

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
January 3, 2024

Present: Ron Poltak, Chairman. Jeff Porter, Vice-Chairman., Jill Dross Member. Michael Rolfe, Selectmen's Representative. Minutes prepared by Denise Royce.

Also Present: Carrie Rouleau-Cote, Building Inspector. Chris Sterndale, Town Administrator. Tom Carroll, Board of Selectmen. Mike DiPietro, Chairman of the ZBA.

Absent: Michael O'Callaghan, Members. Paula Marzloff & Jess Edwards, Alternate Members.

The meeting was being held at the Auburn Town Hall. Mr. Poltak called the meeting to order at 7:01pm. Mr. Poltak moved on to the approval of the last meeting minutes for December 13, 2023 and stated that a motion to approve would be in order.

MINUTES

Mr. Porter moved to approve the minutes for December 13th, 2023, as written. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

GENERAL BUSINESS

603 Self Storage
404 Hooksett Road, Tax Map 9, Lot 16
Discuss Final Landscaping Plan

Mr. Poltak explained to the Board members that the self-storage facility and the completion of their landscape plan. Approximately a week or so ago they completed the landscaping plan by planting 4 more 2-inch caliper 14-foot maple trees to the westerly side. The remaining spruces were put all around the property. They submitted the final landscape plan and then would be seeking a surety reduction at some future point. With that said, Mr. Poltak asked the Board members for a motion to accept the As Built with respect to the landscaping plan. Mr. Rolfe asked if the drainage issue outback had been resolved. Mr. Poltak said yes.

Mr. Porter made a motion to accept the As-Built plan regarding the landscaping for 404 Hooksett Road, Tax Map 9, Lot 16 for a 404 Hooksett Road, 603 Self Storage. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

At this time, Mr. Poltak opened the Public Hearing meeting. Mr. Poltak explained how they would proceed tonight and talked about the fact that there were a number of zoning amendments before them tonight. Mr. Poltak informed everyone present tonight that the Planning Board has reviewed the proposed zoning amendments twice with the Building Inspector. Mr. Poltak also pointed out that in addition there were petition articles requesting changes to the 55+ zoning ordinance and the Board can talk to the petition articles but there can be no changes made to these. Mr. Poltak went on to say that the Board would be voting to either recommend or Not recommend these requests.

With that said, Mr. Poltak stated that he would be going through these as they were posted as to the hearing and the Board will take them up one at a time. The Board will be looking at completeness, correctness and moving forward with them with a recommendation to the voters as he outlined previously. Once they have reviewed all of the items listed, the Board will take up whether or not a second hearing would be necessary.

At this time, Mr. Poltak turned the meeting over to Mrs. Rouleau-Cote, Building Inspector/Code Enforcement Officer. Mrs. Rouleau-Cote began with the first article and read the proposed language to everyone present tonight.

PUBLIC HEARING

Legal Notice Town of Auburn, New Hampshire Planning Board

The Auburn Planning Board will conduct a public hearing on **Wednesday, January 3, 2024** at 7:00 p.m. at the Auburn Town Hall, 47 Chester Road, Auburn, New Hampshire.

The purpose of the public hearing is to present proposed amendments to the Town of Auburn Zoning Ordinance prepared by the Planning Board, and to solicit comments and discussions relative to the proposed amendments.

- A. Amend Article 2.02 Definition # 37 Home Business**, to address use of accessory structure and parking provisions.

Text of Ordinance to Read:
2.02 Words and Terms

(37). Home Business: The manufacture and/or sale of products such as jewelry, pottery, **baked goods**, furniture or similar items that has been customarily carried out **within a principal living unit and/or accessory structure**, ~~a single family detached dwelling~~, is conducted by the residents

thereof, is clearly an accessory use to the residential purposes of the parcel dwelling is subordinate to the primary use of the premises, and does not change the character thereof. All parking must take place on site (on street parking is prohibited). Any outside storage of materials and/or equipment shall be screened from the road and surrounding properties by natural or structural means. In such cases only one employee from outside of persons living in said dwelling will be permitted. This definition does not include a sexually-oriented business. See also Section 3.22

Mr. Poltak asked if there were any comments from the public. Discussion ensued with regard to the language, and it was pointed out that most of the language would remain the same. It was noted that there was some concern from the public and that the Building Inspector indicated that if it were to exceed the definition then the property owner would be notified by the Code Enforcement Officer. Mrs. Rouleau-Cote gave examples of when a business became too big to be a Home Business and that it was time to move on to another place.

