

**UNAPPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
August 28, 2018**

**Present:** Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Peggy Neveu, Stephen Carroll and Kevin Stuart, Members; Dennis Vieira, Robert Beaurivage and Stoney Worster, Alternate Members of the Board. Minutes recorded by Denise Royce.

**Also, Present:** Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer and Jeffrey Porter, Conservation Commission.

**Absent:** Dale Phillips, Alternate Member.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright explained the procedure for tonight's hearing and introduced the Board members to everyone present tonight. Mr. Wright indicated that there was one case on tonight's agenda that had been tabled from July 24th and moved on to begin the meeting.

At this time, Mr. Wright moved to ask Ms. Royce to read the first case into the minutes.

**Case #18-11**

**Brenna Marie & John Jones**

**56 Meadow Lane – Tax Map 12, Lot 16-9**

**Zoned Residential One**

**TABLED from July 24, 2018**

*Applicant is requesting a Variance to allow the construction of a detached garage to be within the 30-foot side setback and a Variance to be 75 feet from a Level One wetland in a Residential One zone. (Article 4, Section 4.06(6) & Article 5, Section 5.04(1)(a))*

Mr. Wright indicated that all five (5) members were present and therefore did not need to elevate anyone at this time. Mr. Wright informed everyone that at the last meeting the applicant was requested to reapply to seek a Variance for a Level One wetland as well as go before the Conservation Commission. Mr. Wright asked Mr. Jones to read his application into the minutes for the record.

At this time, Mr. Jones read his application into the minutes for the record and informed the Board members that everything is still the same as he was seeking relief from a side setback. Mr. Jones stated that, he was just changing the application to include the request for a Variance for 75 feet from a Level One wetland. Mr. Jones explained that the reason it has changed from his first request of 92 feet was that, after visiting the Conservation Commission that, Mr. Villeneuve suggested that he seek relief down to 75 feet because you really could not determine where the Level One ended and the Level 3 began and therefore suggested the 75 feet reduction. Mr. Jones also stated that, he

would be placing crushed stone around the building and also putting in a drainage swale with crushed stone to slow down the runoff going into the Level One wetland. Mr. Jones went through the five (5) factors for the wetlands relief Variance. Mr. Jones again reiterated what he had stated in the first meeting that the new garage would allow for more storage to make the property less cluttered.

Mr. Wright directed his attention to Mr. Porter and indicated that he has read the minutes of the Conservation Commission meeting. Mr. Porter stated that, his main concern was regarding the runoff from the driveway and was looking for mitigation to lessen the runoff into the Level One wetland. Mr. Porter also commented that he would like it documented on the plan the areas of mitigation and where the crushed stone would be going. Mr. Porter talked about a drainage swale to catch the water to slow it down from going directing into the Level One wetland.

Mr. Wright pointed out that, he has heard the request for a Variance from a Level One wetland and asked if there were any abutters. Mr. Gauthier of 60 Meadow Lane asked about the culvert under Mr. Jones' driveway. Mr. Jones said yes that there was a culvert under his driveway but the Conservation Commission was looking at him placing a drainage swale with crushed stone up above to catch some of the water runoff.

Mr. Stuart agreed that he would also like to see it on paper and a plan showing how much crushed stone would be placed around the building and asked how the garage would be placed and where the garage doors would open. Mr. Jones stated that he would be placing crushed stone around the side facing the property line and the back of the garage which would face the road and was unsure how much crushed stone he would have to place. A brief discussion ensued with regard to placement of the garage and where the crushed stone would be placed.

Mrs. Rouleau-Cote commented that what they were asked Mr. Jones to do was extreme and that the amount of runoff that would occur would be so minimal. Mrs. Rouleau-Cote further explained that there was a significant amount of buffer that would be in place that would slow down the runoff on its own. Mrs. Rouleau-Cote stated that he has been to the site and has taken photos but did not have them with her and added that she would be overseeing the construction of the garage anyways and would monitor the runoff that would occur. Mr. DiPietro believed that Best Management Practices (BMPs) could occur with Mrs. Rouleau-Cote overseeing the construction process.

Mr. Beaurivage believed that the applicant should go back to his engineer and obtain a plan showing the mitigation as well. Mr. Vieira agreed with Mrs. Rouleau-Cote and believed that Mrs. Rouleau-Cote would conduct a final inspection and also oversee the construction of the garage and if she said it was minimal then would side with her.

