

**UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
October 21, 2020**

Present: Ron Poltak, Chairman. Jeff Porter, Member. Paula Marzloff, Alternate. Michael Rolfe, Selectmen's Representative. Minutes prepared by Denise Royce.

Also Present: William Herman, Town Administrator; Robert Degen, S&H Land Services; Eric Mitchell, Paul Scarpetti, Robert & Brenda Sanborn, Robert Belanger & Amelia Sullivan, Belinda King, Donna & Chris Kent.

Absent: Steve Grillo, Vice-Chairman. Tom Lacroix, Member. Jess Edwards, Alternate.

Mr. Poltak called the meeting to order at 7:03pm. Mr. Poltak explained the procedures for tonight's hearing and began by 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 any public gathering of people may 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 23rd. 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 23rd 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 moved on to the roll call of attendees and began with the Board members and called on each of them individually and to state whether they were alone or if anyone was present with them tonight and began as follows:

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 called on Mr. Grillo. Mr. Grillo was not present.

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

Mr. Poltak Called on Mr. Lacroix. Mr. Lacroix was not present.

Mr. Porter 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 interested parties and abutters.

Ms. Royce indicated that she was alone and that she consented to this meeting being recorded.

Mr. Eric Mitchell indicated that he was alone and that he consented to this meeting being recorded.

Mr. Robert Degen indicated that he was alone.

Robert & Brenda Sanborn were in the room together.

Mr. Wayne Kenney stated that he was alone.

Donna and Chris Kent were in the same room together.

Amelia Sullivan & Robert Belanger, abutters were in the room together.

Mr. Bill Herman, Town Administrator indicated that he was alone.

Kathy Doyle, abutter indicated that she was alone.

Paul Scarpetti indicated that he was alone.

Brad Remillard indicated that he was alone.

Belinda & Stanley King, abutters were in the room together.

Mr. Poltak commented that he would be elevating Mrs. Marzloff to a full voting member tonight in the absence of Mr. Lacroix and if Mr. Lacroix calls in then she would vote in the absence of Mr. Grillo and in the event that Mr. Grillo calls in that she would resume back to an alternate member of the Planning Board.

Mr. Poltak moved on to the approval of the minutes for October 7, 2020 and stated that a motion to approve would be in order.

MINUTES

Mrs. Marzloff moved to approve the minutes for October 7th, 2020 as written. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

At this time, Mr. Poltak moved into tonight's agenda.

GENERAL BUSINESS

**Wayne Kenney
11 Rockingham Road, Tax Map 31, Lot 19
Discuss Release of Surety**

Mr. Poltak explained to everyone that, this discussion was in regards to release of surety for 11 Rockingham Road. Mr. Poltak wanted to begin the discussion regarding the letter from Stantec dated November 9, 2018 which had approximately 13 items left regarding the remaining surety. Mr. Poltak mentioned that, Mr. Kenney had a conversation with the Building Inspector regarding the remaining items. Mr. Poltak wanted to point out specifically the arborvitaes that were singled and had to be removed when the existing structure on that property was removed by the fire department. Basically, Mr. Poltak explained that, Stantec, our engineering firm issued a letter in November 2018 that

outlined a whole host of yet to be completed items. The point being there is a long record of trying to closure in regard to finishing the project. As of today, there remains four (4) outstanding items specifically they are, items #10, #11, #12 and #14. They included the removal of erosion control measures, the filing of final stamped as-built plans, the buffer trees and accommodation and oversight for the final inspection and review by Stantec in order to close out the project.

