

**Town of Auburn
Conservation Commission
February 4, 2014**

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

Public Present: Carrie Cote (bldg. inspector), Mike DiPeitro (ZBA), Sharon Ramos, Rich Ramos, Eric Mitchell, Jean Gagnon, Vernon Dingman, Tom Sokoloski, Doug Stewart, Vivek Trivedi, Mike Rolf, Tim Ferwerda

Meeting opens at 7:04 p.m.

Tax Map 8 Lot 25, Emory Property – Eric Mitchell 105 acres, 25 to 30 houses proposed

Mr. Mitchell was representing Jean Gagnon who has a proposed subdivision for this, property which is between Lover's Lane and Calef Pond. Mr. Mitchell wanted to discuss the wetland classifications on the site to determine/clarify setbacks. T. Sokoloski a wetland scientist did the mapping. He determined there was a level 1 contiguous wetland and several vernal pools on the property. There are two outlets from the large wetland area that have structured channels that are perennial streams. There is a woods road that separates the area. There is at least one wetland crossing proposed and perhaps a conditional use permit request. The Highway Method was used to classify the wetlands. Mr. Sokoloski said the primary function of the wetlands is wildlife corridors.

A. Villeneuve asked was there a single contiguous wetland that they were trying to classify in separate ways. Their answer was essentially yes, they would like to separate the classification of the level 1 wetland. Rather than it being considered one level 1 wetland they request it be broken into two wetlands, based upon the functionality of the different areas. P. Donovan asked if there had been any indication of wildlife being present and did they seem to follow the streams as Mr. Sokoloski suggested. He responded that signs of coyote and deer had been seen and they seemed to follow the pond edge rather than the streams. D. Heaton, after looking at the plan, noted the proposed seems to be a subdivision surrounded by wetland. P. Donovan replied that as a result, animal movement would probably be stopped. J. Porter felt disturbance was a concern due to run-off that inevitably would come from the backyard lots that appear to be 20' higher than the wetlands they will surround.

A. Villeneuve asked what they were looking for from the Commission, a consensus on changing the wetland classification. Mr. Mitchell said yes, the next step is to finish the road design and go to the planning board and they hoped to get input prior to design completion.

There was discussion and time spent looking at the plan and map and where the vernal pools were in respect to the proposed road and development lots. A. Villeneuve said he was not in favor as one wetland as two types without actually seeing it. J. Porter added that the commission's stance has been that corridors should be preserved and the intent of the ordinances is to maintain the 125' buffer. Thereby preserving green-ways and open space, he added that he agreed with Mr. Villeneuve. P. Donovan added she too agreed, corridors are key, and she would like to see the area without snow.

Mr. Mitchell said they had heard the concerns of the Commission and will return with more specific drainage plans.

Maverick Development – Lot between Pingree Hill Road and Haven Drive – Eric Mitchell

about 60 acres

A schematic was presented that just showed a road proposed to run across the lot with at least two wetland crossings. The road would go directly through a vernal pool on the Pingree Hill end and create a culvert at Haven Drive. T. Fewarda presented the plan saying he met with the EPA who suggested they try recreating vernal pools in three different areas. J. Porter asked if the recreated vernal pools were going to be made before the destruction of the actual vernal pool in order to determine if any is effective. E. Mitchell answered they planned to create an open box at the vernal pool. A. Villeneuve suggested they build a bridge otherwise the vernal pool will be destroyed. He asked what they were looking for from the Conservation Commission because the last time they had a similar request they were told to stay away from the vernal pool.

C. Joy asked if they had a topographic map however Mr. Fewarda did not have one. E. Mitchell said the topography is much steeper than the wetlands. A. Villeneuve wondered what they were proposing, he added that it could not be a cluster because they are making a through road. E. Mitchell responded that a cluster was the intent. C. Joy responded that it was a very wet area.

P. Donovan asked that the Commission be provided with examples of where created vernal pools have worked and for how long. She requested specific examples of these being successful. A. Villeneuve agreed, agreed they needed a lot more information about vernal pool creation and exact evidence of them working, He also concurred that a topographic map should be provided.

E. Mitchell replied he understood the concerns of the Commission.

Myles Drive – Myles Plaza – Eric Mitchell

Mr. Mitchell said they were proposing to subdivide the almost 10 acre parcel into two lots. One would be about 5 acres and one 4 acres. Mr. Mitchell said although a lot of the area has been excavated, there are wetland issues. There are both level 1 and level 2 wetlands present. T. Sokoloski showed a drawing of the wetlands on site and talked about how they had been classified and how they drained. A. Villeneuve asked questions about the “two” wetlands. T. Sokoloski said the pond which is the highest functioning wetland, was potentially a vernal pool however it was ice covered. A. Villeneuve asked if they are asking to have the Commission consider changing the status of a level one wetland, making a contiguous wetland into two separate wetlands. Mr. Sokoloski said they hoped the Commission would understand their methodology and agree it concurs with what the town says. E. Mitchell said the plan was not to create a strip mall or high traffic area. J. Porter noted that the land underneath was an aquifer of high value. T. Sokoloski said he had looked at a soil conservation map and yes there is sandy out wash which is aquifer soil present but so is glacial till which is not aquifer soil. A. Villeneuve said he was uncomfortable dividing a wetland without seeing it in a state other than frozen. The one time the Commission did agree to the separation of one wetland into two, they went to the site and it was very clear they had different functionalities. E. Mitchell said you can access this area fairly easily during the winter and since they are on the Planning Board agenda for February 19 if a site walk could be done before that it would be great. P. Donovan noted with everything frozen and covered with ice chances are they would not see any flow prior to that date. J. Porter agreed. A. Villeneuve asked what the plan for maintenance on site and of detention ponds was, E. Mitchell said they did not have that presently. The Commission agreed to attend a site walk at 9:00 a.m. on Sunday, February 16.

