

**Town of Auburn  
Zoning Board of Adjustment  
September 22, 2015**

**Present:** Mark Wright, Chairman; Jeffrey Benson and Mike DiPietro, Members; Kevin Stuart, Peggy Neveu and Robert Beaurivage, Alternate Members. Minutes recorded by Kathryn Lafond.

**Also Present:** Carrie Rouleau-Cote, Building Inspector.

**Absent:** Jim Lagana, Vice Chairman; Elizabeth Robidoux, Member.

Mr. Wright called the meeting to order at 7:05 p.m. and introduced the Board Members and explained the procedure for tonight's hearing to everyone present. Mr. Wright elevated Mr. Kevin Stuart and Mrs. Peggy Neveu to full voting status for the first case and asked Ms. Lafond to read the first case into the minutes for the record.

**Case #15-19  
Sterling Homes, LLC  
Keith Martel  
58 Dearborn Road – Map 8, Lot 42  
Zoned Residential Two**

*Applicant is requesting a Variance in a Residential Two zone. (Article 5, Section 5.04(1)(a)) to permit 3,250 square feet of impact to an existing Level 1 wetland and to impact 98,000 square feet of a Level 1 wetland buffer in a Residential Two zone.*

Mr. Keith Martel presented to the Board, indicating that he is seeking relief to impact the wetland for a residential driveway and to access the upland of proposed lot 42-9 and to the wetland buffer for driveway access to lots 9, 10 and 11. Mr. Martel presented the Board member with a packet of conceptual designs. Concept 25 was the original design for a cluster subdivision in the area which the Conservation Commission supported; due to the talk about town regarding cluster subdivisions and the areas criteria the applicant also designed Concept 09 for a conventional subdivision. Both concepts were presented to the Planning Board and the Planning Board did not support the cluster subdivision in a vote of 3 to 2. Mr. Martel described Concept 09 with 19 lots and a horseshoe shape road, which the Planning Board and the abutters supported. Mr. Martel continued that the wetland and vernal pool were discovered on the sites which lead to Concept 13 which ends with a cul de sac instead of the horseshoe road; it requires a waiver of the length of the cul de sac but avoids the vernal pool. Mr. Martell went on to describe other challenges, a proposed infiltration pond and driveway access in a zoomed in depiction of the proposed design. Mr. Martel commented that their choices were limited but choose the most logical choice, adding that the Conservation Commission does not embrace the conventional subdivision in this area but they did provide good feedback. Mr. Martel referenced Concept 15, informing the Board that

based on their meeting with the Conservation Commission Doug and MacGuire and Keith Coviello re-organized and changed the lot geometry and were able to increase the buffer, changed the road geometry and decrease the size of the infiltration pool. Mr. Martell spoke with regards to the uphill grade on lot 41-10.

Mr. MacGuire addressed the Board and indicated that based on the Conservation Commissions comments the applicants changes depicted in Concept 15 reduces the proposed impact to 78,050 square feet and provides for a minimum of a 50 foot buffer. Mr. MacGuire read the application into the record.

Mr. Wright stated that he appreciates the detail and history that the applicant has provided and asked if there were any abutters' comments. No abutters were present.

Mr. Wright indicated that the Zoning Board is in receipt of the Conservation Commission meeting minutes asked for comments from the Conservation Commission at this time. Mrs. Peg Donovan introduced herself and stated that as the Board knows from the Conservation Commission minutes they challenged the detention pond in the buffer, she appreciates that applicant moving things around, 50 feet is better than zero.

Mr. Stuart asked regarding the Planning Boards decision on the proposed cluster subdivision. Mr. Martel clarified that based on the Boards 3 to 2 vote and the public comments he did not move forward with pursuing the cluster option but rather the conventional. Mr. Coviello also explained that the area does not meet the 20% requirement in the Town's cluster development regulations, this area was approximately 15% to pursue a cluster subdivision it would have required a waiver from the regulations. Mr. Stuart asked if the vernal pool put the area at or closer to 20%. Mr. Coviello stated no. Mr. Martel stated that a cluster subdivision would have resulted in less road and more lots, if he could have moved forward with it he would have.

