

**UNAPPROVED MINUTES
Town of Auburn
Planning Board
January 17, 2018**

Present: Ron Poltak, Chairman. Jeff Porter, Member. Paula Marzloff, Jess Edwards & Tom LaCroix, Alternates. Dale Phillips, Selectmen's Representative. Minutes recorded by Denise Royce.

Absent: Steve Grillo, Vice-Chairman. Michael Rolfe, Member.

Mr. Poltak called the meeting to order at 7:00 p.m. and informed everyone present that Michael Rolfe was on the road due to plowing and that Steve Grillo was not present tonight due to the flu being present in his house. Mr. Poltak went on to elevate Tom LaCroix and Paula Marzloff to full voting status for tonight's hearing. Mr. Poltak moved on to say that, the agenda tonight included a Public Hearing and called into session at this time.

MINUTES

Mrs. Marzloff moved to approve the minutes for January 3rd, 2018 as written, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

PUBLIC HEARING

Mr. Poltak stated that they were in a Public Hearing and asked Mrs. Rouleau-Cote to explain the precise nature of what we are doing with regard to setbacks from structures. Mrs. Rouleau-Cote began by saying that, this was a proposal that she presented to the Board based on her views on the Zoning Board of Adjustment with regard to accessory structures such as sheds which our current zoning ordinance allows sheds that are 120 square feet or less to be exempt from the setback from property lines. When a shed exceeds 120 square feet then they need to seek a Variance from the Zoning Board of Adjustment to encroach within the 30-foot side setback. Mrs. Rouleau-Cote indicated that, her experience with the Zoning Board of Adjustment has been that they tend to grant whether there is a hardship or not. Mrs. Rouleau-Cote believed that if the Zoning Board of Adjustment didn't have an issue then maybe they should present something that was a little bit more relaxed which would allow an accessory structure up to 200 square feet and reduce the setback down to 15 feet because that seems to be a common setback that has been before the ZBA seeking relief. Mr. Porter suggested adding in language regarding the wetland buffer saying that this shall not be applied to wetland setback buffers. Mrs. Rouleau-Cote stated that, she would disagree with Mr. Porter because now you would be combining two (2) different sections of the zoning ordinance and believed that, if Attorney Bennett were here tonight that he would indicated that this deals with Article 4 which is the district regulations where Article 5 deals directly with wetlands and wetland buffers. Mrs. Rouleau-Cote further added that, she added language that says,

“Maximum building/lot coverage and front setback requirements under appropriate district regulation(s) shall still be enforced.” Mr. Poltak commented that, he agreed with Mrs. Rouleau-Cote that the contained commitment within our regulations that recognizes the wetland buffer and within her daily activities that she enforces that. Mrs. Rouleau-Cote further stated that, if someone came to her and wanted to put a 200 square foot shed within the wetland buffer that she would automatically refer to Article 5 which she would then categorize whether they needed a Variance, Conditional Use Permit or Minor Conditional Use Permit for whatever level wetland it is which is the article that deals with sheds in wetland buffers. Mrs. Rouleau-Cote went on to say that Article 4, Section 4.04 is the section that deals with sheds in the side or rear setbacks which is two (2) separate articles. The other Board members all agreed. Mr. Poltak believed that the Board would take each one up individually and make a motion to recommend or not recommend. A brief discussion ensued with regard to the suggestion before the Board to be placed on the ballot in March which reads as follows:

4.04 District Regulations – General

- (1). Unless already specified as an accessory use in its definition, any permitted use or use allowed by special exception in the district regulations of this Ordinance shall be only for use as a principal use. It may, however, be allowed by special exception as an accessory use to any principal use which is permitted or allowed by special exception in that district, unless such combination of uses is otherwise prohibited by this Ordinance.
- (2). Any and all uses allowed herein shall also be subject to all other applicable ordinances and regulations of the Town of Auburn including, but not limited to, Article 6, Flood Plain Development Regulations, and to the statutes and regulations of the State of New Hampshire.
- (3). All non-residential, commercial and industrial uses, all clustered residential developments and all multi-unit dwellings consisting of more than two dwelling units, regardless of the district in which they are built, shall be subject to Site Plan Review by the Auburn Planning Board prior to the issuance of a building permit.
- (4). The minimum lot sizes, yard and frontage dimensions and maximum heights specified in the district regulation for any particular use are subject to any more restrictive provisions required elsewhere in this Ordinance. No structure or dwelling shall be constructed within the yard setbacks, except for:
 - Lawful fences
 - Retaining walls
 - Above ground pools
 - Aprons surrounding inground pools
 - Patios
 - Permitted signs

Sheds, gazebos and greenhouses up to two hundred (200) square feet in area shall maintain a minimum building setback of fifteen (15) feet from side and/or rear property lines. Maximum building/lot coverage and front setback requirements under appropriate district regulation(s) shall still be enforced.

Within a cluster subdivision, all structures larger than one hundred twenty (120) square feet in area, except lawful structures as listed above, shall maintain no less than sixty (60) feet from structures on abutting lots.

Mrs. Marzloff made a motion to recommend the amendment to Article 4.04. Mrs. Phillips seconded the motion. A vote was taken; all were in favor with Mr. Porter opposed, the motion passed.