Mr. Poltak asked the Board for a motion respectful of a recommendation for approval by the Planning Board regarding the Home Business.

Mr. Porter made a motion to accept the Zoning Amendment regarding Article 2.02 Definition #37 – Home Business as presented tonight. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mrs. Rouleau-Cote moved on to the next item on the agenda which was regarding the definition of Home Office to be Home Occupation Office.

B. Amend Article 2.02 Definition # 38 Home Office to change definition to Home Occupation Office, to address use of accessory structure and parking provisions.

Text of Ordinance to Read:

2.02 Words and Terms

- (38). ~~Home Office:~~**Occupation Office:** An office such as used by a lawyer, doctor, accountant, realtor or other professional or service person that has been customarily carried out within a principal living unit and/or accessory structure, ~~in a single family detached dwelling,~~ is conducted by the residents thereof, is clearly an accessory use to the residential purposes of the dwelling and does not change the character thereof. All parking must take place on site (on street parking is prohibited) In such cases only one employee from outside of persons living in said dwelling will be permitted. See also Section 3.22.

Again, Mrs. Rouleau-Cote pointed out that most of the definition remains the same but all needed to be more with the today's times.

Mr. Poltak asked if there were any comments from the public. None were noted. With that said, Mr. Poltak asked for a motion relative to recommendation for approval by the Planning Board regarding the Home Occupation Office.

Mr. Rolfe made a motion to accept the Zoning Amendment regarding Article 2.02 Definition #38 – Home Occupation Office as presented tonight. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next item on the agenda and turned the discussion over to Mrs. Rouleau-Cote. Mrs. Rouleau-Cote talked about the Home Shop and read the amended article into the minutes for everyone present tonight.

C. Amend Article 2.02 Definition # 39 Home Shop to address use of accessory structure and parking provisions.

Text of Ordinance to Read:

2.02 Words and Terms

- (39). Home Shop: A shop such as used by an electrician, plumber or similar tradesperson that has been customarily carried out **within a principal living unit and/or accessory structure**, ~~in a single family detached dwelling~~, is conducted by the residents thereof, is clearly an accessory use to the residential purposes of the ~~parcel~~ **dwelling is subordinate to the primary use of the premises**, and does not change the character thereof. **All parking must take place on site (on street parking is prohibited). Any outside storage of materials and/or equipment shall be screened from the road and surrounding properties by natural or structural means.** In such cases only one employee from outside of persons living in said dwelling will be permitted. See also Section 3.22.

Mr. Poltak asked if there were any comments from the public. Discussion ensued with regard to the Home Shop. Mr. Porter mentioned auto repair and that being confused with a tradesperson. Mrs. Rouleau-Cote informed Mr. Porter that the Zoning Ordinance does have a definition for auto repair and therefore an auto repair shop would be considered under that definition and when you talk about a tradesperson that would be considered as a plumber, electrician or HVAC tradesperson. Further discussion ensued with regard to the definition of Home Shop. Mrs. Rouleau-Cote pointed out that there were several around town and explained that this was just a way of going through these three (3) definitions of Home Office, Home Business and Home Shop and bringing them more aligned with what has gone through the ZBA over the last 5 or 6 years.

Ms. Leblanc asked about Amazon delivering packages to the accessory dwelling. Mrs. Rouleau-Cote stated that she believed that everyone was getting confused with the accessory structure and accessory dwelling because Mr. Porter kept saying accessory dwelling. This has nothing to do with an accessory dwelling because it's "Accessory Structures" on the property which would be your shed or detached garage. Mrs. Rouleau-Cote also pointed out that the accessory structure would not have another address.

