

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**April 18, 2018**

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

**Absent:** Tom LaCroix, Alternate. Keith LeClair, Selectmen's Representative.

Mr. Poltak called the meeting to order at 7:00 p.m. and had the Board members introduce themselves to everyone present at tonight's meeting.

At this time, Mr. Poltak moved on to the first discussion of tonight's meeting which was an informal meeting.

**GENERAL BUSINESS**

**Informal – 269 Rockingham Road, LLC**  
**Eric Mitchell**  
**269 Rockingham Road, Tax Map 25, Lot 40**  
**Discuss Potential Commercial Site Plan**

Mr. Mitchell presented on behalf of the owners of the property and passed out copies of a proposed plan for the property located at 269 Rockingham Road. Mr. Mitchell pointed out that Mr. Villeneuve was present as well as Mr. Gosselin who are both owners of the property. Mr. Mitchell went on to explain that the lot itself is in the Commercial Two district and currently has a residential house on it. Mr. Mitchell stated that the proposal is to remove what is existing and put up a Commercial Service Establishment which would include three (3) contracting units who were possibly painters which would include a small office and that there would be no retail. Mr. Mitchell pointed out that the lot itself has .33 acres which was very small but that the lot did have municipal water. The use that they are seeking would require a Special Exception of which they will be going before the Zoning Board of Adjustment next week. They will also be going for several Variances for setbacks from lot lines as well as a Variance for wetlands. Mr. Mitchell indicated that they have gone before the Conservation Commission with regard to wetland setbacks. The proposal includes a building that would be 88 feet by 36 feet wide which is approximately 3,168 square feet. Mr. Mitchell went on to talk about the regulations with regard to parking and indicated that there would be a total of 10 parking spaces of which 7 would be outside parking and one each inside each unit.

Mr. Mitchell moved on to talk about the plan that was distributed earlier which showed both the existing conditions which shows the house and the garage that is located on the property. Mr. Mitchell pointed out that Route 101 was located directly behind the house and that there was a wetlands area that was behind the house. Mr. Mitchell explained what had occurred during the time that Route 101 was developed. Mr. Mitchell also pointed out that the current septic was possibly located on the State of New Hampshire property.

Mr. Mitchell stated that, the proposal was to put the 3-unit building facing Rockingham Road and the parking would be located in the front of each of them. The parking lot would be paved and Mr. Mitchell pointed out the location of the detention basin as shown on the plan. Mr. Mitchell added that the purpose of tonight's meeting was to show the Board what they were proposing and understand that they are going before the Zoning Board next week and they also realize that they have to put a site plan together for the Planning Board but wanted to get some feedback from the Planning Board first. At this time, Mr. Mitchell asked if the Board had any comments.

Mr. Poltak began by saying that, he was unsure that he understands the purpose of this building and asked what the nature of the business would be. Mr. Mitchell stated that he calls them contractor business such as an electrician, painter and they would have a small office and some storage inside the building and reiterated that there would be no retail. A brief discussion ensued with regard to 3-units within the building and parking. Mr. Poltak asked about the shortage of parking in the event that they were all to meet at the office. Mr. Mitchell further added that there may be only two occupants as opposed to three occupants but right now was unsure.

Mr. Poltak asked about sub-leasing the units. Mr. Mitchell believed that they would be rental units and asked Mr. Villeneuve to speak in this regard. Mr. Villeneuve began by saying that the idea is to have three rental units and if someone had 2 or 3 business vehicles that this would probably not work for them but would work for someone just starting out and looking for something in between and not someone that has a large company.

Mr. Poltak understood that they were going before the ZBA and asked when they anticipated beginning construction. Mr. Villeneuve said that they were looking to start right away. Mr. Poltak asked the Board members if they had any questions or comments. Mr. Rolfe asked about signage. Mr. Villeneuve stated that they would follow the town rules but right now they have not gone that far but would be possibly looking for something like what Sierra Homes has down the road. Mr. Mitchell stated that they would work on it and that because this was a small venture that there possibly would be a sign out front showing the number on the building and then a small sign on each unit because it's not for the public to show up there.

