Town of Auburn
Conservation Commission
February 3, 2015

Members Present: Jeff Porter (chair), Alan Villeneuve, Peg Donovan, Edward Fehrenbach, Diana Heaton, Stephanie Hanson

Others Present: David Viale, Eric Mitchell, Glenn Bickford, Larry Brackett, Jocelyn and Dana Carlucci, Roscoe Blaisdell, Mickey Rolf, Rob Starace

Meeting opens at 7:04 p.m.

Eric Mitchell (engineer), Rob Starace (developer) – 77 Pingree Hill Road

Plan to submit to zoning wetland buffer reduction for lots 7 & 8. They also question the buffer on lot 3, is it 75' or 125'. They dispute the designation of the wetland. Proposal for lots 7 & 8, the wetland buffer is within tree line and in some places 50', others some 25'.
They are proposing a 75' buffer until reach the stonewall, it would be 80' at the wall, then go back to 75' in the open field, they do not plan to mow the field but could put it back into shape houses. The developer figures whomever buys the houses will want to use the grass area, so he wants to decrease the buffer and provide a visual fencing, trees shrubbery create a visual line at the 75' setback. Everything on the back side of the lot would grow back to create a natural so buffer wouldn't need to be maintained. Fence posts with signs a possibility as well. Topography runs north to south, there are no valleys have the same elevation it gets wet, but the water is not directed towards any of the steep areas. The developer is asking for a variance on that area as it is a level 1 wetland.
Alan Villeneuve asked for an explanation of what the hardship was that warranted an extra 50' reduction of the buffer of a level 1 wetland.
Eric Mitchell: Said in his opinion, the hardship term in the town regulations was more effective in the past, he said there ought to be a difference between what you are doing and what everyone else is doing. He think if a proposed use is feasible, the question of why does not have to be as absolute as it once was, from a practical standpoint if have a field, people will use it regardless of whether they are told to stay out or not. We do not have a hardship.
Alan Villeneuve: From my standpoint I have not heard one single argument for our support, if in fact you are looking for that.
Eric Mitchell: We would like it but if you cannot give your support, you will tell the zoning board.
Jeff Porter: if we keep giving variances everyone expects it, but is not our job to just exempt "because", we have regulations we are taxed with following, and you have heard this from us and the zoning board. I will stand up and say that this is not how we want to run this, exemptions have been considered a for gone conclusion but this is not the way it should be and I cannot support it, especially when dealing with a wetland that is level 1 feeding to a level 2 and back to a level 1, town administration and people alike do not want these blanket exemptions.
Eric Mitchell: our wetland scientist has changed his potion on whether this is level one or two wetland
Jeff Porter: as per our regulations, setbacks should be 125' for a level 1, it is a stream and from our town's perspective that makes it a level 1 wetland, it is active water and therefore should be 125'. I want to be consistent.
Diana Heaton: Can you build a house without a wetland buffer reduction?
Eric Mitchell: Yes. I am not saying if do not give a reduction they will use it anyway. Saying we

feel it is a different type of wetland. Even without a reduction this area could not be mowed without a conditional use permit. We believe it is reasonable to ask the zoning for relief
Peg Donovan: If you can put a house there why can you not put a barrier at 125'?
Eric Mitchell: We could, but makes better sense to us to better protect what is behind it the field and let the eventual landowner use the area.
Peg Donovan: I see absolutely no reason to reduce the buffer as you say there is no hardship and a house can be built within the regulated area.
Alan Villeneuve: The Planning Board will make you flag the line regardless. I agree, the slopes are gradual and there is an existing field, but if no one uses it the field becomes a forest, so what benefits are there for ta buffer reduction?
Eric Mitchell: There is no big benefit. If the buffer was 150'or 200' it is still a field, but if 75' can adequately protect the wetland it seems reasonable to me. Not saying there is any benefit.
Alan Villeneuve: This is an open field and your line is 50' from the woods so we can assume it will be woods again, is there a special reason why you want 75' instead of say 100'? It seems you are just asking for the maximum possible, just asking for it so the client can have it. Again, what benefit is there in a reduced buffer?
Eric Mitchell: The field is in a backyard and they will want to use it. Going 75' in our opinion doesn't hurt the wetland but helps the person who will live there use it as they may want.
Jeff Porter: We already have had situations such as, if you build it they will come, if you reduce it they will use it. However clearing that space is a different subject if you clear it they will extend from a level 1 wetland. From my perspective, allowing for a buffer reduction does not best protect the wetland.
Eric Mitchell: Why is 125' the golden number?
Jeff Porter: The DES has it at 250, so the 125' a modest number, our regulation, and still provides protection for the area.
Alan Villeneuve: Do lots 7 & 8 have the same line issues?
Eric Mitchell: Geographically yes, the rational is the same for both lot, we believe 75' will buffer as well as 125' because of the field.
Alan Villeneuve: impact of lots 3 & 4, two vs one worth a discussion?
Eric Mitchell: For the record could you explain commission's position on why a 75' buffer is not the same as a 125' buffer?
Alan Villeneuve: Besides the fact that our regulations call for a 125' buffer for an intermittent stream, which is what we have here, I have concerns that without engineering or science you are just requesting a reduction to 75'. I believe there is no reason you couldn't fit all the things you want within 125', following the town's regulations. We can go back and forth on what type of wetland it is.
Eric Mitchell: We believe a buffer here of 75' is appropriate because we feel it is a level 2 wetland.
Alan Villeneuve: You haven't proposed anything special about the buffer, the Commission had a site walk and the members who attended, say it is a running stream.
Eric Mitchell: I have a new report from Schauer Environmental as to why they think it is a level 2. We plan on giving the same consideration to the edge of the buffer but at this point disagree as to where that buffer should be.
Ed Fehrenbach: On lot 6 where does the house go?
Eric Mitchell: Down in back, the driveway will come along the lot line, the lot is about ½ acre and not encumbered by setbacks.
Alan Villeneuve: Do you have any test pit data, all these soils are poorly drained, what are the water tables?
Eric Mitchell: Most of the test pit seasonal highs were about 40, some 30, some 20.
Alan Villeneuve: So all the systems will be above ground?

