

**Town of Auburn  
Planning Board  
PUBLIC HEARING  
March 4, 2015**

**Present:** Ron Poltak, Chairman; Karen Woods and Paula Marzloff, Member. Steve Grillo, Alternate. Russell Sullivan, Selectmen's Representative; Minutes recorded by Denise Royce.

**Also Present:** Jeff Porter, Chairman of Conservation Commission, Alan Villeneuve, Vice Chairman of Conservation Commission. Dan Tatem, Stantec.

**Absent:** Alan Côté, Vice-Chairman. Jim Tillery, Alternate.

Prior to the meeting, the Planning Board had a discussion with the Conservation Commission and Stantec with regard to possibly getting all three (3) boards to possibly have joint meetings so that all three (3) boards were on the same page.

Mr. Poltak indicated that he wanted the master plan update to include addressing the cluster ordinance by making it work or get rid of it which would benefit the town. Mr. Poltak also wanted to focus on wildlife and critical area protection regulation in town. Mr. Poltak also wants to improve the sign ordinance as well as stormwater runoff. Mr. Poltak wanted the three (3) boards to work together on the master plan update and did not believe that the ZBA needed to be granting variances to wetlands and believed that the Planning Board should be dealing with that. Mr. Tatem pointed out that it would have to go to town vote and would not be occurring this year.

From this discussion, Mr. Poltak suggested to Ms. Royce that any correspondence that is sent to the Planning Board that a copy be sent to the Conservation Commission so that the Conservation Commission is aware of what is going on, on the Planning Board level. Mr. Sullivan agreed that having joint meetings would be valuable. Mr. Sullivan also agreed that there was an issue with regard to plans and suggested that all future plans go directly through Ms. Royce and only her. When a plan is delivered to the Planning Board at the Town of Auburn it will be delivered to Ms. Royce and then she would distribute the copies to Stantec and the Conservation Commission so that everyone has the same set of plans that is being reviewed. Mr. Tatem agreed.

Mr. Poltak called the meeting to order at 7:00 p.m. Mr. Poltak elevated Steve Grillo to full voting status in the absence of Alan Côté.

## **MINUTES**

<p><b>Mrs. Marzloff moved to accept the minutes of February 18, 2015 as written, Ms. Woods seconded the motion. A vote was taken; all were in favor, the motion passed.</b></p>
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## **ANNOUNCEMENTS/CORRESPONDENCE**

➤ None were reviewed at this time.

## **GENERAL BUSINESS**

**Informal – George Chadwick**  
**391 Pingree Hill Road, Tax Map 2, Lot 18-1**  
**Discuss Potential Development**

At this time, Mr. Chadwick pointed out the location of the lots that are involved with the proposed development and stated that they were Tax map 2, Lots 18-1, 18-2, 18-3 and 18-4. What they would like to do is do a lot line adjustment between 18-2 and 18-4 but that the lots would remain the same size. It would just be to reconfigure the lots. Mr. Chadwick went through the reconfiguration of the lots and showing the location of the entrance for the new road which would be coming in off of Pingree Hill Road. The existing house which is on Tax Map 2, Lot 18-4 would remain in place and is not being purchased by Mr. Moreau. Mr. Chadwick stated that they would like to do a cluster subdivision which would have 16 dwelling units on 14 acres. Mr. Poltak asked if there were any new lots being created by doing the lot line adjustment and reconfiguration. Mr. Chadwick said no, there would not be any new lots created. Mr. Chadwick stated that they have mapped the wetlands and the topography and boundary lines. Mr. Chadwick also pointed out that he reviewed Mark West's wetland report and towards the back was wetland #38 which was shown to be a Tier 4, Level 2 wetland which was on the town's conservation land. Mr. Chadwick also talked about wetland #41 which was a Tier 2a, Level One wetland which was associated with Duffy Brook. Mr. Chadwick went through the other smaller wetlands also located in the vicinity.

