

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**PUBLIC HEARING**  
**August 16, 2017**

**Present:** Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Michael Rolfe, Member. Paula Marzloff & Jess Edwards, Alternates. Dale Phillips, Selectmen's Representative. Minutes recorded by Denise Royce.

**Absent:** Jeff Porter, Member. Tom LaCroix, Alternate.

Mr. Poltak called the meeting to order at 7:06 p.m. and asked the Board members to introduce themselves to everyone present. Mr. Poltak elevated Mrs. Marzloff to full voting status for tonight's hearing.

Mr. Poltak moved on to the acceptance of the minutes for August 2<sup>nd</sup>, 2017.

**MINUTES**

**Mr. Grillo moved to approve the minutes for August 2<sup>nd</sup>, 2017 as written, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**GENERAL BUSINESS**

**PUBLIC HEARING**

**North American Upfitters**  
**6 Sutton Circle, Tax Map 6, Lot 18-6**  
**Discuss Minor Site Plan Review**  
**Continued from August 2, 2017**

Mr. Poltak explained that the applicant has requested a continuance until the next Planning Board meeting which will be held on September 6<sup>th</sup> because they are not prepared to present tonight. With that in mind, Mr. Poltak indicated that he would entertain a motion in that regard.

**Mr. Grillo moved to continue the Public Hearing until Wednesday, September 6<sup>th</sup>. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

At this time, Mr. Poltak wanted to point out that, tonight's matters before the Board were all Public Hearing and did not believe there were any abutters present. Mr. Poltak asked if there were any abutters to any of the discussions before the Board tonight. There were no abutters at this time. Mr. Poltak explained the procedure for tonight's hearing which goes as follows: He will ask the applicant or the applicant's representative to share with the Board their intention relative to their proposal. The Board will then ask questions of the applicant and then he would ask for abutters in terms of them making comments or should they have questions. Exchange of comments amongst abutters and the applicant is not the way business is conducted as all business shall go through him and he will present them appropriately to the applicant.

With that in mind, Mr. Poltak moved on to the first discussion before the Board tonight which was pertaining to Douglas and Helen Daigle, 21 Drouin Circle.

**Douglas & Helen Daigle**  
**21 Drouin Circle, Tax Map 12, Lot 18-3-1**  
**Minor Subdivision**  
**(Convert existing duplex to 2-unit Condo)**

Mr. Wichert began his presented before the Board tonight by saying that they were before the Board back in June and that at that time the Board had some discussion that they wanted to run it by town counsel. Mr. Wichert believed that it has gone through town counsel and that town counsel indicated that they could move forward. Mr. Wichert stated that the Daigle's own the property and that they came before the ZBA back in 2012 and received a Special Exception to build a duplex in the Residential One zone. They have since built the duplex and after living there for a while both sides have decided that they would like to own it. Mr. Wichert indicated that they were before the Board tonight to change the form of ownership. Mr. Wichert added that there was basically no physical change to the property and that the only change would be that each side would own their individual side. Mr. Wichert further added that they have state septic approval and state subdivision approval is pending but that they should be receiving it shortly.

At this time, Mr. Wichert went through the plans with the Board members with regard to both the property as well as the building layout itself. Mr. Wichert asked the Board members if they had any questions. Mr. Poltak asked the Board members if they had any questions. None were noted. Since the Board members did not have any questions at this time, Mr. Poltak wanted to say that, Auburn has never approved a condominium development of any kind in a Residential sense but has done a number of them commercially. Mr. Poltak went on to say that, as everyone may know or may not know that state law requires Attorney General Office approval for proposals of 10 units or more. So neither case tonight is that size so we are not going to have Attorney General Office review of the condominium documents. Mr. Poltak went on to explain that the town and that the Planning Board has an obligation to review the proposal from

the prospective of the application of current ordinances as well as the content of the condominium documents. Mr. Poltak had a few questions with there being no change in terms of the property.

Mr. Poltak asked Mr. Wichert if there was a site plan. Mr. Wichert said that the Board is in receipt of a site plan as well as a floorplan of the building. Mr. Wichert further stated that their attorney, Attorney Sullivan has prepared the condominium documents and they were submitted to the town back in June and that he has not heard back with regard to any comments that town counsel may have had or if there was an expense involved with the review of those documents. Mr. Poltak asked Mr. Wichert how the basement was divided or shared. Mr. Wichert answered by saying that there was a wood partition wall as the house was a ranch style with one floor and that the ownership would be to the center of the unfinished wall. Both parties would be responsible for anything inside the building and the association would be responsible for anything outside of the building such as windows, roof and siding. A brief discussion ensued with regard to the association and how the association fee comes about. Mr. Wichert added that the beauty if this conversion is that it was already built as a duplex which was divided when this building was built. Each unit has its own electrical and cable and that the only two (2) items that are shared would be the pool filter and the pump for the septic tank.

