

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

Members present: Jeff Porter-Chairman, Alan Villeneuve & Peg Donovan, Members. Richard Burnham, Alternate.

Absent: Ed Fehrenbach, Diana Heaton, Members. Stephanie Hanson, Alternate.

Others present: Michael Rolfe & Jeremy Lougee.

Mr. Porter opened the meeting at 7:00 p.m.

PUBLIC HEARING

Pursuant to the provisions of RSA 36-A:5, II and RSA 675:7, the Auburn Conservation Commission will conduct a public hearing on Tuesday, March 1, 2016 at 7:00 p.m. at the Auburn Town Hall concerning the acquisition of a proposed Conservation Easement.

The Conservation Easements would encumber approximately 63-acres of the property identified as Tax Map #11, Lot #30, located on Dearborn Road. The total project cost would be \$542,486, of which \$240,000 would come to the Town of Auburn Conservation Fund. The purpose of the Easement is to limit the use of the property, so as to maintain it in perpetuity as open space, subject to certain reserved rights contained in the Easement.

Mr. Porter indicated that he would elevate Mr. Burnham to a full voting member for this evenings hearing and then asked Mr. Lougee to begin his presentation.

Mr. Lougee began by saying that he had a few handouts and passed them out to the Board members. Mr. Lougee also informed the Board members present that the Dufresne Easement is about to close and that he would get Mr. Porter and Mr. Headd to sign the Easement. They are looking at closing the end of next week dependent upon how quickly DES's funds will hit their account.

Mr. Porter moved on to the Public Hearing for Mr. Rolfe. Mr. Lougee began by saying that he did send out an RFP proposal as they received three (3) proposals of which he did send to Mr. Porter and Mr. Herman to review. Mr. Lougee pointed out that the lowest proposal for the survey came in at \$10,700 which drops it down to \$247,000. A brief discussion ensued with regard to the proposal. Mr. Lougee went through the timeline and started out by saying that they were doing the Public Hearing tonight and

that it would be a busy month. He has a presentation before his Land Conservation Committee (SELT) tomorrow morning and provided that everything goes okay here tonight then he would be seeking their approval to sign the LOU with the Town of Auburn and a Sales Agreement with the Rolfes. Then hopefully determining final easement boundary and deed by the end of the month or early April and then the survey can get wrapped up and then close possibly the next month after that.

Mr. Lougee went on to inform the Board that Eric could complete the survey by April 15th and Mr. Wichert could complete in 5 weeks pending weather and Amerisite could complete by May 8th. Mr. Porter noted that Eric came in at the low pricing and suggested that they go with that. The Board all agreed. Mr. Lougee stated that this was the basic timeline broken down and asked the Board members if they had any questions. None were noted. Mr. Porter asked the Board to proceed with a vote with regard to the LOU Agreement.

Mr. Villeneuve asked about the Legal line item and wondered if they ever contributed to the Legal Fund in previous easements that they've done. Mr. Lougee explained that their Stewardship Department actually separated the cost of general stewardship which are monitoring visits every year and what they've estimated for legal defense of an easement. When they did that they actually looked at all of their easements and what the average cost for legal defense would be which would be a flat rate from now on for all future easements. The Stewardship Fund is the calculation when you look at the total perimeter boundary, neighbors, how complicated the easement is and how many different interests are held in the easement if there are one or two executory interests. This is based on the property specific where the legal defense fund is now a separate fund. Mr. Lougee explained that before it was included in the Stewardship Costs and now it's a line item.

Mrs. Donovan made a motion to vote on the LOU Agreement between the Rolfes' and the Conservation Commission for Tax Map #11, Lot #30, Dearborn Road. Mr. Villeneuve seconded the motion. A vote was taken; All were in favor and the motion passed.

Mr. Villeneuve made a motion to approve the project costs not to exceed the amount of \$247,000 for all costs involved in the acquisition of this Easement for Tax Map #11, Lot #30, Dearborn Road. Mrs. Donovan seconded the motion. A vote was taken; All were in favor and the motion passed.