Mr. Chadwick stated that they came out with a total lot of 59.83 acres which is made up with 17.17 acres of wetlands and 6.14 acres of steep slopes for a total of 23.31 acres. Mr. Chadwick further stated that they would need to have 20% wet and have steep slopes in order to do a cluster and they have 39% so they are well above the 20%. The second criteria has to do with the proposed project shall be subject to approval by the Auburn Planning Board under the Town of Auburn Subdivision Regulations and Site Plan Review regulations. The third part requires the tract of land shall have 100 feet of frontage on a Class V or better town road and this piece has 672 feet. The tract must be entirely within the permitted district and it is in the rural district. The fifth talks about the tract of land shall have a minimum of 20% consisting of wetlands and they do. The sixth requirement states that the Planning Board may accept the subdivision for cluster development if, although not meeting the preceding paragraph. With that in mind, Mr. Chadwick stated that their proposal is to do a cluster as he believes they meet the requirements of the regulations. Mr. Chadwick reiterated that they are proposing 16 dwelling units on approximately 14 acres. Mr. Chadwick also informed the Board members that the proposal is showing an access from Pingree Hill Road with a new road to meet town standards. The road would be 900 feet long which is under the required 1,200 feet. The lots would be .7 acres up to just a little over an acre. Mr. Chadwick also stated that they are proposing a 100 foot buffer around the project and the reason they are proposing a 100 foot buffer is because it would be into the open space and not into the lots.

Mr. Chadwick talked about the wetlands again and the required 125 foot wetland setback and that Conservation Commission asked them to keep the 125 foot setback and they are in the process of reviewing that with the Conservation Commission. Mr. Chadwick reiterated what the Conservation Commission had stated to him that the town may have a concern with putting houses in the field. Mr. Chadwick believed that a cluster subdivision is the best use of the property and that the owner has the right to develop the property in the highest and best use that they can get. In Conclusion, Mr. Chadwick asked the Board members if they had any questions.

Discussion ensued with regard to the buffer and that it would be difficult to get the wetland buffers out of the lots. Mr. Poltak asked if it would be a forever cul de sac not going anywhere future wise. Mr. Chadwick said yes that it would be a forever cul de sac. Mr. Poltak asked what the timing would be and if he would be looking for waivers. Mr. Chadwick said that they would not be asking for any waivers and that they were looking at possibly May to come back for a Public Hearing. Mr. Chadwick talked about doing test pits and then they would be back before the Board for a Public Hearing. Mr. Tatem asked Mr. Chadwick if they were planning on keeping all the drainage out of the wetland buffers. Mr. Chadwick said yes. Ms. Woods asked if there was any discussion with regard to a cistern. Mr. Chadwick said no but they would probably be required to put a 30,000 gallon cistern and that they would probably place it close to the entrance of Pingree Hill Road to not only be used by this development but also for anyone close by.

Mrs. Marzloff asked Mr. Chadwick if they could stagger the houses so that they were not all lined up in a row. Mr. Chadwick said that they would look at that and possibly having different flavor of houses as well. Mr. Chadwick also talked about planting some trees in the front to hide the development from the road.

Mr. Chadwick thanked the Board for their time and exited the meeting.

**Informal – Eric Mitchell**  
**Discussion with Planning Board**  
**The Process to go by with regard**  
**To wetland setbacks and Location of**  
**Detention Ponds**

Mr. Poltak wanted to make sure that the discussion tonight was on an informal basis and that any proposal currently before the Board could not be discussed tonight because this was not a duly noticed Public Hearing. Mr. Mitchell understood and began by saying that the reason that he was before the Board tonight was because there was a few projects before the Planning Board pertaining to the detention areas and ponds being within the 125 foot wetland setback. Mr. Mitchell talked about any project that crosses a wetland that all the drainage in the road cannot go into the wetland that they are crossing. Mr. Chadwick pointed out that the detention area is to prevent downstream flooding and to infiltrate an amount of stormwater coming off the roads or lots and also takes care of some of the sediment control.

