

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
June 21, 2017

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. Dale Phillips, Selectmen's Representative.

Mr. Poltak called the meeting to order at 7:01 p.m. and asked the Board members to introduce themselves to everyone present. First off, Mr. Poltak moved on to the acceptance of the minutes for June 7th, 2017.

MINUTES

Mr. Porter moved to approve the minutes for June 7th, 2017 as written, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

GENERAL BUSINESS

North American Upfitters
6 Sutton Circle, Tax Map 6, Lot 18-6
Discuss Minor Site Plan Review

Mr. Poltak informed everyone that this was an informal discussion and asked whoever was presenting to present what they would like to do. At this time, Mr. Cote of Cote Electric began by passing out copies of what they are proposing to do. Mr. Cote began explaining the area where they are proposing to install a propane treatment system. Mr. Cote explained that there were two (2) lots and that Lot "A" which was developed and Lot "B" which was undeveloped. What they were looking to do was place the propane treatment system over the lot line onto Lot "B" which would benefit both lots. Mr. Cote further stated that they would also work to meet the requirements of the Fire Department and when they went into the town hall to pull a permit that they were informed that they may need to meet with the Planning Board to discuss a minor site plan review. Mr. Cote further read a portion of a letter prepared by Mrs. Rouleau-Cote, the Building Inspector which reads as follows:

“This improvement is subject to Minor Site Plan Review under Article 3.01 of the Auburn Site Plan Regulations as it is an expansion of use of the site as well as modification to a previously approved site plan.”

Mr. Cote informed the Board members that, the building was not yet built and was unsure when that was going to happen but they are looking forward to getting the propane retrieval system. Before they go through the public hearing they decided to speak with the Board first and get any info from the Board before moving forward. A brief discussion ensued between Mr. Cote and Mr. Poltak with regard to the Fire Department and compliance and they were too late to get on the agenda for June so they are looking at getting on the agenda for August.

Mr. Poltak turned to the Board members for any questions or comments. Mr. Rolfe asked if they received the Fire Department’s blessing. Mr. Cote indicated that they had and that it already comes prebuilt and all they would be doing is paving approximately 75 by 35 feet and putting jersey barriers around it. Mr. Grillo asked if it would be only used for Lot “A”. Mr. Cote said that eventually it would be utilized by both properties. Mr. Poltak asked if anyone else had any comments or questions. None were noted. At this time, Mr. Poltak believed that what they were proposing would be fine as what they have seen did not show anything that would prohibit them from moving forward.

At this time, Mr. Cote thanked the Board and exited the meeting and Mr. Poltak moved on to the next item on the agenda.

PUBLIC HEARING

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 7, 2017

Mr. Salathe began by saying that at the last meeting there were a list of things the Board wanted to see on the site plan and this is what Mr. Mitchell came up with. Mr. Salathe added that he gave everything to Mr. Mitchell and that Mr. Mitchell had gone through the minutes as well and that this was what he came up with. Mr. Salathe stated that there were two (2) things that the Board wanted to see and the first one was the overall site plan to show where the outside storage would be for the potential tenant. Mr. Poltak asked about the convertible land and how it was getting reapplied in order to getting this site affordable. Mr. Salathe asked Mr. Poltak what he specifically meant by that. Mr. Poltak pointed out that the Board had four (4) questions and asked Mr. Salathe to go through them. Mr. Salathe began by saying that a portion of Convertible Land “A” was turned into common land to accommodate another area and by doing this that there was no loss to common area as it was just being swapped with another piece of common land. Mr. Salathe continued by saying that the wetland buffer would be 50

feet. Mr. Porter indicated that they were already told that the wetland buffer would not be reduced lower than 75 feet and that everything on the plan says 75 feet as well. Mr. Salathe indicated that Mrs. Rouleau-Cote had sent a letter to the Board and to him stating that it was 50 feet. At this time, Mr. Poltak read what Mrs. Rouleau-Cote had sent to the Planning Board with regard to her zoning determination which goes as follows:

Proposal: *Occupancy for Commercial Service Establishment, outside storage., utilization of “convertible land”.*

Zoning Determination: *New use for existing building. Building C was part of condominium subdivision in 2008. Parcel C consisted of .32 acres. Wetland delineation was included in subdivision plan – wetland setback was set at 75’ as part of the planning board process in compliance with zoning regulations at the time of subdivision. New use is for tenant who wishes to utilize property as Commercial Service Establishment. Zoning Board of Adjustment granted Special Exception in April 2017.*

Action Required:

Minor Site Plan Review for Commercial Service Establishment. Planning Board may consider outside storage as part of site plan review. Considerations shall be made to type and amount of material to be stored, designation of storage area in relation to size, surface, screening.

