

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
August 24, 2021**

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Kevin Stuart, Patrick Bergeron (8:08pm) & Stephen Carroll, Members of the Board. Shannon Daoust, Alternate Member. Minutes prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement, Eric Mitchell and Geri Silva were present.

Absent: Shawn Matte, Alternate Member.

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

Mr. Wright introduced himself and moved on to introduce each of the Board members and Alternate members of the Board. Mr. Wright indicated that, Patrick Bergeron would be joining us a little later tonight. Mr. Wright explained that he would be asking Mrs. LaChance to read to the case into the minutes for the record. Mr. Wright explained the procedure for tonight's hearing whereby the applicant would read their case into the minutes and then he would ask if there were any questions from abutters. Mr. Wright pointed out that, Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer was also present this evening.

Mr. Wright elevated Shannon Daoust to a full voting member in the absence of Patrick Bergeron. At this time, Mr. Wright asked Mrs. LaChance to read the first case into the minutes for the record. Mrs. LaChance read the case into the minutes for the record.

Case #21-12

Eric Mitchell

On Behalf of Geraldine A. Silva Irrevocable Trust

177 Chester Turnpike – Map 11, Lots 15-1 & 15-2

Zoned Rural

(Continued from June 29, 2021)

Applicant is requesting a Variance from Article 5, Section 5.08(1)(a) for the reduction of the wetland buffer to 75 feet and, a Variance from Article 5, Section 5.08(1)(b) to allow a common driveway to cross an existing culvert crossing and to be constructed in the wetland buffer in a Rural zone.

Mr. Mitchell began his presentation by explaining the location of the property and proceeded to talk about what they are proposing to do. Mr. Mitchell indicated that, they are before the Zoning Board of Adjustment tonight before preparing a plan for a Lot Line Adjustment and Subdivision with the Planning Board. Mr. Mitchell gave a summary of

what occurred when they went before the Conservation Commission, and they were not in favor of the reduction. (The ZBA received copies of the Conservation Commission meeting minutes for June 8, 2021, in their package). A copy of which can be found in the applicant file. Mr. Mitchell read the application into the minutes for the record. Mr. Mitchell asked the Board members if they had any questions or comments and if they would like to take the first request for the reduction in the wetland buffer to 75 feet or if they wanted to take them both up at the same time. Mr. Wright stated that if they were both separate then they would take this one up first and then move on to the next one.

Mr. Wright asked if there were any abutters present. No abutters were present. Mr. Wright asked Mrs. Rouleau-Cote if she had any questions or comments. Mrs. Rouleau-Cote began by saying that some of the comments would probably be handled during the Planning Board process with the subdivision. Mrs. Rouleau-Cote went on to say that, with the wetland buffer suggested that the wetland buffers are clearly delineated before there is any site disturbance and that there are some sort of placards put in place prior to transferring the properties so that future property owners are aware that there is a dedicated wetland buffer. Mr. Mitchell understood and agreed.

Mr. Wright opened it up to questions from the Board. Mr. Stuart asked Mr. Mitchell for clarification of the proposed lots. Mr. Mitchell explained that they would be taking an acre from the 14-acre lot by doing a lot line adjustment and subdividing the rest. Mr. Stuart asked if they could move the lot to be able to not go into the setback at all. Mr. Mitchell explained why they could not do that. Mr. Wright asked about requesting relief from the front setback to move the house closer to the road and further away from the wetland buffer. Mr. Mitchell talked about the topography of the property. A brief discussion ensued regarding the wetland buffer.

Mr. Wright indicated that, absent a motion to enter into deliberation that he would entertain a motion to vote on this application as submitted.

