

**UNAPPROVED MINUTES  
Town of Auburn  
Planning Board  
PUBLIC HEARING  
July 15, 2020**

**Present:** Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Michael Rolfe & Jeff Porter, Members. Tom Lacroix, Jess Edwards (7:10pm) & Paula Marzloff, Alternates. Keith Leclair, Selectmen's Representative. Minutes prepared by Denise Royce.

**Also Present:** William Herman, Town Administrator

**Absent:** None.

Mr. Poltak called the meeting to order at 7:02pm. And thanked everyone for joining the meeting tonight and began reading the Meeting Preamble During COVID-19 Emergency which is as follows:

**MEETING PREAMBLE DURING COVID-19 EMERGENCY**

Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19 and is reinforced by Emergency Order #16 issued by the Governor on March 23<sup>rd</sup>. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency.

Governor Sununu issued Emergency Order #12 on March 23<sup>rd</sup> which provides local government boards the ability to conduct business using technology to hold remote meetings and not provide a public place of meeting but provide for the public's ability to listen to the meeting. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

**At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.**

**Please note that all votes that are taken during this meeting shall be done by Roll Call vote as required by RSA 91-A:2, III (e).**

**Let's start the meeting by taking a Roll Call attendance. When each member is called please state your name, and also please state whether you are physically attending the meeting or are remotely attending the meeting. If you are remotely in attendance, is there is anyone in the room with you during this meeting, which is required under the Right-to-Know law (RSA 91-A:2, III (c)).**

Mr. Poltak asked the Board members to introduce themselves and to state whether they were alone or if anyone was present with them tonight.

Mr. Poltak moved on to the roll call of attendees and began with the Board members and asked them to introduce themselves and to state whether they were alone or if anyone was present with them tonight and began as follows:

Mr. Steve Grillo indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Jeff Porter indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Rolfe indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mrs. Paula Marzloff indicated that no one else was in the room with her and that she consented to this meeting being recorded.

Mr. Tom Lacroix indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Poltak introduced himself as Chairman of the Planning Board and indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Poltak moved on to approval of the March 4<sup>th</sup> meeting minutes.

## **MINUTES**

**Mr. Porter moved to approve the minutes for March 4<sup>th</sup>, 2020 as written. Mr. Grillo seconded the motion. A roll call vote was taken as follows: Mr. Grillo voted to approve, Mr. Porter voted to approve, Mr. Rolfe voted to approve, and Mr. Poltak voted to approve, all were in favor and the motion passed.**

At this time, Mr. Poltak moved on to general business that he wanted to discuss with the Board members.

## **GENERAL BUSINESS**

Mr. Poltak wanted to congratulate Mr. Rolfe on becoming one of the Selectmen and stated that Keith Leclair who was our Selectmen's Representative has vacated and now Mr. Rolfe has become the Selectmen's Representative of the Planning Board. Mr. Poltak explained that, he has asked Mr. Lacroix to fill the seat vacated by Mr. Rolfe and he has graciously accepted filling that roll and would now request that one of the members make a motion to appoint Mr. Lacroix as a full member of the Planning Board until March town meeting 2021.

**Mr. Grillo made a motion to appoint Mr. Tom Lacroix to a full voting member of the Board until meeting in March of 2021. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Grillo voted to approve, Mr. Porter voted to approve, Mr. Rolfe voted to approve, and Mr. Poltak voted to approve, all were in favor and the motion passed and Mr. Lacroix was appointed as full member of the Planning Board.**

Mr. Jess Edwards joined the meeting at 7:11pm.