Auburn Conservation Commission has worked with applicant on wetland buffer mitigation plan that should be a condition of site plan approval and implemented as part of certificate of occupancy for the new use.

In conclusion, Mr. Poltak informed Mr. Salathe that there was nothing in this correspondence from Mrs. Rouleau-Cote that says anything about 50 feet but does in fact indicate 75 feet and asked Mr. Salathe to explain what happened. Mr. Salathe stated that Mrs. Rouleau-Cote had told him specifically that 50 feet was accepted. Mr. Poltak asked Mr. Porter where they went from 75 feet to 50 feet. Mr. Porter indicated that they did not. Mr. Salathe stated that Mrs. Rouleau-Cote and he had an in-depth conversation about this and that she told him specifically that she had sent a letter saying that 50 feet was acceptable. Mr. Poltak indicated that he did not see 50 feet anywhere in the letter from Mrs. Rouleau-Cote. Mr. Porter explained that it’s been 75 feet and that the original request was for 50 feet. Mr. Salathe stated that he wished Mr. Mitchell was present tonight because whatever the Conservation Commission told him was okay is what he believed.

Mr. Poltak asked the potential tenant to explain how the lot would work for him with regard to what he would be storing and where things would be stored. At this time, someone from Associated Scaffold Builders, LLC explained that they would have

outside storage on basic scaffolding components such as steel frames, cross braces, scaffold planks. They are looking to occupy Building “C” and went on to point out the locations on a plan submitted tonight. A brief discussion ensued with regard to what the Board was reviewing before them tonight.

Questions were asked from the Board members about outside storage, storing vehicles and Mr. Porter commented about the storing of vehicles on the property and wanted to know how that was part of his plan. Mr. Salathe stated that he believed what Mr. Nixon wanted to do because he owns the property and that Jon was not going to be a tenant forever was to have the ability to park four (4) trucks to plug them in overnight only in the winter because there was access to electricity there. Mr. Salathe went on to say that he also wanted to have a couple of spots for parking for future.

Mr. Poltak indicated that he was losing his patience with this whole proposal because from his perspective they have gone through a great deal of back and forth and believed Mr. Salathe didn’t really know what was going to happen here. Mr. Poltak went on to talk about the truck parking and pointed out that this was all new since they last met that wasn’t shown on the plan last time. Mr. Poltak stated that he sees it as a usage of Unit “C” property and that Mr. Nixon did not come to the meeting and the engineer was not present for two (2) meetings in a row and all they want to know is what they want to do there but no one seems to know. With that in mind, Mr. Poltak asked Mr. Salathe to take this back and the Board is going to continue this and apologized that Mr. Salathe was in the middle of this but he wanted someone to come in and explain it completely because without knowing that, there was no way that they could approve a site plan that comes to us in pieces each time we talk. Mr. Poltak also mentioned the letter that Mr. Salathe mentioned coming from Mrs. Rouleau-Cote was not in the file. Mr. Salathe agreed.

Mr. Rolfe asked Mr. Salathe to show what the storage buildings would look like at the next meeting as well. Mr. Poltak reiterated to Mr. Salathe that he wanted him to go back to his team and come back before the Board with Mr. Nixon and the engineer. Mr. Salathe understood what was being asked by the Board.

Mrs. Marzloff asked Mr. Salathe if the area would be paved where they are proposing to park vehicles. Mr. Salathe said no that it would be gravel. Mrs. Marzloff stated that it was supposed to be paved. Mrs. Marzloff wanted to see parking spaces for a specific building on the plan and she would like to see some shelter from the road. Mr. Salathe pointed out what they would be proposing to screen everything from the road. Mr. Grillo pointed out that if they were going to have an area for parking vehicles that it would have to adhere to the Town of Auburn’s Ordinances. Mr. Salathe understood what was being asked.

Mr. Porter moved to continue the Public Hearing until Wednesday, August 16th. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

**22 Dartmouth Drive, LLC
Danaïs Realty
266 Rockingham Road, Tax Map 25, Lot 44
Major Site Plan Review
(40,180 sq. ft. Warehouse)**

Mr. Chadwick began his presentation on behalf of Mr. Danaïs. Mr. Chadwick stated that they were before the Board a little over a month ago conceptually to discuss this particular piece of property. Mr. Chadwick pointed out that, what they are proposing is a 40,180 square foot warehouse building. Back in 2016, they had a building similar in size that was orientated facing to the south where this building now faces to the north. The whole purpose for doing this is to have a dual tenant building. Mr. Chadwick explained that after the approval of the last site plan, Mr. Danaïs lost his last tenant so they felt it was easier to market a two (2) tenant building rather than a single 40,000 square foot building. Mr. Chadwick went on to say that, there proposal is to go in with a single access with loading docks at each end of the building with the center bump out with office space.