Mr. Stuart made a motion to vote on the Variance application as submitted with the condition that placards be put into place to delineate the wetland setback for Case #21-12, 177 Chester Turnpike, Tax Map 11, Lots 15-1 & 15-2. Seconded by Mr. DiPietro. Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Carroll voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant as all the factors have been met, and, Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright asked Mr. Mitchell to go through the second Variance request. Mr. Mitchell stated that the second Variance is regarding the culvert crossing for a common driveway to cross an existing culvert crossing. Mr. Mitchell talked about the common driveway and indicated that the Planning Board did not like common driveways, but they believe this would be less impact to the wetland. Mr. Mitchell explained that they would like two driveways side by side as opposed to a common driveway. Mr. Mitchell indicated that

Mrs. Rouleau-Cote could speak on that. Mr. Mitchell read the Variance request application into the minutes for the record. Mrs. Rouleau-Cote asked if it would be a minimum impact to the wetland. Mr. Mitchell said close and if they have a common driveway then it would be a minimum impact to the wetlands. If the driveways are required to be side by side, then it may have to be a minor impact. Mrs. Rouleau-Cote explained that, if the Planning Board does not allow for a common driveway, then this Variance would allow for the driveway to be side by side. Mr. Mitchell said that was correct. Mrs. Rouleau-Cote believed it was a design decision between the Planning Board and the engineers to decide what is a safe crossing and how much impact there will be. A brief discussion ensued with regard to a common driveway. Mrs. Rouleau-Cote talked about the common driveway and hopefully both residents work together with maintenance and plowing. Mr. Mitchell indicated that, there would be an agreement between the two owners and recorded at the registry.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked if there were any questions from the Board. Mr. Stuart asked about the driveway. Mr. Mitchell answered by saying it's in the event that the Planning Board was not in favor of the common driveway, then they would do the side-by-side driveway. Mrs. Rouleau-Cote stated that, the Variance request is to allow a common driveway to go through a wetland buffer and that this would also have to go through NHDES.

Mr. Wright indicated that, if there were no further questions from the Board that he would entertain a motion on the second Variance as presented.

Mr. DiPietro made a motion to vote on the second Variance as presented for Case #21-12, 177 Chester Turnpike, Tax Map 11, Lots 15-1 & 15-2. Seconded by Mr. Stuart. Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Carroll voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant as all the factors have been met, and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

With that said, Mr. Wright thanked the applicant as it was well presented. Mr. Mitchell thanked the Board members for their time and the Board moved on to the next case. Mrs. LaChance read the second case into the minutes for the record.

Case #21-14

Jason & Jenna Ashby

332 Chester Turnpike – Map 11, Lot 8-4

Zoned Residential Two

Applicant is requesting a Variance from Article 5, Section 5.08(1)(a) to permit the construction of a 30-foot by 60-foot garage to be within the 125-foot wetland buffer of a Level One wetland in a Residential Two zone.

Mr. Wright asked the applicant to present their case. Neither Mr. Ashby nor Mrs. Ashby were present tonight. Mrs. Rouleau-Cote commented that, she has not seen anything at this time. Mr. Wright stated that, hearing nothing and not knowing if there was an emergency and the like. Mr. Wright asked the Board for a motion to table this case for another month to give the applicant a chance to reappear next month rather than making them pay the fees again.

Mr. DiPietro made a motion to TABLE the case until September 28th for Case #21-14, 332 Chester Turnpike, Tax Map 11, Lot 8-4. Seconded by Mr. Carroll. Mrs. Daoust voted to Table, Mr. Carroll voted to Table, Mr. Stuart voted to Table, Mr. DiPietro voted to Table, and Mr. Wright also voted to Table. A vote was taken and, all were in favor and the case was Tabled until September 28th, 2021.

Mr. Wright informed Mrs. LaChance to reach out to the applicant and inform them that the case was Tabled until September 28th. Mrs. Rouleau-Cote asked Mr. Wright if there were any abutters present for this case. Mr. Wright asked if there were any abutters. One abutter was present who were Mr. and Mrs. Ron Correia of 362 Chester Turnpike. Mr. Wright wanted to be sure that the abutter is notified in the event that they come back. Mr. and Mrs. Correia thanked the Board members and exited the meeting.

**Case #21-15
Scott & Judith Upham
17 Oaktree Road – Map 17, Lot 19
Zoned Residential One**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to permit a structure to remain in place within the 50-foot front property line in a Residential One zone.

