

**Town of Auburn  
Conservation Commission  
June 10, 2014**

**Commission Present:** Chuck Joy, Chairman; Jeff Porter, Vice Chair; Ed Fehrenbach, Alan Villeneuve and Peg Donovan, members; Stephanie Hanson and Diana Heaton, Alternate members

**Also Present:** John Stout, TSI Logging; David Vaile, Southeast Land Trust of NH; Michael Rolfe, William and Jane Cooper, Tom Baker and Jayendra Patel, Residents; Eric Mitchell, Eric C. Mitchell & Associates; Steve Febonio, Maverick Development Corp, Inc.; Kathryn Skoglund, Recording Secretary

Mr. Joy called the meeting to order at 7:00 p.m.

**John Stout, TSI Logging – Forestry Proposals**

Mr. Stout provided the Commission with two forestry proposals for two Audubon properties in which the Town holds conservation easements. Mr. Stout indicated that there is a boundary line that he could not find that needs to be established before he can provide accurate revenue estimates. The Commission reviewed the proposals. Mr. Stout described his proposal, to thin approximately 10 acres on one property and 6 acres on the other. Mr. Fehrenbach commented that is not a big cut. Mr. Stout agreed and added that it is enough to let in some sunlight. Mr. Porter asked when Mr. Stout proposes to do the cutting. Mr. Stout replied July, August or winter. Mr. Stout continued to discuss wet areas on the properties with the Commission. Mr. Fehrenbach asked regarding cost. Mr. Stout referenced the provided estimate.

Mr. Stout provided the Commission with a forestry proposal for the Wayne Eddows fields' property and noted that the trees near the fence concern him.

Mr. Joy conveyed that the boundary line of the Audubon property needs to be marked out. Mr. Vaile stated that should be easy enough. Mr. Joy added that the Commission needs to speak with the Board of Selectmen regarding where the revenue from the forestry of the properties will go; the Conservation Fund or general fund.

Mrs. Hanson asked if the Commission should have a discussion regarding why the properties forest areas should be managed. Mr. Joy stated it was a great idea to have that conversation. Mr. Porter agreed and suggested the Commission take more time to review the provided proposals and discuss the matter again at their July meeting.

Mrs. Donovan asked if there were advantages to cutting during the summer or the winter. Mr. Stout responded that there is almost no impact in the winter, if it is a good seed year and cutting occurs in the summer more regeneration may be seen quicker. Mrs. Donovan asked regarding the types of timber. Mr. Stout responded that there is mostly white pine; there is also some nice hardwood which he would recommend leaving for another 10 years or so. Mr. Stout recommends getting on a 15/20 year cycle depending on the growth. Mr. Joy stated in short forest management can improve the environment by promoting growth and wildlife. Mr. Fehrenbach agreed and noted that more sunlight promotes the growth of blueberry bushes, etc. The wetlands, setbacks and buffers on the properties were discussed.

The Commission reviewed in more depth the proposal for forestry of the ball field property. Mr. Stout suggests leaving the hardwoods but the roots of the pine trees near the fence are compromised and eventual collapse onto the fields is a concern. Mr. Stout continued that, due to the wetlands, to forest the other proposed area he would need to construct a set of bridges to

access the area. Mr. Porter questioned this. Mr. Stout indicated that it's too wet and described and depicted on a map where there are a series of waters. Mr. Porter and Mr. Joy depicted and discussed where there were dips in the area. Mr. Porter suggested another area to be used for access. Mr. Stout responded that the suggested area is too steep and the slope is too severe. Mr. Stout stated that he would like to show and explain his proposal to the Commission in person on site. Mr. Porter pointed out that the Commission was not receptive to the Recreation Commissions proposal of additional fields due to the wetlands in the area and he has concern with implications of this wetlands disturbance leading to new fields. Mr. Stout suggested a site walk be conducted, adding that he would not recommend cutting the pine trees near the fence until winter as the fields are used heavily in the summer months. The Commission agreed to conduct a site walk in the fall.