Mr. Chadwick talked about a 13,925 square foot reduction in wetland buffer impact which was a decrease from what was previously approved. Mr. Chadwick also stated that he did present plans to the Fire Department and that there should be something in the file from the Fire Inspector saying that he approves it. He did receive a call from the Fire Inspector indicating that he had spoken with Mrs. Rouleau-Cote, Building Inspector and that they were all set with this plan.

Mr. Chadwick pointed out that there were three (3) waivers presented last time of which would be presented again. The three (3) waivers were granted last time and believed that since this was a new plan that he should go through each of them again. The three waivers have to do with parking, driveway and lighting. At this time, Mr. Chadwick noted that the only change that should be noted had to do with the parking and before he was required 50 spaces and dropped it down to 33 and now based on the parking calculations that he's required to have 70 spaces and he's proposing 49 spaces. Mr. Chadwick explained the parking calculations for the Board's review. Mr. Chadwick commented that for a building this size that there was no need for 70 parking spaces. Mr. Chadwick also informed the Board members that plans were also submitted to Stantec for review and that there should be a letter in the file from Stantec. Mr. Chadwick believed that there was only one outstanding comment other than the Board addressing the required waivers. Mr. Chadwick stated that they do have the revised Alternation of Terrain Permit for this revised site plan as well as a revised septic system which should be in the file. Mr. Chadwick talked a little more about the plan and then turned to the Board members for any questions or comments. At this time, Mr. Poltak turned to the Board for questions. Mr. Tatem wanted to comment that since this was a revised application that the Board should act on the three (3) waivers. Mr. Tatem also stated that they were okay with all three (3) waiver request but since this was a new application suggested that the Board act on each waiver again. Mr. Poltak answered by saying that he was aware that this was a new application and that it was his intention to

take up all three (3) waiver request again and move on to accept the application and asked Mr. Tatem if there was anything else he wanted to add. Mr. Tatem stated that no but the only thing that he suggested to Mr. Chadwick was with regard to the parking waiver that a typical note be put on the plan that if parking issues occur down the road that the Board has the right to call them back in to discuss it and potentially require them to make some changes. Mr. Poltak agreed with what Mr. Tatem suggested.

Mr. Chadwick asked Mr. Poltak if he wanted him to go through the three (3) waivers now. Mr. Poltak asked if the Board had any questions. None were noted. Mr. Poltak asked if there were any abutters presented tonight. An abutter who was a business owner at 50 Dartmouth Drive stated that he was present tonight just to observe and listen and did not have any issues.

Mr. Chadwick started out with the waiver request for parking which was Section 10.07(6) Site Plan Regulations – Parking and on behalf of their client, Dick Danais they are requesting a waiver to allow 49 parking spaces where 70 is required.

Mr. Grillo made a motion to approve the waiver request from Section 10.07(6) Site Plan Regulations – Parking for reduction to 49 parking spaces where 70 parking spaces is required for 266 Rockingham Road, Tax Map 25, Lot 44 with a note to be placed on the plan that the Planning Board reserves the right to recall the applicant if parking becomes a concern. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Chadwick went on to the second waiver which had to do with Lighting, Section 10.13.4.A.iii(c) as they would like to request an 18 foot tall pole where 12 feet is required in the regulations. Mr. Chadwick also indicated that they have also provided a lighting plan showing that it meets the town's requirement with the taller poles. Mr. Tatem asked to see the lighting plan as he believed it was a 16 foot pole. Mr. Chadwick said yes, it was a 16 foot pole with a 2 foot base for a total height of 18 feet. Mr. Tatem informed the Board that Stantec is still okay with what they were proposing.

Mr. Grillo made a motion to approve the waiver request from Section 10.13.4.A.iii(c) Site Plan Regulations – Lighting to allow a 16 foot pole on a 2 foot base where 12 feet is required for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Chadwick went through the last request for a waiver which has to do with Dartmouth Drive requesting a waiver from Section 10.08.3 Site Plan Regulations – Driveway to allow a slope away from Dartmouth Drive for 20 feet at 2% then up at 2% for 50 feet totaling 70 feet, where the required is 2% for 70 feet away from Dartmouth Drive. Mr. Poltak indicated that it was the same as what they approved already for the prior application and did not see an issue and asked the Board for a motion.