Mr. Porter asked if it would be a 2-story building. Mr. Villeneuve said no. Mr. Rolfe asked about snow storage. Mr. Mitchell stated that there was a snow storage area and that if it did not fit on the site that it would be removed from the site. Mr. Edwards asked about the septic and if it would be removed. Mr. Mitchell explained that they believe it's located in that area but that their intention is to do a whole new septic approval and that they would speak with the state to see if it needed to be removed but that they do not intent to use what is existing. Mr. Edwards also asked about the Fire Department access to the rear of the property and if it has the necessary access to the rear of the property. Mr. Mitchell stated that they would have to talk to the Fire Department.

Mr. Rolfe asked how they would get to the back of the property to clean out the ponds. Mr. Villeneuve answered by saying that if it's small equipment that it could be done. Mr. Edwards asked about traffic increase. Mr. Poltak commented that, what is proposed does not make it qualify to have a traffic study. Mr. Grillo asked about impervious because it seems like there is a lot. Mr. Mitchell answered by saying that there were two areas and one was impervious percentage and the other was landscape area of which one they meet and one they do not meet which is part of their application before the Zoning Board of Adjustment.

Mr. Grillo asked about the conversation with the Conservation Commission. Mr. Porter answered by saying that, it actually improves the lot from what is currently existing and agreed that there was a lot of impervious but that it was offset with the detention ponds and that they do gain somewhat in the buffer. Mr. Grillo asked if Mrs. Rouleau-Cote issued a zoning determination. Mr. Mitchell said that, he did speak with Mrs. Rouleau-Cote and that this specific use being a Commercial Service Establishment and believed it fits in with the zone. Mr. Grillo believed it was reasonable and would like to see Mrs. Rouleau-Cote's zoning determination for this particular lot.

Mr. Poltak asked if there were any further questions or comments from the Board members. None were noted. Mr. Poltak asked if there were any abutters. Mr. Graham of 73 Chester Road asked what benefit this would be for the town and what type of revenue would be coming in. Mr. Mitchell responded by saying that, the use right now is that there is a residential home on it that has not been in use for years but to switch it to commercial use which is what the lot is zoned for would bring revenue to the town and not have children attending the school system but generate tax revenue for the school. Mr. Poltak added that the Board has worked on approving the Master Plan which talks about land use patterns that will soon be available online for everyone to review.

Mr. Poltak asked if there were any further questions or comments. None were noted. Mr. Poltak thanked Mr. Mitchell and the discussion ended.

## **PUBLIC HEARING**

**Eric Mitchell on Behalf of**

**Alex Eisman**

**75 Chester Road, Tax Map 7, Lot 9 & Tax Map 23, Lots 5, 6 & 2A**

**Zoned Commercial Two/Village District**

**Lot Line Adjustments (4 LLA's)**

Ms. Royce passed out copies of the proposed Lot Line Adjustments (LLA) as referenced above to each of the Board members.

Mr. Mitchell began by saying that there were four different LLA between four different parcels. Mr. Mitchell began with the first LLA which was between Tax Map 7, Lot 9 which was owned by Mildred Eisman Revocable Trust which contained 18.1 acres and after the LLA it will be 17.12 acres. Mr. Mitchell went on to the next LLA was Tax Map 23, Lot 2A which is owned by Alex and Ruth Eisman and is currently .4 acres and after LLA it will contain 1.36 acres. The zone requires one acre lots which would bring this lot into conformance. Mr. Mitchell moved on to the next 2 lots which were Tax Map 23, Lots 5 and 6 owned by Dennis and Melissa McCarthy. Lot 5 is currently a quarter of an acre and will become 1.16 acre which will also become conforming and Lot 6 which is 1.97 acres would be reduced down to 1.07 acres which is still conforming. Mr. Mitchell explained that, the purpose of doing this was to make better use of the land that is there.

Mr. Mitchell went on to further explain that Parcel "A" would be added to Alex Eisman's lot and then taking Parcel "B" and adding it to the McCarthy lot and then they are also taking part of the land from McCarthy and adding to the back of Alex Eisman's property. Mr. Mitchell talked about the septic system that was currently partially on the McCarthy lot so by adding the land from McCarthy would make the septic system totally on Mr. Eisman's property. Mr. Mitchell mentioned that, once the tax map gets redrawn that it will look good and make all the lots conforming.

