

UNAPPROVED MINUTES

Town of Auburn Planning Board PUBLIC HEARING March 18, 2015

Present: Ron Poltak, Chairman; Alan Côté, Vice-Chairman; Karen Woods and Jim Tillery, Members; Steve Grillo, Alternate; Minutes recorded by Kathryn Lafond.

Absent: Paula Marzloff, Alternate.

Mr. Poltak called the meeting to order at 7:00 p.m. and introduced the Board members to those present and elevated Mr. Grillo to a full voting member for tonight's meeting.

MINUTES

Ms. Woods moved to accept the minutes of March 4th, 2015 as written; Mr. Grillo seconded the motion. A vote was taken; Mr. Côté abstained, all others members were in favor, the motion passed.

- ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Maverick Development
Steve Febonio/Eric Mitchell
Haven Drive & Pingree Hill Road, Tax Map 5, Lot 29 & 36
Major Subdivision – Final Review
25 Lot Cluster Subdivision
Conditional Use Permit – to permit a road
To be within 25 feet of a Level 3 wetland**

**JMJ Properties, LLC
Jean Gagnon/Eric Mitchell
Lovers Lane, Tax Map 8, Lot 25
Major Subdivision – Final Review
26 Lot Cluster Subdivision & 3 Conventional Lots
Conditional Use Permit – to permit a detention pond
Within a Level One wetland
Continued from February 18, 2015**

Mr. Poltak announced that these two hearings would be continued to the next Planning Board meeting scheduled for April 8th, 2015.

Mr. Poltak explained that due to the date that the required escrow funds for the Haven Drive & Pingree Hill Road Subdivision were received by the Town there was not adequate time for Stantec Consulting to provide their review to the applicant before tonight's meeting. The

applicant has in writing requested an extension to the April 8th Planning Board meeting to provide for more opportunity to receive and address any comments that Stantec may have.

Mr. Poltak explained with regards to the Lovers Lane Subdivision the Planning Board held off last month acting on the Conditional Use permit until the applicant met with the Zoning Board of Adjustments, at the February ZBA meeting the matter was tabled pending input from the Conservation Commission which was had on March 11th however discussion of this subdivision was not duly noticed for the 11th.

Mr. Porter confirmed that and then went on to explain that the Conservation Commissions view of the lots and based on the discussions with Stantec, they are firm on the understanding that the stream in question is a level one therefore the setbacks need to be 125 feet. Mr. Porter continued that discussions with Mr. Mitchell and Mr. Starace resulted in their agreement and they would be moving forward with that and would possibly be going before the Zoning Board for a variance.

**Informal – Wholesalers Unlimited, LLC
824 Londonderry Turnpike, Tax Map 1, Lot 21
Potential Lot Line Adjustment**

Mr. Don Duval indicated that back in 2010 a small piece of land was subdivided by the State and sold. Mr. Duval presented the Board with the preferred plan option for the potential lot line adjustment; a large 20 scale plan with a reference to the already recorded plan. Mr. Côté commented that if Mrs. Marzloff was in attendance she could speak to what is appropriate to record with the Registry of Deeds. The Board did not see a problem with the two sheet approach with the plan reference. Mr. Poltak verified the applicant is seeking to add this .6 acre lot to the other non-conforming lot. Mr. Duval explained that is correct and the applicant understands that the lots even with the lot line adjustment will still be non-conforming but they want to buy the lot while they have first option as this would provide a buffer from the State land and the prospect to potentially buy additional land from the State to perhaps have a conforming lot in the future. Mr. Duval thought that the applicant may be ready to present the lot line adjustment to the Board formally at the May meeting.

Mr. Kevin Dandrade presented a letter to the Board regarding the Haven Drive/Pingree Hill Road subdivision.

