

**Town of Auburn
Conservation Commission
Public Hearing
April 4, 2017**

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

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

Others present: Alden Beauchemin, Keyland Enterprises and Kevin Lamphere, TRW Builders.

Mr. Porter called the meeting to order at 7:00 p.m. and introduced the Board members to everyone present. Mr. Porter informed everyone that there was a light agenda tonight and asked Mr. Beauchemin to begin his presentation. Mr. Beauchemin stated that he didn't mind if the Board took up the other part of the agenda. At this time, Mr. Seraikas began his presentation.

NEW BUSINESS

Michael Seraikas

**On behalf of Jay Nixon/TMT Real Estate Development, LLC
792 C Londonderry Turnpike, Tax Map 1, Lot 19-C
Discuss Potential Site Plan Amendment/Review**

Mr. Seraikas began by passing out copies of what they were proposing to do and indicated that they have spoken with Mrs. Rouleau-Cote about the 50 foot buffer reduction that was expired so they were before the Board tonight to talk about that. Mr. Seraikas indicated that back in 2003, they were approved to get the Demolition business going. Mr. Seraikas further pointed out that part of the work was to build a detention basin, construct some treatment swales which have been completed. Mr. Seraikas further indicated that they went before the Zoning Board of Adjustment for encroachment within 50 feet of the wetland but in speaking with Mrs. Rouleau-Cote it sounded like it had been extended a few times but has since expired. Mr. Seraikas pointed out that they have since built another building but do not have a certificate of occupancy because they have an issue with the well. Somebody wants to now move into the building that does staging for construction projects. Mr. Seraikas stated that they will be going before the Planning Board on April 19th for a minor site plan review.

At this time, Mr. Villeneuve stated that this property has been before the Board multiple times and asked if everything has been done that needed to be done by all the previous Boards. Mr. Seraikas believed that when Mr. Nixon did the work on the building that he had to put up a bond and that the town has since released that bond. Mr. Seraikas did

know that the detention basin has been built and that the treatment swale has also been constructed. Mr. Seraikas talked about the fill pile that has been on the lot and did not know how long it's been there. Mr. Porter asked about the Level One being 125 feet and asked if they were looking to reduce it to 75 feet. Mr. Seraikas said what they were looking at getting it back to where it was and also talked about the storage piles on the lot and said that he suggested to Mr. Nixon that they get the approval and then put up a chain link fence at the 50 foot buffer and restore it behind it and let it go at that. Mr. Villeneuve stated that it would be tough to get a 50 foot buffer past this Board given the fact that this property has not complied for the entire ownership of the owner which was his personal perspective. Mr. Seraikas asked if they could come up with some sort of solution to go back to what was previously in place and noted that they have done this in the past that he would be willing to talk to Mr. Nixon about it and come up with some sort of report with this Board. Mr. Seraikas explained that way back when there were barrels located on the property that was leaking and has since been cleaned up since then. Mr. Villeneuve asked Mr. Seraikas if he was looking for the Board members to reduce it to 50 feet. Mr. Seraikas stated that he was looking to get what was previously approved and then put some conditions in to be sure to get it restored. Mrs. Donovan asked what would incent the owner to follow the conditions if he does not have a real big history of doing that. Mr. Seraikas indicated that he has flagged the wetlands just the other day and reiterated the chain link fence and put up shrubs and further stated that the Board could place condition on it. Discussion ensued with regard to the types of buildings they were proposing. Mr. Seraikas talked about the existing business that exists on the property that is a demolition business. A brief discussion ensued with regard to the units in question. Mr. Seraikas remembered that the property was a mess when Mr. Nixon first took it over and has since come a long way.

Mr. Porter asked about the convertible land. Mr. Seraikas pointed out that the person leasing building would like to have a storage area within the convertible land. Mr. Porter would like to see plans with regard to the convertible lots. At this time, the Board wanted to see the original plan that was recorded back in 2003 and Ms. Royce went to retrieve the file for the Board members review. The Board members received the original plan and reviewed what was originally recorded and approved by the Planning Board. Discussion ensued with regard to all the buildings being within the 125 foot wetland buffer and Ms. Heaton indicated that there was nothing they could do about the existing buildings but wanted Mr. Seraikas to clarify the reason that they would like it reduced to 50 feet if it was to maximize the storage area. Mr. Seraikas said yes and to obtain what was approved before as well. Ms. Heaton did not believe that was a demonstration of need because of something that was approved previously but wanted to know what the need was to reduce the buffer. Mr. Seraikas indicated that it was for storage space for the business that is about to go into Building "C" because there was not enough storage area on the property so they would like to use some of the area within the abutting convertible land for storage. Mr. Porter asked what type of surface they would be looking at doing. Mr. Seraikas thought perhaps some compact gravel. Mr. Villeneuve asked about drainage and Mr. Seraikas showed the treatment swale that was already constructed and indicated that the site has already been disturbed. The Board members were aware of what has occurred on the property.