Mr. Poltak moved on to the one that comes from the Planning Board which reads as follows:

Amend Article 3.13(1) to require multi-unit dwellings to have a minimum lot sizes no less than the acreage requirement per dwelling unit for the zoning district in which the dwelling is to be located.

Mr. Poltak explained that, it means that you will need two (2) acres per unit in the residential zone except for the Village District and the Rural zone. Mrs. Rouleau-Cote wanted to clarify that it has nothing to do with frontage but only has to do with acreage.

Mr. Porter made a motion to recommend the amendment to Article 3.13. Mrs. Mazloff seconded the motion. A vote was taken; all were in favor, the motion passed.

A brief discussion ensued with regard to the above amendment and the requirements and the Board went through some scenarios.

Mr. Poltak indicated that he would now take up the two (2) Petition warrant articles that have been submitted by Citizens of the town of Auburn and began with the Petition to Amend Article 2.02 (28) "Dwelling Unit, Accessory" to permit detached Accessory Dwelling Units." Mrs. Phillips believed the Board has to accept it whether they like it or not. Mr. LaCroix also noted that they also don't have to recommend it either. Mrs. Phillips commented that she certainly does not recommend it. Mrs. Rouleau-Cote explained that the State RSA does have language in there about detached but basically allows the towns the opportunity to allow it but they don't have to allow it. Mr. Poltak asked for a motion to either recommend or not recommend this Petition.

Mr. Edwards asked about how the public would know why the Planning Board recommends or not recommends an article. The Board members explained that they would know by reading the minutes and seeing it on the ballot. Mr. LaCroix indicated that it will stated if it's recommended or not recommended by the Planning Board and whether it's recommended or not recommended by the Board of Selectmen.

Mrs. Marzloff made a motion to NOT recommend the Petition regarding allowing detached Accessory Dwelling Units (Amendment to Article 2.02(28)). Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed to NOT recommend this Petition Warrant Article.

Mr. Poltak moved on to the Citizen Petition to Rezone Tax Map 10, Lots 19 and 20 from Residential Two to Commercial Two. Mr. Poltak read the proposed Petition as follows:

“We Petition the town of Auburn to amend the Town’s Zoning Map by rezoning those lots identified as Tax Map 10, Lots 19 and 20 from Residential Two (R-2) to Commercial Two (C2) to be consistent with other immediate properties on both sides of Hooksett Road adjacent to exit 2 of NH Route 101.”

Mr. Poltak asked Mr. Porter to explain this proposed petition. Mr. Porter began by saying that the property has ledge and that it was a tough piece of property to try and deal with it as a residential piece of property and believed that it would better benefit as a commercial piece of property to coincide with the surrounding commercial zone. Mrs. Marzloff had a problem with it because until the town changes the ability to get residential in the C2 zone by Special Exception that they haven’t changed anything. A brief discussion ensued with regard to the property being better suited as commercial.

The Board has issues with regard to recommending rezoning the two (2) pieces of property of which one was owned by Manchester Water Works and that the Board had nothing from MWW saying that they were in favor of rezoning their piece of property. Ms. Royce presented the Board with an e-mail that indicated that Manchester Water Works were in favor of rezoning this particular parcel owned by them. Discussion ensued with regard to spot zoning and Mrs. Phillips did not believe it was spot zoning because it abutted commercial property and commercial property existed across the street as well. Mr. LaCroix was surprised that no one was present tonight to explain why this petition was a good idea. Mrs. Marzloff reiterated that, by petition that it has to go forward and that the only thing the Planning Board has to do is say whether they recommend or not recommend the proposed petition. Mr. Poltak said that was correct.

Mrs. Rouleau-Cote pointed out to the Board members that, if the Town of Auburn had proposed this petition that they would have had to notify all the abutters that this was occurring but that a citizen petition did not need to. Mr. Edwards asked if this could be deferred until someone was able to speak with Town Counsel. Mrs. Marzloff and Mr. Poltak both said no. Mr. LaCroix indicated that he did not feel comfortable voting to recommend this without approval from Manchester Water Works as he did not believe the Planning Board could rezone their land without their approval and believed they needed more information. Mr. Poltak informed the Board members that Ms. Royce has indicated that Mr. Herman has talked with MWW and they are in agreement with rezoning their piece of property. Mr. Edwards added the fact that the abutters on Dollard Road have not been notified and did not believe it was the appropriate way to go about this. Mr. Poltak asked how many houses were on Dollard Road. Mrs. Phillips believed there were about 6 houses. The Board reviewed the tax map and noted that there were 5 houses on Dollard Road and asked the Board members to move forward with the petition. The Board members further discussed recommending or not recommending this Citizen Petition before them tonight.

Mr. Porter made a motion to recommend the Petition to Rezone Tax Map 10, Lots 19 and 20. Mrs. Phillips seconded the motion. A vote was taken; Mr. Porter voted to recommend, Mrs. Phillips voted to recommend, Mrs. Marzloff voted to not recommend, Mr. LaCroix voted to not recommend and Mr. Poltak voted to not recommend. The motion was NOT recommended by the Planning Board by a vote of 2 recommending and 3 Not recommending.

NEW BUSINESS

Mr. Poltak asked if anyone had any other business. None were noted.

ADJOURN

Mr. Porter moved to adjourn the Hearing. Mr. LaCroix seconded the motion. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:15p.m.

The next Planning Board meeting will be held on Wednesday, February 7th, 2018 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.