

**Town of Auburn
Conservation Commission
September 10, 2019**

Members present: Jeff Porter-Chairman. Peg Donovan, Vice Chair. Richard Burnham & Diana Heaton, Members. Minutes recorded by Denise Royce.

Absent: Ed Fehrenbach & Stephanie Hanson, Members. Kayla Beliveau, Alternate Member.

Mr. Porter called the meeting to order at 7:00 p.m. and introduced the Board members to everyone present tonight. Mr. Porter moved on to the approval of the meeting minutes for Tuesday, August 13, 2019.

MINUTES

Mrs. Donovan moved to approve the minutes of August 13, 2019 as written. Mr. Burnham seconded the motion. All were in favor, the motion passed unanimously.

OLD BUSINESS

Mr. Porter moved on to the only item on the agenda for tonight which was with Mr. James Pidhurney.

**James Pidhurney
551 Pingree Hill Road, Tax Map 2, Lot 37-2
Discuss placement of inground pool within wetland buffer
Continued from August 13, 2019**

Mr. Pidhurney began by passing out a revised plan to the Board members for review. Mr. Pidhurney explained that they kept the pool entirely out of the buffer and that any runoff would be directed away from the wetlands. Mr. Pidhurney indicated that, the pool has been switched to gunite versus the original vinyl so the pool is smaller than it was. The only thing that would be in the buffer would be the pool house. Mr. Pidhurney explained that it would be a salt water pool and switched it out from a backflushing system to a cartridge base so there wouldn't be anything that needed to be ejected out of that pool. At this time, the Board asked about lowering the pool for winter storage. Mr. Pidhurney

indicated that there would be perimeter drains that would be collected outside of the 75-foot buffer.

Mr. Porter talked about the topography and believed that they would have to go down 8-feet which would be under the watershed and pointed out that he would have a problem with water filling back in. Mr. Porter moved on to talk about the location of the pool house which was shown to be totally within the 75-foot wetland buffer. Mr. Porter indicated that, he still had a problem with the shed being on top of the wetlands and that his first take would be to move that out and up towards another area. Mrs. Donovan asked how far the shed was from the pool as she believed it was pretty far. Mr. Pidhurney said that it was pretty far. A discussion ensued with the area of the pool and the backyard. A copy of the proposed plan can be found in the file with the minutes.

Mr. Pidhurney just wanted to know if this was doable because he didn't want to pay a lot of money if this was not going to fly with the Conservation Commission. Mr. Porter reiterated that, he had a problem with the location of the shed and if they could get it out of the buffer entirely then they would stand a chance for the Cons Com to support this plan for them to go forward with a Variance application.

Discussion ensued with regard to the wetland and Ms. Heaton read the functional analysis that was done back in June 2004 by Gove Environmental Services, Inc. A copy of which can be found in the file attached to a ZBA Notice of Decision dated July 29, 2004. Mr. Porter indicated that, getting everything out of the buffer would be beneficial to them and talked about the water table in that area. Ms. Heaton noted that there was water flow through that area. Mr. Pidhurney indicated that it was dried up now. Discussion ensued with regard to the location of the well, septic and propane tank. Ms. Heaton commented that, the best compromise of figuring out how to stay as far away from the wetland and not dealing with the crazy slopes you have on the other side of the house and still be able to get a shed/pool house near the pool. Ms. Heaton talked about mitigation and reconfiguring the pool house that it could possibly work and could see coming to a supportable compromise with something like that but not being this close to the wetland of 25-feet. Mrs. Donovan believed that Mr. Pidhurney did an awesome job with the plan.

Mr. Burnham asked what the size of the shed/pool house would be. Mr. Pidhurney informed the Board that he wanted to do a full basement under the pool house and that the pool house would be 25-feet by 35-feet. Mr. Burnham didn't think that could happen because it could be construed as an Accessory Dwelling Unit which we do not allow detached ADU's. Mr. Pidhurney stated that he would like to use it for storage. Mr. Porter believed it was bigger than an ADU. Ms. Royce indicated that it would be 875 square feet. Ms. Heaton explained that, it may not be this homeowner that morphs it into an ADU but it may be the next homeowner. Ms. Heaton commented that, from her perspective, she could not support a reduction of 100 feet. Mr. Pidhurney stated that it was reclassified. Ms. Royce explained that, they went to zoning and received a reduction of

the wetland from 125-feet down to 75-feet. At this time, Ms. Heaton reviewed the ZBA Decision dated July 29, 2004 and stated that it was a buffer reduction that was issued and not a reclassification so there has already been a reduction that was issued. Mr. Pidhurney stated that, he was not a part of that reduction when it happened and that, if it was not going to work in the area that they want it then it's not worth it to him. Ms. Heaton further added that, there was already a reduction down to 75-feet from 125-feet from a Level One wetland and to further reduce it to 25-feet from a Level One wetland that she could not recall a time that they have supported a 25-foot reduction to a Level One wetland.

Ms. Heaton talked about the Special Exception request with the ZBA in 2004 and pointed out the conditions that were set when the ZBA made their decision which are as follows:

- *Mowing of the field is allowed up to a distance of 75-feet from the wetland, conditioned upon the recommendations contained both in the June 10, 2004 functional analysis prepared by Gove Environmental Services, Inc., and the Town of Auburn Zoning Ordinance, including, but not limited to, fertilization; and,*
- *A deed restriction shall be recorded consistent with the conditions attached to the granting of the Special Exception.*

Ms. Heaton also commented that, they also took into account future use when they issued this because they talk about the use of fertilizers and is noted within the functional analysis which can be found in the file attached to the Notice of the Decision from the ZBA dated July 29, 2004. Ms. Heaton indicated that, the way this property has been utilized that she could see supporting both structures outside of the 75-foot of the 125-foot but not within the 75-foot setback and only because Mr. Pidhurney has done such a good job with the mitigation. Mr. Porter also pointed out that it was an area that was already being mowed and has already been cleared but as soon as you start moving into the buffer area then it becomes more of an issue.

In conclusion, Mr. Porter suggested that they keep everything out of the buffer area and possibly moving the propane tank and to show the topography and the slopes. Mr. Pidhurney understood that basically everything had to come out of the 75-foot wetland buffer and thanked the Board for their time and was unsure if it would work and informed the Board that they would be back before the Board if they come up with a better plan. Mr. Pidhurney understood what the Board was saying and said that they would come back before them if they decide to move forward with a revised plan.

Mrs. Pidhurney asked about a tennis court and the Board discussed that it would need to maintain setbacks and believed it would be held to the same standards within a watershed protection area. Mr. Pidhurney did not believe there was any difference between a tennis court and a pool apron being in the setback. Ms. Heaton explained that, they are not supposed to have any use at all within the 75-feet because there was already a reduction

so they could mow up to 75-feet from the wetland and everything was to regrow from the 75-feet to the wetlands. Mr. Porter thanked Mr. Pidhurney for coming before the Conservation Commission and they exited the meeting.

NEW/OTHER BUSINESS

Mr. Porter asked if there was anything else to discuss. There was no new business to discuss tonight. Mr. Porter informed the Board that the next meeting would be back on schedule and would be held on Tuesday, October 1st. No one had anything else to add and therefore, Mr. Porter asked for a motion to adjourn.

ADJOURN

Ms. Heaton moved to adjourn the meeting. Mrs. Donovan seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:10 p.m.

The next Conservation Commission meeting is currently scheduled for Tuesday, October 1st, 2019 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.