

**UNAPPROVED MINUTES
Town of Auburn
Planning Board
February 21, 2018**

Present: Steve Grillo, Vice-Chairman. Michael Rolfe & Jeff Porter, Members. Paula Marzloff, Jess Edwards & Tom LaCroix, Alternates. Minutes recorded by Denise Royce.

Also Present: Carrie Rouleau-Cote, Building Inspector

Absent: Ron Poltak, Chairman. Dale Phillips, Selectmen's Representative.

Mr. Grillo called the meeting to order at 7:03 p.m. and informed everyone present that he would be chairing the meeting tonight in the absence of Ron Poltak who has been called away for a family emergency. Mr. Grillo asked the Board members to introduce themselves to everyone present tonight.

Before moving on, Mr. Grillo elevated both Mrs. Marzloff and Mr. LaCroix to full voting members as they were short a member of the Board.

MINUTES

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| <p>Mrs. Marzloff moved to approve the minutes for January 17th, 2018 as written, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.</p> |
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GENERAL BUSINESS

**Ambulatory Surgery Center
Dartmouth Drive, Tax Map 6, Lot 18-4
2nd As-Built Plan Review & Surety Recommendation**

Mr. Grillo began with the request for reduction in surety from \$91,819.00 leaving \$5,000.00 in place until the road patch is completed in Dartmouth Drive and \$2,500.00 for the final establishment of vegetation and removal of the silt fence around the former construction lay down area, to the north of the newly constructed building. The total, recommended, remaining surety is \$7,500.00.

Mrs. Marzloff asked Mr. Grillo if the Board received a resolution regarding the lighting. Mr. Grillo did not know and Mrs. Rouleau-Cote commented that, she believed that it had been resolved as there was no maximum amount in the regulations and that the use that was there required that type of lighting. Mrs. Rouleau-Cote also pointed out that there has been a lot of vandalism out there and the fact that there were no residential homes in the immediate area that it was determined to be okay.

Mr. Rolfe made a motion to recommend the reduction for the Ambulatory Surgery Center from \$91,819.00 leaving \$5,000.00. Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

At this time, Mr. Grillo moved on to the next item on the agenda.

**Tom Sokoloski
On Behalf of Ara Tamzarian
12 Tanglewood Drive, Tax Map 4, Lot 19
Discuss Site Restoration of Disturbed Area**

Mr. Sokoloski, a certified wetland scientist presented on behalf of Mr. Tamzarian, who was not present at tonight's meeting. Mr. Sokoloski explained that about 2004/2005 Tanglewood Subdivision was approved and that development has pretty much fully built out leaving this one lot. Mr. Sokoloski further added that, during the subdivision construction that a portion of this particular lot was used as a stump dump for the remainder of the land that was cleared. It was intended to be temporary but in fact sat for a great deal of time. Mr. Sokoloski went on to say that, in 2017 Mrs. Rouleau-Cote, the Building Inspector had noticed that this stump dump that had remained there all this time needed to be cleaned up because it was within the towns 125-foot wetlands setback. Mr. Sokoloski commented that, Mrs. Rouleau-Cote had Mr. Tamzarian remove the stumps and he removed them to a large extent and there are a few remaining. Mr. Sokoloski stated that, Mrs. Rouleau-Cote went to inspect the clean-up and that she informed Mr. Tamzarian that they all needed to be cleaned out. Mr. Sokoloski informed the Board that, although the site is stable and not washing away into the woods or wetlands nearby that it was determined that a restoration plan should be prepared. Mr. Sokoloski explained that Mr. Tamzarian contacted him to prepare a restoration plan and passed out copies of a proposed restoration plan for the lot located on Tanglewood Drive. Mr. Sokoloski explained what they were proposing to do by restoring a site that had been used as a stump dump and what they are proposing to do is clean up the disturbed area and restore it. At this time, Mr. Sokoloski explained the plan dated January 15, 2017 to the Board members. (A copy of which is provided in the Planning Board file). Mr. Sokoloski informed the Board that what they were looking for from the Board was some indication that this is an appropriate means of mitigating this stump dump and restoring this surface of land there. This is the last lot to be developed and Mr. Tamzarian does have a potential buyer for the lot and he is looking to get final guidance on this so that he can close on that lot and proceed with the lot being developed at some point during this coming year.