Mr. Poltak asked the Board members if they had any questions or comments. Mr. Poltak believed he understood what they were doing but turned it over to questions from the Board. Mr. Poltak asked how the encroachment of the septic system occurred. Mr. Eisman answered by saying that he believed there was a misunderstanding of where the lot lines were 15 to 17 years ago.

At this time, Mr. Poltak asked if there were any comments from anyone else or abutters. Mr. Graham who is a direct abutter to the Eisman's property commented that, every property that they are talking about surrounds his property and that his property is not even mentioned. The Board reviewed the location of Mr. Graham's property and that everyone is getting an acre and that he's not getting an acre of land. Mr. Poltak interrupted Mr. Graham and informed Mr. Graham that they were the Planning Board of which they are entertaining a request from property owners and pointed out that the Planning Board is not initiating the changes. They are only responding a request for changes and asked Mr. Graham what his concern was. Mr. Graham stated that, his

concern is that, he has a small area and that he's surrounded by all of this that wants to be changed and how does it affect him and his property value and his home. Mr. Poltak commented that he did not think it affected him at all and did not believe it would change his property value as well because nothing was moving and nothing would be changing. Mr. Poltak added that all that would be changing would be the property lines and did not know how it would impact Mr. Graham in a negative sense. Mr. Graham stated that he is almost landlocked where he is and that he has no actual driveway and that he shares a well. Mr. Eisman commented that, the well is a shared well that they have water rights to, however, he owns the property and they own the well but they do not draw water from that well as they have an artesian well. Mr. Eisman explained that, a long time ago that the well supplied three (3) homes which were basically camps of which one person owned all three buildings. Mr. Eisman reiterated that when they razed the previous house and built their current house that they discontinued use of that well and that they are strictly the only ones on the well now. As far as maintenance on it, Mr. Eisman again stated that he does not draw water from that well. At this time, Mr. Mitchell explained to the Board members and the Board reviewed the plan that shows the well on Mr. Eisman's property. Mr. Graham explained to the Board that the only way they can access the rear of their property is by using the shared driveway and that the well is on Mr. Eisman's property and continued to voice his opinion about the situation. Mr. Eisman commented on what Mr. Graham had said and informed the Board that they have dealt with attorneys to deal with the issue at hand. Mr. Poltak pointed out that he did not want to go down that road because it was a situation that the Board did not have jurisdiction over but should be dealt with legally. Mr. Poltak asked Mr. Graham if he obtained an attorney. Mr. Graham said that it was very expensive and that he has a small piece of property.

Mr. Grillo asked Mr. Graham if any of the lot lines that are being adjusted that he was against because none of the lot lines will affect what he owns. Mr. Graham talked about the deed and the rights noted on the deed.

At this time, Mr. Poltak asked if there were any other questions or comments. Mr. Edwards sympathized with Mr. Graham and asked if any of Mr. Graham's property lines are being lost. The Board and Mr. Mitchell said that none of Mr. Graham's property lines would be changing. Mr. Graham said that he was just being surrounded by changes and that he was not benefiting from it.

Mr. Poltak asked if there were any other abutters who would like to speak. None were noted. Respectful thereof, from what is being presented it is his perspective that, Mr. Graham's lot and his property will remain exactly the same and his concern is the deeded right to a well. Mr. Graham again talked about the deed and would like the Board to read the deed. Mr. Eisman talked about the Weaver house of which he purchased from the Weavers and the well that is being discussed here was deeded to that property and that property showed that well as having an easement for all three (3) houses (Mr. Grahams, himself and the Weaver house) and when they razed the house they discontinued the use of the well and therefore Mr. Grahams home is the only one drawing from that well today. Discussion ensued between Mr. Eisman and Mr. Graham being argumentative.

Mr. Poltak interrupted and commented that he just did not want this to be a discussion of going back and forth.

