talking about the wetlands that are adjacent to their property and noted that a few of the Board members conducted a site walk of the property. At this time, Mrs. Durakovic presented the Board with a plan showing the location of the wetlands and the location of the wetland buffer which was reduced to 100 feet from a Level One wetland. Mr. Durakovic pointed out that they would like to get an additional 25 feet which was shown as the pink line on the plan. Mr. Durakovic also pointed out the rocks that were located on the other side of the rear of the property and stated that they were not going to do anything with the rocks and that they would remain like it is. Mr. Durakovic stated that he did measure from the finger of the wetland to the property line. Mrs. Durakovic added that from the well to the property line there was about 85 feet and then from the property line to the wetland there was another 75 feet and that the majority of the wetland was in one area. A brief discussion of the plan continued between the Board members and Mr. and Mrs. Durakovic. Mr. Porter did note that there was a lot of ledge on the property and how the property had poorly drained soils. Mrs. Durakovic talked about the squishiness of a few areas and Mr. Porter mentioned again that the property had poorly drained soils.

Mr. Durakovic stated that what they were looking for was to get from the well which is now 50 feet so basically another 25 feet beyond what was approved the last time which would give them 105 feet exactly. Discussion ensued with the distance from the well and the wetland and the fact that the applicant marked the well on the plan. Mr. Durakovic indicated that they were looking to square off a portion of the backyard to make it more feasible for their growing family. Mr. Porter asked how much excavation they planned on doing in order to square it off in the backyard because the grade goes from 340 down to 322 from the edge of their driveway. Mrs. Durakovic stated that from 340 down to 330 which would be about 10 feet. Discussion ensued with regard to the 10 feet of excavation and the effect it would have on the wetlands. Mrs. Durakovic also pointed out the fact that the Conservation Commission talked about fertilizers and that she researched fertilizers and stated that there were organic fertilizers available that they could use and explained the uses near wetlands, streams and lakes. Mr. Porter pointed out that it was great for them as the homeowners now but it would be when the next homeowners come in. Mr. Durakovic stated that they were planning on living there long term and that they had a baby on the way and plan to stay there at least 30 or 40 years. Mr. Porter explained the problem he had with the amount of disturbance they were going to do to flatten it out that the slope would be rather steep and asked if they were planning to do a retaining wall. Mrs. Durakovic stated that they were planning to do a wall in the front of the house and would probably do the same kind of wall in the back of the house. Ms. Donovan was concerned about trapping water in one area and the discussion ensued with regard to the grade of the backyard. Mr. Porter asked what the grade of the backyard that they were proposing to do. Ms. Heaton stated that she did not have a problem because they would have to go up and then down in order to get to the wetlands but that she had a problem where the drainage went into the wetland would impact the way the water flows and the fact that they would be changing the whole grade. Ms. Heaton further added that she would support them up in one area but down low and that the 25 foot reduction that they did that she was okay with that but would not support going any further in this area. Mrs. Durakovic pointed out that the pink line was 75 feet and the blue line was where they planned to level out so from the blue line to the wetland would be 100 feet and 75 feet in another area. A brief discussion ensued with regard to the request for a reduction and reiterated what she said previously above. Ms. Heaton believed that the agreement discussed at the site walk on October 15th was to reduce it down to 100 feet which was the recommendation from the site walk and asked the other Board members to chime in. Ms. Donovan asked Mr. Porter if he was okay with that. Mr. Porter indicated that there was a bit of a problem because if they were going from a grade of 340 down to 330 would change the way the flow would go and talked about it still functioning the way it's supposed to. The Board discussed at length the grade and slope of the backyard. Mr. Durakovic asked the Board what their recommendation would be and explained what he was proposing to do with making a path that would drain a certain way. Mr. Porter pointed out to Mr. Durakovic that, trying to alter what is naturally occurring would be problematic and by looking at the plans he would like to preserve as much of the natural flow because otherwise, you would be looking at disturbing what is occurring downstream. Discussion ensued with regard to possibly adding a wall. Mr. Porter stated that there was a slope and that by putting in a wall would be more detrimental. Mrs. Durakovic

talked about putting a 5 or 10 percent slope. The Board members discussed excavating the area and how much they should excavate. Mr. Porter believed it should be a grade of 334. Mrs. Durakovic understood that the grade should be higher than 330 and the Board members said yes. Mr. Porter asked if it was okay with them. Mrs. Durakovic said that would be acceptable. A lengthy discussion ensued with regard to the rocks sticking out of the ground.