## **Non-Public Session**

***Mr. Porter moved to enter into non-public session pursuant to RSA 91-A 3, II (d) potential conservation easements; Mr. Fehrenbach seconded the motion; A roll call vote was taken; Mr. Joy – yes, Mr. Porter – yes, Mr. Fehrenbach – yes, Mr. Villeneuve – yes, Mrs. Donovan – yes, Mrs. Hanson – yes, Ms. Heaton – yes. The motion passed.***

Present in Non-Public Session with the Commission was Mr. Vaile, Southeast Land Trust of NH and Secretary Skoglund.

***Mr. Villeneuve moved to expend up to \$1,000.00 for an appraisal of a potential conservation easement property; Mr. Porter seconded the motion; all were in favor, the motion passed unanimously.***

Mr. Vaile exited the Non-Public Session.

Present in Non-Public Session with the Commission was Mr. Rolfe and Secretary Skoglund.

***Mrs. Donovan moved to expend up to \$3,500.00 for an appraisal of a potential conservation easement property; Mr. Fehrenbach seconded the motion; all were in favor, the motion passed unanimously.***

***Mr. Porter moved to exit Non-Public Session; Ms. Heaton seconded the motion; A roll call vote was taken; Mr. Joy – yes, Mr. Porter – yes, Mr. Fehrenbach – yes, Mr. Villeneuve – yes, Mrs. Donovan – yes, Mrs. Hanson – yes, Ms. Heaton – yes. The motion passed.***

***Mr. Villeneuve moved to seal the minutes of the non-public meeting; Mr. Porter seconded the motion; all were in favor, the motion passed unanimously.***

## **Dana & Jocelyn Carlucci – Silver Hill Road Proposed Pit Excavation**

The Carlucci's were not present at this evenings meeting.

## **William & Jane Cooper - Calef Lake Camping Area NHDES Wetlands Bureau Permit Application**

Mr. Cooper informed the Commission that the State of NH is asking them to rebuild their dam that overtopped in the 2005 and 2006 floods. Mr. Cooper introduced Lindsay and Ross from

Wright-Pierce who the Coopers have been working with to address rebuilding the dam. Lindsay gave a brief overview of situation, explaining that the State issued a letter of deficiency in 2010. Lindsay went on to depict on the presented plan the proposed work, noting that the beach eroded due to the flooding, the spillway needs to be widened to meet 50 year storm standards, campsites need to be raised to meet 100 year storm standards. Lindsay informed the Commission that they have been coordinating with the Dam Bureau for the past two years and the State is in agreement with the plan as proposed. Lindsay continued to explain that the proposed dredging of the stream would reduce flooding potential and restore the streambed to its condition prior to the flooding. Upsizing a culvert was described. Lindsay stated that the plan as proposed would result in 12,000 square feet of wetland impacts, 1,000 of which would be temporary. Mr. Fehrenbach asked if it would be easier if the State replaced their culvert. Lindsay noted that was brought up to NHDOT with no resulting response. Mr. Villeneuve asked if the proposed work was planned in phases. Lindsay stated no, it's a one shot deal, the State has given the Coopers a deadline of November 15<sup>th</sup>, 2014. Mrs. Hanson asked regarding Army Core permit. Lindsay noted that is a checklist item in the packet provided to the Commission this evening. Mr. Villeneuve corrected Mr. Cooper, the floods occurred in 2006 and 2007 and stated that he is in favor and wants to see the vegetation come back. Mrs. Hanson asked how the stream would be dredged; conventional or hydraulic. Lindsay stated conventionally. Access of excavators was discussed. Mr. Villeneuve noted that he'd like the engineers to tell the contractors what to do not vice versa. Mr. Porter agreed and added that he thinks there should be a little more due diligence in communicating with NH DOT regarding the culvert as this is a substantial impact which could be lessened if the culvert is replaced. Lindsay stated that they can pursue that. Mr. Joy asked if the culvert is replaced does the dredging still need to occur. Lindsay stated yes. It was noted that the Coopers would be moving on to meet with the Planning Board next. Mr. Villeneuve asked that the minutes of this discussion be provided to the Planning Board.

