

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
January 25, 2022**

Present: Kevin Stuart, Vice-Chairman. Shawn Matte & Patrick Bergeron, Members. Shannon Daoust, Nick Pappas & Steven Kimball, Alternate Members. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. Doug MacGuire of the Dubay Group along with the applicant, David Haddad.

Absent: Mike DiPietro, Chairman. Jill Dross, Member.

Mr. Stuart called the meeting to order at 7:00 p.m. At this time, Mr. Stuart introduced the Board members to everyone present tonight and then explained the procedure for tonight's hearing. Mr. Stuart elevated Mr. Kimball and Mr. Pappas to full voting members for the first case. Mr. Stuart moved on to the first case on the agenda and asked Ms. Royce to read the case into the minutes.

**Case #21-31
Revision Energy
Francois De La Bruere-Terreault
193 Old Candia Road – Tax Map 13, Lot 13A
Zoned Commercial Two**

Applicant is requesting a Rehearing pertaining to a Variance request to permit construction of three (3) ground mounted solar arrays between the home and side property line to be within the 30-foot side setback that was Denied on December 14, 2021 in a Commercial Two zone.

Mr. Stuart informed the Board members that this was a request for rehearing and asked the Board members if they had any questions. Mr. Bergeron recalled this was the case on the solar panels. Mr. Stuart said yes and explained that they did have representatives and the representative was not present at the hearing and it wasn't totally clear. Mr. Stuart indicated that in his opinion he believed they should be given a chance to at least have representation with them at the rehearing. Mr. Stuart turned to the Board for comment. Mr. Bergeron believed there was some miscommunication. With that said, Mr. Stuart asked for a motion to vote on the request for a rehearing.

Mr. Pappas made a motion to vote on the request for rehearing for Revision Energy, Francois De La Bruere-Terreault, 193 Old Candia Road, Tax Map 13, Lot 13A, seconded by Mr. Bergeron. Mr. Pappas voted to grant the request for rehearing, Mr. Matte voted to grant the request for rehearing, Mr. Kimball voted to grant the request for rehearing, Mr. Bergeron voted to grant the request for rehearing, and Mr. Stuart also voted to grant the request for rehearing. The motion passed and the rehearing is granted and will be reheard on Tuesday, February 22, 2022.

Mr. Stuart moved on to the second case on the agenda and noted that the case has been withdrawn by the applicant but asked Ms. Royce to read the case into the minutes for the record.

Case #21-14

Jason & Jenna Ashby

332 Chester Turnpike, Tax Map 11, Lot 8-4

CASE WITHDRAWN

Zoned Residential Two

Continued from September 28, 2021

CASE WITHDRAWN BY APPLICANT

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. Stuart informed the Board that since the case was withdrawn that no motion was required and therefore moved on to the last case on the agenda for tonight.

Case #22-01

David Haddad

Londonderry Turnpike, Tax Map 1, Lot 27

Zoned Rural

Applicant is requesting a Variance from Article 4, Section 4.05(2) and Article 3, Section 3.013(1)(a) to amend previously approved Variance granted June 2021 (Case #21-13) where the applicant proposes townhome style residential dwelling units (2 three-unit buildings where one six-unit building was previously proposed) within the Rural zone.

Mr. Stuart elevated Mrs. Daoust and Mr. Kimball to full voting members for this case. Mr. Stuart asked whoever was presenting to please introduce themselves. Mr. Doug MacGuire of the Dubay Group stated that he would be presenting on behalf of the applicant, David Haddad who was present tonight as well. Mr. MacGuire explained that they were before the ZBA back in June of last year for a Variance for property located at the corner of Wilson's Crossing Road and Londonderry Turnpike. Mr. MacGuire moved on to say that when they came before the Board last that they felt that a townhouse development in lieu of two (2) duplexes made more sense on this particular piece of

property. They have moved forward after they received the Variance from the Board with a full detailed plan. When they were preparing to submit an application to the Planning Board it was suggested that we come back to the Zoning Board to amend their zoning permit because now they are proposing two (2) three (3) unit buildings instead of one six (6) unit building. The main reason that this is a change is mainly because what they found onsite with regards to topography and their proposal is that they feel that this is the same application with the same merits, but they are asking for an amendment because they feel that they presented a conceptual layout that is different with what they are moving forward with. It's the same number of units only two (2) three (3) unit buildings and believed it was the same criteria. At this time, Mr. MacGuire read his application into the minutes for the record. Mr. MacGuire concluded by saying that he would be happy to answer any questions that the Board may have.

Mr. Stuart commented that, there was reference that there would be only one septic and now there were two (2) septic systems. Mr. MacGuire answered by saying that, that was the way they were proposing it but if it were a concern, they could discuss that as they do have other options but what they were proposing is one leachfield for each three (3) unit building and indicated the locations on the plan. Mr. MacGuire indicated that they could go back to one septic system if it were a concern for the Board.