PUBLIC HEARING

**Strategic Consulting Company, LLC
Rob Starace/Eric Mitchell
Pingree Hill Road, Tax map 5, Lot 19
Major Subdivision – Final Review
9 Conventional Lot Subdivision
Conditional Use Permit – to permit a road
To be within 75 of a Level Two wetland
Continued from February 18, 2015**

Mr. Mitchell introduced himself to the Board and presented the subdivision plan. Mr. Mitchell indicated that they were before the Planning Board a month ago and then to the Zoning Board because there was requirements for the two detention ponds within the 125 foot wetland buffer. The Zoning Board continued the matter to get more input from the Conservation Commission; the applicant met with the Conservation Commission twice since then and is slated to go back

before the Zoning Board on March 31st. Mr. Mitchell went on to describe the last meeting with the Conservation Commission; they talked about setbacks, the applicant did have a variance request for a 75 foot setback and after a lot of discussion it did not look like the ZBA would approve it so that was withdrawn. They still have variance requests with regards to the detention ponds. Mr. Mitchell depicted on the plan the level two wetland as was determined by their soils consultant, at the last Board meeting it was requested that all wetland documentation be furnished to Stantec. The soils consultant visualized but had no data so the only way for Stantec to confirm that is to wait for all the snow to be gone so after talking to the Conservation Commission and the applicant it was decided that they will keep the 125 foot setback but ask relief to 100 feet on one lot, which Mr. Mitchell depicted on the plan. Mr. Mitchell indicated that this has been applied for. Mr. Mitchell depicted on the plan variance areas that the Zoning Board was agreeable with. Mr. Mitchell informed the Board that they received a letter from Stantec and have addressed many of the comments, the revised plans will be provided to Stantec tomorrow morning. Mr. Mitchell indicated that tonight he would like to discuss the Conditional Use Permit and depicted the area of the road for which the permit is for next to the level two wetland, a waiver the cul de sac length and a couple other little things. Mr. Poltak asked in the spirit of cooperation and collaboration that the Planning Board is trying to effectuate did the Conservation Commission take a position on all that Mr. Mitchell has shared tonight. Mr. Porter indicated that they did and shared that based on the detention pond and the changes that the applicant put forth and Stantecs approval they are acceptable from the Conservation Commissions standpoint. Mr. Porter went on to note that the Conservation Commission was pleased with the removal of the proposed 15 foot pipe, the relocation of the outlet and the accurate reflection of the level one stream. Mr. Poltak indicated that Mr. Mitchell can move forward to the Zoning Board with the Conservation Commission approval and the Planning Boards endorsement as well. Mr. Tatem stated that it was his understanding that the two detention basins in the level one setback require a variance but also in the level two, so asked if those also need a Conditional Use Permit. Mr. Poltak was unsure, after reading the regulations he doesn't believe so but Mr. Poltak asked Mr. Côté for a second opinion. Mr. Tatem thought that the Conditional Use Permits would be for the two detention basins and the roadway. Mr. Mitchell indicated that they filed for a Conditional Use Permit from about station 4+0 to about 8+0 and depicted that on the plan. Mr. Mitchell continued that this is a poorly drained soil and is over 5,000 square feet so it's a level two but there are no outlets that make it contiguous with any level ones, this wetland is isolated and acts a buffer itself. Mr. Mitchell explained that when they first looked at the road design they tried to stay out of the wetland but depicted where they have a 125 foot setback from a vernal pool and wetland crossing at the narrowest part, so they next looked at what was the least impacting. They decided to give the biggest setback to the vernal pool. Mr. Mitchell described another option for the road to stay out of the buffer but that increases the amount of pavement increase stormwater runoff. Mr. Mitchell went on by stated that in the ordinance it talks about review criteria and went on to read through the applicant's responses to the criteria 1 through 6. Mr. Poltak invited Mr. Mitchell to continue on to the other items he would like to discuss tonight. Mr. Mitchell stated that one of the waivers is for the length of the cul de sac. Other waivers, one of which Mr. Mitchell would like to speak with Mr. Tatem separately regarding is the driveway waivers, there is also a waiver request regarding the infiltration system being 3 feet instead of the towns required 4. Mr. Mitchell noted that the State requirement is 3 and Mr. Tatem's comments indicate support of that. Mr. Côté stated that various things that the Planning Board has granted Conditional Use Permits for including roads and other access ways, drainage ways, pipe lines, power lines, transmission lines, boat launches, domestic piers, wells, septic tanks, forestry work, agriculture, ponds, wetland mitigation, fire ponds, cisterns, retention basins and drainage systems, so the Planning Board can grant Conditional Use Permits for detention basins. Mr. Côté asked if the