Mr. Poltak had questions with regard to who owns the driveway and who would be responsible for plowing the driveway because if there were any issues then they would be more apt to call the town which happens all the time and he would like to avoid this occurring in the future. Mr. Wichert explained what this proposal consisted of and talked about limited common ownership and common ownership and what would be included in these areas which would be included within the condominium documents. Mr. Poltak informed Mr. Wichert that he would like town counsel to take an in depth analysis associated with this condominium document. Mr. Poltak stated that this was an inherent right to do so in order for the Board to not set a bad precedence, he was not inclined to approve anything tonight although this is more than likely to happen by state law. Mr. Poltak asked Mr. Wichert for a site plan that depicts what the condominium documents are going to be saying is the case relative to outside the house. Basically what Mr. Poltak was looking to obtain is documentation pointing out exactly who owns what on this property. Mr. Wichert wanted to point out Note #7 on the plan which states "These units are subject to the terms, conditions, and bylaws of the 21 Drouin Circle condominium to be recorded at the R.C.R.D. see declaration of 21 Drouin Circle condominium for a more particular description of the units, common area, limited common area and convertible land." Mr. Wichert went on to say that, convertible land was basically land that you would designate for future development and in this instance there is none. Mr. Wichert stated that the units themselves, Unit "A" is defined as the interior of that building and Unit "B" is defined as the interior of that building which is the only thing that the parties have fee title to and that the remainder of the property is common land. On that common land there are different levels of common land because you have limited common areas and common areas. Limited common area is an area that is designated for one units use such as the steps outside the individual units and

the driveways that service the individual garages. At this time, Mr. Wichert pointed out the areas for the Board as shown on the plan presented tonight. Mr. Wichert also pointed out that there was a shed located on the property and that since Mr. Daigle purchased the shed that it would be noted as limited common area and would be designated for the use of Mr. Daigle only. If the other unit wanted to put in a shed, they would have the ability to go to the building department and pull a building permit for a shed and install a shed because there are no limitations as this would not require Planning Board approval.

Mr. Poltak believed that this was as far as the Board could go tonight but that he would like to have this all resolved and have an answer for Mr. Wichert by their September 20<sup>th</sup> Public Hearing. Mr. Wichert understood and agreed to being continued until September 20<sup>th</sup>. Mr. Wichert wanted a response prior to the September 20<sup>th</sup> hearing in order to resolve any issues prior to the Public Hearing. Mr. Poltak agreed and asked for a motion to continue.

Mrs. Marzloff asked about the well radius and if there was a maintenance agreement because one may not like all the chemicals on the lawn. Mr. Wichert started by answering Mrs. Marzloff question regarding the well radius by saying that they could do anything within that area except placing a septic system and that the septic system was on the other side of the building. A brief discussion ensued with regard to the location of the well and septic. Mr. Wichert went on to mention that there was something located within the condominium documents with regard to snow plowing and grounds keeping and could not say whether the condo docs state organic or chemical but that both parties would have a say on how they would do it but would look into it further and get back to the Board members.

Next, Mr. Poltak asked about improvements to a unit such as adding a deck or a bump-out or something like that and understood it as all the property outside the foundation of this building is common land. Mr. Wichert said yes with the exception of the areas listed as limited common areas. Mr. Poltak indicated that he would be looking at the condominium documents with regard to adding a deck so that they must provide some type of relief for the unit wanting to do so only suggesting tonight that it would be with the approval of the other unit. Mr. Wichert said that both parties would have to sign off on it but they would know this going into it. Mr. Wichert informed the Board members that they have used these documents in other towns and pointed out that they were basically a cookie cutter document that they've used in the past. Mr. Wichert indicated that they were fine having the town attorney review the documents and that they would go from there. Mr. Poltak asked if the Board was in receipt of the condominium documents now. Mr. Wichert believed that the town had a copy of the condominium documents. They submitted them earlier thinking that town counsel would have reviewed them prior to now. With that in mind, Mr. Poltak wanted to clarify that the condominium documents that they had were the documents submitted for this proposal. Mr. Wichert said yes.