Mr. Mitchell, who had prepared the plan was present tonight for another presentation and assisted the Board members with measuring the distance from the wetland. Mr. Porter wanted to be able to explain it to the ZBA Board at the December Public Hearing.

Mr. Porter explained to Mr. and Mrs. Durakovic that when this plan was done that a wetland scientist went out to evaluate the wetlands and pointed out to them that they certainly could hire a wetland scientist as there is always another view of this and he may consider this to be a Level 2 wetland which would allow you 75 feet and it could be in their benefit. If it's a Level One they would still have the Conservation Commissions blessing but they are still a little more cognizant and this was certainly an option to them.

Ms. Heaton explained what had occurred from the beginning where the Cons Com reduced it from 125 feet down to 100 feet and now they are looking to reduce it from the original delineation from where the wetlands were to try and give them some more useable land.

Mr. Porter believed this project would be costly to begin with as there was a lot of excavation going on and if they hired a wetland scientist to go out and re-evaluate the wetlands.

In conclusion, Mr. Durakovic reiterated that he was only trying to make a box and that the slope would remain in the location of the rocks. Mr. Porter stated that if they stay at 100 feet from the Southeast corner from the property line that it could be 75 feet and the other area that was pointed out would need to be 100 feet. The Board agreed. Mr. Porter indicated that if they were to use the well as a marker that to the southwest side it should be 100 feet. Further discussion ensued with regard to using the well as a marker and did some measurements. Mr. Burnham recalled the site walk and what had transpired while on the site walk and seeing the slope and what they talked about what they had decided by going 25 feet off the well looked like the best place to try to slope everything so that it worked out the best way. A lengthy discussion ensued with regard to the grade of backyard in order to maintain the drainage on the property. Mr. Durakovic stated that his plan that eventually it was going to be a barn. Mr. Porter stated that would be another plan. Mr. Durakovic stated that if the plan does not go from the start then he can never achieve what he wants in the end. Mr. Durakovic stated that the plan was to have a barn there. Mr. Porter added that it would be dependent on the size of the barn. Mr. Durakovic stated that he was looking at it being 25 feet by 25 feet and that he would stay within the bounds. Ms. Heaton added that so long as it remains 100 feet from the edge of the wetland that they would not have a

problem with that. Mr. Durakovic pointed out that he would like to put the barn in the location of the existing shed. Ms. Donovan reminded the Board that they were not here to approve a barn. Mr. Durakovic stated that if he was not going to get approved then he would get an engineer and figure out a way to get approved. Mr. Porter said if it's a Level One wetland then the buffer is there. Ms. Donovan added that the buffer has already been reduced to 100 feet.

Mr. Porter stated that the Board was trying to put the language together so that the Zoning Board of Adjustment will understand what their plans are so they will know how to grant this so 50 feet off the well head is where the no disturb buffer would be. Mr. Burnham added that the grade would also have to work as well. Ms. Heaton stated that as long as the 50 feet from the well is not going inside the 100 feet at any point from the edge of the wet then she is okay with that. At this time, Mrs. Durakovic looked at the plan.

Mr. Porter asked the Board for a vote and reiterated 50 feet from the well head and 75 feet from one section and 100 feet at another point.

**Ms. Heaton moved to approve a reduction in the buffer to 100 feet going southwest finger of the wetland to transition to 75 feet at the intersection of the radius around both wetlands with maintenance of grade to maintain natural drainage.**

Ms. Donovan agreed with Ms. Heaton. Mr. Porter commented that he would put something together for the Zoning Board of Adjustment. Ms. Donovan believed it would be better to reference the buffers as drawn on the plan of record. Mr. Porter added that it would be 50 feet off the well head which would be 30 feet. Mr. Porter indicated that they were supporting a reduction and that he would put something in writing and that he would see Mr. and Mrs. Durakovic in December at the Zoning Board of Adjustment hearing.

**Ms. Donovan seconded the motion. A vote was taken; all were in favor, the motion passed.**

Mr. Porter said to Mr. and Mrs. Durakovic that he would see them in December.

**Eric Mitchell  
On Behalf of MStimes 2 Property  
20 Commercial Court, Tax Map 1, Lot 16-25  
Discuss potential addition to existing building**

Mr. Mitchell began by saying that he was before the Board tonight for discussion purposes tonight and that he was planning to submit an application formally for next month but did want to show the Board members what they were thinking of doing.