Mr. Wright informed everyone present tonight that, Scott and Judith Upham have requested that the case be Tabled. Mrs. Daoust indicated that she is an abutter to this case and cannot vote on this. Mr. Wright said, yes, that she would need to recuse herself from this case and sit in the audience. Mr. Wright stated that they would need three (3) members to vote on this case.

With that said, Mr. Wright asked for a motion to Table this case until September 28th.

Mr. Stuart made a motion to TABLE the case until September 28th for Case #21-15, 17 Oaktree Road, Tax Map 17, Lot 19. Seconded by Mr. DiPietro. Mr. Stuart voted to Table, Mr. Carroll voted to Table, Mr. DiPietro voted to Table, and Mr. Wright also voted to Table. A vote was taken and, all were in favor with Mrs. Daoust recusing herself from this case and the case was Tabled until September 28th, 2021.

Mr. Wright asked Mrs. LaChance to read the next case into the minutes. Mrs. LaChance read the case into the minutes.

Case #21-16
Philip & Lynn Guida
200 Rockingham Road, Tax Map 27, Lot 13
Zoned Commercial Two

Applicant is requesting a Variance from Article 2, Section 2.02(37) to operate a home business (permitted use) within existing detached accessory structure (not within the single-family dwelling) in a Commercial Two zone.

Mrs. Guida began by saying that they are looking for a Variance to have a home business within an existing detached accessory structure. Mr. Guida indicated that, he specializes in music and that it's strictly an online business with some local pick up. It would be anything from memorabilia to records and instruments. He has had this business since 2003 and he's an engineer and does not have too much time to do this but is heading towards retirement. At this time, Mrs. Guida read their application into the minutes for the record. Mr. Wright summarized what they were looking for which was a home business that was detached from the home that would be selling memorabilia and records and instruments which is sold online and that there would be some local pick up with a single-family dwelling on the property.

Mr. Wright asked Mrs. Rouleau-Cote if she had any questions or comments. Mrs. Rouleau-Cote began by saying that, the nature of the home is permitted in that zone and the reason she is before the Board is because the activity occurs in the detached structure that is existing on the property. Mrs. Rouleau-Cote informed the Board of the previous businesses that have occurred on the property and that they can have up to one other employee outside of the family. A brief discussion ensued with regard to the previous business being abandoned and that is why they are before the Board tonight. Mr. Wright talked about parking and traffic. Mrs. Rouleau-Cote informed the Board that the single-family home and the detached structure is far enough off of Rockingham Road and that they would have plenty of room to turn around and that no one would be backing up onto Rockingham Road. Mrs. Rouleau-Cote did mention that if she thought that this would be something that would be affecting the neighbors with regard to sound or activities like that then the Planning Board should go through hours of operation and such but believed that most of this was online. Mr. Wright asked if there would be concerts. Mrs. Guida said no.

Mr. Wright asked if there were any abutters present. Mr. Robert Rand of 226 Rockingham Road asked about hours of operation and noise. Mr. Rand did not understand the Variance. Mrs. Rouleau-Cote explained that the way our ordinance is written is that the home business is to be conducted within the single-family home and because this is detached it is accessory to the single-family. Mr. Carroll wanted to know if they would be granting a Variance to have any business in there or if the business were to change would they have to come back before the ZBA. Mr. Wright commented that, it would be up to the Board and believed that they could limit it to the extent they can to the business being online with music related goods and other rare collectibles and storage to be within the building. Basically, limit it to the business requested and if that changed they would have

to come back before them so if it's sold and the new owners want to conduct an online music business then they would be okay as long as it's music related. A brief discussion ensued regarding what they are proposing and no concerts.

At this time, Mr. Wright stated that he would entertain a motion to vote on the application.

Mrs. Daoust made a motion to vote on the Variance to allow a home business to occur within the detached accessory dwelling with the purpose it be an online music related goods and other rare collectibles with storage to be within the building with no outside storage and shall be transferred to the next owners if it is a similar business for Case #21-16, 200 Rockingham Road, Tax Map 27, Lot 13. Seconded by Mr. DiPietro. Mrs. Daoust voted to grant as he believed all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant finding all five (5) factors have been met, and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright asked if they had any questions. None were noted. Mr. Wright moved on to the next case. Mrs. LaChance read the next case into the minutes for the record.