Mr. Villeneuve of Spofford Road asked Mrs. Rouleau-Cote, with the adoption of this potential amendment, does it change the way your office interprets and enforces the rules regarding auto repair shops. Mr. Villeneuve believed Mr. Porter was concerned about an auto repair shop. Mrs. Rouleau-Cote said No this is basically going to allow someone to have a home shop in their detached garage and separate it from their home.

Mr. Poltak asked about the language where it says, "Any outside storage of materials and/or equipment shall be screened from the road and surrounding properties by natural or structural means" and asked what that meant. Mrs. Rouleau-Cote reiterated that it was either landscaping or fencing. Discussion ensued with regard to what would be considered adequate. Mrs. Rouleau-Cote explained that, right now, there is nothing in the ordinance.

At this time, Mr. Poltak asked if there were any comments in this regard. None were noted. With that said, Mr. Poltak asked the Board for a motion regarding a recommendation for approval by the Planning Board regarding the Home Shop.

Mr. Porter made a motion to accept the Zoning Amendment regarding Article 2.02 Definition #39 – Home Shop as presented tonight. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mrs. Rouleau-Cote explained about the next amendment which is to delete it in its entirety and change it to reflect the language to be in compliance with the National Flood Insurance Program.

D. Amend Article 6 Flood Plain Management Ordinance in its entirety to reflect language in compliance with National Flood insurance Program.

[Full Text pending]

Mrs. Rouleau-Cote pointed out that SNHPC reviewed our ordinance and made some suggestions to the language within the ordinance which is just to update it to the FEMA maps so when she is dealing with properties that are within the floodplain. So this is basically taking out Article 6 and inserting an updated language. Discussion ensued with regard to the Flood Plain areas and the locations which are few town wide which were not a lot.

Mr. Poltak asked the Board for a motion regarding a recommendation for approval by the Planning Board regarding updating the language to be in compliance with the National Flood Insurance Program.

Mr. Porter made a motion to accept the Zoning Amendment regarding Article 6 Flood Plain Management Ordinance as presented tonight. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next amendment and turned the discussion over to Mrs. Rouleau-Cote.

E. Amend Article 12 Growth Management Section 12.04 Exceptions to change existing language to reflect modern terminology.

Text of Ordinance to Read:

12.04 Exceptions

(2). Proposals for housing for the elderly, age restricted 55 and older housing, handicapped, accessibility housing or economically disadvantaged Workforce Housing may be excluded from the limitations of this Article upon a finding by the Zoning Board of Adjustment that the proposed project does provide such housing, and provided said proposed housing complies in all other regards to the Town Zoning Ordinance, Subdivision Regulations and with the intent of the Master Plan.

Mrs. Rouleau-Cote talked about changing the existing language to reflect more modern terminology by striking the word “elderly” and replacing it with “age restricted 55 and older housing” and striking the word “handicapped” and replacing it with “accessibility housing” and striking “economically disadvantaged” and replacing it with “Workforce Housing.”

Mr. Poltak asked if there were any comments in this regard. None were noted. Mr. Poltak asked the Board for a motion regarding a recommendation for approval by the Planning Board regarding Growth Management.

Mr. Rolfe made a motion to accept the Zoning Amendment regarding Article 12 – Growth Ordinance as presented tonight. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak indicated that, that takes care of the Planning Board recommended amended articles and that they would now move on to the Petition Article changes. Mr. Poltak reminded everyone that they cannot make any changes to the petitions but they can discuss each item and make a decision on whether or not the Planning Board would either recommend or NOT recommend. With that said, Mr. Poltak moved on to the first Petition before the Board.

Mr. Poltak asked the audience if anyone wanted to take the lead on these petition articles. No one responded. With that said, Mr. Poltak began by taking each item up one by one.

F. By Petition. Remove Article 8 - 55 and Older Housing Regulations

Text of Ordinance to Read:

~~Article 8 – 55 and Older Housing Regulations~~ **Reserved for future use**
55 and Older Housing Regulations removed by town vote March 2024.