Mr. Grillo made a motion to approve the waiver request from Section 10.08.3 Site Plan Regulations – Driveway to allow the driveway to slope away from Dartmouth Drive for 20 feet at 2% then up at 2% for 50 feet totaling 70 feet, where the required is 2% for 70 feet away from Dartmouth Drive for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Chadwick believed there was one more item to discuss and also they are required to obtain a Conditional Use Permit for work within the buffer. Mr. Tatem indicated that they met all the criteria last time and they have reduced impact and they are continuing to propose the mitigation by removing the driveway and the culvert and it is better than before. Mr. Poltak asked what action they were seeking from the Board. Mr. Tatem asked Mr. Chadwick if they submitted a Conditional Use Permit Application. Mr. Poltak did not think so. Mr. Tatem asked Mr. Poltak if they would approve it with the condition that he submits it tomorrow considering it is the same application as it's just a revision. Mr. Poltak approved the request. Mr. Poltak asked for a motion.

Mr. Grillo made a motion to approve the Conditional Use Permit conditioned upon the application is to be provided tomorrow and also noting that Stantec has reviewed and will review the Conditional Use Permit for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

A brief discussion ensued with regard to the need for guardrails on the Dartmouth Drive side as well as the two (2) retaining walls. Mr. Poltak commented that Mr. Chadwick would continue to work with Mr. Tatem to resolve any issues and moved on to ask for a motion to approve.

Mr. Porter made a motion to approve the plan as submitted for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Chadwick thanked the Board members for their time and exited the meeting.

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

At this time, Mr. Poltak asked who was present tonight for Douglas and Helen Daigle, 21 Drouin Circle. There were a few present for this portion of the hearing and with that in mind, Mr. Poltak decided to move this portion of the hearing up and discuss it now. Mr. Poltak began by saying that he had a bit of a dilemma with this matter and the applicants request for a minor subdivision relative to converting a duplex into a two condo unit brings up a whole host of legal questions respectful of viewing our current

ordinances relative to the allowance to have that type of action move forward. Mr. Poltak explained that what they would be trying to do is condominiumizing a residential home in the absence of having a cluster ordinance any longer as we do not have the ability as a community to downsize lot sizes and the like. Mr. Poltak went on to mention the questions that have come up with regard to frontage, ownership patents come into question and a whole host of questions that have come up with the Building Inspector as well which will require legal counsel to give the Board advice prior to moving forward. Mr. Poltak pointed out that there were two (2) ways to handle it as we can have the hearing tonight and then they would have to continue it until such time that those questions are answered before they can take action or they can postpone it until August and in the meantime they can make the request to legal counsel respectful of the questions for your proposal. At this time, Mr. Poltak stated that it would not cost the applicant any more to delay the hearing because if they delay the hearing the town will take responsibility. With this in mind, Mr. Poltak turned to Mr. Wichert and asked what he would like to do, if he wanted to move forward or did he want to wait and take it all up at once when we have all the answers to our questions. Mr. Wichert stated that he believed by statute that he was allowed by right that the community can't prevent the change of former ownership which is what this is. Mr. Wichert understood. Mr. Poltak agreed that they could not prevent the type of ownership but that there were a whole host of requirements that need answers. Mr. Wichert did not have the statute but noted that there is a state statute that says a condominium change is form of ownership is just a fee ownership form so therefore you don't have to comply with area, frontage and all those items and believed that law has been on the books for 20 or 30 years. Mr. Wichert commented that if that was the concern of the Board from a purely selfish view that he would say table the matter because if we go into this that the Board members are going to look at this differently and if the Board gets the answer that he is expecting the Board to get back that it will be a much easier night. Discussion ensued on whether or not to table it or reissue and re-notice the rehearing. Mr. Poltak believes it was to both of our benefits to not have any clocks start ticking in terms of the time. Mr. Wichert asked what the timeframe would be because he believed it would be a short response from the attorney so if we said 30 days in the following month. Mr. Poltak believed 30 days would do it. Discussion ensued with regard to the Planning Board not meeting in July. Mr. Wichert asked Mr. Poltak if they would get a vote tonight. Mr. Poltak said no. With that in mind, Mr. Wichert agreed to a meeting once the Board heard back from town counsel. Mr. Poltak agreed.

