

**Town of Auburn  
Conservation Commission  
January 6, 2015**

**Members Present:** Jeff Porter (chair), Alan Villeneuve, Diana Heaton, Peg Donovan

**Others Present:** Eric Mitchell, Tom Sokoloski (Schaur Environmental Consultant), Jean Gagnon, Dana Carlucci, Jocelyn Carlucci, Rob Starace, Jordan Starace, Cindy Balcius (Stonyridge Environmental), William Scott

**Proposed Development @ 77 Pingree Hill Road (Eric Mitchell, Rob Starace)**

Mr. Mitchell mentioned that there had been a site walk on the property and they had been to both the planning and zoning boards with their conceptals.

E. Mitchell said they have a wetland crossing of approximately 2,800 sq. ft. which drains about 9 acres and will have a 30" culvert and a crossing towards the back of about 4,200 sq. ft. draining about 35 acres which will have a 4' x 8' box culvert embedded into the soil. The road will be very flat. Mr. Mitchell said the application has not been filed yet, he plans to file it after input from the Commission tonight. When they presented a conceptual to the planning board, they suggested a standard grid development over a cluster which means there will be 9 lots. The property has a vernal pool and Mr. Mitchell said they plan to stay within a 125' buffer to stay away from it. He also said there will be no drainage from the road going into the wetland and he said the front area of the wetland protects the area in the back. The plan is to have the fields in front converted to two house lots, one of which will be 75' from the wetland.

They intend to use a stonewall that is present as a buffer from the wetland, although the Planning board suggested a more vigorous division between setback buffers and the wetland. Mr. Mitchell maintains that with a 125' setback they can still be reduced to 75' to maintain lawns.

Mr. Mitchell said the lots are problematic because if they are held to the town's 125' setback, then the use of the lots is decreased. In particular with lot 3 they will be looking for relief to 50' and would intend to put up a more permanent marker to keep the wetland buffer separated. They will need a conditional use permit for wetland buffer reduction from the zoning board.

The Commission and Mr. Mitchell discussed whether the wetland should be divided. The Commission contends that the whole wetland falls under the category level 1 as it is a named level 1 wetland as detailed in the survey done by Mark West. Mr. Mitchell has separated the wetland into different levels and has setbacks based on changing levels. There was discussion as to whether this is appropriate or not.

J. Porter said his primary concern was the separating of wetland levels, when the Conservation commission walked the property the stream was an active one and he noted that the town's regulations refer to streams as level 1 wetlands, therefore referring to it as a level 2 was not accurate. A. Villeneuve asked for an explanation of how they determine the stream to be level 2. Tom Sokoloski of Schaur Environmental, contended that it was not an active stream, that it narrows dramatically from the larger body of water and turns into a forested wetland in poorly drained soil without a channel, he added that he understands the commission's concern about integrating levels of connected wetlands.

A. Villeneuve enquired "you said this little stream drains 35 acres, does it come from a larger wetland?" Mr. Sokoloski said no, it approaches head waters to the northeast. A. Villeneuve said he shares a concern about the 35 acre drainage, he talked to the previous owner who said

there was always rock cover to cross, so clearly this is where the water goes through. J. Porter said "when we walked it in August there was water in it, its functional value is feeding the level 1 wetland, so it embodies a level 1 impact of contiguous wetlands. Mr. Sokoloski said "the functionality of the overall wetland and flow, not just soils caused him to call it level 2, he also suggested the water in August could have been the result of a catastrophic rain event." J. Porter said "which is part of its function, to absorb the effects of catastrophic events, added the town is looking to protect the level 1 wetlands, if this were a level 3 or 4 that would be different, since this is a level 1 to 2 it bears protection and a buffer reduction to 75' is light.

P. Donovan added "I am concerned with affecting a level 1 with what is done in the area you describe as level 2. Ms. Donovan continued, when you start affecting areas that are feeding level 1 wetlands, I am concerned about what will happen, I think we should keep the buffers our regulations call for.

A. Villeneuve asked if there were extra measures they considered taking to protect the area. He said the flashflood argument does not work as that just means all things on the surface will just get to the wetland faster. A. Villeneuve continued "we are all concerned about drawing a line on paper to say where a level 1 ends and asked what the developer could propose that would be better than the 125' setback. Mr. Sokoloski replied that their measures would be adequate, but not better, adding that the area is flat, there is no ravine in the land and everything flows off the site, adding that extra runoff, silt and fertilizer is not an issue because it would all be diluted with the flood water, a 50' buffer is as adequate as a 75' or 125' buffer for this type of land, adding that if the Commission wanted them to do more so no flow from the lots heads towards the wetlands, they could do that, but the poor soils would want the nutrients.

D. Heaton said eutrophication is a problem within wetlands as they get too much "stuff" flowing into them, anything from the level 2 area heads to the level 1 and therefore she would not support a buffer reduction to 50'. A. Villeneuve asked what sort of protections they planned at the 125' to keep extra nutrients from fertilizers and such out. E. Mitchell said they had not come up with any, but could put up physical deterrents, and that they have work to do there.