Mr. Poltak moved on to the next item on the agenda which was a surety reduction for 254 Real Estate Holdings, LLC which is 254 Rockingham Road. Mr. Poltak read the letter to everyone present, a copy which is available in the file. Mr. Poltak indicated that, the current surety being held by the Town of Auburn in the amount of \$10,439.00. The request has been made by Stantec, which stated that, "the remaining work items from our December 20, 2019 letter have been completed, with the exception of the submission of a stamped as-built plan. We understand that the Owner intends to complete and submit the required as-built plan within the next two months. Considering this, we recommend that the Town reduce the current surety from \$10,439.00 to \$1,500.00. The request is to

reduce the surety by \$8,539.00, holding \$1,900.00. \$1,500.00 to be released when the Stamped As-Built Plan is submitted and the \$400.00 is to pay Stantec. With that said, Mr. Poltak indicated that, he would need a motion to reduce the surety for 254 Rockingham Road from \$10,439.00 by \$8,539.00 retaining \$1,900.00. Then once the Stamped As-Built Plan is submitted we can release the remaining \$1,500.00.

**Mr. Grillo made a motion to reduce the surety for 254 Rockingham Road (254 Real Estate Holdings, LLC) from \$10,439.00 to \$1,900.00 with \$1,500.00 being reduced after receipt of the Stamped As-Built Plan is submitted. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Grillo voted to approve, Mr. Porter voted to approve, Mr. Rolfe voted to approve, Mr. Lacroix voted to approve, and Mr. Poltak voted to approve, all were in favor and the motion passed.**

Mr. Poltak moved on to a discussion on how the Board will conduct business into the future. As you know, we have not met since March and we have not had any major issues to deal with, but we do have a relatively busy agenda moving into the future. Mr. Poltak talked about the Covid 19 Coronavirus and indicated that, he would like to minimize the number of meetings that we have where we meet in person. Mr. Poltak believed that they could conduct their meetings in the same fashion that the Board is doing tonight but where it becomes extremely difficult to do so is when they have a major public hearing where it would be basically impossible to do over the phone. Mr. Poltak stated that, he would not want to conduct any public meetings absent utilization of people wearing masks. Mr. Poltak suggested to the Board that, any future public meetings be conducted in a manner where they would have appropriate social distancing of 6 to 10 feet between participants and would like to see those meetings held at the school when and if possible and that masks be made mandatory. Mr. Poltak has had this discussion with town counsel and the town administrator and further stated that, the town does have masks available for public participants and as a result, the law and the rules for conducting meetings as it relates to boards and commissions requires that the Board approve such an approach. It needs to be something that the Board discusses and endorses and takes up a vote in order to do so.

With that said, Mr. Poltak asked the Board for any questions or comments. Mr. Porter commented that, meeting at the school was a great idea and would we have that facility readily available to them and what was the frequency of this happening. Mr. Porter stated that, he has been told that when and if the school is available and believed it would be readily available to the Board. Mr. Poltak again reiterated how often will we be meeting as he trying to keep public meetings to a minimum and he is going to try to conduct the majority of his routine business such as tonight using this method. Basically, they will try to keep public meetings to a minimum.

Mr. Poltak pointed out to the Board that, forthcoming to the Board are two (2) applications requesting reductions in the setback to cluster buffers in Wethersfield and Haven Drive. Mr. Poltak added that, he has spoken with Ms. Royce and that basically all the information regarding the request can be forwarded to each of the Board Members to be able to move forward with these applications.

On another note, Mr. Poltak stated that, he recently had a conversation with an applicant so he is free to talk about this and went on to say that, an applicant has signed a purchase and sales agreement on the school property off of Dollard Road. Mr. Poltak commented that, the applicant was before the Planning Board to talk to the Board about Senior Housing. He has intentions of putting together a proposal for moving forward. They would intend access off of Dollard Road and not off of Hooksett Road. Mr. Poltak pointed out that, something of this nature would require a public meeting would be done at the school.

Mrs. Marzloff had a question regarding the mandatory response time for the Planning Board to act on an application and asked if the state has waived it. Mr. Herman chimed in and stated that, there is an emergency order whereby the Governor has waived any deadlines and that is why the Board has not had to meet since March. Mrs. Marzloff thanked Mr. Herman for his explanation. Mr. Poltak asked if it meant application deadlines. Mr. Herman said, application deadlines, submission deadlines whereby the Planning Board did not have to act on them even if they were submitted as long as there is a state of emergency that order stays in place.