Eric Mitchell: Yes, but it'll be raised in the front yard and graded.
Jeff Porter: Won't that change your grade lines? You'll throw water towards the wetland more quickly because the grade is higher off the roof, and you want reductions of the buffer?
Alan Villeneuve: Your proposals are not on the plan, so what do you expect to do?
Eric Mitchell: Infiltration basins, treating all the surface water, excelsior berm chewed up stumps in a wind row 2' berm with plantings, need consensus on where buffer will be.
Rob Starace: The sceptics on lots 7 & 8 will be in the front, I will do my best to get walk outs to drop the grade, not raise it. Plan to put houses below water table if can.
Jeff Porter: Would anybody want to propose a recommendation on the plan? Is this the plan you will go forward with?
Eric Mitchell: Yes we are submitting it to the Zoning Board.
Alan Villeneuve: You have presented a paper that says "this is what we'd like to do, not this is what we are going to do" I don't see any conservation benefit to lots 7 or 8.

Alan Villeneuve: I propose a motion to support the reduction of the wetland setback on lot 19-8 from 125' to 75'.
Peg Donovan - second
Alan Villeneuve: I am voting no because I cannot see an advantage to supporting the setback, the line at 75' has an increased value further out.
Rob Starace: I have built houses for a lot of years and some Excavators I did not have control over would cut yard at 25' when I asked for 40/50' and I've seen people are happy with this, don't look past it to make it huge. If put line to close to where the house sits they will want to use the field.
Alan Villeneuve: So, on that particular lot, out of your 4,000 sq. ft. area you have 125' on one side.
Peg Donovan: Why won't you put that beautiful barrier there at the 125' setback?
Alan Villeneuve: The point is from a conservation stand point there is much greater value in letting that habitat grow back than having someone mow it every day. All the things people want can be in that yard without the setback reduction.
Jeff Porter: Call for a vote on the motion.
All opposed, none in favor
Motion does not carry

Alan Villeneuve: I propose a motion to support the reduction of the wetland setback on lot 19-7 from 125' to 75'.
Peg Donovan: second
Jeff Porter: Is there any discussion?
Alan Villeneuve: For the same reasons as stated for lot 19-8, I am voting no.
Stephanie Hanson: I would like to clarify so you understand the point we are making. In the past 10-15 years we have had the thinking of supporting and then seeing many wetland buffer reductions be given and without fail, the home owners always come back and want more even after the reduction is given, so we need to hold to our regulations.
Ed Fehrenbach: It is a very wet lot.
Rob Starace: Is only about 20% wet.
Diana Heaton: However the wet areas are very spread out which creates challenges.
Jeff Porter: Call for vote
All opposed, none in favor
Motion does not carry

Alan Villeneuve: I don't see a reason for reduction on lot 19-4.

Eric Mitchell: We apply the ordinance the way we see it. It'll all grow back at 75'
Diana Heaton: Is lot 19-4 the one that you wanted a variance from 75' to 50'?
Eric Mitchell: Yes because we think it should only be 75', but the commission wanted it to stay 125'.
Peg Donovan: But you are holding at the 75', based on your belief that it is a level 2 wetland, so we disagree.
Jeff Porter: Need to support a system like this, a level 2 feeding to level 1, it needs to have protection.
Alan Villeneuve: You may want to say for the record that the commission does not believe the 75' setback is appropriate, rather the larger setback is required as per our ordinances, besides, there is a named wetland beyond this area.