Mr. Poltak asked if anyone wanted to speak to this Petition Article to delete Article 8 – 55 and Older Housing Regulations because he was strongly opposed to this Petition. Ms. Leblanc believed there was a huge amount of information when it was placed before the voting public where they were supposed to get “X” and ended up getting “Y” and did not believe it was very popular. Discussion ensued and basically it was noted that they did not want it in their backyard. Mr. Poltak explained that the Board took 2½ years to develop a comprehensive plan for the Town of Auburn and by State Law you must do that to manage growth and development. Mr. Poltak talked about the pricing of housing and how it has escalated beyond anyone’s imagination. Mr. Poltak also informed everyone present tonight that this was not the approach to take and that what is being proposed with regard to the Tanglerock 55+ development which may place off of Tanglewood and connect to Rockwood Terrace was grandfathered according to the law. The fact is, this

Board cannot stop it from happening. Mr. DiPietro believed the Planning Board should not recommend any of these Petition Warrant Articles. Ms. Leblanc could not understand why you can't get rid of the housing regulations. Mr. Poltak indicated that, if this passes there will not be any 55+ Ordinance but it would only affect the future and it would not affect what is applied for now. Mr. Poltak believed that they were asking the Planning Board to throw out the ordinance and he was saying to them that they would not endorse that request. Mr. Poltak informed everyone that the Planning Board would not be recommending passage of this request. Ms. Dross commented that she found it offensive that Ms. Leblanc stated that they have not been heard as she believes the Planning Board has heard what they were saying but they were just following what the rules were. Ms. Dross understood that they did not want this in their neighborhood and the Board had heard everything they've said.

Mr. Poltak stated that, what they are talking about here is the Petition Amendment to our Zoning Ordinance is to remove the 55 and older provision within our Zoning Ordinance and all he's suggesting to the Board the need for 55 and older housing provision that it does not make any sense to remove the 55 and older housing ordinance. Mr. Poltak went on to say that the only thing this Planning Board can do is to agree to recommend what is being asked or they will not recommend what is being asked of the general voting public. Mr. DiPietro believed that a simple motion would be in order. With that said, Mr. Poltak asked the Board to NOT recommend this request.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to remove the 55 and older ordinance which is NOT Recommended by the Planning Board. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Chartier asked what that meant. The Board explained that it would be on the ballot, but it would say "Not Recommended by the Planning Board."

Mr. Poltak moved on to the next Petition Warrant Article.

G. By Petition. Amend Article 8 - 55 and Older Housing Regulations to remove Section 8.01 Authority Statement

Text of Ordinance to Read:

~~8.01 Authority Statement: This article is adopted pursuant to the provisions of NH RSA 674:16 and 674:21, Innovative Land Use Controls, and is adopted to effectuate the Master Plan for the Town of Auburn. The Auburn Planning Board, under the authority of this Article, may grant the Applicant relief from the requirements of this article as they deem appropriate and necessary.~~ **Reserved for future use.**

Mr. Poltak recommended that this Petition Warrant Article follows the previous Warrant Article and asked the Board to move on this request to Not Recommend.

Mr. Porter made a motion to NOT Recommend the Petition Warrant Article to remove Article 8, Section 8.01 Authority Statement which is NOT Recommended by the Planning Board. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

H. By Petition. Amend Article 8 - 55 and Older Housing Regulations Section 8.07 (2) - to change frontage requirement from Class V to Class I road.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(2) Project Size: The minimum size tract of land for a 55 and older housing development shall be ten (10) acres of land with a minimum of five (5) acres of usable land. The tract shall have a minimum of fifty (50) foot frontage on a ~~Class V or better~~ **Class I** road. If, in the discretion of the Planning Board, a second access or exit road is required for traffic circulation or safety, then the Planning Board shall require a minimum of fifty (50) feet of additional frontage on a Class V or better road.