Mr. Poltak asked if there were any abutters present. Mr. Malenchini of Meadow Lane asked what prevents this duplex converting into a condo across the Town of Auburn. Mr. Poltak answered by saying that there was nothing preventing this. At this time, Mr. Poltak read a section from Attorney Bennett's letter dated July 10<sup>th</sup> as follows: "RSA 356-B:5 provides that municipalities may not treat a condominium "differently by any zoning or other land use ordinance which would permit a physically identical project or development under a different form of ownership." So with that said, someone in a residential area that is proposing to turn their property into a condominium that goes through the legal process and procedures and is in compliance with the intent of the law they would be allowed to move forward in this regard. Mr. Melenchini talked about the zoning ordinances. A brief discussion ensued with regard to the ability to do this and whether or not they could be rented out or owner occupied. Mr. Wichert wanted it noted that they are complying because they did receive the Special Exception for the duplex and the only change now is in the fee ownership.

**Mr. Grillo moved to continue the Public Hearing until Wednesday, September 20<sup>th</sup>. Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed**

**Wayne E. Kenney Builders, LLC  
On Behalf of The Estate of Everett J. Harriman  
& Diane J. Thibeault  
11 Rockingham Road, Tax Map 31, Lot 19  
Major Site Plan Review  
(Multi-Unit Townhouses/Condos)  
Continued from June 21, 2017**

Jennifer McCourt began the presentation by passing out copies of a lighting pamphlet as well as a revised landscape plan and layout of the eight (8) condominium units to each of the Board members for review. Ms. McCourt informed the Board members that the attorney working on the condo docs was the same attorney working on the condo docs for 11 Rockingham Road. Ms. McCourt began by going through the comments from Stantec's letter dated August 10<sup>th</sup> and noted that the condominium documents were submitted to the Town of Auburn for review by legal counsel. Ms. McCourt went on to say that the Board should have received a letter from Captain Saulnier from the Auburn Fire Department which the Board did receive. Ms. McCourt talked about the discussion about handicap parking and explained that they have added a second guest parking space out front so now there are two (2) guest parking spaces. Ms. McCourt stated that they would be happy to put the first three (3) bullets on the plan as requested by Stantec. Ms. McCourt went through the list and added that they would be putting the approval numbers on the plan. Ms. McCourt mentioned the waiver request for the slope for the driveway and Mr. Poltak added that he could not speak for the Board members but the waiver request relative to the slope of the driveway was consistent with waivers they have granted on a regular basis within the community. Ms. McCourt went on talk about the lighting waiver staying the same and pointed out where the lights would be

located on the plan. Mr. Poltak believed they would have to spend some time on the lighting plan. Ms. McCourt went through the lighting plan with the Board members with what they are proposing. Mr. Poltak indicated that they do not have anything in the rules and regulations with regard to lighting within the residential parking areas but we do have it within the commercial and industrial zones. This would be something that they will be addressing in depth prior to town meeting. Mr. Poltak wanted to pursue the lighting with Ms. McCourt and would like her to explain the lighting plan with regard to lighting and safety and wanted to know if it was controlled by the association or the individual homeowner. Ms. McCourt stated that it would be a motion detector that would be controlled by the individual unit. Mr. Poltak commented that he wanted passive lighting but wanted to make sure that there was a sensitivity to a collective need of access and egress for visitors relative to the lighting being safe. Mr. Grillo wanted to know what would happen if the middle unit was unsold and unoccupied that who would be paying the electric bill. Mr. Wichert stated that the declarant will be the owner of the units that are unsold. Mr. Wichert added that they could take a look at possibly hard wiring the exterior lights. Ms. McCourt indicated that there would be a circuit for the condominium for the pumps for the septic system and the well so there is possibility of having the lighting added to it. Mr. Poltak wanted to be sure that the lighting was adequate for what they were proposing. Ms. McCourt pointed out to the Board members with regard to the handout she passed out on page 3 which shows the lighting 50 feet out and 60 feet wide at 15 feet and they are looking at mounting these at 12 feet which would be a little bit smaller which would still be quite a bit of lighting which would be mounted above each garage. Mr. Poltak asked if there would be lamp post. Ms. McCourt said no as they were trying to make this look more of a residential area as opposed to a commercial area.

Mrs. Marzloff asked if there would be signage. Ms. McCourt stated that they were not proposing a sign. Mr. Poltak moved back to discussion of the lighting and asked if there would be any other lighting other than the sensor lights over the garage. Ms. McCourt explained that each unit will have a light by the door which will be controlled by the individual units. Mr. Poltak did not believe it was enough and wanted to know how long the motion lighting would stay on. Ms. McCourt believed it was 2 minutes and if it turns off you could wave it back on.