Mr. Mitchell stated that the reason he was before the Board tonight was because after speaking with Mrs. Rouleau-Côté and asked her about wetland crossing and how it's dealt with and asked about detention and the like that the feeling was that the Planning Board is better prepared to talk about where they should be placed even if they're in the buffer than the Zoning Board of Adjustment. Mr. Mitchell added that he believed that the ordinance itself states that the Planning Board is the one who administers the wetlands ordinance and also talks about the purposes and that wetland mitigation is allowed within the buffers and believed that the Planning Board should be looking at the detention ponds within these buffers and not requiring a variance. Mr. Mitchell explained why the ZBA continued the Public Hearing until the Conservation Commission could review it too but it was his belief as well as Mrs. Rouleau-Côté's belief that the Zoning Board was not a technical board to look at grades and slopes and the like but looked at the ordinance to see what the ordinance is and whether you can get relief or not. Mr. Mitchell believes that the Planning Board should be reviewing detention areas within

the wetland buffers and believes that there is justification within the ordinance.

Mr. Mitchell went on to talk about the Conditional Use Permit and the requirements of a Dredge and Fill Permit and when you have a road that crosses a wetland that if you have a Dredge and Fill Permit that you need to consult with the Conservation Commission but it never specifically states that it was an allowed use crossing a stream. The buffer is silent as well so even if you say you do a Dredge and Fill Permit and you're crossing a stream you really don't need a variance for that. Mr. Mitchell after talking with Mrs. Rouleau-Côté would consider that if a Dredge and Fill Permit is required and you're crossing a wetland that in the buffer which is upland would require a variance. Mr. Mitchell did not believe it was best suited for the ZBA to handle wetland issues and that it was better suited to be handled by the Planning Board. Mr. Sullivan did not believe that making detention ponds and treatment areas was mitigation. Mr. Sullivan always thought that mitigation was when you had to fill a piece of wetlands and the mitigation was building something to replace it. A brief discussion ensued with regard to the wetlands ordinance. Mr. Mitchell talked about the last part of it where it talked about mitigation where it reduces flooding and that it goes along with the intent of the ordinance. Mr. Sullivan reiterated what he said before that he believed that mitigation was rebuilding something you had to destroy. Mr. Tatem stated that he has had a conversation with Mr. Mitchell with regard to Section 5.12 – Wetlands and Watershed Protection Mitigation, Items #1 through #7 and he has run it by a wetland scientist in his office and they could not come up with any connection with building detention ponds. Mr. Tatem agreed with Mr. Sullivan that it was not wetlands mitigation. A brief discussion ensued with regard to wetland mitigation. Mr. Tatem did not believe that by putting a detention pond within the wetland buffer was not mitigation. Mr. Tatem pointed out that he agreed with Mr. Mitchell and Mrs. Rouleau-Côté that it would be better handled here but right now, that is not the way the ordinance reads. Mr. Sullivan asked Mr. Tatem that if detention ponds are part of roadways and roadways are allowed so have they been allowed. Mr. Tatem stated that Mr. Mitchell had a valid point that it said certain driveways and would have to research that part of it as he has not done that yet. Mr. Sullivan did not disagree with Mr. Mitchell and believed that the Planning Board should be the deciding body because he viewed it as part of the engineering of the roadway construction and knows that you have to put it at the low point. Unfortunately our ordinance needs to be worked on and cannot do that until next year. Mr. Poltak agreed as well that the ordinance needed to be worked on with regard to dealing with wetlands issues. Mr. Poltak informed Mr. Mitchell that his points were well taken. Mr. Tatem stated that it would be helpful for him to understand where the two (2) boards sit on that subject. Mr. Tatem further pointed out that he was present at the Conservation Commission meeting last night and that the Board's thoughts were that they did not want the detention pond within the 125 foot wetland buffer. Mr. Tatem asked the Board how they wanted him to deal with the Level One and did they want to deal with them on a case by case basis. Mr. Poltak's opinion was that, he understands the intent of the ordinance was to keep the activity out of the 125 foot wetland to a Level One wetland and that was what he was going to continue to do and that would be his instruction to Mr. Tatem. Mr. Poltak asked Mr. Tatem if there was an alternative and also understands that the owner has a right to a reasonable use of the property. The thought process was to keep the ordinance in place. Mr. Mitchell explained that by keeping it out of the buffer would require them to move further away and then pump it out of the buffer. Mr. Mitchell also talked about safety and whether a fence would be required around the detention area.