Mr. Edwards understood what the owner was looking to do and that the owner would like to get this done as quickly as possible. Mr. Sokoloski said yes. Mr. Porter asked what level of wetland was out there. Mr. Sokoloski indicated that it was a Level One wetland. Mrs. Marzloff asked about the building envelope and Mrs. Rouleau-Cote stated that, this was not the discussion tonight that the building envelope was put in place at the time of subdivision and approved by the Planning Board already. Mr. Edwards asked if this should have been a Conservation Commission function and not a Planning Board

function. Mr. Porter stated that it should have come before the Conservation Commission and asked Mr. Sokoloski to come speak with the Conservation Commission at their next meeting which was scheduled for March 6th. Mr. Sokoloski indicated that he would meet with the Conservation Commission.

Mr. Grillo asked about the reclamation standards and asked Mrs. Rouleau-Cote to explain. Mrs. Rouleau-Cote explained that the reclamation is unique to each property and typically we don't have a reclamation standard and believed Mr. Grillo was thinking about the Excavation Standards when they are all done excavating that they prepare a reclamation plan to reclaim the area. Mrs. Rouleau-Cote commented that, what they are proposing seems like a reasonable plan and informed the Board members that they have been very responsive with cleaning up the encroachment. Mrs. Rouleau-Cote explained that she has met several times at the property with Mr. Tamzarian, the owner of the property as well as the potential buyer of the property and they understand what was being asked with regard to reclamation. Mrs. Rouleau-Cote felt as though this was a Planning Board function in the sense that, the original buffers were set at the subdivision process and believes that they can go back and restore it what the original subdivision was implying then that would be the proper channel to go. The only other thing that the Board may advise is that the delineators be put up to identify that wetland buffer as part of the Certificate of Occupancy or a Building Permit is issued. A brief discussion ensued with regard to the wetland buffer. Mr. Sokoloski explained to Mrs. Marzloff that the entire restoration is within the wetland buffer.

Mr. Grillo explained that, he believed that the Board was in agreement with the restoration plan and what they would like to see is the placards put in to protect the buffer. Mr. Porter again asked Mr. Sokoloski to come speak with the Conservation Commission on March 6th. Mr. Sokoloski said yes. Mrs. Marzloff wanted it documented that the Board require that the placards be put in place to delineate the wetlands buffer. The Board and Mr. Sokoloski were all in agreement.

At this time, Mr. Sokoloski thanked the Board members for their time and exited the meeting.

Mr. Grillo moved on to the next item on the agenda.

Patrick Kelly
5 Westford Drive, Tax Map 2, Lot 3-43
Discuss Potential Encroachment into
the Cluster Buffer

Mr. Kelly began by explaining to the Board that he would like to place a 12-foot by 20-foot shed approximately 50-feet within the cluster buffer. Mr. Kelly explained that he was not the original owner of the property and did not know that there was a cluster buffer on his property. Mr. Kelly further explained that the rear of the property where he would like to place the shed was all woods behind and that it would be out of the way and that there