#### **Eric Mitchell, Eric C. Mitchell & Assoc. – 58 & 60 Boxwood Drive**

Mr. Mitchell explained to the Board that these two house lots owned by Keith Babb are proposed with a shared driveway, the Planning Board approval has not yet expired but the wetlands permit has so they are resubmitting the application as previously permitted with the exception that they are reducing the disturbance from 55 feet to 50 feet and they propose to use a 48 inch wide, 26 inch long corrugated plastic pipe. Mr. Villeneuve stated that he has walked the properties and the design has the houses on top of knolls, there is a well defined stream channel and the applicant is crossing at the smallest point of the streambed, he is ok with the proposal. Mrs. Hanson asked regarding the 50 foot disturbance. Mr. Mitchell relayed how they can to the 50 feet.

***Mr. Villeneuve moved to support the wetland crossing as proposed and to recommend the applicant move forward with the expedited permit; Mr. Fehrenbach seconded the motion; Mr. Joy, Mr. Fehrenbach, Mr. Villeneuve, Mrs. Donovan, Mrs. Hanson and Ms. Heaton were in favor, Mr. Porter abstained. The motion passed.***

#### **Tom Baker – 31 Miner Road Potential Watershed Buffer Reduction**

Mr. Baker informed the Commission that he is looking to construct an oversized garage, 20' x 16' and is looking for relief from the 125' wetland buffer. Mr. Baker described the lot and location of the garage as 30 feet off the boundary line and then depicted on a map where he would like to place the garage and discussed the location of trees and a stonewall. Mr. Baker

continued that he'd like the buffer to be reduced from 125' to 75'. Mr. Villeneuve believed that the town regulations allow to 75 feet without a variance. Mr. Joy suggested it would be prudent to conduct a site walk. Mr. Porter suggested that the property owner provide a well defined plan. Mr. Villeneuve suggested that Mr. Baker speak with Duval Survey, Inc. in Hooksett NH about a drawing/plan. It was noted that the Conservation Commission will determine if the wetland is a level 1. A site walk of Mr. Baker's property was scheduled for this Saturday at 4:30 p.m.

### **Jayendra Patel – 231/239 Steam Mill Road Encroachment of Wetland Buffer**

Mr. Patel explained to the Board that he and his brother own properties neighboring each other and they cleared an area to put up a shed for he and his brother to share. It was asked what type of equipment was used to clear the area. Mr. Patel responded lawn equipment was used. Mr. Joy relayed to the Commission that Building Inspector, Carrie Rouleau-Cote has asked if the Conservation Commission would like to work with the property owners to agree on acceptable mitigation and restoration in lieu of the applicant seeking relief from the Zoning Board. It was verified with the property owner that no gasoline would be stored in the shed. The Commission agreed to conduct a site walk this Saturday at 5:00 p.m.

### **Eric Mitchell, Eric C. Mitchell & Assoc. – Potential Subdivision off Pingree Hill Road**

Mr. Mitchell informed the Board that they had previously attending the Conservation Commission meeting back in February regarding the site owned by Maverick Development off of Pingree Hill Road. Mr. Mitchell continued that on the property there is a vernal pool that their proposed plan would disturb as well as a wetland crossing. Mr. Mitchell noted that are some level 1 and level 2 wetlands on the property. The Commission was provided a Compensatory Mitigation Plan for Vernal Pools Impact to give them more information about what they are proposing. Mr. Mitchell explained that this was done over as New England College. Mr. Mitchell went on to show on the displayed plan the proposed road, the location of the proposed wetland crossing, the location of the vernal pool that would be disturbed by the roadway and the locations of the proposed created vernal pools. Mr. Joy asked regarding the total acreage. Mr. Mitchell responded that there are 65 acres. Mr. Mitchell indicated the total wetland impact is 8,000 square feet. Mr. Joy asked regarding steep slopes. Mr. Mitchell responded that there is 50 acres of useable upland and the rest is steep slopes and wetlands.

