

**UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
November 14, 2018**

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

Absent: Jess Edwards, Alternate Member. Keith Leclair, Selectmen's Representative.

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

Mr. Poltak updated the Board members with regard to 254 Rockingham Road which received approval on October 3rd and is now on the market to be sold.

Mr. Poltak moved on to the approval of the minutes for October 17th.

MINUTES

<p>Mr. Porter moved to approve the minutes for October 17th, 2018 as written, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed unanimously.</p>
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Mr. Grillo asked about approving the revised minutes for October 3rd. Mr. Poltak stated that they would take up the approval of those minutes at the next meeting. Mr. Poltak stated that they did not meet on November 7th and moved up tonight's meeting due to the Thanksgiving holiday.

Mr. Poltak wanted to move right into the Public Hearing for Dead River Company.

PUBLIC HEARING

**Dead River Company
85 Priscilla Lane, Tax Map 1, Lot 16-20
Zoned Commercial One
Minor Site Plan Amendment
(add 30,000 gallon propane storage tank)**

Mr. Kenneth Rhodes of Fuss & O'Neill presented on behalf of applicant and Mr. Kim Weiland, Mr. John Pelletier and Mr. Patrick Sage. Mr. Rhodes explained the proposed

plan to the Board members and stated that there are no other changes to the site other than adding a 30,000-gallon propane storage tank approximately 5 feet from the existing tank. With that said, Mr. Rhodes asked the Board members for questions. Mr. Poltak summarized what they are proposing is to install a 30,000-gallon propane storage tank and asked Mr. Rhodes what was there now. Mr. Rhodes said a 30,000-gallon tank and that they were only doubling up the tanks. Mr. Rhodes stated that, it was essentially just adding a second tank and nothing more. Discussion ensued with regard to traffic counts and Mr. Weiland stated that they would be able to serve their customers quicker because they have come close to running really low.

Mr. Poltak asked about compliance. Mr. Weiland commented that it was the Planning Board, Fire Department and the State Fire Marshall's office and usually NFPA codes 58. A brief discussion ensued with regard to the fire codes and fire safety. Basically, they submit a report to the Fire Chief of Auburn.

Mrs. Marzloff wanted to know what Note #6 as it says it's been deleted. Mr. Rhodes was unsure but would add it back in. At this time, Mrs. Marzloff asked to see the previous approved plan along with Mr. Poltak. Ms. Royce obtained the previous plan and the Board members reviewed the previously approved plan. Note #6 read as follows: ***“Live existing trees to remain to provide visual buffer and act as additional barrier to collision from By-Pass 28 vehicles. Dead wood and scrub vegetation to be removed as appropriate to properly dress up front of site along By-Pass 28.”***

Mr. Poltak commented that, what he would suggest to the Board is, he would like to see them accept the application and give conditional approval. Mr. Poltak believed that they have had conversations with the Fire Department but would like to see a letter from them stating that this plan meets their approval and that they can accommodate and respond without incident.

Mr. Grillo made a motion to Accept the Amended Site Plan for Dead River Company, Tax Map 1, Lot 16-20, 85 Priscilla Lane, Auburn, NH. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Grillo made a motion to Approve the Amended Site Plan for Dead River Company, Tax Map 1, Lot 16-20, 85 Priscilla Lane, Auburn, NH with the following conditions; 1) that they obtain a letter from the Fire Department/Fire Chief acknowledging walk thru and receipt of FSA (Fire Safety Analysis); and, 2) that they add back in Note #6 of the original site plan as stated above. Mr. Porter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Poltak stated to Mr. Rhodes to work with the Fire Department and thanked them for their presentation. Mr. Rhodes thanked the Board members as well and exited the meeting.

GENERAL BUSINESS

Informal – Mary & Magdiel (Mike) Canales Wholesalers Unlimited 824 Londonderry Turnpike, Tax Map 1, Lot 21 Discuss Notice of Violation (Parking of Vehicles)

Mr. Poltak moved on to the discussion with Mr. Canales and explained to the Board members that, they have seen the correspondence from the Building Inspector, Carrie Rouleau-Cote and asked Mr. Canales to begin the discussion.

Mr. Canales began by saying that he has received a Notice of Violation from Mrs. Rouleau-Cote informing him that he could not park vehicles behind the building. Mr. Canales informed the Board that he has since purchased additional land to make his lot conforming. Mr. Canales indicated that he has been selling cars like crazy and pointed out that he knew when he purchased the extra land that he could not utilize the land unless he came back before the Planning Board. Mr. Canales understood that he could only park vehicles on paved areas so he thought that by adding the 2 acres of land that he could expand the paved area.

Mr. Canales moved on to talk about the entrance next to his garage that belongs to the state and that he parks his vehicles behind the building on land that they had and not the land that they bought. Mr. Canales explained the conversation he had with Mrs. Rouleau-Cote where she informed him that he could not park there because he needed to ask permission to park there. Mr. Canales stated that they are not selling any cars from there but that his employees park their cars there and sometimes they park customers cars there. Mr. Canales then stated that he asked Mrs. Rouleau-Cote if it was possible to ask permission to park there and that's why he's before the Board tonight informally to see if it would be okay to do before he goes through the Public Hearing process. Mr. Poltak asked Mr. Canales where he stood with Mrs. Rouleau-Cote currently. Mr. Canales stated that he wants to do everything right.

