

**Town of Auburn  
Conservation Commission  
March 11, 2015**

**Members:** Jeff Porter (chair), Peg Donovan, Ed Fehrenbach, Diana Heaton

**Also Present:** Eric Mitchell, Rob Starace, Jean Gagnon, Steve Fabonio

Meeting opens 6:05 p.m.

**Lovers Lanes – Calef Estates – Tax Map 8, lot 25 – JMJ Properties**

Eric Mitchell started by saying the road name will change, but they have not concentrated on that.

He then went on that over 75' will be undisturbed, they moved into the level 2 setback but are now staying out of the vernal pool area. They could move into the other lot, but would lose then lose the lot. Looked at separating the drainage ponds or making them smaller but E. Mitchell says he cannot remove them. Trying to keep the corridor to the vernal pool undisturbed rather than have disturbances all over, will take to the 125', and water from the detention pond will go to the level 2 not the level 1.

STANTEC asked that the road be moved for less impact, Mr. Mitchell said he will perhaps tweak a bit, but they are trying to make as small a footprint as possible and not lose a lot.

E. Fehrenbach asked about drainage. E. Mitchell has a weir so water slowly releases, releases as water level rises.

D. Heaton asked where the water was released too and what the distance the edge of the retention area from the wetland was now. E. Mitchell responded that the water goes towards the level 2 wetland and the distance was a matter of 5' to 6'.

STANTC requested a 2:1 rather than 3:1 slope, they will put down a geotextile mat on the slope to propagate growth and re-vegetate the side. E. Fehrenbach asked if structurally better to leave as a 3:1? E. Mitchell answered, no, as long as the geotech mat grows and takes hold.

J. Porter asked about the possibility of rather than a lot next to the detention pond, putting the detention pond in that space E. Mitchell said the elevation along the lots is best. J. Porter said elevation along road less to pipe in and he would support the pond being closer to road E. Mitchell said if they did that, they would be 2/3 out of buffer and the water would flow into it.

D. Heaton, said yes, but it would not go into buffer for level 1 but for a level 2.

P. Donovan wondered if they could swing the access road around to the other side

E. Mitchell said if they lost the lot they could put the road on the other side and it would be out of the setback, but they don't want to do that, so are going to the zoning board to ask for a variance

J. Porter noted that if they gave up that lot, you would be out of the level 1 entirely and the grade and spacing against the vernal pool would probably be the same, whether it is inside lot or they fiddle with the access roads, his feeling is the best scenario is to put the detention pond inside the lot and stay out of the level 1 and then they probably would not need to go to the ZBA.

E. Mitchell replied they have two different positions, and he is not going to say he can get all in the lot, but it would greatly change.

D. Heaton said she was also looking at the impact and felt it was contiguous with level one, the better idea is to put the detention pond in lot 25-7, it just too close to edge of the wetland otherwise, so she agreed with J. Porter.

J. Porter asked if anyone wanted to make a motion or terms of acceptance.

***P. Donovan - motion to support the plan as presented tonight, with location of detention pond alongside lot 25-7.***

***E. Fehrenbach – second***

***Yea – 0 Nay – 3***

***Motion does not pass***

J. Porter asked if there was a motion for a secondary position.

***D. Heaton – the Conservation Commission supports an additional revision to the plan to move the detention pond further out of the setbacks***

***P. Donovan – second***

***Yea – 3***

***Motion passes***

E. Mitchell talked about something requiring a conditional use permit, he moved a road that left a setback open, and they are going back to the ZBA to ask for relief from the 125' setback for lots 19 & 20 because they are about 170' from the edge of wet, they will add an earthen berm, most of the water goes away from the wetland. J. Porter thought that sounded like a good idea, earthen berms are great and the others agreed.

## **77 Pingree Hill Road– Anderson Way – Tax Map 5 lot 19 – Strategic Contracting Company**

Detention pond within the buffers is still active before the boards. The level 2 –level 1 wetlands between lots 3 and 4 debate.

Because detention ponds within level 1 setbacks not in keeping with the town regulation.

STANTEC indicated they move the drainage and put it towards the back, E. Mitchell says this would be difficult because the land is so flat, would need a 15' cut to get the pipe low enough to work, E. Mitchell does not consider this to be practical, they were planning on creating micro pools, which STANTEC prefers not to see, so now have treatment swale with outlet towards open area, they have maintained the detention ponds within the field and stonewalls so are not cutting trees, will be a little bit higher because of the flat land.

STANTEC asked they move away from the road, they did that.

Did not talk to Schauer's (Environmental Service) office about whether the wetland is level 1 or level 2 because they do not want to wait for a peer review, they conceded that is a level 1 and have 125' and 100', the driveway will come through the 125' so will have to ask for relief to get to, they intend to do wetland delineation markings and earthen berms. Also spoke about signposts with ornamental fencing as a possibility in the field, earthen berm to direct the flow of the water.