Mr. Stuart asked about the driveway runoff. Mr. Porter reiterated that his concern was the runoff of the driveway that goes right into a Level One wetland. Mrs. Rouleau-Cote again stated that, there was 92 feet of vegetated buffer and did not believe that there would be much runoff going into the Level One wetland. Mrs. Rouleau-Cote also pointed

out that, she did not know if Mr. Jones would be putting gutters on the garage or what the runoff would be. Mr. Jones stated that he had no intention of installing gutters on the garage.

Mr. Wright asked if there were any further questions or comments. Mr. Vieira commented that, he believed Mr. Jones was a prudent guy and that if Mrs. Rouleau-Cote says it passes then its done. Mr. DiPietro agreed with Mr. Vieira. Mr. Carroll asked if the Conservation Commission was in favor of this. Mr. Porter said yes if it included the drainage.

At this time, Mr. Wright indicated that if there were no further questions from the Board that he would entertain a motion to enter into deliberation.

***Mr. DiPietro made a motion to enter into deliberations at 7:28 p.m., seconded by Mr. Stuart.***

Mr. Wright began with, there are a number of different ways to go about this but that he was in favor of not sending the applicant back to the Conservation Commission. Mr. Wright stated that everyone has heard the concerns and that he would like to move this along. Mr. Wright went on to say that, he was in favor of some sort of mitigation and that he would leave it under the discretion of Mrs. Rouleau-Cote with some sort of drainage. Mr. Wright talked about allowing some guideline and that he was comfortable with Mrs. Rouleau-Cote making that decision and believed that her judgment would be in Best Management Practices (BMPs).

Mr. Wright turned it over to the Board members for any questions or comments. Mr. DiPietro indicated that he agreed with Mr. Wright. Mrs. Neveu suggested that it include Mrs. Rouleau-Cote and the Conservation Commission for approval. Mr. Stuart also agreed that it made sense to do it after the fact because until the garage is built he agreed that the crushed stone could be done on two (2) sides and that it could end up with 2 inches, 8 inches or 2 feet of crush stone. Mr. Beaurivage reiterated that a simple plan could be prepared by an engineer. Mr. Vieira commented that, the Board has heard from Mrs. Rouleau-Cote that the engineer already said that he doesn't know what to do and suggested that Mrs. Rouleau-Cote will oversee the construction of the garage and that it would be the prudent way to go.

Mr. Wright asked Mr. Worster and Mr. Carroll if they had any comments. Mr. Carroll had nothing more to add and Mr. Worster stated that we do live in New Hampshire. Mr. Wright again stated that he believed that the Board was okay with the applicant not going back to Conservation Commission and raising the issue and asking Mrs. Rouleau-Cote to oversee the mitigation to protect what little amount of impact would occur. Mr. Wright again pointed out that they would leave it up to Mrs. Rouleau-Cote.

Mr. Wright stated that, the Conservation Commission has raised a number of issues and if it's only one or 2 things that the Board doesn't agree with then it works. In conclusion,

Mr. Wright believed that the consensus of the Board was to approve and have Mrs. Rouleau-Cote to oversee the mitigation during construction.

At this time, Mr. Wright asked the Board to come out of deliberation and if there were any other questions or comments that they could address them.

***Mr. DiPietro made a motion to exit out of deliberations at 7:37 p.m., seconded by Mr. Stuart.***

Mr. Wright asked if there were any additional questions for the applicant. None were noted. Mr. Wright asked if Mrs. Rouleau-Cote or Mr. Porter had any further questions or comments to add. None were noted.

Mr. Wright believed that they could give Mrs. Rouleau-Cote the flexibility to acquire the applicant to make any mitigation that she sees necessary. Mr. Wright asked for a motion on the first Variance for relief from a side setback and then they would take up the Variance for the relief from a Level One wetland down to 75 feet.

***Mr. DiPietro made a motion to vote on the application with regard to the Variance on the side setback as presented for Case #18-11, 56 Meadow Lane, Tax Map 12, Lot 16-9. Seconded by Mrs. Neveu. Mrs. Neveu voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. DiPietro voted to grant and Mr. Wright also voted to grant. A vote was taken and, all were in favor and the motion passed.***

***Mr. DiPietro made a motion to vote on the application with regard to the Variance on the reduction to the setback to 75 feet with the conditions that adequate drainage be installed for runoff and that crushed stone or permeable material be placed on the downward side of the garage as well as the side closest to the property line for Case #18-11, 56 Meadow Lane, Tax Map 12, Lot 16-9. Seconded by Mr. Stuart.***

Mr. Wright asked if there were any questions or comments. None were noted. Mr. Wright moved on to a vote.