Mr. Villeneuve did not hear a direction the Board was sending Mr. Mitchell in because Mr. Mitchell was supposed to go back to the Conservation Commission. Mr. Poltak pointed out that he did not hear a direction from the Conservation Commission either. Mr. Poltak talked about

having joint hearings and enforcing the intent of the ordinance within the context of the proposals they have before them right now. Mr. Poltak believed that they had to talk about a lot of things. Mr. Villeneuve wanted to help Mr. Mitchell by providing him the steps in which to go through in order to give him direction and to have something before he goes back to the ZBA at the end of March. Mr. Poltak answered by saying that he believed that Mr. Mitchell would be talking to the Conservation Commission with regard to what was acceptable to them with regard to an environmental protection point of view and would be talking to the Planning Board with regard to the technical side as well as the engineering side and together they can work to make sure that the intent of the ordinance was not violated.

Ms. Woods believed that they still had the issue with the ZBA in regards to the fact that the ZBA is referencing it back to the Planning Board and tabled it because of that. Ms. Woods asked what they were doing in regards to Mr. Mitchell. Mr. Mitchell answered by saying that they have been to the Commission and were going back before them next week and then would be back before the Planning Board and then back to the ZBA Board so with whatever input they receive they would bring back to both Boards. Mr. Poltak added that with respect to the ordinance that the Planning Board will not be embracing putting a detention basin within 125 feet of a Level One wetland.

At this time, Mr. Poltak thanked everyone for their discussion tonight and moved on to the discussion of the Master Plan update.

## **OTHER**

### **- Planning Board Discussion Master Plan**

Mr. Poltak wanted to inform everyone that there were not enough funds to update the Master Plan at this time and was unsure where to go tonight with the availability of funding. Mr. Poltak wanted to get feedback from the Board with how they wanted to proceed. Mr. Poltak pointed out that it would make sense to use the town's engineers to begin the process. Mr. Poltak noted the areas that he would like to work on beginning with outlining wildlife areas, critical areas and habitat regulations so we can deal with some of these problems. Mr. Poltak also pointed out that he wanted to address the cluster ordinance, stormwater utility and incorporate a town participation process that's meaningful and understood. Mr. Poltak also wanted to point out other areas to address such as outlining the timing, the steps, the vision and the goals.

Mr. Tatem explained to the Board members that Stantec would be working with a planner to work on the Master Plan project. A brief discussion ensued with regard to updating the Master Plan. The Board also discussed the amount of money in the budget for 2015 to update the Master Plan and it was the consensus of the Board that they thought they had a larger amount than what was noted. Ms. Woods asked Mr. Sullivan and Mr. Poltak to look into the amount in the budget to work on the Master Plan update. Mr. Poltak asked for a motion by the Board to endorse the concept of utilizing our town engineer in working with the Board over the course of time to further design and define when monies become available to undertake the .

At this time, Ms. Woods made a motion to accept and endorse the February 18, 2015 letter from Stantec referencing the 2015 Master Plan Update Scope and Fee Estimate. Mr. Villeneuve suggested that the Planning Board and the Board of Selectmen be involved with the Stantec in interviewing a planner because he did not believe the person Mr. Tatem selected

would be suitable for the Town of Auburn. Mr. Poltak understood and knew the person and has done a great job.

**Ms. Woods made a motion to accept and endorse the February 18, 2015 letter from Stantec to Ron Poltak, Chairman of the Planning Board for the Town of Auburn to move forward with the Scope and Fee Estimate for 2015 Master Plan Update for the Town of Auburn, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.**

## **ADJOURN**

**Mrs. Marzloff moved to adjourn the Hearing. Ms. Woods seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:25 p.m.**

***The next Planning Board meeting will take place on Wednesday, March 18, 2015 and will be held at the Town Hall, 47 Chester Road.***