Mr. Poltak informed everyone that the Board cannot change anything regarding this request but what is being proposed was totally unacceptable and unworkable. Mr. Poltak read the request aloud to everyone and stated that a Class I road was an interstate highway, and this request was not legal. With that said, Mr. Poltak indicated that the Board would not be recommending this request. Ms. Dross asked if it was illegal how it could be placed on the ballot. Mr. Poltak asked Mr. Sterndale to respond to this one. Mr. Sterndale commented that the risk of the Selectmen not putting it on the Warrant for the voters to vote on it was greater than any risk of it coming to be adopted.

Also, Mr. Sterndale wanted to comment that By-Pass 28 was considered a Class I State Highway. Mr. Poltak pointed out to Ms. Leblanc that she may want to take paperwork defining road classes before she leaves which talks about the Class I to Class VI roads. There was some continued discussion as to whether or not By-Pass 28 was a Class I State Highway. Mr. Sterndale indicated that NH DOT maps online show By-Pass 28 as a Class I State Highway.

Mr. Poltak asked if there were any questions or comments thus far. None were noted.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to change Article 8, Section 8.07 (2) which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved to the next Petition Warrant Article (Section 8.07 (5) – Buffer Zones). Mr. Poltak indicated that he did not have a problem with this one. Mr. Poltak asked if anyone had any questions.

I. By Petition. Amend Article 8 - 55 and Older Housing Regulations Section 8.07 (5) – change minimum buffer zone from 100 ft. to 200 ft.

Text of Ordinance to Read:
8.07 Regulations and Design Criteria

(5) Buffers: The Planning Board shall establish a buffer zone around the entire perimeter of the 55 and Older Housing Project site based on the following criteria:
(a) Topographic features of the site and adjacent sites;
(b) Use or zoning classification of abutting land;
(c) Degree of visual barrier provided by the proposed buffer; and
(d) Degree of screening provided by the developer.

In no event shall the buffer zone be less than ~~one hundred (100)~~ two hundred (200) feet. Natural, existing, wooded, buffers are preferred; however, the buffers for each project will be individually considered by the Planning Board, as part of the review and approval process.

Mr. Villeneuve believed that you would have to have a significant amount of acreage for it to be usable. Discussion ensued with regard to changing the minimum buffer zone from 100 feet to 200 feet did not make sense and they would be able to request a waiver. The Board discussed whether to recommend or not recommend. Mr. Villeneuve did not believe it was a good idea to recommend this at all where no engineer has taken a look at it to say that it was a good idea. The Board discussed what Mr. Villeneuve was saying and agreed with him.

Ms. Leblanc stated that, as an abutter to a project that is going on behind her, she would like to see a little more of a buffer between her and the development. Mr. Villeneuve pointed out to Ms. Leblanc that nothing in these petition warrant articles would affect that particular project because it would only affect other projects later on if this gets voted in.

Mr. Poltak asked the Board what they would like to do. Ms. Dross commented that she agrees with what Mr. Villeneuve has said and agreed that the Board should not recommend this petition warrant article. Mr. Poltak asked the Board for a motion.

Ms. Dross made a motion to NOT Recommend the Petition Warrant Article to change Article 8, Section 8.07 (5) Buffer Zones which is NOT Recommended by the Planning Board. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next Petition Warrant Article which was “J” to amend Section 8.07 (6) to increase wetland buffer zones and looked to the Board members for input.

J. By Petition. Amend Article 8 - 55 and Older Housing Regulations Section 8.07 (6) – to increase wetland buffer zones.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(6) Wetland Buffer Zones: The wetland buffer zones shall **not** be reduced to the following:

- a. Level 1 wetlands = 50' **125'**
- b. Level 2 & 3 wetlands = ~~25'~~ **75'**

Note: Wetland buffer zones shall be “no-disturb” buffers and the buffers shall be delineated with placards every 100’ and shall be placed on existing trees or steel t-posts.