Mr. Villeneuve recalled that the tenants for AMR were before the Conservation Commission and the ZBA a few years ago to do something in one area on the side of the building located in the front to do something.

Mr. Seraikas explained that in Note #7 on the plan that they approved a 75 feet wetland setback on April 22, 2003 and then was extended it to 2008. Mrs. Donovan noted that there never was a 50 foot reduction because it's not shown on the plan. Mr. Villeneuve agreed and would have been surprised if it was reduced to 50 feet. Mr. Seraikas believed there was a previous plan that showed a 50 foot reduction. Mrs. Donovan indicated that this new plan would have superseded any other previous plan. Mr. Villeneuve explained that, when they have people come before the Board and if they are going to reduce the wetland buffer from 125 feet that they ask what sort of protection and what type of engineering would be put in place so that you're going to protect that wetland. Mr. Seraikas indicated that there were no protections when they took the property over and that anything they do now would be a bonus. Mr. Villeneuve understood but if you leave it alone that nature would reclaim itself. Mr. Porter explained that they would have to get a variance from the ZBA to reduce it down to 75 feet and that the fill pile would have to be dealt with and reiterated what Mr. Villeneuve was saying that there has to be protection and that there would have to be engineering. Mr. Seraikas talked about possibly grading an area and putting in a basin in one area to pick up the drainage. Mr. Seraikas commented that it would be a temporary impact to the wetlands. Mr. Villeneuve stated that it was a no disturb buffer. Mr. Seraikas stated that a 125 foot wetland buffer makes the whole parcel useless and understood what the Board's concerns were but wanted to get the ball rolling.

Mr. Porter believed that 75 feet was possibly viable and believed that there would be a lot of work that would have to be shown in greater detail before they could sign off on it saying it's a good idea. Ms. Heaton suggested that they look at possibly going into another area that would increase the buffer reduction from 75 feet to possibly 85 feet or 100 feet would be more favorable to the Board. Mr. Seraikas only knew that someone wanted to go into the building and wanted to use an area for storage and that he would prepare a restoration plan to restore the buffer. Mr. Porter understood that the buffer has been disturbed but that they did not want it disturbed further and requested that they show the Board the plans for what they propose to do. Ms. Heaton further added that anything that Mr. Seraikas was talking about regarding water treatment should be done outside of the buffer and in an original plan it all should be done outside of the 125 foot wetland buffer and here it would be outside of the 75 foot buffer assuming that they are approving a 75 foot buffer. Mr. Seraikas understood. Mr. Porter did not believe it was undoable but that they needed to demonstrate a need to go into the 125 foot buffer. A brief discussion ensued with what the Board was looking at obtaining from Mr. Seraikas. Mr. Seraikas explained that he would check with Mr. Nixon to see what the square footage that Mr. Nixon needed to operate his business and then come up with a restoration plan.

Mr. Porter suggested that they come back at the next meeting which is scheduled for May 2nd. Mr. Seraikas agreed and thanked the Board members for their time and further explained that they were going before the Planning Board on April 19th and

believed it would get tabled and believed that the ZBA hearing on April 25th would also be tabled because they were going before the ZBA for the use and the discussion ended.

**Alden Beauchemin/Keyland Enterprises
On Behalf of TRW Builders/Kevin Lamphere
46 Tanglewood Drive, Tax Map 4, Lot 19-6
Discuss wetland buffer
Continued from March 7, 2017**

Mr. Beauchemin presented on behalf of Mr. Lamphere and began by passing out copies of a revised plan for the property located at 46 Tanglewood Drive to each of the Board members. Mr. Beauchemin explained that they were able to pull the leachfield closer to the road 4½ feet and pulled the house forward and rotated the house just enough to actually get the driveway the way Mr. Lamphere was looking for and put a note on the plan that the area is to be temporarily disturbed in order to move encroaching boulder pile, regrade and stump mulch and revegetate with natural plants as necessary and noted also erosion control measures. Mr. Beauchemin also passed out photos of the wetland and uplands and boulder piles on the property for the Board members to review.