Mrs. Donovan asked if there was any were else for the infiltration pond. Mr. MacGuire described the existing grades in the area and the groundwater recharge requirements, indicating that the proposed area is the only viable location. Mrs. Donovan noted that it seems the applicant really tried to address the Conservation Commission concerns.

Mr. Benson asked how far away the proposed is from the wetland. Mr. MacGuire referenced and described the provided impact plan. Mr. MacGuire stated that they overlapped impacts to try to minimize them.

Mr. Beaurivage asked if this new proposal has been seen by the Conservation Commission. Mrs. Donovan stated no, the changes were made after meeting with the Conservation Commission. Mr. MacGuire noted that this proposal did go before the Planning Board and other members of the Conservation Commission were there. Mr. Beaurivage confirmed that the cluster option was shot down twice by the Planning Board. Mr. Martel stated yes. Mr. Beaurivage stated that's too bad. Mr. Beaurivage asked regarding the driveway length to which Mr. Martel described it. Mr. Beaurivage asked if this proposal is more acceptable to the Conservation Commission. Mrs.

Donovan stated it was better but she can't say the Conservation Commission stands behind it. The Board agreed that they were prepared to vote and they would be acting on the application with the changes reflected in concept 15 which shows a reduction of the buffer impact from 98,000 to 78,050.

***Mr. DiPietro made a motion to vote on the application as amended to 78,050 square feet of impact...for Case #15-19, Tax Map 8, Lot 42, seconded by Mrs. Neveu. Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant, and Mr. Wright also voted to grant. The motion passed in the affirmative.***

#### **Case #15-20**

**Johanna & Paul Gouin**

**62 Fox Lane – Map 3, Lot 6-15**

**Zoned Residential Two**

*Applicant is requesting a special exception to allow the operation of two (2) home businesses within the residence in a Residential Two zone. (Article 4, Section 4.06(3)(d)).*

Mr. Wright provided the applicant a copy of the application to read from. The applicant read the application for the record. Mr. Gouin indicated that his wife makes soaps and he does woodworking. Mr. Gouin continued that no customers will come to the house; they intend to sell online or craft fairs, etc. Mrs. Gouin stated that she spoke with Mr. Moses Peabody and he is not in opposition with the proposed use, Mr. Peabody had planned on attending but was unable to due to family visiting. Mr. Wright noted that Mr. Peabody was noticed appropriately and had opportunity to attend.

Mr. Wright suggested that if the Board chooses to grant the special exception the business unit should be limited to soap making and wood crafting as described.

Mr. Stuart asked if the applicant had registered the company. Mr. Gouin stated not yet, they wanted the town's approval first.

Mr. DiPietro asked if the applicant would need to go before the Planning Board. Mrs. Rouleau-Cote indicated that the proposed company/companies are within the dwelling with no on-site direct customer sales so there is no need for a site plan review.

Mr. Beaurivage asked if there would be signage. Mr. Gouin stated no.

Mr. Wright elevated Mr. Beaurivage and Mrs. Peggy Neveu to full voting status for the case.

***Mr. DiPietro made a motion to vote on the application as presented for Case #15-20, Tax Map 3, Lot 6-15, seconded by Mr. Beaurivage. Mr. Beaurivage voted to grant, Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Benson voted to grant, and Mr. Wright also voted to grant. The motion passed in the affirmative.***

#### **Minutes**

***Mr. Beaurivage made a motion to accept the minutes as written for July 28, 2015, seconded by Mr. Stuart. All were in favor, the motion passed in the affirmative.***

#### **Adjourn**

***Mr. DiPietro made a motion to adjourn, seconded by Mrs. Neveu. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:16 p.m.***

*The next ZBA Hearing is scheduled for October 27, 2015 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.*