Mr. Porter as Conservation Commission Chairman had no problem increasing the wetland buffer to the standard setback which is what Article 5 states in our Zoning Ordinance already. The Board members and Mrs. Rouleau-Cote discussed the wetland buffer ordinance as it currently is in place. Mr. Villeneuve reiterated what he stated previously and believed that the Board should not recommend amending this section at this time. Mr. Poltak commented that he has not heard anyone in this town say that our current wetland ordinance was inadequate but has had people say to him to not issue any waivers to wetland buffers. With that said, Mr. Poltak stated that he was comfortable with the setbacks that are currently in place for the 55+ ordinance and if the Board members were in agreement, he would like to move this request to say that it was Not Recommended by the Board. A brief discussion ensued with regard to this request.

In conclusion, Mr. Poltak asked the Board for a motion associated with whether or not they would either recommend or Not recommend increasing the setbacks on wetlands as is in the petition warrant article.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article 8, Section 8.07 (6) to increase wetland buffer zones which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor with Mr. Porter opposed and the motion passed by a vote of 2 to 1.

Moving right along, Mr. Poltak moved to the next petition warrant article which was “K” to change Section 8.07 (7) to request additional off-street parking required for each dwelling unit over 20 units. Mr. Poltak read the petition warrant article and asked what that meant. Ms. Leblanc stated that it was asking for additional off-street parking per unit. Mr. Rolfe pointed out that these would be private roads. Ms. Leblanc talked about fire apparatus and EMS being able to get through. A this time, the Board discussed parking on the road within the 55+ development and that it would be the responsibility of the Homeowner’s

Association. Again, it was explained that these petition warrant articles would not have anything to do with the proposed development currently before the Planning Board and that the Planning Board would be reviewing the adequacy of parking spaces within the development and in accordance with current regulations.

- K. By Petition. Amend Article 8 - 55 and Older Housing Regulations** to change Section 8.07 (7) – additional off-street parking required for each dwelling unit over 20 units.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(7) Parking: There shall be two (2) indoor/garage parking spaces and one visitor parking space per dwelling unit. The Planning Board shall take into consideration the needs of persons 55 and older when considering the location of parking spaces and the parking area's access to the unit(s) it serves. Depending on the size and layout of the development, the Board may require additional visitor parking spaces. **However, at a minimum, if the size of the layout of the development is larger than 20 dwelling units, 1 additional off-street parking space, per additional dwelling units over 20 dwelling units are required.**

With that said, Mr. Poltak asked if there were any further discussions regarding this petition warrant article. None were noted. Therefore, Mr. Poltak asked the Board members for a motion to recommend or Not to recommend.

Mr. Porter made a motion to NOT Recommend the Petition Warrant Article 8, Section 8.07 (7) Parking which is NOT Recommended by the Planning Board. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next Petition Warrant Article which was “L” to change the maximum dead-end road length to 1,000 feet and asked what that meant.

- L. By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.07 (11) – to change Maximum Dead-end Road length from, “Determined by Planning Board” to, “1,000 ft.”

Text of Ordinance to Read:

(11) Road Construction: ...

Maximum dead-end road length	Determined by Board <u>1,000 feet</u>
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Ms. Leblanc stated that it would be to reduce the cul de sac length from 1,200 feet to 1,000 feet to reduce the length of the cul de sac and reduce the number of homes. With that said, Mr. Poltak asked the Board for a motion to recommend or to Not recommend.

Mrs. Rouleau-Cote wanted to add that each of these homes would be sprinkled to add fire protection to each home.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article 8, Section 8.07 (11) to change Maximum Dead-end Road length which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next Petition Warrant Article which was “M” to add Section 8.07 (13)(a) – 30,000-gallon cistern required with a minimum of 1 cistern per 25 dwelling units.

M. By Petition. Amend Article 8 - 55 and Older Housing Regulations to add Section 8.07 13(a) – 30k gallon cisterns required with a minimum of 1 cistern per 25 dwelling units.

Text of Ordinance to Read:

(13) Fire suppression systems: Shall be designed to standards approved by the Auburn Fire Department and are required in all housing units. Prior to conditional or final approval, written approval from the Fire Department shall be obtained.

(a) 30,000-gallon cistern required with a minimum of 1 cistern per 25 dwelling units.