were several areas within the backyard that has elevation changes and granite outcroppings and that there isn't a lot of flat areas to place the shed. Mr. Kelly went on to say that the proposed area was already finished off from when they put the well back there. Mr. Kelly pointed out that it would be well out of sight for his neighbors and it would not impact anything that they would want to do because it has to be 60 feet from structure to structure. Mr. Kelly explained to the Board members that, in speaking with Mrs. Rouleau-Cote and Ms. Royce that they suggested that he come before the Planning Board to speak with the Board prior to filing an application for Public Hearing to kind of get a sense of the Board. Mr. Kelly explained the location and that he was looking to go back 50-feet within the cluster buffer and had photos to show the Board. Mr. Kelly reiterated that it was mostly cleared where he'd like to place the shed and that behind the shed would be dense woods. At this time, the Board and Mr. Kelly reviewed the plot plan and the photos. Mr. Porter asked if the shed would be in the open space. Mrs. Rouleau-Cote said no that he is looking to put it within the cluster buffer. The Board reviewed the property line and the cluster buffer line. Mr. Edwards believed this was a zoning issue. Mr. Grillo said no and explained what the cluster buffer was put in place for which was to have separation between the cluster subdivision and the conventional subdivision to maintain the rural character of the area. Mr. Grillo further explained that the challenge that he had with this request is that relief from the buffer is usually given when there is no alternative and in this development the Board has already given some relief and talked about past cases that have come before the Board and they have worked with applicants by moving sheds and pools and have said no to things. Mr. Grillo pointed out that the precedence is there and that they do keep the buffer whenever possible. Mr. Grillo pointed out that the buffer has already been reduced from 250 to 200 and now they are looking to come in further when there is opportunity to put the shed within the normal area. We find that when one goes in then there would be another one. Mr. Porter also agreed with Mr. Grillo that a reduction has already been done and there is opportunity to put the shed in and understand that there are challenges with the outcroppings but putting the shed within the buffer is setting a precedence. Mr. Kelly commented that his neighbor would like to do the same thing and then he would need a variance to be less than the 60-feet from structure to structure. Mr. Porter did not believe it was structure to structure and asked Mrs. Rouleau-Cote to clarify. Mrs. Rouleau-Cote explained that within a cluster subdivision that you need to maintain 60 feet from structure to structure unless the shed is 120 square feet or less then no setbacks are required but would suggest that they keep it off the property line so that they can get around the shed without trespassing onto abutting property.

Lastly, Mr. Porter commented that he was not in agreement to reduce the buffer or to allow the shed to be within the cluster buffer. Mr. Rolfe also agreed that if they allow this then it will reoccur.

A brief discussion ensued with regard to the request that is on the ballot. Mrs. Rouleau-Cote explained that, the question reducing the setback that is on the ballot for March does not have anything to do with a Cluster Subdivision. Mrs. Marzloff stated that it does start a chain of events going forward of which they are trying to avoid. Mr. Grillo commented that the citizens of Auburn have spoken and the comments are for the town to stop issuing

waivers and encroachments from occurring within the buffers. Mr. Porter also commented that there were other options that could be done to avoid this of which would be to reduce the size of the shed.

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

Joe Wichert

45 Bunker Hill Road, Tax Map 7, Lot 12

Discuss Potential Commercial Use of the Property

Mr. Wichert began the presentation on behalf of Tim and Jeff of Giant Landscaping by passing out a plot plan of the property for the Board to review. Mr. Wichert went through the background of Giant Landscaping by saying they have two (2) locations and that they are looking to relocate to Auburn. Mr. Wichert explained that the property is currently being used as a home and 1023 Automotive. The proposal would be to have Giant Landscaping go in and repurpose what is the hanger which would be used as their shop and there is a house there that would be used as the office. They are looking to open up somewhere between 60 and 80,000 square feet to the upper right of the building for both equipment parking and material storage. They currently have about 20 employees and they operate between the hours of 7:00am to 7:00pm, 5 days a week and 7:00am to 4:00pm on Saturday but changes in the winter because they also plow. Mr. Wichert believed they spoke with Mrs. Rouleau-Cote and that the use is allowed in the Commercial Two zone and also is the Village overlay district. Mr. Wichert informed the Board members that they were looking for a little bit of input with regard to the driveway and access into the property. They went out to look at it and it currently has a single wide driveway which is approximately 600 feet. Mr. Wichert stated that he did look at the driveway rules and the rules indicate that the minimum driveway shall be 20-feet with a maximum width of 30-feet and a desirable width of 24-feet. Mr. Wichert stated that this is the most important part that they are trying to get some input from the Board on because if any upgrades they would have to do to the property in order to move forward. There would not be any retail sales. Employees would come in and go out in the trucks and there would be deliveries to the site only. Mr. Wichert believed there would be some wetland permitting involved and basically what they were looking for was input from the Board members.