Mr. Poltak asked where the visitor parking would be. Ms. McCourt pointed out that there were 2 visitor parking spaces in front of each garage unit and if someone is coming back with groceries then they most likely would pull right into the garage. A brief discussion ensued with regard to lighting.

Ms. McCourt moved on to discuss the landscape waiver that was withdrawn as they do have a landscape plan. Ms. McCourt began by pointing out on the plan that they would be keeping all the arborvitae in the front by the road except for the first two (2) closest to the driveway. Ms. McCourt went on to talk about the retaining wall and landscape plan to one side of the building. Ms. McCourt explained that there were only certain plants that could be placed near the leachfield and the rest of the site would be maintained by the existing trees as there was a substantial amount of vegetation that would remain.



Mr. Poltak stated that he was disappointed in the area as you enter the property to the right of the entrance as he wanted the area planted with trees because it was a 35 foot to 40 foot space that is open and wanted the property screened from the road. Mr. Wichert pointed out to the Board that there was 125 foot wetland buffer that they had to maintain because it is a no disturb buffer so there is no disturbance in that area. Mr. Wichert believed that they could put one tree in that area but it was very limited. Mr. Poltak stated that he did not want to come up Rockingham Road and see the building in this area and wanted a visual screen in that area. Mr. Poltak believed there could be a slightly larger investment in landscaping in this project. Mrs. Marzloff asked how they would enforce the landscape plantings unless they are placed within the condo docs. A discussion ensued with what was on the landscape plan and what should be included as well as the screening and what would be included if the plantings did not make it.

Ms. McCourt went on to Sheet #4 that she did add the inlet apron as requested. Ms. McCourt also added on the site plan no parking on pavement and signs and pointed out the locations on the site plan. Ms. McCourt moved on to point out the future trash location on the plan near where the turnaround is located. Mr. Grillo commented that there would be 14 trash barrels at the road. Mrs. Marzloff believed that was unacceptable. Ms. McCourt commented that it was noted in the condo docs that the individual homeowners were responsible for their own trash disposal. Mr. Grillo asked if there was enough room for a garbage truck to enter and turnaround. Ms. McCourt said yes. A brief discussion ensued with regard to where the trash would be placed which would be located in each individual garage unit. Ms. McCourt directed the Board members to Sheet #A5 which shows the garage stall and the possible location for trash barrels to be located under the stairs.

Next, Ms. McCourt moved on to talk about the location of the propane tanks which would be underground near the turnaround. Mrs. Marzloff asked if there would be sufficient area for a propane truck to turnaround. Ms. McCourt said yes. Mrs. Marzloff asked Ms. McCourt if they could put something in the condo docs that states that the trash barrels shall remain within the units until they are ready to be disposed of. Ms. McCourt believed it was already in the documents but would double check on that. Mr. Poltak asked about the homeowners association taking up this subject if it doesn't work out.

Ms. McCourt went on to discuss the community well and how it would go to a storage tank and then go into the building and go to the individual units to feed either the sprinkler system or the individual domestic water. The size of the storage tank would be determined on the yield of the well as there was no way to determine it at this time. Each unit would have sprinkler system and would have an alarm so that the Fire Department would know which unit was going off.

Ms. McCourt stated that they did not have a location for the transformer as the electric company would not give them that information until they had a building permit. Mr. Rolfe asked if there would be a stack of meters and asked where they would be located. Ms. McCourt pointed out where the eight (8) meters would be located with the septic

alarm. Ms. McCourt believed that the other comments from Stantec's letter were minor and could be handled directly with Stantec. Mr. Poltak explained to the Board members that Stantec did complete their third review and that was the letter Ms. McCourt was talking about and from an engineering standpoint that everything was feasible

At this time, Ms. McCourt turned the meeting over to Mr. Wichert for him to discuss the septic. Mr. Wichert informed the Board members that Mrs. Rouleau-Cote has the plans and has reviewed them and had a couple of comments and they changed a couple notes. Mr. Wichert talked about the septic alarm. A brief discussion ensued with regard to the location of the leachfield which was located under pavement. Mr. Grillo asked if there was anything in the condo docs that limit the number of people. Mr. Wichert said no. Mr. Grillo talked about the floorplan shown and asked if there was anything preventing them from changing the study into a bedroom. Mr. Wichert said that it was no different than someone owning a three bedroom home and having a two bedroom septic design. The condo docs will specify that it is a two (2) bedroom unit but if someone has a guest stay with them for a week that would not affect the septic.