Eric Mitchell - Emory property, Lover's Lane

Eric Mitchell: Most lot sizes have been reduced to try to stay out of the setbacks. Green line on plan 75' buffer line, a stream comes out of one of the town's named wetlands, we are looking for buffer reduction in the flat area.
WE plan to submit to planning board tomorrow, have a similar argument but different piece of property. Wooded area felt to give better use of land that is there talked about lots and buffer reductions hoping for. If unilateral that the Commission doesn't support reduced buffers that is fine.
Alan Villeneuve: Are these also 4,000 sq. ft. blocks you are showing?
Eric Mitchell: Yes
Alan Villeneuve: So only one lot is dramatically close.
Eric Mitchell: We want to take that area and put a foot path elsewhere.
Diana Heaton: What are the lot sizes roughly?
Eric Mitchell: About ½ to ¾ of an acre.
Jeff Porter: I think you have done a really good job trying to stay away from the buffer, seeing the 4,000 sq. f.t pit down from the wetland a concern for that density and number of houses there's a concern if have a system failure, it all flows downward to the wet.
Alan Villeneuve: I don't have much to say as all the comments have been said before.
Peg Donovan: I agree, I think we pretty much said we do not want to support reducing the setbacks in these types of scenarios.
Eric Mitchell: If a wooded area will put up signs, would put something physical at the non-wooded area, create a ground berm from stump grinding to help with filtration towards the wet.
Peg Donovan: I thought I heard something about the trail being reclaimed and turned into a pedestrian trail, is that still a plan?
Eric Mitchell: Yes, we've talked about a good walking trail, policing it would be a difficult thing, there is a dock on Calef pond and an access road to a detention pond with a parking area so people can walk down with kayaks and canoes.
Diana Heaton: I think because of the number of houses in such a relatively small area and the small lots looking at that in light of the buffer situation, I struggle with the fact that you've got the potential for four separate residence to encroach on the one area, so I cannot see any benefit to decreasing the buffer
Alan Villeneuve: The lots furthest in, no one will ever see what goes on there.
Diana Heaton: The idea of clusters should in general have to stay out of the setbacks, we've discussed that and while you've done a fairly good job that way, these others concern me.
Jeff Porter: We will get the minutes out, not a need for any discussion for reduction of buffers here because have already covered that in previous scenario

Roscoe Blaisdell (wetland scientist), Carlucci (owner) Map 2, Lot 25 Silver Hill Road

Roscoe Blaisdell – An old gravel pit that has not been used since 1977, the owners want to expand the old pit by one acre, with the property configuration and wetland setbacks they cannot do this without a variance. It is a level 1 wetland, they would need to make a berm to keep the water out.
Alan Villeneuve: Do you know what the state regulations are for gravel pits? (http://des.nh.gov/organization/divisions/water/wetlands/cspa/documents/summary_standards.pdf)
Roscoe Blaisdell: 50', I have a letter from the neighbor saying he is fine with them working within 20 of the property line'. But if we cannot get a variance it is a dead project, there is a 20' strip of land in the middle and that is it. About acre and half of land that is all wet.
Ed Fehrenbach: What is your plan for the property when you are done excavating?
Roscoe Blaisdell: The owners would need a variance to even put a house on the lot, it is a long way to a secondary road.
Jeff Porter: When this was originally started as a pit back in the 70's, wasn't there a reclamation plan?
Dana Carlucci: I haven't seen one.
Alan Villeneuve: All the proposed disturbance would be entirely within the 125' setback.
Peg Donovan: The only way you can accomplish what you want to accomplish is with variances?
Dana Carlucci: We figure we could market the material because development in the area.
Diana Heaton: 25' from a level 1 wetland is not very far, is there any way you could increase this distance?
Roscoe Blaisdell: We need to have a width that makes the property monetarily worthwhile, basically regarding the land when done would be a berm along the wet, kind of like a horse shoe.
Alan Villeneuve: What is the slope from neighbor's property to the pit?
Roscoe Blaisdell: 20'
Alan Villeneuve: You have 100' of exposed sand/dune from the sounds of your proposal you will have 500' of exposed sand when done. In that area there is no top soil to reseed. Why would we go for 500' when have 100' now?
Stephanie Hanson: How will clear cutting the area be a deterrent to people coming in with A.T.V.s and dirt bikes? You've just opened up the area.
Dana Carlucci: The area would be replanted, we want to get the slope further away from the wetland and this should do that.
Roscoe Blaisdell: They are not going to put a house out there.
Alan Villeneuve: If we are going to disturb a buffer, what do our regulations say, I do not recall supporting this type of thing before so close to a level 1 wetland.
Peg Donovan: Didn't we put together some points for when it is supportable to extend a variance? This does not support any of those points.
Jeff Porter: Would this really take care of the A.T.V. issue? By taking the berm out, you are creating a runway rather than an obstacle.
Dana Carlucci: I don't agree. We have tried barbed wire and fencing to keep them out, nothing works.
Ed Fehrenbach: I I you really want to keep the kids out you put up big boulders and rocks to block the area from use, but if you want to take out the stand that something different. Nothing big will grow up there anyway, because it is all sand, good for leaching, not growing.
Alan Villeneuve: I am very hesitant to go forward, I do not see enough information here for a decision, there is no grading plan, the plan I am seeing has no information
Roscoe Blaisdell: The owner is unwilling to spend the money and have a no.
Alan Villeneuve: I think there are a lot of issues with getting in and out of the area as well, how