At this time, Mr. Porter signed the LOU. Mr. Lougee stated that the Board of Directors will vote on this on March 17th and then the Executive Director will sign it. Mr. Lougee informed Mr. Porter that he would scan it and forward the signed document to him. At this time, Mr. Porter thanked Mr. Lougee. Mr. Lougee informed Mr. Porter that he would let him know when the Dufresne Easement closes and would shoot him an e-mail on the 17th.

Kenneth & Lucy Geddes
15 Harvard Avenue, Tax Map 9, Lot 28-5-2
Disturbance inside the 125 ft. wetland setback

Mr. Geddes began by introducing himself and his wife and informed the Board members that they were looking at converting their house to solar and that they have looked at different options such as rooftop solars but that rooftop solars would not work on his house because of the ridgeline and the tall pitch. Mr. Geddes continued by saying that what they are looking to do is place two (2) solar trackers on the north side of their house to generate their solar power which falls within the 125 foot setback to the wetlands. Mr. Geddes stated that what they are before the Board tonight to do is to see what would be required to move forward.

Mrs. Donovan asked what the footprint was for the panels. Mr. Geddes answered by saying that it was placed on a pedestal on a precast base that is six (6) feet deep so there would be a trench that would be dug from both solar panels to the house. Mr. Villeneuve asked if they knew what level the wetland was that they would be less than 125 feet from. He did not know and informed the Board members that it was rejected by the Building Inspector. Discussion ensued with regard to having two (2) towers of which each would have 24 panels to a mass. Mr. Porter explained that that they have done some clearing, of which was permitted but what they were proposing to do was disturbing a Level One wetlands. Mr. Porter understood that it was solar and that it was a conservation effort but disturbing within a Level One wetland of which the Conservation Commission is not in favor of and asked if there was any possibility of moving it to the other side of the house. The person from Revision Energy noted there was a few problems with moving it to the other side of the house of which included the tall pine trees that were not on their property but on the neighbor's property so a rooftop system is not economically viable. Discussion ensued with regard to rooftop as opposed to solar towers and the suns path throughout the year and to get it as close to the house as possible. Mrs. Donovan asked what the distance was from the solar panels and the house. It was pointed out that the tracker closest to the road was approximately 114 feet from the house and the other one would be closer than 114 feet. Discussion ensued with regard to clearing the area and maintaining the area. Mr. Porter pointed out that the clearing has been done already. The Board discussed the photo with google earth and the plan as well as the panel and the tilt and turn of the solar panels. The gentlemen from Revision Energy informed the Board members that rooftop solar panels were not a viable option for this project. The Board and Mr. Geddes reviewed where the property line was between the neighbor and Mr. Geddes.

Mr. Villeneuve stated that he believed the wetland buffer was a non-disturb buffer meaning the ground down and that you can cut trees but you cannot pull the stumps out. You're supposed to allow it to grow back and not mow it per the Town of Auburn's regulations. The gentleman from Revision Energy pointed out that there would be a disturbance because you would be getting an excavator in there digging two (2) six foot holes but once it's in place and installed there would only be concrete and metal. Discussion ensued with regard to what direction the solar panels would be facing.

Mrs. Donovan asked what the level of disturbance would be to install these two (2) solar trackers. The comment was that it would be excavating two (2) holes and digging a trench. Mr. Villeneuve did not have a concern with regard to the installation but worried about mowing a lawn. Mr. Villeneuve pointed out that he would be looking for some sort of a buffer with low shrubbery that would be left alone to grow. Mr. Geddes also pointed out that one of the trackers would be placed in an area closest to the road that has always been cleared since he's been there. Mr. Villeneuve preferred no disturbance but wanted to know how Mr. Geddes would make it better than no disturbance when he was done and did not know how he would be able to do that.