Mr. Rolfe had a question with regard to the typical on the driveway that in the regulations it talks about shared, private or access road and servicing driveways. Ms. McCourt stated that she would have to take a look at that. Mr. Rolfe also asked about the mailboxes. Ms. McCourt stated that they would have a bank of mailboxes in one area.

Mr. Poltak asked if there were any abutters present. None were noted. Mr. Poltak stated that the Board accepted the application on June 21<sup>st</sup>. Mr. Poltak believed that Stantec has completed their review and there were a few minor items which could be dealt with. Mr. Poltak stated that they would like to see the condo docs. Ms. Royce indicated that the condo docs are with the attorney.

Mr. Poltak went through a few issues and commented on each as follows: Mr. Poltak explained that they talked extensively on the lighting plan and wanted them to go back and give it some thought with regard to the lighting plan to make sure it is adequate. Mr. Wichert stated that they were looking at motion sensors with a standard time of 2 minutes and asked if it was a problem that the Board members had and would they prefer longer or shorter. Mr. Wichert stated that they could leave it on all the time but felt it would take away from the residential feel and did not believe that was what they were looking for. Mr. Poltak did not know these lights and therefore was leaving it up to the experts.

Mr. Poltak went on to mention landscaping and believed they understood what he was looking for. Ms. McCourt said absolutely that she knows exactly what Mr. Poltak was looking for. Mr. Poltak went on to Mr. Rolfe's comment with driveway binder and mailboxes to be delineated on this plan. Mr. Poltak also wanted all the utility locations should be shown on the plan whether it's propane, electrical or water. Mr. Poltak wanted to be sure everything is noted on the plan. Ms. McCourt indicated that the only thing they couldn't show right now was the transformer. Ms. McCourt further added that



she will put the septic tank locations on the revised plan. Mr. Poltak believed they could take up the waiver tonight as he did not believe it was an issue. Mr. Poltak believed they could take a look at the condo docs and work with town counsel and believed that they could get all the business tended to and come back at one more meeting anticipating no further changes and no unforeseen circumstances. Mr. Poltak asked Ms. McCourt and Mr. Wichert what timeframe they were looking at. Ms. McCourt had a question about the 24 foot isle way and did not want to paint the whole driveway. Mr. Grillo believed it if it was in the condo docs that it would work. Ms. McCourt understood. Mrs. Marzloff wanted to see some down lighting at the mailboxes because it probably would be very dark.

Mr. Rolfe asked if each unit had their own propane tank. Ms. McCourt said no that there would be a single line going behind the building going to individual services. Mr. Poltak wanted to figure out timing. Ms. McCourt believed all the changes would be fairly easy and quick to get back to the Board members by September 20<sup>th</sup> but believed it would be more the condo docs and the attorney's to work out. Mr. Poltak asked Ms. Royce what the schedule would be like in October. Ms. McCourt stated that she would still like to come back before the Board in September as well. Mr. Poltak believed they could work through the changes and the waiver and that they would do their best with regard to the condo docs. Everyone agreed.

Ms. McCourt asked if the Board could vote on the driveway waiver now. Mr. Poltak stated that he did not have a problem with doing that and asked the Board members and the Board members also agreed with Mr. Poltak.

**Mr. Grillo made a motion to approve the waiver request from Section 10.08(3) Site Plan Regulations – Construction of Driveways and Parking Lots to allow Driveway to slope away from the Town roadway for Tax Map 31, Lot 19, 11 Rockingham Road. Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Rolfe moved to continue the Public Hearing until Wednesday, September 20<sup>th</sup>. Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.**

At this time, the Board took a 5 minute break.

The Board resumed the Public Hearing at 9:06pm. Mr. Poltak addressed the Board members by saying that the condominium documents were pretty extensive and that he has asked Ms. Royce to make copies for each of the Board members. The Board members can then pick up their copy at their convenience from the town hall and if they are unable to pick them up that they can notify Ms. Royce and have her leave a copy with the Town Clerk/Tax Collector as they are open until 7:00pm on Monday night. The Board discussed possibly having a work session with the Board to go over all the plans for the Board to review together.

**Jay Nixon**  
**TMT Real Estate Development, LLC**  
**792 C Londonderry Turnpike, Tax Map 1, Lot 19C**  
**Minor Site Plan Review (Site Plan Review – Use)**  
**Continued from June 21, 2017**

Mr. Temple presented on behalf of Mr. Nixon and began by saying that he has been working with Mr. Nixon on a site plan amendment for Unit “C”. Mr. Temple indicated that they have been working with Mr. Nixon and Mr. Fischer who is the owner of Associated Scaffold Builders, LLC to revise Unit “C” of the condominium to make it more applicable to his business. Mr. Temple explained what they are proposing to do and pointed out the location on the plan. What they are proposing to do is an exchange of convertible land and putting in a wetland buffer demarcation with an earthen berm. They are also looking for a waiver for outside storage. At this time, Mr. Temple concluded and said that this was what they are proposing to do.