Mrs. Marzloff asked if they have looked at the site plan regulations. Mr. Wichert informed the Board that they are interested in the property but nothing has been signed yet and pointed out that the input tonight would decide whether or not they move forward. They were looking at it as it is an existing commercial property and was being used as a business and that they would definitely come before the Board with any kind of improvements or expansions but they are trying to figure out what level they were grandfathered at or what level they were not grandfathered at. Mrs. Rouleau-Cote wanted to clarify that the property is actually a single-family home with a home business that has a Special Exception with the Zoning Board of Adjustment. The property owner is restricted to internet sales only, vehicles were to be stored inside and there were several

provisions with the Zoning Board's granting. Basically, it is currently a single-family home business which is in the Commercial Two district and Mr. Wichert is correct that her zoning determination is that this would be a Commercial Service Establishment similar to what other landscape businesses in that category. Mrs. Rouleau-Cote commented on the driveway access and explained to Mr. Wichert that it would be a Planning Board function and that there was within the site plan regulations with a minimum and maximum driveway width and whether or not that wetland crossing needs to be 24-feet or whether or not there was a safe access off and onto Bunker Hill Road. Mrs. Rouleau-Cote did point out that by them having no retail on the site is a good thing. Discussion ensued with regard to the location of the property and access onto and off Bunker Hill Road and type of vehicles that they would have on the property. Mr. Grillo believed if they came up with a plan that this Board would most likely require the minimum that they require on the site plan would probably be what they would be looking at with the business and the size of the trucks. Mr. Porter also pointed out that they would have to look at hours of operation as there have been experiences with landscaping groups. Mr. Rolfe asked if they would be grinding stumps. It was noted that they do not grind stumps.

Discussion ensued with regard to the number of vehicles which was noted to be approximately 17 vehicles. Mr. Grillo explained that from the site plan review standpoint that it would seem that they would want to pay close attention to the parking facility for the number of employees and the driveway. Mr. Wichert stated that the parking they are aware of but asked the Board if there was support for a waiver in reducing the width of the driveway at the wetlands. Mr. Rolfe asked how long that area was. Mr. Wichert believed it was somewhere between 100 to 200. Discussion ensued with regard to the culvert and the amount of water that goes through it.

Mr. Grillo stated that he believed there was opportunity to work with them when they're putting the plan together and depending on site distance. Mr. Wichert reiterated that if they said hypothetically if they did a 20-foot wide drive before and after the wetlands and put a turn out on the house side of the wet so that someone could pull off would it be safe to say that they were headed in the right direction. Mr. Grillo stated that he was not familiar with the site so he could not comment but Mr. Rolfe explained that it was a straight shot and Mr. LaCroix believed that the wetlands was quite a ways away from the road. A brief discussion ensued with regard to the wetlands. They did not want to spend a lot of money without some input from the Board members. Discussion ensued with regard to outdoor storage and Mrs. Rouleau-Cote pointed out about screening and trucks being parked on pavement. Mr. Wichert explained that they have a number that they are working with and believed they may be able to work with it and give it a shot and first run it by Mrs. Rouleau-Cote and Ms. Royce and believed that there was some wiggle room with regard to the driveway if there is no problem with trucks pulling in or out onto Bunker Hill Road.

Mr. Grillo also mentioned to Mr. Wichert about going to the Conservation Commission to show if there is an impact and historically they've minimized driveways and moved things around to minimize the impact on wetlands so as long as it's not a safety issue believed they could work with them. Mr. Wichert thanked the Board members as well as Mr.

Lavigne and Mr. Boyle and they all exited the meeting.

NEW BUSINESS

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

ADJOURN

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| <p>Mrs. Marzloff moved to adjourn the Hearing. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:02p.m.</p> |
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The next Planning Board meeting will be held on Wednesday, March 14th, 2018 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.