Mr. Poltak stated that these standards are implemented by our Fire Department and the Fire Chief and the Planning Board are totally dependent on these standards. Ms. Dross asked Ms. Leblanc the reason behind this petition warrant article. Ms. Leblanc stated that when they talk about houses being sprinkled that they would be doing this from a well system and wondered if the pressure would be adequate. Ms. Dross commented that all 60 homes would not be on fire at the same time. Mr. Porter added that they would not be attached to the wells. Mrs. Rouleau-Cote responded that each unit is sprinkled, and each unit would have its own individual systems.

With that said, Mr. Poltak asked if there were any further comments. None were noted. Mr. Poltak asked the Board for a motion to recommend or to Not recommend.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to change Article 8, Section 8.07 (13)(a) Cistern which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to “N” which was to add Section 8.07 (19) to add requirements and liabilities for new wells and asked for clarification. Ms. Leblanc stated that this is because they are putting in huge wells and that if something happens to our wells and sediment or they go dry that they are looking for liability by the developer added in. Mr. Poltak talked about the Ground Water Protection Ordinance that has been two (2) years in the making now. Mr. Poltak added that he was hoping that they could talk about it tonight, but he did not have it. It’s coming and it will be town wide and

will be available hopefully soon which is the right way to go about this. You cannot simply regulate without being able to define what you are regulating and in the case of groundwater hydrological investigation and determination has to be made first.

- N. By Petition. Amend Article 8 - 55 and Older Housing Regulations** to add Section 8.07 (19) – to add requirements and liabilities for new wells.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria ...

(19) Contractors, builders, and those involved in construction on 55+ communities, industrial, and commercial properties will go through the NH Well Water Board for all new wells. Those building for larger than 3+ homes, industrial, or commercial properties will be responsible for any issues with neighboring community wells and individual wells that may result in drying out for a period of 7 years following the completion of construction per phase.

With that said, Mr. Poltak indicated that he would be recommending that the Board Not recommend this petition warrant article because it's unenforceable as written. Ms. Leblanc stated that this is basically safeguarding themselves.

Mr. Poltak asked if there were any further comments in this regard. None were noted. Mr. Poltak asked the Board for a motion.

Mr. Porter made a motion to NOT Recommend the Petition Warrant Article to add Article 8, Section 8.07 (19) regarding Wells, which is NOT Recommended by the Planning Board. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the next Petition Warrant Article which is "O" to add Section 8.07 (2) which requires the Town of Auburn to conduct their own separate traffic impact study.

- O. By Petition. Amend Article 8 - 55 and Older Housing Regulations** to add Section 8.07 (20) – additional, separate traffic impact study required.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria ...

(20) The Town of Auburn is required to conduct their own separate traffic impact study and is required to be for a period of no less than 3 weeks and to be separate from the builder, contractor submission of same.

Ms. Dross asked who would be paying for this independent traffic impact study. Ms. Leblanc stated the Town of Auburn. Mr. Poltak pointed out that the Town of Auburn has Stantec, who reviews the traffic study required of the developer and are currently doing so with regard to the Tanglerock Development. Mr. Poltak believed this was redundant to what they are currently doing, and the Town of Auburn would not be paying for an independent traffic study. Ms. Leblanc did not believe 3 days was long enough to do a traffic study. No further discussion took place and Mr. Poltak asked for a motion.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to add Article 8, Section 8.07 (20) additional, separate traffic impact study which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to "P" which is a Petition to change Section 8.11 the 10% cap of housing stock of the 55 and older housing units to 5%. Ms. Leblanc stated that it was supposed to be voted on annually and it has not. Mrs. Rouleau-Cote commented that the Town of Auburn has only issued two (2) COA permits so far. Discussion ensued with regard to the number of units allowed currently. Mr. Poltak informed everyone present that the Town of Auburn has a Growth Control Ordinance which is currently 3% annually with a 10% cap on 55+ houses as a percentage of single-family homes. Mr. Poltak talked about the percentage of the population that is currently in our town and the national average which is 43% of the population is over 55. Mr. Poltak did not understand why they would want to change these provisions.