Mr. Villeneuve asked if this would require a variance or special exception. Mr. Porter believed that going into a 125 foot wetland buffer would require a variance from the Zoning Board of Adjustment. Discussion ensued with regard to going before the ZBA and Mr. Villeneuve suggested that they bring a plan showing what they were going to do to make it a no disturb buffer after the two (2) trackers were installed.

Mr. Burnham asked what the lifespan was for the solar trackers. It was said to have a manufacturer's warranty for the components was for 25 years and the life expectancy was 45 years and the idea is to have it maintenance free.

Mr. Porter read the section of the regulations that states that a variance would be required and pointed out that the question would be if it would meet the hardship. Mr. Porter stated that his personal take on this was that he believed that by placing two (2) solar panels within a wetland buffer is overreaching and did not believe that this was the only way that it would work. Mr. Porter further believed that solar panels could be placed on the roof. The gentlemen stated that he could provide data that would show the production for each and that the level of production does not come anywhere close as to what the two (2) trackers would do. Mr. Burnham asked if moving the trackers out of the buffer and closer to the house would work or would it be doable. The gentleman from Revision Energy stated that by moving the trackers out of the buffer and closer to the house would not be feasible but possibly moving the trackers closer to the buffer line may be doable. Mr. Villeneuve suggested looking for relief from the front setback as opposed to the wetland setback which would be less of an impact.

Mr. Porter asked Mr. Burnham if he had anything to add. Mr. Burnham stated that he agreed with everything that Mr. Porter said and thought that solar was a great thing and that in his opinion would be to get it out of the buffer and closer to the house and that he would have to go before the ZBA and talk to abutters and the like. Mr. Porter pointed out a few things to help the ZBA to look to reduce the area inside the buffer and raise the panels as much as they could. Mr. Porter also informed Mr. Geddes that everyone is tired of granting variances for relief especially from wetlands. Mrs. Donovan and Mr. Villeneuve believed it was a Level One wetland. Mr. Villeneuve believed there was some support for a one time disturbance in an area that can be reclaimed in a certain way with a well thought out plan of vegetation on a minimal disturbance. Mr. Villeneuve thought that 75 feet would not work but 110 feet may be possible.

Mr. Porter asked Mr. Geddes when he was looking to start the project. Mr. Geddes stated that he was looking at some time in April. Mr. Porter stated to Mr. Geddes that it might behoove him to revisit the plan itself and look for minimum disturbance. It was noted that the ZBA would not be meeting in March due to the fact that the deadline has passed and therefore would next be meeting in April. With that in mind, Mr. Porter suggested to Mr. Geddes that if and when he changes the plan that he come back before the Conservation Commission next month with a reclamation and that may possibly change their opinion. Mr. Villeneuve did not believe that Mr. Geddes needed to seek an engineer or anything like that but to speak with someone that could possibly help him out. Mr. Geddes understood what Mr. Porter was saying and the discussion ended.

Mr. Porter thanked Mr. and Mrs. Geddes and the gentleman from Revision Energy and they all exited the meeting.

Minutes

February Meeting

Mr. Villeneuve moved to accept the minutes of February 2, 2016 as written, Mr. Burnham seconded the motion. A vote was taken; all were in favor, the motion passed.

Planning Board Updates and Warrant Articles

Mr. Porter asked the Board members about the Warrant Article Updates and pointed out that he was sorry to see that the article wasn't pulled regarding the Petition to do away with the cluster all together. A brief discussion ensued with regard to the Petition Warrant Article.

Conservation Commission Member Poll

Mr. Porter pointed out that there were three (3) members terms and one alternate's term were coming up for rehearing which are Peg Donovan, Diana Heaton and Alan Villeneuve and that he hoped that everyone would be willing to continue on the Conservation Commission.

Mr. Porter stated that this was the end of discussion and asked for a motion to adjourn.

OTHER BUSINESS

There was no other business to discuss.

ADJOURN

Mr. Villeneuve moved to adjourn the Hearing. Mr. Burnham seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:53 p.m.

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