Sharon and Rich Ramos, Bunker Hill Road

The ZBA granted the Ramos permission to create a second structure as a separate in-law dwelling as opposed to creating an attached apartment. The Selectmen appealed the decision and asked that the Conservation Commission offer some input as they had not been consulted on the original decision. The Ramos' home is within the 125' buffer of a tier 1 wetland. S. Hanson asked how big the limit of work would be, saying sometimes this area is way outside the proposed footprint of the finished structure. V. Dingman said they wished to keep it to a minimum, adding they really only want the structure it would be placed in a 4 acre grassy upland area (?), the septic would be 220 gallons (?) J. Porter raised the question of some future owner coming in and wanting to add to the existing structure, then there would be two homes and an addition. Mr. Ramos said the septic, well line, fuel system and electric lines are all on the side of the existing structure which should keep extra building to a minimum. C. Joy said it sounds as though the question is which is the lesser of two evils. A. Villeneuve agreed, saying the second building would be outside of the buffer, the addition within it. Mr. Dingman said the ZBA felt it was more important to keep the disturbance outside of the buffer. A. Villeneuve replied disturbance is already occurring within the wetland because the house is there, it is an entirely disturbed site already.

C. Cote spoke for the Selectmen saying they voted to appeal because historically two separate dwellings one lot have been denied. They expressed concern over where a new leach field would be placed when the present one failed and the fact that the Conservation Commission had not been consulted to help keep the spirit and tone of zoning ordinances while protecting or minimizing wetland disturbance. C. Joy said he did not think Conservation would ever suggest a second building in a new area and suggested the Ramos attach an apartment instead. A. Villeneuve agreed saying in the past they have supported additions that went no closer to the wetland and ended up with better protection. He added they already have house and barn, connected by a gravel drive in the setback, they would put a request for an addition through the ringer but would probably support. J. Porter agreed. Mr. Ramos suggested putting restrictions on the deed to prohibit further building. C. Joy said he appreciated the idea but no one ever reads their deed so it would be ineffectual.

Mike DiPeitro of the ZBA asked about activity versus disturbance, was additional activity within the buffer not important? A. Villeneuve replied they are already living in that area so the disturbance is occurring daily, he did not think adding an in-law apartment would be as much extra disturbance as putting a separate dwelling in a previously undisturbed spot. He concluded that with appropriate best management practices in place he thought the Commission could probably support an addition to the house. P. Donovan, C. Joy and S. Hanson voiced agreement. C. Cote suggested someone from Conservation attend the ZBA appeals meeting.

Mount Miner Subdivision

D. Stewart showed a plan, said because of the grade they need to close to the wetlands, in one instance they are 30' from a pond. A. Villeneuve wanted to know how the propose getting to the detention ponds, there will be a disturbance path to reach them and he wants to know the plan of access, adding the biggest issue the last time they had a plan was the loss of wildlife corridor. C. Joy mentioned that the detention areas will need to be outside of the buffer as that is not an area to be digging a pond. A. Villeneuve asked the total acreage and that of wetlands and steep slopes. Vivek Trivedi said there are combined parcels, 76.4 and 45.9 acres each, they are proposing 26 house lots. S. Hanson asked had they considered additional infiltration processes to decrease the size of the ponds. D. Stewart said they had already been implemented and the ponds could perhaps be smaller but he did not know by how much. He and S. Hanson talked about run-off.

A. Villeneuve said he was having trouble with the slopes and requested clarification of the idea behind the one of the ponds that is to have a 20' wall the disturbance of which is 50' from the water, he suggested losing a house to create a way to get to the detention pond and said the wildlife corridor needs addressed and the fact that they want to bi-sect two ponds with a road.. C. Joy said this is one of the highest rated wetlands in the town and the constructed ponds need to be outside the buffer. J. Porter was concerned about the run – off into the natural ponds from the construction. D. Heaton mentioned the amount of water flowing down the area during the last site walk which occurred during a rain storm. C. Joy added that because of the value of the wetland they will be quite strict about the 125' buffer.

Motion to go into nonpublic session - A. Villeneuve

Second - J. Porter

C. Joy, J. Porter, A. Villeneuve, D. Heaton, P. Donovan, S. Hanson – agree

The Commission entered a nonpublic session

Audubon Update

P. Donovan talked with Dawn Genes of the New Hampshire Audubon. They would like a member of the Conservation Commission to participate in creating a management plan for the land they used to own that is now has an easement on it. C. Joy said it is not the Audubon's land so in regards to what can and cannot be enforced it is an issue for the Selectmen, and the town is not interested in budgeting to maintain the land or make it a dawn to dusk property.

Willow Court Proposed Tree Cutting

Turns out the open space was deeded to the Conservation Commission, something that must be prevented in the future, parcels should be deeded to a third party, land preservation group.

Motion to adjourn – J. Porter

Second – P. Donovan

All agree

Meeting closes at 9:57 p.m.