P. By Petition. Amend Article 8 - 55 and Older Housing Regulations Section 8.11 - to change from 10% of the total number of non-55 and older housing units to 5% of 55 and older housing units.

Text of Ordinance to Read:

8.11 Maximum Number of Units The total number of 55 and older housing units approved under the provisions of this Ordinance shall not exceed ~~ten (10%)~~ **five (5%)** percent of the total number of non-55 and older housing units then currently existing in the Town. This requirement shall be reviewed by the Planning Board on an annual basis to determine the need for 55 and older housing in the region and the Town's proportionate share.

Mr. Chartier commented that he just did not want big neighborhoods and wanted this capped. Mr. Poltak informed everyone present that you cannot reject growth. Mr. Poltak explained to everyone present tonight that the Town of Auburn does not have a lot of buildings going on in town. In fact, the Town of Auburn currently has one development underway which is the 55+ development off of Exit #2. Discussion ensued with regard to the Town of Auburn voting in the 55+ development. Mr. Villeneuve wanted to point out that there were a few large developments within the Town of Auburn and mentioned the Weathersfield Subdivision and Margate development. Mr. Villeneuve added that there were multiple large developments

throughout the town, and it was disappointing for him who was involved for two (2) plus years putting these ordinances together of which engineers were involved and they even brought in developers to talk about these. Mr. Villeneuve pointed out that if they wanted to change it, they just don't change it by sliding in some petition warrant article that has no background at all. They should've come to the Planning Board to work something out by putting something together that would work.

Mr. Poltak concluded by saying that he was sympathetic with what they were saying but they have to comply as a community, and you cannot just prohibit development. The ordinance passed and was put in place and development at the end of Tanglewood and Rockwood is a current proposal. With that said, Mr. Poltak asked for a motion to move this along.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to change Article 8, Section 8.11, which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the last petition warrant article which was "Q" regarding requiring primary ingress and egress via a state numbered highway for residential developments over 20 dwelling units and commercial or industrial developments over 10 acres. Ms. Dross did not believe this could be done because not all developments back onto a state numbered highway. A brief discussion ensued with this petition warrant article. It was noted that, unless someone owned property onto a state numbered highway they would not be able to develop their property if this passed.

Q. By Petition. To require primary ingress and egress via a state numbered highway for residential developments over 20 dwelling units and commercial or industrial developments over 10 acres.

Text of Ordinance to Read:

Location within ordinance to be determined.

Any large development project larger than 20 dwelling units or any commercial/industrial unit larger than 10 acres, must have the primary ingress and egress onto a state numbered highway.

Mr. Porter invited everyone present tonight to join the Planning Board meetings to discuss zoning changes rather than bring forward these types of Petition Warrant Articles. With that said, Mr. Poltak moved on to request a motion to move this Petition Warrant Article along.

Mr. Rolfe made a motion to NOT Recommend the Petition Warrant Article to require primary ingress and egress via a state numbered highway which is NOT Recommended by the Planning Board. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak thanked everyone present tonight and moved onto closing the meeting. Mr. Poltak further indicated that, hearing there are no further comments, that he would suggest that they close the hearing and that the Planning Board vote to bring this forward at the town meeting in March. Mr. Poltak added that hearing no comments that a second public hearing would not be necessary. Mr. Poltak stated that a motion would be in order.

Mr. Rolfe made a motion to move the Zoning Ordinance amendment as read above to be sent to the BOS for approval to be placed on the March actions. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Rolfe made a motion to close the Public Hearing for the Zoning Amendment. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

OTHER BUSINESS

Mr. Poltak asked if there was any new business. None were noted.

At this time, Mr. Poltak and asked for a motion to adjourn would be in order.

Mr. Rolfe made a motion to adjourn. Ms. Dross seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 9:40pm.

The next Planning Board meeting is scheduled for Wednesday, January 24th, 2024 at 7:00 pm. This meeting will be held at the Auburn Town Hall, 47 Chester Road. This date is subject to change.