**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)**

Mr. Wichert passed out copies of what they are proposing to do at 11 Rockingham Road for the Board members to review. Mr. Wichert presented on behalf of the

applicant and that Mr. Kenney was present tonight along with Mr. Scarpetti, who is the realtor for the property and their engineer, Jennifer McCourt. Mr. Wichert began by saying that they had a concern because he believed two (2) of the Board members testified against the project at the Special Exception hearing and wanted to bring it up for the record. Mr. Wichert talked a little bit about the property as it exists now and that the property has been on the market since 2015 with no interest. Mr. Wichert stated that the property is located in the C2 district and Mr. Scarpetti has shown it to multiple buyers and nothing came about from anyone looking at the property. Mr. Wichert pointed out that it was a 3.7 acre parcel that they are proposing to do a residential site plan to create 8 two (2) bedroom multi-residential townhouses. Mr. Wichert indicated that this was a condominium project and asked Mr. Poltak what he wanted to do. Mr. Poltak stated that he had a different view on a proposal that has initiated towards a condominium endpoint versus a conversion.

Mr. Wichert explained that he would go over the existing conditions and then Ms. McCourt would speak with regard to the engineering and the rest of the project. At this time, Mr. Wichert went through the existing conditions as shown on the plan presented tonight. Mr. Wichert added that the applicant went before the Zoning Board of Adjustment for a Special Exception for the use as it was only allowed by right which was approved on April 25, 2017. Mr. Wichert explained the wetlands and the wetland buffer located on the property and they are not looking for a waiver as they are adhering to the 125 foot wetland buffer. At this time, Mr. Wichert turned the discussion over to Ms. McCourt.

Ms. McCourt went over the townhouse plan for the Board members and everyone present tonight and explained that there were 8 units which each unit would have a two (2) car garage with guest parking in front of the garage. Ms. McCourt moved on to talk about the Fire Department requirements to have a turnaround area for their longest fire apparatus to be able to turnaround and how they were able to accommodate the request along with any standard delivery trucks as well. Ms. McCourt reiterated what Mr. Wichert had stated which was that they would be adhering to the 125 foot wetland setback. Ms. McCourt went over the location of the septic system, well location as well as the detention pond.

Ms. McCourt moved on to discuss the landscaping and how they would be keeping the row of arborvitaes along with the existing vegetation that would remain. Ms. McCourt passed out photos of the site as it exists today and that the reason she had the photos was that they are requesting a waiver from the landscaping because they believe there is enough vegetation that exists and that they would like to maintain that as the landscaping. Also, Ms. McCourt mentioned that they would also like to ask for a waiver from lighting as they are proposing to have a light above the garage and a light at the door. The garage light would be a down shooting light and most likely it would remain on in the evening hours but did not believe that the individual owners would want it on all night. They are asking for a waiver from lighting seeing that this is a simple plan. Ms. McCourt informed the Board members of the third waiver request which was a waiver from the driveway slope for 2% for 70 feet on Rockingham Road as this was not

a commercial development as it is a residential development. Ms. McCourt talked a little bit about the driveway waiver with the Board members and stated that by doing this they would get away from retaining walls and the like.

Ms. McCourt moved on to address the Stantec letter dated June 20th, 2017 and started with #2 pertaining to the Condominium Association documents and what they are looking for is to come before the Planning Board to discuss the project so that they will know all of the pieces that need to go into the Condominium documents so that they could produce it and could be part of the condition. Ms. McCourt went on to #4 which pertains to parking spaces and #5 with regard to the Fire Department turnaround and that there was an e-mail that went out from the Fire Department saying that they did not have a problem with what they were proposing and did not know if a letter went out yet. Mr. Tatem agreed with Ms. McCourt that the Fire Department was okay with what they were proposing. Ms. McCourt moved to #6 which was regarding the architectural plan of which was the same one that they showed to Stantec at their meeting. Ms. McCourt talked about #10 regarding NHDES Subdivision and NHDES Subsurface permits which are currently pending and that they want to make sure that this is the plan before they submit anything to NHDES as their turnaround is quick these days which is usually a day or two.

Ms. McCourt noted that the waivers she has gone through above with the Board members. #27 which had to do with an inlet riprap apron being added for Culvert #30 was not a problem and that they would also put in the notes for the proposed retaining walls which she believed that the tallest one was 4½ feet tall.

At this time, Ms. McCourt asked if the Board had any questions that either she or Mr. Wichert would be happy to answer them. Mr. Poltak asked the Board members if they had any questions. Mr. Porter asked about the plan showing 8 two (2) bedroom units because the design showed four (4). Mr. Kenney answered by saying that the plan will be modified to show 8 two (2) bedroom units and not 8 three (3) bedroom units.