Mr. Kimball talked about the previous Variance that was granted for one six (6) unit building and now they are before the Board to amend it to two (2) three (3) unit buildings. Mr. MacGuire said yes. A brief discussion ensued with regard to the amendment. Mr. MacGuire also informed the Board that they believed it was still the same with six (6) units but in talking with staff they believed it required them to go back before the Zoning Board and that was why they were here tonight. Mr. Kimball believed if there was no further increase in the non-conformity then it shouldn't be a concern and should be pretty straight forward. Mr. MacGuire also indicated that they were reducing the impervious as well and they are meeting all setbacks.

Mr. Stuart asked if there were any further questions from the Board. None were noted. Mr. Stuart asked if there were any abutters or interested parties that had any questions. Ms. Jean McKenzie who lives across the street on Londonderry Turnpike asked how far back the units would be. Mr. MacGuire indicated that they would be two hundred plus feet from the entrance on Londonderry Turnpike and that there would be a tree buffer kept on the right side of the entrance to maintain a buffer between the other house that abuts this lot. Ms. McKenzie pointed out that she has chickens and horses and wanted to make sure that would not be an issue to new owners. A brief discussion ensued with regard to the buffer that would be put in place.

Mr. Robert Desfosses of Londonderry Turnpike asked Mr. MacGuire who did the survey. Mr. MacGuire indicated that his office did. Mr. Desfosses commented that he did not believe his boundary line was not located properly on his plan. Mr. Desfosses also indicated that he had two (2) recorded plans that disagree with his survey and had two (2) deeds that go back to 1881 and 1892 and would like to talk to him about that. Mr. MacGuire did not believe this was the forum for that and believed his staff did a full

boundary survey but would be happy to speak with him and determine the boundary and review that. Mr. Stuart indicated that, that was not in the purview of this Board.

Mr. Stuart asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote commented that she did request that the applicant come back to the Zoning Board because of the way it was presented before and the way they are now presenting it and just wanted to keep things clean because first there was one building and now there are two (2) buildings. Mrs. Rouleau-Cote explained a previous applicant who came back before the Board with a change in the number of contractor bays. Mrs. Rouleau-Cote went on to say that she did not have a problem with the two (2) leachfields and thought the two (2) fields may be more advantageous to the association by separating the load. Mrs. Rouleau-Cote just wanted to point out that in the previous proposal that they stated there would be one field and now there would be two (2) fields and just wanted the Board to be aware of the change.

Mr. Stuart asked if there were any other Board members that had any other questions or comments. Mr. Bergeron asked Mr. MacGuire what caused the increase in acreage that was found. Mr. MacGuire stated that, when this was originally brought before the Board that they had not done a full survey of the property and was basically working off of the tax map data and assumptions and when they got done with the actual survey, they found the extra acreage.

Mr. Stuart asked if there were any other questions. Mrs. Daoust commented that, previously there was some concern about the visual of it and believed that the visual was better this way and was reduced. Mr. Matte also agreed with Mrs. Daoust that this looks a lot better and has some character to it. A brief discussion ensued with regard to the new look and the added buffer to reduce visibility from the road.

Mr. Bergeron made a motion to vote on the Variance application as presented for Case #22-01, David Haddad, Londonderry Turnpike, Tax Map 1, Lot 27. Seconded by Mr. Matte. Mr. Kimball voted to grant finding all five (5) factors have been met, Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Bergeron voted to grant finding all five (5) factors have been met, Mr. Matte voted to grant finding all five (5) factors have been met, and Mr. Stuart 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. Stuart thanked the applicant and informed them of the 30-day appeal period and the two (2) year time frame for substantial completion or they would need to come back before the Board to request an extension.

Minutes

Mr. Stuart moved on to the approval of the minutes of December 14, 2021.

Mr. Bergeron made a motion to approve the minutes of December 14, 2021, seconded by Mrs. Daoust. Mr. Kimball voted to approve the minutes, Mrs. Daoust voted to approve the minutes, Mr. Bergeron voted to approve the minutes, Mr. Matte voted to approve the minutes, and Mr. Stuart also voted to approve the minutes. A vote was taken and, all were in favor and the motion passed.

New Business/Other Business

Mr. Stuart asked if there was any new business. Ms. Royce informed the Board that as of today they had three (3) cases for February and possibly a fourth. Mr. Matte asked what the date of the February meeting would be. Ms. Royce stated that the February meeting is scheduled for Tuesday, February 22nd at 7:00pm here at town hall.

Mr. Stuart thanked the Board members for tonight's meeting and asked for a motion to adjourn as this concluded tonight's hearing on an early note.

Adjourn

Mr. Bergeron made a motion to adjourn, seconded by Mrs. Daoust. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:33 p.m.

The next scheduled meeting is scheduled for Tuesday, February 22, 2022 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.