Mr. Poltak understood that he has access to the back of the building and he is parking cars out there behind the building of which he understood it to be 4 to 6 cars which is consistent to daily usage of the building that is not on his current site plan. Mr. Poltak went on to inform Mr. Canales that, our current regulations require paving where you will be consistently parking cars. Mr. Poltak also stated that, given the access to that area that the entrance that he is using is owned by the state which is not within their authority or responsibility but it is out of courtesy knowing that it is State owned property that he should obtain some right to use it, some easement to be able to access to where he is parking cars. Mr. Poltak also pointed out that, Mr. Canales should pave it if he's going to use it for parking vehicles which would be an amendment to the site plan. Mr. Poltak believed that cars were being parked off the pavement. Mr. Canales said yes but they are gone because they are picked up by customers on the same day. Mr. Canales commented that Mrs. Rouleau-Cote informed him that he would have to obtain approval from the State to use their entrance. Mr. Canales indicated that he did get approval from

the State and he talked to Billy Myles and asked him to put it in writing and he said that, it would change everything. Mr. Canales then added that they said he could lease it for \$100 a month and then he could park vehicles in the front which would make Mrs. Rouleau-Cote mad. Mr. Canales believed that since he added 2½ acres of land that he could expand.

At this time, Mr. Poltak asked the Board members if they had any comments or questions. Mr. Porter believed that he would have to amend his site plan if he wanted to add additional pavement. Mr. Poltak said yes and that the additional land did help Mr. Canales in providing additional pavement. Mr. Tatem asked Mr. Canales if he merged the two (2) lots when he purchased the additional land. Mr. Canales said yes. Ms. Royce pointed out that it may not have been done yet by the mapper. Mr. Poltak read Mrs. Rouleau-Cote's memorandum which indicates the total acreage as 3.3 acres.

Mrs. Marzloff reiterated that, the Planning Board does not have the authority to give Mr. Canales permission to utilize the State of New Hampshire driveway to access the rear of his property. Mr. Poltak agreed and stated that Mr. Canales has verbal permission but what the Board is looking for is something in writing.

Mr. Rolfe wanted Mr. Canales to show the Board members on the plan where he was parking the 5 vehicles. Mr. Canales showed the Board members the location behind the garage building where he is parking vehicles. Mr. Poltak stated that he has to amend the site plan if he wants to pave. Mr. Canales added that, he did not want to leave because he fixes a lot of vehicles for businesses in the area. Mr. Lacroix asked why Mr. Canales couldn't use his own driveway. Mr. Canales explained that it goes down in the back.

Mr. Canales asked if he obtains a lease from the state could he park cars in the front. Mr. Rolfe did not believe he would be able to get a letter from the state and also did not believe he would be able to park cars close to the road as he believed that was a deceleration lane for Londonderry Turnpike. Mr. Poltak did not believe he could park cars in that area. Mr. Canales asked Mr. Poltak, what were the chances of the Board allowing him to park cars back there. Mr. Poltak informed Mr. Canales that if he parks 5 or more cars there, he would need to pave it but if he parked 4 or less that he did not need to pave it. Mr. Canales stated that he would then park only 3 or 4 cars there because that was all he needed because he has three (3) mechanics. Mr. Poltak then asked Mr. Canales why Mrs. Rouleau-Cote had a problem with him parking there. Mr. Lacroix commented that, at the end of the day there cannot be more than 3 cars parked there. Mr. Canales said that he would not have more than 3 cars parked there but that there are times when customer cars might be parked there but they don't want to park customer's cars back there. Mr. Canales commented that his mechanics could park there and that they leave at 5:00pm so they have no issue parking here but when Mrs. Rouleau-Cote came by they did have customer cars parked there. Mr. Canales did not want the Board to think that he was doing something because the Board told him before that he could not do anything with that land unless he came back before the Planning Board.

Mrs. Marzloff asked about parking mechanic's vehicles back there and if they were encroaching on the well that's back there. Mr. Canales said no. Mr. Grillo believed he was in compliance right now but that if he wants to do anything at all he will need to do an amended site plan and come back before the Board. Mr. Grillo then went on to say that, if he gets a letter from the State that he will be leasing from them then he will still need to come back before the Board with an amended site plan telling them exactly what he wants to do so if he wants to park however many cars in a spot then it will be shown on the site plan. Mr. Porter agreed. Mr. Grillo also pointed out that, if he's going to utilize the State's property that he will need to show a letter. Mr. Canales asked what exactly does the Board need when the Board says a plan. Mr. Poltak explained that there is a site plan on file so he would get another schematic shown to scale exactly what area would be paved and then it goes with the property and his operation in perpetuity. Mr. Poltak went on to say, with regard to Mrs. Marzloff's comment, if he does lease the land from the State then that lease would give him additional options. Mr. Canales added that he would have to tell them that he plans to put cars there as well. Mr. Poltak said yes and that he would have to meet setback requirements and safety as well.