Mr. McCarthy addressed the Board by saying that he was part of the LLA taking place and just wanted the chairman to get this hearing to where it's supposed to be which is discussing the Lot Line Adjustments and not discussing the abutter's problems as we are not affecting his property in any way and if he had property to throw into this deal that Mr. Eisman and he are working on that they would have been more than happy but he doesn't. Mr. Graham interrupted Mr. McCarthy and Mr. McCarthy explained that Mr. Graham had spoken for over a half hour and that it was his turn to speak. Mr. McCarthy continued by saying that, all they are trying to do is to get all the three (3) houses to have one acre lots each. Mr. McCarthy went on to say that they have been talking about doing this for years and again, the only thing they are trying to do is to get all three (3) lots to have one acre each. Mr. Poltak stated that he has no issue with anything that is being proposed and totally understands what the role of this Planning Board is all about. Mr. McCarthy thanked Mr. Poltak. In conclusion, Mr. Poltak addressed Mr. Graham by saying that, he sympathizes with what his concerns are but his concern from their Planning Board perspective is relative to access and usage of a well. Mr. Poltak went on to say that, what the Planning Board has in front of them is a legal proceeding associated with a LLA and that his property is not directly affected by the LLA and it is not directly affected by the regulatory nature of their responsibility. Mr. Poltak added that, where the future goes respectful to that well and the usage of it is not going to be impacted by this LLA but if you are going to proceed further with discussions on this well, then he would strongly advise Mr. Graham to get an attorney because the Planning Board cannot litigate that for him. Mr. Graham pointed out that there would be a U shape going around his house and asked where the roads were going and where were the driveways going. Mr. Poltak informed Mr. Graham that there were no roads or driveways going in because everything that exists is staying there and these were just LLA. A brief discussion ensued with regard to the LLA and that there was no proposal to build before the Board tonight. Mr. Grillo informed Mr. Graham that if something were to occur that he would be notified if anything new was going to happen.

Mrs. Marzloff had a question for Mr. Mitchell and asked about the bottom of the plan which says Map 23, Lot 7, is that garage over the property line. Mr. Mitchell said that it was very close. Mr. McCarthy explained that it was not over the property line that there was a pin behind the garage and that there was no encroachment. Mrs. Marzloff noted that there were certainly no setbacks.

Mr. Poltak stated that the Board has a LLA application in front of them and believed the Board had no further questions and suggested that the Board proceed with acceptance of the application and then vote on the request.

**Mr. Grillo made a motion to accept the application for Lot Line Adjustments for Tax Map 7, Lot 9 and Tax Map 23, Lot 5, 6 and 2A, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.**



Mr. Poltak explained that they would move forward with a motion for the LLA. Discussion ensued with regard to whether or not to take up the LLA as four (4) separate request or as one LLA request. It was decided to take each request individually.

**Mr. Grillo made a motion to approve the Lot Line Adjustment for 65 and 81 Chester Road, Tax Map 7, Lot 9 and Tax Map 23, Lot 5, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Grillo made a motion to approve the Lot Line Adjustment for 65 and 75 Chester Road, Tax Map 7, Lot 9 and Tax Map 23, Lot 2A, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Grillo made a motion to approve the Lot Line Adjustment for 81 and 83 Chester Road, Tax Map 23, Lot 6 and Tax Map 23, Lot 5, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Grillo made a motion to approve the Lot Line Adjustment for 75 and 83 Chester Road, Tax Map 23, Lot 6 and Tax Map 23, Lot 2A, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

Mr. Poltak thanked Mr. Mitchell and the applicants and the discussion ended. Mr. McCarthy believed that the Board could have taken all four (4) LLA requests up in one motion. Mr. Poltak explained that if for some reason someone had an issue with only one of the LLA that they could just take that one up instead of all four (4) again.

Before Mr. Mitchell and the applicants exited the meeting, Mr. Poltak explained that he forgot to mention that, before they will file the mylars with the Registry of Deeds on this that, it is a requirement of their approval that they have the surveyor put in the bounds before the plans are finalized as a request from Manchester Water Works. Mr. Mitchell commented that, if it's okay they will edit the plan instead of saying bounds to be set that they will put bounds set and the date so whatever they set will be on the mylar. Mr. Poltak and the Board members liked that idea.

## **NEW BUSINESS**

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

## **MINUTES**

**Mr. Porter moved to approve the minutes for February 21<sup>st</sup>, 2018 as written, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Porter moved to approve the minutes for March 14<sup>th</sup>, 2018 as written, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.**

**Mr. Porter moved to approve the minutes for March 21<sup>st</sup>, 2018 as written, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.**

## **ADJOURN**

**Mr. Porter moved to adjourn the Hearing. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:10p.m.**

***The next Planning Board meeting will be held on Wednesday, May 2<sup>nd</sup>, 2018 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.***