applicant had requested Conditional Use Permits for the detention ponds as well as the road. Mr. Mitchell stated they did not. Mr. Côté didn't see why the Planning Board couldn't take it up all as one tonight for the plan as show with the detention ponds and the road way. Mr. Tatem stated that his only comment with regards to the Conditional Use Permit is the section of road is only being designed two feet above existing grade and there is about 2 foot water tables there, Stantec would like to see some other sort of protection in the area to avoid subgrade stability and frost related issues. Mr. Tatem asked if the applicant does decide to raise that section of road slightly and expand impact triggering guardrail, how the Board wants to handle this. Mr. Tatem would like to sit down with Mr. Mitchell and try to find a good compromise for the Board to approve of. Mr. Mitchell was willing to work with Mr. Tatem on that. The Board was open to this. Mr. Poltak asked for public comment and there was none.

Mr. Côté made a motion to Grant a Conditional Use Permit as proposed tonight for construction of the detention ponds and roadway in a level two wetland provided that the footprint does not change, should the impact change due to changes in road grade the applicant will need to come back before the Planning Board to revisit the matter; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak indicated that from an operational standpoint of the Planning Board the regulations stated that the Planning Board MAY grant conditional use permits for the various things that Mr. Côté referenced not SHALL, as we move forward with other wetland setbacks the MAY will only be exercised after input from the Conservation Commission and collaboration with the town's engineer and the Zoning board of Adjustments.

Mr. Côté made a motion to Grant a waiver from Section 9.04.4 to allow for a maximum of 1,589 foot cul-de-sac length instead of the maximum 1,200 foot length; Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté indicated that the reason he is supporting more than the 1,200 foot is there will be development and connection of the abutting lot in the future.

Mr. Côté made a motion to Grant a waiver from Section 10.07.52 to allow for the proposed infiltration system to be a minimum of 3 feet above seasonal high water instead of the required 4 feet; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Tatem informed the Board that NHDES has reduced their requirements to 3 feet, based on research that 3 feet provides adequate cleaning.

Mr. Côté made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on April 8th, 2015; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté informed everyone present meeting that this would be the only notice and that no further notices would be mailed out.

Ms. Woods made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on April 8th, 2015; Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak indicated that the 8th is not the Planning Boards normal hearing date but in efforts to move these projects along we will continued to then. Mr. Côté stated that this will be the only notice provided.

Mr. Côté stated that the Board needs to act on the Maverick Development request for extension to the 8th.

Ms. Woods made a motion to Continue the Public Hearing for Haven Drive & Pingree Hill Road, Tax Map 5, Lot 29 & 36 until the next Planning Board meeting which will be held on April 8th, 2015; Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

OTHER

Ms. Woods indicated that the Board of Selectmen have not yet met to appoint a Selectmen's representative to the Planning Board and Mr. Poltak will not be present at the April 8th, 2015 meeting, she suggested postponing the election of the Planning Board Chairman to the April 22nd, 2015 meeting. The other Board members were agreeable to this suggestion.

Mr. Poltak suggested that the Planning Board have a work session with the Conservation Commission at 6:00 p.m. on the evening of the next Conservation Commission meeting, April 7th. The other Board members were also agreeable to this.

ADJOURN

Mr. Côté moved to adjourn the Hearing. Ms. Woods seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:41 p.m.

The next Planning Board meeting will take place on Wednesday, April 8th, 2015 and will be held at the Town Hall, 47 Chester Road.