Mr. Poltak wanted Mr. Canales to leave with the understanding that the Board appreciates him being there and that they appreciate the fact that he is trying to come into compliance and that they are of the understanding that he and Mrs. Rouleau-Cote are in agreement to the backside of the building now because he is not going to utilize it for parking and he's going to go back to seek consideration of where he's going to pave best to meet his needs. Mr. Poltak went on to say that, he would then come back before the Board to illustrate that to the Board. Mr. Canales thanked the Board and exited the meeting.

Informal – Wayne Kenney
11 Rockingham Road, Tax Map 31, Lot 19
Discuss Landscaping

Mr. Poltak noted that Mr. Kenney was not present at tonight's meeting and Mr. Tatem talked about the letter prepared by Stantec dated November 9, 2018 pointing out the remaining work list, surety reduction and C.O. Recommendation.

Jean Gagnon
Lovers Lane, Tax Map 8, Lot 29
Zoned Residential Two
Reduction of Road Surety Recommendation

Mr. Poltak reviewed the letter from Stantec dated October 25th with the Board recommending release of the current Letter of Credit for \$22,877.30, held by the Town, be released, with the condition that the Developer provide cash surety in the amount of \$2,500.00 to complete the remaining work noted in the Stantec letter dated October 25th.

Mr. Grillo made a motion to Approve the release of the Letter of Credit currently held by the Town of Auburn, with the condition that the Developer provide cash surety in the amount of \$2,500.00 to complete the remaining work noted in the Stantec letter dated October 25th. Mr. Porter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

**John Batchelder
Mountain Road, Tax Map 9, Lot 4
Zoned Residential One
Reduction in Surety Recommendation**

Mr. Poltak went over the letter from Stantec dated November 9th recommending the surety reduction from \$6,618.48 down to \$1,000.00 to allow a small unstabilized area within the detention basin, which was recently seeded and stabilized with erosion fabric. Stantec will revisit the site again in the spring of 2019 and if this area has been fully stabilized with vegetation, they will then recommend the final release of the remaining surety.

Mr. Grillo made a motion to approve the Warranty Surety Reduction from \$6,618.48 down to \$1,000.00 to be held for one year to ensure stabilization within the detention basin. Mr. Porter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

OTHER BUSINESS

**Capital Improvements Plan (CIP)
2019-2024
Updated November 2018**

Mr. Poltak asked if everyone had copies of the printout. No one had printed copies. Mr. Tatem stated that no one had asked to one. Mr. Grillo pointed out that, Mr. Tatem had asked if anyone needed a copy in his e-mail sent to the Board members. Ms. Royce made copies for each of the Board members.

At this time, Mr. Tatem began his presentation by saying that, he has spoken with Mr. Herman and Mr. Poltak and that the three (3) of them all agreed that it didn't make sense to update all the little tables every year. So basically, they updated the two (2) tables which was Table #3 and Appendix "C". All that is needed tonight is to go through and do the ranking of those projects. The Board went through the list of projects and ranked them accordingly. Mr. Tatem talked about spreading the dollar amount throughout the years and pointed out that it was a 50-cent increase per year. Mr. Poltak's intent was to have Mr. Tatem lead the Board through it and have the Board enter discussions if need be.

At this time, the Board went through Table #3 and prioritized each category accordingly as follows:

- “U” – Urgent** **Cannot be delayed; needed for health or safety.**
- “C” – Committed** **Part of an existing contractual agreement or otherwise legally required.**
- “N” – Necessary** **Needed to maintain existing level and quality of community services.**
- “D” – Desirable** **Needed to improve quality or level of services.**
- “F” – Deferrable** **Can be placed on hold until after 7-year period but supports community development goals.**
- “R” – Research** **Pending results of ongoing research, planning, and coordination.**
- “I” – Inconsistent** **Conflicts with an alternative project/solution recommended by the CIP. Contrary to land use planning or community development goals.**

Mr. Tatem went through the list for the Board and the Board members agreed. Mr. Tatem stated that he would fill that table with the suggestions from the Board and will fix a few errors he found and the numbers will also transfer to the big sheet in the back (Appendix “C” that will spread out from year to year funding. In conclusion, Mr. Tatem suggested that the Board make a motion with the changes that were discussed tonight to adopt it as the 2019 annual update to the original 2018 Capital Improvements Plan (CIP).

Mr. Grillo made a motion to Approve the 2019-2024 Capital Improvements Plan (CIP) as discussed tonight. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Poltak asked the Board members if there was any other business. None was noted. With that said, Mr. Poltak stated that the Board will meet again in December and asked for a motion to adjourn.

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 8:45p.m.

The next Planning Board meeting will be held on Wednesday, December 5th, 2018 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.