Mr. Poltak asked what exactly Unit “C” will contain now. Mr. Temple stated that Unit “C” existing is 14,087 square feet or 0.32 acres and the proposed will be 47,680 square feet or 1.09 acres. A brief discussion ensued with regard to the precise boundaries. Mr. Temple pointed out the new boundary.

At this time, Mr. Temple turned the discussion over to both Mr. Nixon and Mr. Fischer to explain to the Board members what they are proposing to do. Mr. Nixon began by telling the Board what was originally there and the convertible land. Mr. Nixon stated that currently he owns all of it. Mr. Nixon pointed out the location to park his trucks so that he can plug them into power.

Mr. Poltak asked the Board members for questions. Mrs. Marzloff had an issue with the location that Mr. Nixon was parking his vehicles and informed Mr. Nixon that parking on gravel was not allowed and that the parking area must be paved and that she raised this issue in June. Mr. Nixon commented that he did not want to pave the area. Mrs. Marzloff reiterated what she had previously said and that the Town of Auburn’s regulations do not allow parking of vehicles on gravel on an approved site plan. Discussion ensued with regard to parking on gravel. Mr. Nixon stated that he only uses it in the winter time and turned the meeting over to Mr. Fischer. Mr. Fischer passed out photos of how he stores his materials and what he stores. Mr. Fischer pointed out the location of where he proposes to store the scaffolding systems. Mr. Fischer stated that he intends to put up some jersey barriers to lean some of the materials up against the concrete blocks. Mr. Poltak asked Mr. Fischer if he intends it to be all outdoor storage. Mr. Fischer said yes. Mr. Poltak asked what the maximum height that he intends to store these materials on. Mr. Fischer explained that in the first photograph that it was 3 steel racks high and the steel racks are 39 inches so about 160 inches.

Discussion ensued with regard to what was currently occurring on the property now. Mr. Poltak asked if this scaffolding material was being stored on the property now. Mr. Nixon said yes. With this in mind, Mr. Poltak pointed out that, what Mr. Nixon would like

to do is basically what has been occurring on the property now but now wants to make it legal. The Board and Mrs. Marzloff were a little shocked that this has been occurring and that why Mr. Nixon did not get a cease and desist yet. Mr. Fischer stated that his materials are on the property now but that he does not run his business out of the property yet. Mr. Poltak did not see any big issues with what was occurring on the property other than the parking of trucks on gravel. Mrs. Marzloff informed Mr. Nixon that the Board cannot approve something that does not meet the regulations. Mrs. Marzloff went on to say that the truck parking area is not permitted and that the Board does not have the authority to say that looks fine. Mr. Nixon said that he just wouldn't park the trucks there and that he would just park them on the road and plug them in there. Mr. Poltak asked if the trucks went with the scaffolding business or were they Mr. Nixon's trucks. Mr. Nixon said that they were his trucks. Mr. Poltak pointed out that if the trucks did not go with the proposed business then they have to go. Mrs. Marzloff informed Mr. Nixon that he could not have two (2) things occurring on the same lot.

Discussion ensued with regard to what they would be looking for as a site plan now showing the trucks removed from the existing site plan shown before the Board tonight. The Board was of the understanding that the Scaffolding Company would be utilizing the lot and not having a portion utilized by Mr. Nixon. In conclusion, the Board is looking for a site plan showing what will be occurring by the person running his business off this particular lot. This lot cannot be utilized by two businesses so all that can be done on this particular lot is what Mr. Fischer is proposing to do.

A brief discussion ensued with regard to trees being planted and a fence for screening and placards being placed and the earthen berm. Mr. Nixon talked about what he was proposing which was adding some trees and putting in the earthen berm and a fence to screen the activities that are occurring on the property with a fence.