Mr. Burnham asked how much they moved the house. Mr. Villeneuve believed they spun it a little bit. Mr. Beauchemin explained that they had to keep it 35 feet from the leachfield per state standards. Ms. Heaton noticed that they took the driveway out of the wetland setback totally. Mr. Beauchemin said yes and reiterated the note on the plan that they would be going in to remove the boulder pile and then temporarily going in to reclaim the area. Mr. Porter congratulated Mr. Beauchemin for a job well done and did not believe that they would need any setback reductions any longer. Mr. Beauchemin said correct.

Mrs. Donovan asked Mr. Beauchemin what his next step was. Mr. Porter did not believe they needed to do anything else. Mr. Beauchemin reiterated that if they were able to get the driveway out of the buffer and just temporarily go into the buffer to remove the boulder pile and reclaim it that they were not looking for anything else. Mr. Porter wanted the record to show that this is what was asked and that the Board was very happy with what Mr. Beauchemin was able to do. Mr. Beauchemin thanked the Board members and the Board members thanked Mr. Beauchemin.

At this time, Mr. Villeneuve wanted to make a motion, just for the minutes as follows:

Mr. Villeneuve made a motion to endorse the plan presented to the Board dated April 3, 2017 for Tax Map 4, Lot 19-6, Ms. Heaton seconded the motion. A vote was taken; all were in favor, and the motion passed.

OTHER BUSINESS

Mr. Porter talked about clean-up day that was scheduled for April 22nd, 2017.

Mrs. Donovan indicated that Earth Day was Saturday, April 8th at the Audubon Society and asked if anyone was going. A few Board members indicated that they might go.

Informal – Jamie Dowd

391 Pingree Hill Road, Tax Map 2, Lot 18-1

Discuss Use of Property

Mr. Dowd indicated that he bought Mr. Merrill's old farm property which included three (3) separate lots and explained to the Board members that he wanted to keep it and believed that Mr. Merrill wanted to develop it and it didn't work out. Mr. Dowd stated that he had spoken to a few people about possibly putting it into a conservation easement and wanted to get some information from the Conservation Commission in that regard. Mr. Porter explained to Mr. Dowd that it is supported by monies with the idea that we are going to preserve the land as much as possible which is a no touch, no disturb and lives on perpetuity for the life of the land and will stay that way forever. The funds that the Cons Com gets are from land that is taken out of current use monies. They could talk more about the language in the easement and also explained that it was a very lengthy process.

Discussion ensued with what the homeowner could do by putting the land in a Conservation Easement and would it be open to the public and could the homeowner post it no trespassing. It was noted that the homeowner could post it and that it could not be open to the public if the homeowner so chooses to go that route. Ms. Heaton added questions like would there be any further buildings on the property but specific restrictions are somewhat negotiable. Mr. Dowd stated that he has done a little research on it and that it indicates anything farm related. Mr. Dowd explained that both he and his kids love the property and don't want to sell.

In conclusion, Mr. Porter informed Mr. Dowd that there was a lot to think about and suggested that Mr. Dowd look at some existing easement languages. Mr. Rolfe was present and indicated that he just completed the process and would be happy to assist Mr. Dowd and explain in more detail the process he went through recently. Mr. Dowd thanked the Board members and Mr. Rolfe and stated that he would think about it and get back to the Conservation Commission if he chose to go that route. Mr. Villeneuve informed Mr. Dowd that the Board usually will walk the property to see if the property meets the general criteria of putting the property into a Conservation Easement. Ms. Heaton also added that

**MINUTES
MARCH 7, 2017 MEETING**

Ms. Heaton moved to accept the minutes of March 7, 2017 as written, Mr. Villeneuve seconded the motion. A vote was taken; all were in favor, and the motion passed.

OLD BUSINESS

None noted.

ADJOURN

Mrs. 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 8:02 p.m.

The next Conservation Commission meeting will tentatively be held at the Town Hall, 47 Chester Road on Tuesday, May 2, 2017.