Tim of Meridian Land Services addressed the Commission beginning that the stream is a perennial stream and the culvert to be used for the proposed crossing meets State standard. Tim continued that the applicant would like to create 2 or 3 vernal pools in an isolated spot on the property. Mr. Porter stated that the establishment of other pools would need to occur before disturbing one. Mr. Joy and then Mr. Villeneuve noted that the Conservation Commission has never allowed anything less than the 125 foot buffer of a vernal pool, to do so would set precedence. Mr. Febonio addressed the Commission stating that he has worked in town a long time and he has developed some nice house lots and has always worked with the town to avoid and mitigate any wetland disturbances; in this case there is no way to avoid it. Mr. Febonio continued that the creation of the other vernal pools was recommended by the Army Core of Engineer and pointed out that eradication of the pool is not proposed, just a disturbance to some of the pool. Tim described his conversations with Mark at EPA, some created vernal pools are successful and some are not, which is why they are proposing creating more than one. Mr. Villeneuve stated he does not like this and can not find a reason to support the proposal. Mr. Villeneuve noted that vernal pools naturally come and go. Mr. Febonio informed

the Commission that the proposed road from Pingree Hill Road to Haven Drive stems from a conversation he had with Russell Sullivan that the Planning Board would want connectivity; so his proposed plan provides that connectivity that addresses the Planning Boards safety concerns and tries to recapture what they disturb. Mr. Febonio added that just because creation of vernal pools has not happened in town does not mean that they will not be successful. Mr. Porter stated that this is not a precedence that any member of the Commission wants to make and would like to explore ways to even avoid the buffer. Mrs. Hanson agreed and asked out of curiosity if the three proposed vernal pools each had 125 foot buffers. Tim stated that they can. Mrs. Hanson noted that in the proposed location, so near the property line, that creates an issue for the abutting property. Tim commented that, per the Army Corp, a disturbance is not allowed without mitigation. Tim also added that the Right of Way was left for this access years ago, there was probably no thought then of the vernal pool, if it even existed then. The assumed requirement of the Planning Board to have connectivity was discussed again. Mr. Febonio noted that the proposed subdivision; the road, house lots, etc all came together so nicely, it's a shame to run into this one hang up. Mr. Fehrenbach brought up the creation of vernal pools again. Tim noted that the created pools would be monitored for 3 to 5 years. Mrs. Donovan asked if construction would wait until the vernal pools were confirmed successful. Mr. Febonio stated no, that is not what they are proposing. Mr. Joy commented that he spoke with NHDES and 3 active vernal pools would be necessary to make up for one. Mr. Febonio reiterated that they are not removing the vernal pool but encroaching the edge by 1,000 square feet. Mrs. Donovan noted that the vernal pool is 6,000 square feet and asked if the 3 proposed vernal pools add up to 18,000 square feet. Mr. Febonio stated no, they are only touching a portion of the current vernal pool. All present agreed that there is no guarantee that the current vernal pool will still function after the proposed disturbance. Mr. Mitchell stated that he can contact the EPA and provide more information to the Commission regarding creation of vernal pools. Mr. Porter expressed his willingness to discuss the vernal pool with the Planning Board. Mr. Villeneuve commented that the Commission should do their due diligence and conduct a site walk. Mr. Fehrenbach asked regarding the flags out on site. Mr. Mitchell described on the presented plan where there were flags, stakes and pins, noting that the center of the road is staked out. A site walk was scheduled for Tuesday, June 17<sup>th</sup> at 5:30 p.m. The Commission will meet at the corner of Vici Drive and Pingree Hill Road. A site walk of Lovers Lane will occur immediately after.

The Commission discussed the Carlucci pit and agreed that the property owner should provide the commission with a mitigation plan with buffers and other protections. Mr. Joy noted that the sand goes right into the wetland. Mr. Villeneuve commented that without further engineering there is nothing to support the Carlucci's proposal. Mr. Fehrenbach and Mr. Villeneuve brought up the town wanting stabilization of inactive excavation pits. Mr. Porter reiterated that a plan provided by the property owner is necessary.

## **Minutes**

### April Public Meeting

***Mr. Porter moved to approve the minutes of the April public meeting as written; Mrs. Donovan seconded the motion; all were in favor, the motion passed unanimously.***

***Mr. Villeneuve moved to adjourn; Mr. Joy seconded the motion; all were in favor, the public meeting ended at 9:47 p.m.***