At this time, Mr. Mitchell passed out copies of a proposed plan. Mr. Mitchell informed the Board members that the property was located behind Priscilla Lane and the ballfield. Mr. Mitchell began by saying that the business has been there since 1989 and explained the plan before the Board members tonight by pointing out the location of the septic system, well and parking on the property.

Mr. Mitchell informed the Board that they have had the wetlands flagged and they are all poorly drained and pointed out the location of the wetland that was considered a Level One wetland and another wetland considered to be a Level 3. Mr. Mitchell stated that he would have to talk to Mrs. Rouleau-Coté which is a drainage ditch. Mr. Mitchell indicated that they would like to put an addition onto the existing building and the addition.

Mr. Mitchell explained that the existing building is used as an automotive repair and the zoning is Commercial One. They would like to put an addition onto the building which would be used for auto storage which would not be climate controlled so that they can park cars inside that they are working on so they are not exposed to the elements. Mr. Mitchell indicated that they are within the 125 foot buffer and pointed out the buffer for the Board and the distance to the building would be just under 100 feet but the existing parking is already in the buffer of which he believes has been there since the mid 80's.

In conclusion, Mr. Mitchell stated that they were looking for any input from the Board before the file a formal application as they believe it would require a variance to be within the buffer. Mr. Mitchell added that there would be no increase in impervious because they are not adding any pavement because they would be putting the building where the pavement already is.

Mr. Porter asked Mr. Mitchell about mitigating controls that would be put in place with regard to any hazardous materials for runoff. Mr. Mitchell stated that he would have to talk to the owner, Michael Sturgis to see what he has because they do not store any gasoline onsite. They do however have waste oil onsite because their furnace uses waste oil which they use to heat the building with. Mr. Porter stated that considering this is an existing plan would there be an opportunity to improve to the point of possibly doing some berm work.

Ms. Heaton asked what the distance was from the existing pavement and the Level One wetland. Mr. Mitchell believed it was approximately 30 feet in one area and 50 feet from another area and about 20 feet in another area. Mr. Porter commented that this has existed for a number of years. Mr. Porter also wanted to know the owner would entertain putting some controls in.

Mr. Porter asked the Board members if they had any other comments. Ms. Donovan did not believe there was too much they could do. Ms. Heaton asked about increasing parking. Mr. Mitchell said there would be no increase in parking as they would be stored inside the building. Mr. Burnham asked if they were vehicles they owned or

customer vehicles. Mr. Mitchell stated that he would have to get clarification from the owner.

At this time, Mr. Porter thanked Mr. Mitchell for his presentation and hoped that he would

take the Boards comments. Mr. Mitchell stated that he would do that and that this would go before the Planning Board after they go to the Zoning Board of Adjustment and they would see what they could do with regard to stormwater runoff for protection of the wetlands. Mr. Porter did not believe there was a lot they could do with this because of the topography. A brief discussion ensued with regard to drainage and that there was no drainage structures within the parking lot that exists currently. Mr. Porter stated that it may not be feasible from an engineering standpoint by putting in a berm where it's actually in the middle of a slope but the biggest concern would be whether or not it can mitigate any type of residuals such as oils that just happens to seep.

At this time, Mr. Porter stated that he would see him in December and Mr. Mitchell exited the meeting.

## **MINUTES**

### **OCTOBER MEETING**

**Ms. Heaton moved to accept the minutes of October 4, 2016 as written, Mr. Burnham seconded the motion. A vote was taken; all were in favor, the motion passed.**

## **OLD BUSINESS**

None noted.

## **OTHER**

An Auburn resident who lives on Hills Road wanted to speak with someone from the Conservation Commission to ask them a few questions regarding wetlands. A brief discussion ensued with regard to wetlands within the Town of Auburn and what was on the website and how it talks about wetland protection and asked if that was the sole focus of the community or were there other guidelines and consideration. Mr. Porter answered by saying that we are predominately a wet area but we do have a lot of work going on in the town preserving land in general. Mr. Porter added that they have had some success putting land in conservation.

Discussion regarding wildlife and endangered species ensued.

**\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 8:45 p.m.**

***The next Conservation Commission meeting will tentatively be held at the Town Hall, 47 Chester Road on Tuesday, December 6, 2016.***