Mr. Poltak believed they have made progress and explained that the Board understands exactly what Mr. Nixon's needs are and that the trucks have to come out. Mr. Nixon stated that he just wouldn't park there. They have to come off the plan in order to obtain an approved site plan. Mr. Poltak further explained to Mr. Nixon to go back and put the new site plan together as it is absent trucks and to speak with Mr. Mitchell with regard to whether or not you were going to do a berm or not. Mr. Rolfe asked about snow storage because that should be put on the plan as well. Discussion ensued with regard to a parking lot. Mr. Temple indicated that there was space in front of the building. Mr. Poltak reiterated what was said above that he would like Mr. Nixon to come back before the Planning Board showing what they accomplished tonight with an updated site plan that matches up with the existing site plan from the point of view depicting a paved parking lot and he wanted clarity based upon the Conservation Commission's decision and he wants the last comments incorporated thereto. Mr. Poltak did not want a site plan with something that says it's optional or might happen because he wants it known if it's going to happen or not happen especially regarding the wetland buffer demarcation post & sign (Typical), wetland buffer demarcation split rail fence (Optional) or wetland buffer demarcation 18" earthen berm (Optional). Mr. Poltak wanted Mr. Nixon to come back before the Board on September 6<sup>th</sup> with a final proposed up-to-date site plan

signifying the changes they have identified tonight and he believed they could go forward with it. Mr. Grillo wanted something with regard to lighting because if it's in the winter and these materials are stacked pretty high. Mr. Poltak asked Mr. Nixon if he understood what was being asked of him. Mr. Nixon said he understood.

**Mrs. Phillips moved to continue the Public Hearing until Wednesday, September 6<sup>th</sup> for Jay Nixon, TMT Real Estate Development, LLC, 792 C Londonderry Turnpike, Tax Map 1, Lot 19C. Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Access Ambulatory Surgery Center, LLC  
Auburn Medical Properties, LLC (Owner)  
45 Dartmouth Drive, Tax Map 6, Lot 18-4  
Minor Site Plan Amendment  
Plan Recorded May 5, 2017 D-40117**

Mr. Poltak wanted to comment that they have had no issues but they have had a discussion with regard to Planning Board role and Stantec has been working with them. Ms. Royce passed out copies of the amended plan to each of the Board members for them to review.

At this time, Mr. Lopez began by going through the changes and stated that the building is up and showed the Board members the original plan and explained that during construction the cost rose so they started to look for places to trim some fat on the budget and maintain the program within the building so they looked to the site. Mr. Lopez pointed out that they were looking at having a pick up lane and they were going to construct what would be the drive up isle for Phase II and Phase III. Dr. Siegel wanted to be sure that there was a patient pick up area at the end of the building because he did not want patients after procedures to walk out front of the building. Mr. Lopez continued by saying that, the idea to trim cost was to have the idea to eliminate a portion and they spoke with Mrs. Rouleau-Cote and the Fire Captain and they originally had the area proposed at 16 feet wide which did not meet the fire code because it needs to be 20 feet wide so they had to make some modifications.

Mr. Lopez went on to talk about the drainage and the catch basin and saved on gravel and pavement and some of the drainage because it was originally going to go into Phase I and now will be going into Phase II.

Mr. Lopez discussed that the gas company did not want an inactive gas line heading to Phase III building so that was stubbed off at the line that goes back to the building. The same thing occurred with regard to empty conduits which were eliminated. This would all be done in Phase II. Mr. Lopez believed that these were minor changes which were fairly simple.

Mr. Lopez went through the original lighting plan and talked about the access road and

the placement of the bollards. Mr. Lopez reiterated what he had stated above and talked about the fire access around the building.

Mr. Lopez also mentioned Mr. Tatem's comment in his letter dated August 15<sup>th</sup> that says, *"Detention Basin #1 is modeled as a wet pond, satisfying the NHDES AoT stormwater quality requirements. During several, previous site visits, the pond has not maintained the required permanent pool water elevation. It appears that either the impervious soil liner is allowing water to infiltrate or the water table is lower than expected in this area. The designer must address this issue with either revised plans or proposed changes to the construction of the detention basin."* Mr. Lopez commented that there was a little puddle on the bottom and had some assumptions but that was all it was and didn't have an answer for this.

Mr. Poltak wanted to explain why this was going on because he wanted the Planning Board involved in this as well. Mr. Poltak commented that it did not take away from what the Board originally approved and did not believe any action was necessary. Mr. Lopez did say that they did file a formal application. With that in mind, Mr. Poltak believed they should take action on the amended site plan showing the changes.

Mr. Rolfe wanted to comment with regard to the pond and believed that they really need to wait until all the drainage is connected and let it settle because he has seen it and it looked great. Mr. Lopez agreed and said it looked great and it was sculpted beautifully. Mr. Lopez asked the Board with regard to Mr. Tatem's comment in this regard was he okay. The Board said yes.

At this time, Mr. Poltak asked the Board for a motion to approve the amended site plan for 45 Dartmouth Drive.