**Case #21-17
Mary & Christopher Shank
24 Hawthorne Drive, Tax Map 5, Lot 69-30
Zoned Rural**

Applicant is requesting a Special Exception from Article 2, Section 2.02(28) to permit the creation of an accessory dwelling unit above attached garage which will meet all setback requirements within a cluster subdivision in a Rural zone.

Mrs. Shank explained what they were proposing to do which is to obtain a Special Exception to permit an accessory dwelling unit that would be above the attached garage. Mrs. Shank read her application into the minutes for the record.

Mr. Wright asked Mrs. Rouleau-Cote for any input or comments. Mrs. Rouleau-Cote informed the Board members that, Mrs. Shank was applying for a Special Exception to allow an accessory dwelling unit and that she has seen the layout of the proposed accessory dwelling unit and it meets the 750 square foot criteria with regard to the maximum square footage. Mrs. Rouleau-Cote also talked with the applicant regarding septic requirements.

Mr. Wright asked if there were any abutters present. Mrs. Bernier began by talking about the development and that her main concern is the wetlands behind her home and the drainage that goes under their driveway. Mrs. Bernier wanted to know how they would divert the water since the dwelling unit would be high up because she did not want to ruin

their driveway. Mrs. Bernier talked about being in a cluster subdivision and that there are no setbacks from property lines only setbacks from structure to structure. Mrs. Bernier pointed out the large tree between the two (2) properties. Mrs. Bernier was mainly concerned about water runoff. Mr. Wright asked Mrs. Shank if she could address any of the concerns that Mrs. Bernier had. Mrs. Shank explained that there was approximately 47 feet to the lot line which is what they are going off what they were given from the town. Mrs. Shank talked about the distance that the new addition would be 11 feet from the property line and that they wanted to be sure that all the cars are parked in the driveway. Mr. Wright asked what the size of the structure would be. Mrs. Shank stated that it would be 36 feet by 24 feet. A brief discussion ensued with regard to the trees between the properties and that they don't want to take any more trees than is necessary. Mr. Wright asked if a surveyor would be surveying the property. Mrs. Shank stated that, if getting a surveyor to do a survey of the property then they will in order to get this done. Mr. Wright added that, there is nothing in the ordinance that says they need to get a surveyor but some of the concerns from the abutter falls outside the jurisdiction of the Town of Auburn's Zoning Ordinance. Mrs. Shank also pointed out that there would be a retaining wall and a walkway around the garage.

Mr. Wright asked if there were any other abutters present or interested parties. None were noted. Mr. Wright opened the questions up to the Board members. Mr. Stuart asked if the garage and ADU on an existing parking area. Mrs. Shank said yes and would be extending the driveway about 5 feet. At this time, Mrs. Shank showed the proposed plan to the Board members. A brief discussion ensued with regard to the proposed plan. Mrs. Bernier was concerned with trees being taken down and damage to her property. Everyone was well aware of the potential and Mrs. Shank understood the liability of an abutter's property was damaged.

Mr. Wright noted Mr. Bergeron entered the meeting, but that Mrs. Daoust started hearing this case and would vote on this application. Mr. Wright asked if there were any further questions by the Board. None were noted. Mr. Wright indicated that, if he did not hear a motion to enter into deliberations that he would entertain a motion to vote on the application as submitted.

Mr. DiPietro made a motion to vote on the Special Exception as submitted to permit the creation of an Accessory Dwelling Unit above attached garage which will meet all setback requirements in a cluster subdivision for Case #21-17, 24 Hawthorne Drive, Tax Map 5, Lot 69-30. Seconded by Mr. Carroll. Mrs. Daoust voted to grant as she believed all four (4) factors have been met, Mr. Carroll voted to grant as he believed all four (4) factors have been met, Mr. Stuart voted to grant as he believed all four (4) factors have been met, Mr. DiPietro voted to grant finding all four (4) factors have been met, and Mr. Wright also voted to grant finding all four (4) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright thanked the applicant and the abutter for their input and wished them luck. Mr. Wright asked Mrs. LaChance to read the last case into the minutes for the record. Mrs. LaChance read the next case into the minutes.