Mr. Poltak indicated that he has read all the letters and he likes the proposal and he likes the area that this is being suggested to be done but his concern is that things are very tight but they've done a real good job with it. Mr. Poltak went on to say that parking was a real issue to him, use of the property is an issue to him with what happens at a home and he's not one to waiver landscaping although he believes the natural features and the work to utilize them into the plan but would not be looking to grant a waiver on landscaping upfront. Mr. Poltak went on to talk about the other two (2) waiver request pertaining to lighting and driveway slope which he did not have an issue.

Mr. Porter asked about well load to abutters in the area along with the septic. Ms. McCourt pointed out that it was a commercial zone but would be used as residential and stated that as far as DES requirements that there would be less of an impact to the wells and that a commercial use in this area would use more than what they are providing and that they are well under the state loading for this property. Ms. McCourt went on to talk about the septic and stated that there were more safeguards there than

if they were putting in a stone and pipe or even a chamber system. Ms. McCourt stated that there should not be a problem to the abutting wells in the area with the system they are proposing. Ms. McCourt answered the concern of the Fire Department with regard to the turnaround was submitted to Mr. Tatem, town hall and to the Fire Department and believes that has been taken care of.

Mr. Poltak asked if there were any more questions from the Board members. Mr. Grillo asked about the well radius and asked if they would require a waiver. Ms. McCourt said no because it would be going on a state highway which there would not be any wells or septic's within the state highway.

Mr. Rolfe asked what they would be proposing with regard to trash. Ms. McCourt thought that the individual owners would take care of their own trash and if that becomes a problem and they came in to talk with Ms. Royce and Ms. Rouleau-Cote so what they are proposing is an area up front to put their trash cans to be easily accessible for them. Mrs. Marzloff had a question with regard to screening the proposed trash area.

Mr. LaCroix asked if it was their intention to sell these or rent them. Mr. Scarpetti answered by saying that they intend to sell them individually. Mr. Porter asked if they should be looking at this application as a subdivision and keeping the distance from the building from the road. Mr. Grillo believed that we did under the cluster provision but that we no longer have a cluster ordinance. Mr. Poltak believed they are looking this as a site plan.

Mr. Poltak moved on to talk about fire suppression and mentioned that anything over two (2) bedrooms has to have fire suppression and believed those would be accommodated. Both Mr. Kenney and Mr. Scarpetti said yes.

Mr. Poltak asked about the septic design and if one has been submitted. Mr. Wichert said no, that they have not made a formal submission to the Building Inspector because they were waiting to have all the other issues taken care of prior to submission. Mr. Poltak understood.

Mr. Poltak believed that they have done a magnificent job with regard to the presentation and believed they could accept the application and then believed that they would get back together for a follow up meeting and working through some of the concerns that the Board has at a follow up meeting and wanted them to work with Stantec along the way.

Mr. Poltak asked if there were any abutters present that wanted to speak. There were abutters but they did not want to speak at this time. Mr. Poltak asked Mr. Tatem if he had anything to add. Mr. Tatem had only one issue which was with the lighting plan as most residential site plans have an incorporated lighting plan but if it's small enough and it's not important then he did not have a major objection to it. Mr. Tatem went on to ask if they would have lights on the building and would they be controlled by a photo eye

and by each unit. It's not a site plan and there's not going to be open to the public or customers' coming at night but it was up to the Planning Board. Mr. Tatem went on to talk about the waiver for the landscaping plan and why they did not approve the request was because it was sort of a blanket waiver request and they weren't going to do anything. Mr. Tatem believed there was a lot of opportunity to make it a nice site plan. Mr. Poltak agreed with Mr. Tatem. Mr. Tatem added that, as far as the turnaround goes, he did receive written correspondence from Mr. Saulnier that he was happy as well so that was no longer a concern of theirs. Mr. Tatem also pointed out that they were not concerned with the septic systems considering the additional setback because they typical state setback is 75 feet and they have maintained the 125 foot setback. Mr. Tatem also informed the Board members that they take no exception with the driveway waiver because the way that Ms. McCourt designed the driveway it should accommodate moving trucks, the fire vehicles and anything shorter.

Mr. Tatem noted a few things which had to do with the turnaround and the little extension off the southern most unit should probably be striped "No Parking" and the reason for that is because this is an emergency type of turnaround. There should be a sign that the area is reserved for emergency vehicles only.

In conclusion, Mr. Tatem informed the Board members that they did not have any major concerns with this project.

Mr. Rolfe wanted to comment that he was at the Zoning Board of Adjustment meeting and that he really wasn't against the project but was against the C2 zone. Also, Mr. Rolfe wanted to comment that the plan he saw had two (2) buildings but wanted to make it known that he was not against the project but that there was not a lot of commercial land left. Mr. Scarpetti commented that he had shown the property to many businesses and that they were not interested.