Mr. Poltak asked the Board members if they had any further questions or comments on how they were to move forward with Planning Board activities. Mr. Grillo asked if there was opportunity to use the outside parking lot of the school as another option absent rain or weather than moving inside as there were some concerns with circulation of air and air conditioning. Mr. Poltak said understood and asked if there were any further questions or comments. There were no further questions or comments from the Board.

Mr. Poltak asked for someone to make a motion to endorse the utilization that face masks be mandatory at all public meetings of the Planning Board.

**Mr. Grillo made a motion to endorse the requirement of Board members and the public to wear appropriate face masks as defined by the CDC at public meetings of the Planning Board going forward. Mr. Porter seconded the motion.**

Mr. Edwards wanted to make a comment prior to a vote being taken. Mr. Edwards indicated that he has a legitimate medical condition that precludes him from wearing a mask. Mr. Edwards pointed out that, as an alternate he is not required and if by him showing up to a meeting without a mask he will just not show up and this is his personal situation. Mr. Poltak thanked Mr. Edwards for mentioning this and that if he had to elevate him to vote then he would explain the situation but if he did not have to elevate him that he would not have to be there. A brief discussion ensued regarding the requirement of wearing a mask at public meetings. Mr. Rolfe further explained that Mr. Edwards could have the same remote phone access to the meeting, and he could join on the phone. Mr. Porter believed that the quorum requirements no longer were applicable. Mr. Herman stated that, that was not correct, you still need a quorum and they can participate electronically whereby not everyone is in the same room. Mr. Porter asked about public meetings. Mr. Herman added that, some can participate electronically, and some can be in the same room and everyone can be on the Board even though not everyone is in the

same room. In conclusion, Mr. Edwards stated that he did not want anyone to feel uncomfortable and would make sure to dial in like today to participate in the meeting. Mr. Poltak believed it was a very acceptable approach and appreciate the offer and will take advantage of it. Mr. Poltak asked if there were any further questions or comments. None were noted. With that, Mr. Poltak asked for a roll call vote on the motion to require masks.

**A roll call vote was taken as follows: Mr. Grillo voted to approve, Mr. Porter voted to approve, Mr. Rolfe voted to approve, Mr. Lacroix voted to approve, and Mr. Poltak voted to approve, all were in favor and the motion passed.**

Mr. Poltak thanked the Board for their participation tonight and wanted to circle back to the applicant for the senior housing proposal on the existing school property will be requesting an informal meeting with the Building Inspector and our Planning Administrator, himself and Stantec next week. Mr. Poltak further added that, a time and place has not been set yet but when it is, he plans to share it with the Board members if they wanted to join in.

Discussion ensued with regard to the two (2) applications that will be coming before the Planning Board on Wednesday, August 5<sup>th</sup>. Mr. Poltak informed everyone that the meeting will be done in the same manner as this meeting has been done.

Mr. Poltak wanted to explain to the Board members that, it is extremely difficult to conduct, if not impossible, a public meeting utilizing Zoom as he has done several with Washington and they are very very difficult and did not believe we have the technology to do this.

Mrs. Marzloff asked Mr. Poltak if anyone has challenged the authority of the Board to conduct a meeting in this form. Any litigation or court decisions. Mr. Poltak asked if it was in the form held tonight. Mrs. Marzloff said yes. Mr. Herman answered by saying that, there has only been two (2) legal challenges with regard to the Governor's State of Emergency and courts have denied both cases. Mrs. Marzloff thanked Mr. Herman and Mr. Poltak moved on with a request to adjourn the meeting and stated that, he would get back to the Board members once our meeting date has been scheduled.

**Mr. Grillo made a motion to adjourn. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: Mr. Grillo voted to approve, Mr. Porter voted to approve, Mr. Rolfe voted to approve, Mr. Lacroix voted to approve, and Mr. Poltak voted to approve, all were in favor and the meeting stood adjourned at 7:36pm.**

**The Planning Board's next scheduled meeting would be for August 5, 2020 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23<sup>rd</sup>, all meetings will be held via teleconference until further notice.**