***Mrs. Neveu voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. DiPietro voted to grant and Mr. Wright also voted to grant. A vote was taken and, all were in favor and the motion passed.***

Mr. Wright thanked Mr. Jones for his time and patience and the discussion ended.

**Case #18-12**  
**Christopher & Carla Collins**  
**249 Bunker Hill Road – Tax Map 8, Lot 21-1**  
**Zoned Residential Two**

*Applicant is requesting a Variance to allow an inground pool to be 92-feet from a Level One wetland in a Residential Two zone. (Article 5, Section 5.04(1)(a))*

Mr. Collins began by saying that he had met with his contractor and that the contractor suggested that he change the reduction request from 92 feet down to 80 feet to allow room between the leachfield and the location of the pool. With that said, Mr. Collins asked to reduce it down to 80 feet as opposed to 92 feet previously requested.

Mr. Wright noted that there were no abutters present and noted the request to change the request from 92 feet to 80 feet. Mr. Wright asked Mr. Porter for comment. Mr. Porter noted the change request and explained that, when Mr. Collins was before the Conservation Commission that he thought 92 feet was okay to work with and did not want to speak for the rest of the Board members but believed that he would like Mr. Collins to come back to the Conservation Commission to discuss the change.

Mr. Vieira asked about the change and if they were moving the pool closer to the wetlands. Mr. Collins said no, that the pool would not be closer but it was so they could have a deck to allow chairs around the pool and that there would be a fence installed as well. Mr. Vieira asked if the pool would be gunite. Mr. Collins said yes. Mr. DiPietro asked about the filtering of the pool and commented that it looked extensive. Mr. Collins stated that he was previously looking at it being a salt pool but was now looking at a different type of filtering system. A brief discussion ensued with regard to the filtering system proposed.

Mrs. Rouleau-Cote wanted to explain that an inground pool has to maintain 35 feet from a leachfield if the leachfield is higher than the pool. Mrs. Rouleau-Cote also pointed out to the Board that, you would not want to cut into a fill extension with a retaining wall and added that the area where the pool is proposed that it was fairly flat.

Mr. Wright asked Mr. Porter about a defined buffer and what he was looking at obtaining. Mr. Porter stated that the area where the pool is proposed is already lawn so that area has already being utilized and if the wood line is left untouched then he is okay with what they are proposing. Mr. Porter also mentioned possibly placarding the wetland woodland buffer. Mr. Collins stated that he has no intention of touching the wood line.

Mr. Wright asked if there were any further questions or comments and pointed out that the relief requested now is for 80 feet instead of 92 feet previously requested. Mr. Wright said that his opinion was that as long as it hasn't changed the area and no trees are to be removed then he would not feel like sending the applicant back to the Conservation Commission. Mr. Carroll agreed that as long as no further disturbance were to occur that he would be in favor. Mr. Worster also agreed with Mr. Wright and Mr. Carroll. Mr. Stuart

asked about delineating the buffer with possibly placards. Mrs. Rouleau-Cote wanted to clarify with the Board members that the Board would only be granting them permission down to 80 feet for the pool, pool apron and fence only. Mr. Wright said that he believed that was the case.

Mr. Wright indicated that if everyone was okay and that there were no further questions that he would entertain a motion.

***Mr. Stuart made a motion to vote on the application with regard to the Variance as amended and presented tonight to be no closer than 80 feet for the pool, pool apron and fence for Case #18-12, 249 Bunker Hill Road, Tax Map 8, Lot 21-1. Seconded by Mr. DiPietro. Mrs. Neveu voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant, Mr. DiPietro voted to grant and Mr. Wright also voted to grant. A vote was taken and, all were in favor and the motion passed.***

Mr. Wright explained that there was an appeal period where abutters or interested parties could appeal the ZBA decision. Mr. Collins understood and thanked the Board members for their time and exited the meeting.

## **Minutes**

***Mr. DiPietro made a motion to accept the minutes of July 24, 2018 as written, seconded by Mr. Carroll. All were in favor, and the motion passed.***

## **Other Business**

Mr. Wright asked if there were any applications for September. Ms. Royce informed the Board members that there was possibly one application for September but would not know until September 11<sup>th</sup> when the fees were due.

At this time, Mr. Wright thanked both Mrs. Rouleau-Cote and Mr. Porter for attending and assisting the ZBA.

## **Adjourn**

***Mr. DiPietro made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:15 p.m.***

**The next ZBA Hearing is scheduled for September 25, 2018 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.**