Mr. Tatem also wanted to mention that the trash pick-up should be to the rear of the property and not at the street to make it look good. Mr. Grillo asked about overflow parking and the possibility of people parking on Rockingham Road. Mr. Tatem believed that they could speak with the Fire Department and possibly putting up signs like they did by the Auburn Pitts. Mr. Poltak talked about the parking ordinance which requires 3 parking spaces and did not understand where all the parking would take place and then relative to events when someone has a party and would like to see the ability for excess parking.

In conclusion, Mr. Poltak indicated that he would ask the Board to accept the application and then relative to them going back as he will want a very accurate depiction of architectural renderings, how they would be designed and the materials used and would like to see them blend it with the area. Mr. Poltak also would like the parking issue addressed, the septic system assurances and did not think they would have any problem with the waiver requests for lighting and the driveway but they will always have a problem with the waiver request for landscaping. As a matter of fact, Mr. Poltak indicated that he would be proposing a change to the regulations with regard to

landscaping. Mr. Poltak stated that nothing tonight was an obstacle to the eventuality of approval and believed the project was a good one and will give Ms. McCourt and Mr. Wichert a chance to comment and then he'll ask the Board to accept the application.

Ms. McCourt asked with regard to landscaping and wanted to know exactly what they would be looking for and if they would be looking for landscaping on all four (4) sides. Mr. Poltak said yes.

Discussion ensued with regard to parking and Ms. McCourt indicated that they could add another parking space but striping the parking would look ugly but they could do it. Mr. Poltak stated that he was not looking for ugliness but was looking for accommodation somehow. Ms. McCourt also pointed out that they could show a handicap space but wanted the Board to remember that this was a driveway under with two (2) stories above and that the individual units themselves would not be handicap accessible. The Board understood.

Mr. Poltak wanted to make sure that Ms. McCourt and Mr. Wichert would be working with Stantec to resolve these issues by the next meeting which will be held in August. Ms. McCourt said yes. With this in mind, Mr. Poltak asked the Board to accept the application and then move toward continuing the hearing until August.

Mr. Grillo made a motion to accept the residential site plan application as complete for 11 Rockingham Road, Tax Map 31, Lot 19. Mr. Rolfe seconded the motion. A vote was taken; all were in favor with Mr. Porter remaining neutral, the motion passed.

Ms. McCourt noted that a few Board members had a few concerns and asked if there was a way to obtain feedback either through Ms. Royce or Stantec to resolve those issues. Mr. Poltak commented by saying that, any concerns are passed on to Stantec. Ms. McCourt understood and indicated that she would be working with Mr. Tatem already.

Mr. Rolfe made a motion to continue the Public Hearing until August 16, 2017 for 11 Rockingham Road, Tax Map 31, Lot 19. Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Wichert thanked the Board members and exited the meeting.

The Board took a five (5) minute break beginning at 8:45pm.

The Board resumed the meeting at 8:55pm.

SUBDIVISION REGULATION APPROVAL

Mr. Tatem stated that he added that “the Board has the authority to restrict staging and stock pile areas.” Then on page 50, Mr. Tatem made one little change and now he would like to print the document without “DRAFT” on it with the June 2017 date on it. Mr. Tatem indicated that the Board could approve this tonight because there were no further changes to be made and recommended that the Board approve the Subdivision Regulations tonight and then starting tomorrow we make a new list of things to find and start on the next list of substantial changes. Mr. Tatem informed the Board members that the Site Plan Regulations have not been changed since 2011 and that the Board could look into changes to the Site Plan Regulations.

At this time, Mr. Poltak commented on something that he would like to see changed in the coming year about landscape architects. Mr. Poltak read what he would like to be added as follows: “At the discretion of the Planning Board, a landscape plan designed and stamped by a certified landscape architect may be required on residential, commercial and industrial development proposals.” Mr. Tatem suggested that it be changed slightly because there already is a regulation that requires a landscape plan so he would not say “at the discretion of the Board” that he would say that “a landscape plan shall be provided.” A brief discussion ensued with regard to landscaping being done. In conclusion, Mr. Poltak understood that they had it in there but wanted it “at the discretion of the Planning Board a landscape plan developed by a certified landscape architect may be required” as he did not want amateurs. The Board members all agreed and stated that they want it in the Subdivision Regulations as well as the Site Plan Regulations. The final decision was to include the following in the Subdivision Regulations *“At the discretion of the Planning Board, a landscape plan designed and stamped by a certified landscape architect may be required on residential, commercial and industrial development proposals”* and then in the Site Plan Regulations it would be only “Commercial and Industrial.”