Case #21-18
KTLC II, LLC
William McEvoy (Owner)
404 Hooksett Road – Map 9, Lot 16
Zoned Commercial Two

Applicant is requesting a Special Exception from Article 4, Section 4.07(5) to allow a mixed-use development; a Variance from Article 4, Section 4.07(4) to allow a warehouse establishment use on a parcel already occupied by a non-conforming multi-family within the Commercial Two zone; a Variance from Article 5, Section 5.08(1) to allow a building, fence, and landscaping within 25-feet of a farm ditch; and, a Variance from Article 4, Section 4.06(6) to exceed the maximum 40% lot coverage in a Commercial Two zone.

Attorney Dan Muller presented the case on behalf of the applicant. Attorney Muller began by saying that, when they initially filled with the Board that they had a slightly different plan. At that time, the plan was to preserve the three (3) family and establish a self-storage unit in the rear. After they filed this application with the ZBA, there was a trip to the Planning Board at which time a number of concerns were raised in particular was the access drive with a three (3) family and access to the self-storage units. With that said, they are withdrawing their request for the Special Exception because they are now going to get rid of the three (3) family and the accessory structures that come with it. Attorney Muller explained that the impervious surface has been reduced with it previously being 69.2 percent and is now down to 61.6 percent. They have eliminated any question as to whether there is a 50-foot setback from the residential boundary. Now, it will simply be self-storage which will be single story units. There will be an office with a self-service kiosk inside. Attorney Muller explained the area for the Board to get an idea of the location. Attorney Muller stated that, they are looking for a use Variance to allow a warehouse establishment which are not allowed in the Commercial Two zone.

Attorney Muller went on to talk about the farm ditch and location and noted that they would be going to the Planning Board and that they would be looking for some landscaping to screen this. They would be looking for a Variance to allow building, fence, and landscaping to be 25-feet from a farm ditch. The last Variance is a request to exceed lot coverage to 61.6 percent where the maximum lot coverage is 40 percent.

At this time, Attorney Muller read his application into the minutes for the record. A copy of which can be found in the file. Attorney Muller just wanted to add that, they will also need to obtain an Alteration of Terrain permit for NHDES of which their requirement is that there be no increase in runoff. At this time, Attorney Muller asked the Board if they had any questions as he would be happy to answer them. Mr. Wright thanked Attorney Muller for his thorough presentation.

Mr. Wright asked Mrs. Rouleau-Cote for any input or comments. Mrs. Rouleau-Cote stated that, as the Attorney pointed out the application that you have before you has been somewhat modified after meeting with the Planning Board so they are still asking for three (3) areas of relief. The first is for the use because our zoning ordinance does not identify everything, and this actually falls under warehouse. The second is regarding a Variance from the farm ditch and that they have a ways to go with the Planning Board with regards to stormwater retention/detention and treatment which will be part of that process. This will all be done during the site plan review process with the Planning Board. The last one is for a Variance regarding lot coverage which has been reduced somewhat where our zoning ordinance maximum lot coverage is 40 percent. Mrs. Rouleau-Cote pointed out that, the Planning Board was hoping that potentially dropping it less after their discussions and believed that the Board should ask the applicant what a reasonable amount of coverage would be. Mr. Wright asked Attorney Muller that the maximum lot coverage is 40 percent, and they want to go to 61.6 percent. Attorney Muller said yes. Mr. Wright asked what the scope, effort and cost is to determine what is feasible in terms of pervious and impervious surfaces. Discussion ensued regard soil test and underground storage and there is no quick and easy way to do that, but this would be completed during the Planning Board site plan review. Mrs. Rouleau-Cote mentioned that the Planning Board had a concern with regard to lot coverage.

Mr. Wright asked if there were any abutters present. Mr. Dave Mercier of Rockingham Road stated that he was concerned about water runoff and the culvert that goes under Hooksett Road and dumps right onto his property. Mr. Mercier was not before the Board tonight against what they are proposing but his biggest concern is the amount of water that dumps onto his property which is affecting his trees and the value of his property as he has 6 acres. Mr. Mercier went through his concerns with regard to impervious surface, stormwater treatment and that the ground water may be high. Mr. Mercier also asked about grass as opposed to pavement effects water evaporation etc. Mr. Wright thanked Mr. Mercier for his input and comments.