are you going to upgrade the road to get the heavy equipment through what is essentially a wetland? What kind of protection will be put in place? There is not enough information presented and you are asking us to do something we have never done before. Whatever water is here is running through the sand, we would want the water to get through the berm. What does the reclamation plan look like for this property, you will need to truck topsoil in to replant.
Roscoe Blaisdell: Yes we will need to truck in material.
Alan Villeneuve: It sounds as though you are creating a larger area.
Peg Donovan: What is maximum buffer you think you could have to get it done?
Roscoe Blaisdell: If we had 50', possibly, otherwise we are wasting our time, the project is too expensive to do otherwise.
Alan Villeneuve: Any buffer under 75' you would need a variance for anyway.
Jeff Porter: If the idea is to finish this by stripping it I have a problem with that, there is probably a reclamation plan that has never even been completed. It is a level 1 wetland.
Dana Carlucci: If need to just reclaim the slopes fine, but there is not a lot of material there, if the sand gets into it, the wetland will grow.
Jeff Porter: That is what happens naturally.
Alan Villeneuve: The Commission needs to decide, do we think allowing a reduction of up to 50' to reconfigure the area is a good idea. I think you would need a variance for reduction in a level 1, and I have not heard compelling evidence to support it.
Jeff Porter: I agree
Stephanie Hanson: Could you do anything with this property otherwise?
Dana Carlucci: We will not see the road upgraded in our lifetime, so we will probably sell it if we cannot use it as a gravel pit.
Diana Heaton: I have sympathy for you with the A.T.V. and dirt bike situations and while it is disturbance, I think it is less than if you were going to within 25' or even 50' of a level 1 wetland with the big earth moving machines, that doesn't make sense here.
Jeff Porter: I think the recommendation is that we do not support.

378 Wilson's Crossing Road, Glenn Bickford, Activity within the Wetland

Property owner received notification from the building inspector regarding encroachment into the wetland. He got a variance in 2008 to build an addition. Says they have an area that is flooding and are just cleaning it up. The property owner has asked the road agent to redo Nut road's culvert.
Jeff Porter: How much clearing would you like to do?
Glenn Bickford: Two more trees. Been pulling stumps.
Jeff Porter: You cannot pull the stumps in the wetland areas, trying to redefine the way the area goes want to try to get it to a more natural state after disturbance.
Glenn Bickford: I have brush I've been burning, welcome you to come and walk it in the spring
Diana Heaton: Do you mow the area or anything?
Glenn Bickford: No.
Diana Heaton: If he is not pulling out any more stumps, I cannot see a reason to say this isn't okay.
Jeff Porter: Is the road agent going to redo the culvert?
Glenn Bickford – I have asked.
Stephanie Hanson: Do you know the diameter of culvert? Do you plan on doing any more work? Shouldn't a silt fence at least be present?
Glenn Bickford –Maybe a foot. I would like to burn the brush and then clean the land up. A silt fence was required if I did the construction.
Alan Villeneuve: Disturbing the ground is considered construction. Before run a backhoe need to get silt fences up.

Peg Donovan: I recommend you get someone to give you some advice.
Jeff Porter: A site walk in the spring would be appropriate, come back then if you want to do more work in the area.

Non Public Session

Diana Heaton: Motion to go into nonpublic session
Alan Villeneuve: Second

Enter nonpublic session at 9:13p.m.

Diana Heaton: Motion to come out nonpublic session
Alan Villeneuve: Second

Diana Heaton: Motion to seal the minutes
Alan Villeneuve: Second

Minutes Sealed at 10:04p.m.

Minutes of January Meeting

Diana Heaton: Motion to approve minutes of last month's meeting.
Alan Villeneuve: Second
All in favor, minutes approved

Other Business

Jeff Porter: DES is going to be redoing the Raymond Road culvert

Ed Fehrenbach: Motion to adjourn
Peg Donovan: Second

Meeting closes at 10:10 p.m.