Mr. Tatem stated that, if the Planning Board approves these tonight that he would get a digital copy over to the town and that would be the new law. With that in mind, Mr. Poltak asked for a motion to approve the Subdivision Regulations.

Mr. Porter made a motion to approve the Subdivision Regulation changes dated June 21, 2017. Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Tatem stated that he would get this over to the town to be included on the website.

Mr. Rolfe asked when the Board could take up changing the Site Plan Regulations. Mr. Poltak said they could do it as soon as the Board wants. Mr. Tatem informed the Board members that they would not be able to do anything in August because the Planner is out of the country during the months of July and August. Mr. Poltak suggested that they take up changes to the Site Plan Regulations in September. Mr. Tatem suggested that the Board members review the current Site Plan Regulations and highlight stuff and ask

questions and then they would have the first workshop meeting. Mr. Tatem further suggested that they shoot e-mails to either Ms. Royce or him. Mr. Poltak stated that what they would do is send the comments to Mr. Tatem and copy Ms. Royce on everything.

Mr. Poltak also mentioned the idea of putting something in the regulations that says “no cutting, no alteration of terrain until the pre-construction meeting is held and that they would need to put it in the Site Plan Regulations as well. Mr. Tatem stated that if the Board wanted to put that on one of the August agendas that would be fine.

At this time, Mr. Tatem moved on to approving the CIP.

CIP APPROVAL

Mr. Tatem began by saying that the only changes that they made was that they did was fill in the summary of projects requested and rated them as urgent, deferred or needed for all the different work items. Mr. Tatem stated that Mr. Herman gave him a couple of minor comments with regard to the funding sources. Mr. Grillo asked if it went out 6 years. Mr. Tatem said yes it's from 2018 until 2023.

A brief discussion ensued with regard to the school section and Mr. Tatem stated that he had spoken with Mr. Villeneuve.

In conclusion, Mr. Poltak asked the Board for a motion to approve the CIP.

Mr. Rolfe made a motion to approve the CIP dated June 2017. Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

NEW BUSINESS

Mr. Poltak wanted to talk about Stantec letter dated June 21, 2017 regarding Liberty Woods Subdivision – Site Stabilization Issues. Mr. Poltak asked Mr. Tatem if he wanted the Planning Board to endorse the letter because the end of the letter read as follows: “We were not provided with a schedule for completion of this work; however, we recommend that if the site is not brought into compliance with the permits, further action by the Town be taken.” Mr. Poltak assumed that it would require action from the Planning Board. Mr. Tatem said yes and what he would suggest is that they give the Planning Board an update by July 15th, middle of July, and if they are not working and getting this done that the Board calls him in on August 2nd. Discussion ensued between Mr. Tatem and the Board members with regard to site stabilization and the idea of sending Mr. Martel a letter saying that, if the site is not stabilized by July 15th that the Board would like him to come in and meet with the Board on August 2nd.

Mr. Porter asked what the status was with regard to the hydraulic leak. Mr. Tatem stated that Clean Harbors was there the next day and they set up all the booms, they cleaned everything and they set up the vac trucks and sucked up all the fluids. Mr. Tatem commented that Mr. Martel did everything by the book and cleaned it all up. Mr. Tatem further added that they had their environmental specialist go out yesterday and agreed with everything Clean Harbors did and DES was good with everything. Mr. Tatem also indicated that Clean Harbors would be writing a letter and that they would also write a letter saying that they concur and send it to the Planning Board to be placed in the file.

Mr. Grillo had a question for Mr. Tatem that there was an RSA that says condo conversions and that we need specific language that says that condo conversions needs a Special Exception or Variance or exact language but was unsure where it belonged whether in Zoning or Site Plan. Mr. Tatem said that he believed it would be in Zoning. Mr. Tatem said it would go in Zoning.

Mr. Poltak stated that he would like the Planning Board to endorse the Stantec letter dated June 21, 2017 related to Liberty Woods and furthermore request Stantec to impose a reasonable completion date for all stabilization work prior to July 15th.

Mr. Grillo made a motion that the Planning Board endorses the Stantec Letter dated June 21, 2017 related to Liberty Woods and furthermore request Stantec to impose a reasonable completion date for all stabilization work prior to July 15th, 2017 and report back to the Board with an update. Mr. Porter 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 9:35p.m.

The Planning Board will NOT be meeting during the month of July and therefore, the next Planning Board will be held on Wednesday, August 2nd, 2017 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.