**Mr. Grillo made a motion to approve the amended site plan as submitted tonight for 45 Dartmouth Drive, Tax Map 6, Lot 18-4. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

Mr. Poltak thanked Mr. Lopez and Mr. Lopez exited the meeting.

**Ronald & Debra Desrosiers  
14 Hooksett Road, Tax Map 26, Lot 10-2  
16 Hooksett Road, Tax Map 26, Lot 10  
Lot Line Adjustment**

Mr. Siciliano the land surveyor for the property explained that Lot 26-10 was 2.4 acres and Lot 26-10-2 was 1.03 acres and the proposal is to make Lot 26-10 1.90 acres and Lot 26-10-2 1.52 acres. Mr. Poltak asked what the point of doing this lot line adjustment. Mr. Desrosiers wanted to answer this question and stated that it was because the library is interested in buying that portion of the property but had to go before the Board first. So basically it's for future purchase for the library and they were



trying to make the library property a conforming lot with 100 feet of road frontage on Hooksett Road. Mr. Poltak read the comments from the Building Inspector which reads as follows: *"The definition of a lot line adjustment (Article 2.02 #19) states that the lot areas do not change by more than 25%. It is my estimation that Lot 10-2 will increase by 33%, and Lot 10 will decrease by 21%. The previous subdivision plan included State Driveway Permit for one access off Hooksett Road. Applicant should address driveway and access to Map 26, Lot 10."* Mr. Poltak commented that, that was why he asked if it was going to be built on. Mr. Poltak also read the last comment from the Building Inspector that says, *"There is 'talk' that Map 26, Lot 10 will be merged with Griffin Public Library. Understand any action by the Planning Board has to look at the lot as a standalone, with anticipation that this may not happen."* Mr. Poltak asked if it was going to happen or if it was not going to happen. Mrs. Marzloff commented that if this doesn't happen that she had a problem with the configuration proposed because it does not good to have 100 feet of frontage and then narrow down to 20 or 25 feet because it was basically a passage way.

Mr. Edwards could not understand that this was occurring because he was told as recently as a few months ago that they had no intention of expanding and that was why there was no money in the CIP. Mr. Edwards believed they were taking a risk.

Mrs. Marzloff was unsure about the narrow access to the back of the lot because she did not believe it was sufficient but was unsure what the village district allowed.

Mr. Rolfe asked Mr. Carpenter for comment. Mr. Carpenter indicated that this was to give the library more space and they were not trying to dump this to anyone else and the neighbors are trying to sell the property and the town is slow to act. Mr. Carpenter stated that he was of the understanding that the Selectmen were going to ask for this money next March to finish this off. Mrs. Desrosiers stated that they would like to help out the library than to sell it to a private entity.

Mrs. Marzloff asked where the septic system for Visiting Angels was located. Mrs. Desrosiers stated that it was located behind the building.

Mr. Edwards informed the Board that the librarian was present tonight and asked her to speak. Ms. Growney stated that they do not have a strategic plan in place at the moment even though their space is crunched. They do not have a plan in place but there is also no place for them to go as there is no space for expansion currently.

Mrs. Marzloff believed this plan was premature and stated that the configuration currently shown is so tortured to her. Mr. Grillo also stated that by the Town of Auburn's regulations that the Board cannot approve a lot line adjustment based on the percentage. Mrs. Marzloff agreed and believed it would be a trip to the Zoning Board of Adjustment. Mr. Carpenter stated that it was unfortunate that no one told them that ahead of time. Mr. Poltak stated that this is the first time everyone is seeing it at the moment and he did not know when the Building Inspector reviewed the proposed lot line adjustment. Discussion ensued with regard to trying to get this to work in favor of the



library. Mrs. Phillips commented that it has been discussed to put this on the ballot to try and get funds to get this piece of property for the benefit of the library. Mrs. Marzloff asked if this was really going to happen or was it a pipe dream because this lot configuration is no good. Mr. Poltak believed that this was beneficial to the library. Mr. Poltak further added that it would require a waiver from the percentage over the permitted amount required. The Board did not have an issue with the waiver request. In conclusion, Mr. Poltak really wanted to make this happen and suggested that they take it up at their next meeting. Mr. Poltak also added that he would be meeting with the Building Inspector and the Town Manager to see what they can do and then meet back up in a few weeks.

**Mr. Grillo moved to continue the Public Hearing until Wednesday, September 6<sup>th</sup>. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

### **NEW BUSINESS**

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

### **ADJOURN**

**Mrs. Phillips moved to adjourn the Hearing. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 10:10p.m.**

***The next Planning Board meeting will be held on Wednesday, September 6<sup>th</sup>, 2017 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.***