Mr. Wright asked if there were any other abutters present. None were noted. Mr. Wright asked the Board members if they had any questions or comments. None were noted. Mr. Wright commented that, this makes perfect sense and what is being proposed is a good use of the property which would have limited demand on town services. Mr. Wright also added that, it seems like there is still more work to be done and that he did not have any questions but the big one seems like the water and the coverage of the lot which will continue to be an issue. Mr. Bergeron asked about the Planning Board meeting. Attorney Muller explained what they were proposing when they went before the Planning Board for an informal meeting and what they are now proposing. Attorney Muller indicated that, they tried to reduce some of it, but they are still at 61.2 percent. Discussion ensued with regard to the 50-foot setback to the residential and the fire access. Mrs. Rouleau-Cote pointed out that, Mr. Bergeron's concerns would definitely be part of the site plan review with the Planning Board. They are not looking for a reduction in the buffer at this time. Mr. Stuart asked about the pervious pavement and impervious areas. Attorney Muller stated that, they would be doing a full drainage design and all the concerns with AOT. A brief discussion ensued with regard to possible pervious pavement and impervious

materials. Mr. Stuart believed that, after meeting with the Planning Board that they may not need 61.2 percent lot coverage and may possibly only need 45 percent. Mr. Wright understood what Attorney Muller was saying that, he was looking at worse case scenario and would rather seek as much as possible as opposed to coming back before the ZBA. Mr. Wright strongly encouraged the applicant to work with the Planning Board and consider the site conditions to reduce the percentage of lot coverage. Mr. Mendola commented that he met with the Planning Board and that the one point that Mr. Poltak made was okay, you're going to the Zoning Board and you're going to ask for the impervious to be 61.2 percent and that they would take a look at that if you were successful and then work from there and they can take a look at if we can do better. Mr. Mendola went on to say that, as a developer, he wants to give the Board the assurance if he can and it does not kill the project totally he would like to do better but he would like to give the Planning Board that guardrail then they really have nothing to talk about because the Planning Board will be sitting there saying "hey all you got is 40 percent." So that would kill the project so he would like the ZBA to work with them and allow the 61.2 percent. Mr. Stuart agreed with Mr. Wright that, this was an excellent project, and it was an excellent location. A brief discussion ensued to the amount of relief that the applicant is seeking. Mrs. Rouleau-Cote had a comment regarding lot coverage and such and pointed out that this property is a blank template and there are ways they can reduce lot coverage as they could take away two (2) buildings and they can reduce the lot coverage and if this Board is granting them relief that she strongly encourages them to work with the Planning Board and hopefully come to something that both the Planning Board and the applicant can feel good about at the end of the day. Mrs. Rouleau-Cote added that, certainly with the soil studies and the like that they limit how much water on the property that they can treat and that may change some of the dynamics of the design.

Mr. Wright asked if there were any other questions and that we may want to enter into deliberations.

Mr. Stuart made a motion to enter into deliberations. Seconded by Mr. Bergeron. The Board entered into deliberation at 9:41pm.

Mr. Wright began by saying that there are excellent questions, and the concerns are right on. Discussion ensued that one story was better than two-story buildings and that the concerns are mainly on the amount of lot coverage. Mr. Wright understood where Mr. Stuart was coming from with regard to his comments above. Mr. Wright explained that this probably satisfied him and yes it is more than our ordinance and it's not a conceptual and they are before the Board tonight after they went to the Planning Board and yes it's 61.2 percent and they have specifics and they're going to go before the Planning Board and they will ultimately pick a number and the applicant will try to get to it. It may ultimately kill the project and did not believe that was fair to the applicant.