J. Porter mentioned that this is more desirable than just a sign on a post that can be removed. Those lots are going to be a challenge regardless but they are good changes and he appreciates it. D. Heaton agreed, and said she would support the 100' rather than 125 for lot 3 but she was concerned about how close they were down below the pond.

E. Mitchell said they were about 40' away, and could possibly free up 5' if they change the slope. They are creating slow release detention ponds. J. Porter asked how much elevation for the berm will be raised against the level 1 wetland. E. Mitchell answered the top was 84', then 78', so it is 6' from that to top of berm. P. Donovan asked how far the road would be into the buffer. E. Mitchell said at first it is close to 75', then goes to 100', then 125'. J. Porter noted that STANTEC supports the berm and riprap.

***D. Heaton - motion to support the design changes as submitted on the plan shown tonight.***

***E. Fehrenbach – second***

***All in favor, motion passes***

### **Haven Drive/Pingree Hill (tax map 5 lots 29 & 36) Maverick Development**

E. Mitchell mentioned that they have not been before the ZBA with this plan, they filed the application today.

E. Mitchell went on, they have moved the detention ponds by combining them and putting them in the back of lot 29-12. On lot 12 they pushed it around the corner, and pulled the slope up, if it can be 2:1 it will come up a little more, in the tributary, they are at 75', there will be a gravel access road for town to get to it, isn't a great house lot, the piping will go across the culvert then the outlet that goes towards the level 2, combining and pushing behind helps a lot even though still in the 125'. We can pitch the grade so all the water goes to the inside therefore no water from the gravel area goes to the 125'

J. Porter however, you still have disturbance in the buffer area. E. Mitchell yes, this is not optimum, but we were concerned that too much is in the buffer so we looked at how to get it out of the buffer. The lot may get cut down or be an easement, compared to two ponds within the setback, this is a better plan. S. Fabonio said he was trying to meet everybody's needs.

J. Porter asked when they thought they would have a plan that better includes the suggestions from STANTEC

E. Mitchell answered that they still need to incorporate those changes into the plan, and still need to polish the drainage design, they have not edited the piping. But this plan is what was submitted to the ZBA

E. Fehrenbach asked if the pipe goes above or below culvert. E. Mitchell answered, above, will be three feet of cover on the pipe, 8' of road above the top of the box culvert. It will be covered like any other pipe, with soil etc.

J. Porter noticed that this plan had the detention pond out of the greenway more than it was on a previous plan, but there was still a lot of work to be done with STANTEC in regard to the vernal pools and the other road, whether it is feasible, the destruction of the vernal pools. He wants to suggest STANTEC hold the reviews. J. Porter continued that he was still struggling with the vernal pool, they should be looking for a different access, need to see what other access is available if through another lot, they cannot just have a blanket statement that they are going to go through the vernal pool because this has to be a through road.

E. Mitchell apologized for not having some notes

J. Porter said he did not want the Conservation Commission to set a precedent for destroying vernal pool. They have only supported one ever and that had substantial mitigation, he did note they had done a great job moving pond and outflow with the revised plan.

E. Mitchell talked about access points and how drainage would still be going to the same place, so question would be a detention pond next to the vernal pool. He talked about crossing a level 1 and the steepness of the grade.

J. Porter said he wants to hear STANTEC's opinion about the feasibility of a Cohas Road extension and if this was done then perhaps they would not need to go through the effort of trying to recreate vernal pools. S. Fabonio said he wants the vernal pools to work and is investing in them, the town will get 110% from him to protect his reputation and he wants the Commission to know that they will have his support to make them work.

J. Porter asked when E. Mitchell expected to have a conversation with STANTEC, he answered he could talk with him before the end of the week.

E. Mitchell said all three projects are in ZBA for the issue of detention ponds within the 125' setback. This plan was submitted today for the first time, and will be heard next Wednesday

night for first time by planning board.

J. Porter said he would be interested in hearing the review from STANTEC on Cohas Road, prior to the Planning Board meeting, because that may have a substantial impact, definitely will have a an impact on the vernal pools.

E. Fehrenbach noted that it seemed very costly to go through the vernal pools and then create three more elsewhere, he asked why not buy a house elsewhere to use as a through way.

S. Fabonio said he has tried that but the landowners were unwilling to make a reasonable deal, he will be 25' away from some of the abutters' homes which will be cause a lot of push back.

He agreed that if he can miss the vernal pool, he should, that if this plan with the destruction of the vernal pool goes through, it should be looked at as not the way to go, but that you have a choice which should be to miss vernal pools. He said he spoke to the abutters telling them he is trying to save something and help them out. J. Porter said he would be in touch with Eric and ZBA

***D. Heaton - motion to adjourn***

***E. Fehrenbach – second***

Closes @ 7:10 p.m.