MEMORANDUM

To: Planning Board

From: Pam Failing, Vice-Chair, Conservation Commission

Re: Carbaugh, Crowne Point Road, 9.6 Wetland Buffer Impact

Date: July 31, 2014

After seeing the new location of the proposed driveway and reviewing the site plan, the conservation commission still does not support the request for a *9.6 Special Permit for Construction in a Wetland Buffer.* While the new location helps alleviate our greatest concern, protection of the Berry River, the proposed area of disturbance (and additional areas needed for cut/fill of the driveway) still creates a significant wetland buffer impact.

Referring to our Article 9 - Wetland protection District Overlay:

-Per Section 9.4, a driveway is not a permitted structure in a wetland or buffer, nor is it consistent with the purposes expressed in Section 9.1 .

-Per 9.5.1, a driveway is not an exception to the rule.

-Per 9.6, This request is not "in keeping with the intent and purposes set forth in this Ordinance… (9.1)". Further in this section, note that "After a review of reasonable alternatives it is determined to be infeasible to place the structure outside of the buffer zone". We now understand the other driveway locations are not possible. However, the desire to create a new lot actually creates a conflict with zoning ordinance and a buffer/wetland impact, thus we do not consider this an "alternative".

We do understand that buffer impacts may be needed to make use of a pre-existing undersized lot. And we have agreed with these requests. However when an action involves creating new lots, we feel that conflict with our zoning ordinances should be avoided when planning or approving the new lots.

Also we discussed that there is already a house on the lot being proposed for the subdivision. We thus believe that the owners already have 'reasonable use' of their property, which does not support the building of a second house.

In summary, the reasons stated above make this application unsupportable.

Thank you for your consideration.