At this time, Mr. Wright opened it up to the Board members. Mr. Carroll agreed that they were basically looking at the lot coverage. Mr. Carroll believed that they had a few more hurdles to go through next as well. Mrs. Daoust believed it was a good fit for the area and believed that the percentage of lot coverage was not an issue. Mr. Bergeron believed

that they could say 61 percent and if they wanted more that they would have to come back before the Board, and it may drop during the Planning Board review. Mr. Wright agreed. Mr. DiPietro did not have anything to add at this time and would move to come out of deliberation. Mr. Stuart was not quite done yet. Mr. Stuart believed it was a great plan and a great area and commented that Mrs. Rouleau-Cote was correct, and they are asking for a change that was big with 61 percent lot coverage and it may be reduced after the soil survey is done. Mr. Stuart talked about the abutter and that it could reduce property values in the area and that the storage could increase the water flow. Mr. Stuart wanted to add that there cannot be any increase in runoff. Mr. Stuart believed that they should come back before the Board with more information and did not believe they met the Variance requirement for #3(A). Mr. Wright commented that, if they made them go back and they came back at 53 percent would that change my view and the 7 percent made a difference. Mr. Wright still believed it made sense. Mr. Stuart pointed out that the abutter voiced his concern. Mr. Wright did not believe this was their last step and believed the abutters concerns would be addressed through AOT and the Planning Board.

Mr. Wright asked if there were any other comments. Mr. DiPietro did not have a concern with the 61.2 percent and believed to get that number smaller would be to make the project smaller. Mr. DiPietro added that there would be some type of mitigation that could handle it and noted that it was a big number.

Mr. DiPietro made a motion to exit deliberations. Seconded by Mr. Bergeron. The Board came out of deliberation at 10:00pm.

Mr. Wright asked if there were any additional questions for the applicant. None were noted. Mr. Wright began with the Special Exception which has been removed and therefore the Board would be dealing with three (3) Variances of which they would take up one at a time. Mr. Wright asked the applicant for clarification on the number requested. Attorney Muller indicated that it was 61.6 percent. Mr. Wright began with the Variance request to allow a warehouse within the Commercial Two zone.

Mr. Stuart made a motion to vote on the Variance request to allow a warehouse establishment use for Case #21-18, 404 Hooksett Road, Tax Map 9, Lot 16. Seconded by Mr. Carroll. Mr. Bergeron voted to grant as he believed all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant finding all five (5) factors have been met, and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright moved on to the next Variance request to allow the building, fence and landscaping within 25-feet of the farm ditch.

Mr. Stuart made a motion to vote on the Variance request to allow a building, fence, and landscaping within 25-feet of a farm ditch for Case #21-18, 404 Hooksett Road, Tax Map 9, Lot 16. Seconded by Mr. DiPietro. Mr. Bergeron voted to grant as he believed all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant finding all five (5) factors have been met, and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright moved on to the third Variance to exceed lot coverage in a Commercial to zone where the applicant is looking for a number not to exceed 61.6 percent.

Mr. Carroll made a motion to vote on the Variance request to exceed the maximum 40 percent lot coverage to be 61.6 percent for Case #21-18, 404 Hooksett Road, Tax Map 9, Lot 16. Seconded by Mr. Bergeron. Mr. Bergeron voted to grant as he believed all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to deny as he believed that factor #3 was not met and therefore voted to deny, Mr. DiPietro voted to grant finding all five (5) factors have been met, and Mr. Wright also voted to grant finding all five (5) factors have been met. A vote was taken and, all were in favor with Mr. Stuart denying the request and the motion passed by a vote of 4 to grant and one to deny.

Mr. Wright thanked the applicant for their presentation and the discussion ended and the applicant exited the meeting.

Mr. Wright moved on to the approval of the meeting minutes for June 29, 2021.

Minutes

Mr. DiPietro made a motion to accept the minutes of June 29, 2021, as written, seconded by Mr. Carroll. All were in favor, with Mr. Wright abstaining as he was not present at the last meeting, and the motion passed.

Other Business

With that said, Mr. Wright thanked the Board members for everything throughout the years as this would be his last Zoning Board of Adjustment meeting as he is leaving the Town of Auburn.

With that said, Mr. Wright asked for a motion to adjourn.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mr. DiPietro. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 10:15 p.m.

The next scheduled meeting for the Zoning Board of Adjustment is September 28, 2021 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.

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