J. Porter said for the large lots with small building areas, he hoped the deterrents would be continued, and it was paramount that the areas are clearly protected but he was not sure how the developer planned to make that happen. Mr. Porter added that he would like more design for how the lots will actually be laid out and that the 75' buffer in his opinion was not adequate to protect this wetland.

D. Heaton asked that the level 2 along the road be addressed. A. Villeneuve said it was a drainage area and then asked how big the level 1 wetland that goes into Calef pond is. Mr. Mitchell said approximately 5-6 acres on the property, however there is a named wetland about 300' that has open water and an island and is about 10-15 acres before you get to Calef road. A. Villeneuve said if they could somehow assuage the fears of the combined wetland level designations. P. Donovan asked what exactly they wanted from the Commission. E. Mitchell said the formal application will be submitted in a few days with the alteration of terrain and wetland applications submitted to the state, they expect to be before the Planning Board in about thirty days.

P. Donovan noted that they had designated the area around the vernal pool as level 2 and wondered if they were looking for a setback reduction there. E. Mitchell said no, and that they now intended to go back to the drawing board to decide whether or not they will go to the zoning board. Mr. Starace and his daughter left the meeting.

### **Emory Property, Map 8 lot 25, Lover's Land (Eric Mitchell, Jean Gagnon)**

Mr. Mitchell said they were preparing wetland permits to create a roadway where currently there is trail crossing used to get out and cut cord wood. The area to be impacted is just under

1000 sq. ft. A. Villeneuve asked for clarification where the permit says it is part permanent and part temporary. Mr. Mitchell said for permitting purposes everything was added together. Riprap would be included in the culvert area, but that might not be permanent and the area will grow back likewise if they need to move dirt around, it will be disturbed but then the area will grow back. A. Villeneuve asked if it would be enough given potential washout. E. Mitchell said it is a named wetland, which drains down to a stream and eventually to the Cohas, we may want to get materials from the open space area, there it pit potential in the space. Mr. Mitchell added that you cannot drive a truck over the area because there would be an impact, considering this they are looking for comments from the Commission.

A. Villeneuve asked what they intended to do in the open space area, reminding Mr. Mitchell that any materials excavated could only be used onsite, and that while he himself has no issue with using the open space in such a way it would be with the stipulation that there is no selling of loam or gravel, only onsite usage of removed materials and no stump dumps were created. Mr. Mitchell assured the Commission that the plan was on site usage only and a pit would be a place to dig, not remove sand and gravel, besides, they would need the okay from the Planning Board. J. Porter said he appreciated the design's attempt to stay out of the wetland buffer, but he uncomfortable with the level 1 – level 2 designation switching, something that flows from what they consider a level 2 area to a level 1 area is functioning as a level 1 and needs to be treated as such, designating 75' setbacks off the bat is excessive. Mr. Mitchell countered that the road (trail) goes through a level 2 which will keep them away from the level 1, the wetland along the road has limited value, and they are applying for a conditional use permit and expect to be talking to the Commission again. Mr. Mitchell and Mr. Gagnon left the meeting.

### **Potential Gravel Pit- Silver Hill Road (Dana and Jocelyn Carlucci)**

Mr. and Mrs. Carlucci said their engineer was unable to get to the meeting tonight and asked to be on next month's agenda. They were told they would be on the agenda, the meeting would be the first Tuesday of the month. They left the meeting.

### **Maine Drilling & Blasting (William Scott, Cindy Balcius (Stonyridge Environmental)**

Ms. Balcius spoke to the conservation easement contained within their wetland application, she handed out copies of the easement for members to peruse.

She noted that as a part of the application, the organization that will be doing the easement monitoring must be listed, she wondered if Auburn was planning to do this as well as hold the easement. Ms. Balcius noted that a \$10,000 stewardship fee to monitor had been agreed upon previously, and she was looking for confirmation as to whether or not the Commission would hold the easement and accept the fee for monitoring.

Ms. Balcius mentioned that the state had changed the easement language and she would get the Commission a copy with the new wording.

P. Donovan asked whether there was a charge each year for stewardship if someone (other than Auburn?) were to hold the easement. A. Villeneuve answered that the fee would go into an investment fund to be used as needed and would offset the cost of monitoring.

There was discussion about who should/ would do the monitoring. Some wondered if the South East Land Trust should be included, others noted how expensive that organization is and thought perhaps hiring an independent local person to do the monitoring was best. The discussion went back and forth with no resolution as to who would monitor the easement.

A. Villeneuve asked what Ms. Balcius required. She replied an email that indicated the Commission would accept what had been proposed.

J. Porter said he would send that to her. Ms. Balcius and Mr. Scott left the meeting.

## **Minutes of December 2, 2014**

***A. Villeneuve – motion to approve the minutes of 12/2/15 meeting      P. Donovan – second  
All in favor, motion passes***

### **Potential Easement Discussion**

***A. Villeneuve – motion to go into nonpublic session      P. Donovan – second  
All in favor, motion passes, Commission enters nonpublic session at 8:17 p.m.***

***D. Heaton– motion to come out of, nonpublic session      A. Villeneuve – second  
All in favor, motion passes, and nonpublic session ends at 8:46p.m.***

***A. Villeneuve – motion to adjourn      D. Heaton – second  
All in favor, motion passes***

Meeting closes at 8:52p.m.