With that said, Mr. Poltak asked Mr. Kenney how he intended to proceed and when the Board can anticipate completion of outstanding items in order to release the surety. Mr. Poltak turned the discussion over to Mr. Kenney. Mr. Kenney stated that, to the best of his knowledge, he only has two (2) items left of which one of them is the plantings of the arborvitaes and the as built. Mr. Kenney stated that, he spoke to Mr. Wichert and that the final as-built plans should be available next week and believed that everything else has been taken care of. Mr. Poltak indicated that, the arborvitaes have not been taken care of. Mr. Kenney was hoping that the Board would accept the plantings that have been put into place since removing the plantings that were damaged when the fire department burnt down the house. Mr. Kenney stated that, he believes it looks good over there. Mr. Poltak believed they made it clear that, should the arborvitaes that were singed in the burning of the house that was on the property be damaged that they would be replaced. Mr. Poltak believed they had an understanding that, that would be done. Discussion ensued regarding all the units being occupied. Mr. Poltak stated that, all the units are occupied and that they now have a Homeowner's Association. Mr. Poltak explained that, Mr. Tatem was on site about a month ago and that Mr. Tatem ran into the President of the Association who said that they were very much looking forward to seeing those arborvitaes planted. Mr. Poltak stated that, what he would like to do tonight is to not have the Board of Selectmen get involved in retaining the amount to complete the project. Mr. Poltak would really like to come to closure on this by discussing this tonight. Mr. Kenney stated that he did not want it to go any further and would take care of the plants. Mr. Kenney asked Mr. Poltak if they would be agreeable to only have 10 arborvitaes because on the plan it shows two (2) to be removed. Mr. Poltak said that he would speak with the Board but recalled a discussion whereby they agreed to 10 plantings. Mr. Kenney indicated that he would work on getting that done and as far as the as built, he believed he would have that by next week.

Mr. Poltak would like to have an understanding tonight that the plantings will be complete, and the other items likewise would be accomplished as soon as possible and thereafter the Board would release the surety. Mr. Kenney was agreeable. At this time, Mr. Poltak turned to the Board. Mrs. Marzloff indicated that she would support that agreement. Mr. Poltak did not believe that they needed to make a vote and that the public record would indicate the agreement that is made. Mr. Poltak stated that, Mr. Kenney would complete the work and that Stantec would be out to review that the project has been completed and then they could release the surety. Mr. Kenney understood.

In conclusion, Mr. Poltak thanked Mr. Kenney and Mr. Kenney also thanked the Board members as well.

PUBLIC HEARING

Robert Degen/S&H Land Services, LLC

Robert Sanborn

515 Dearborn Road, Tax Map 11, Lots 19 & 19-3

Minor Subdivision – 1 Lot & Lot Line Adjustment

Mr. Poltak asked if there were any Board members that signed out since the start of the meeting. None were noted and therefore Mr. Poltak moved on to begin the Public Hearing.

Mr. Poltak turned the meeting over to Mr. Degen of S&H Land Services, LLC. Mr. Degen began by saying that, what they are proposing is a Lot Line Adjustment to shift the lot line between the large lot being Tax Map 11, Lot 19 and Tax Map 11, Lot 19-3. Mr. Degen went on to explain that, they would then create a new lot with frontage on Dearborn Road being, Tax Map 11, Lot 19-4 which will consist of 3.137 acres. Mr. Degen went on to say that, the intention is to put the remainder of Tax Map 11, Lot 19 into a Conservation Easement which they are working on together. Mr. Degen commented that, the lot will be conforming and would have no wetlands on this new lot. Mr. Degen did say that, they are requesting waivers to not map all the wetlands on Tax Map 11, Lot 19 and to not show complete soils and the like. Mr. Degen indicated that, this was basically all he had and asked if the Board had any questions.

Mr. Poltak asked Mr. and Mrs. Sanborn if they had anything to add. Mrs. Sanborn said no, not unless the Board had questions about what they were proposing to do. Mr. Poltak asked if there were any other questions or comments from abutters or interested parties? Mr. Porter asked if he heard correctly that they would not be going to be mapping the wetlands on the new lot. Mr. Degen clarified that; they were asking to not map the wetlands on the big parcel. Mr. Degen stated that, they did have a wetland scientist check out the new lot and it is noted in Note #15 that Mark West of West Environmental stated that there were no wetlands on the proposed new lot which would be Tax Map 11, Lot 19-4. Mr. Porter commented that, the Conservation Commission has been working on the Conservation Easement and wanted to know if it has been before South East Land Trust. Mr. Degen said yes that they have been working with Mr. Lougee on this. Mrs. Marzloff asked about the 45 feet remaining on a town road. Mr. Degen pointed out that, it was actually 45 plus 132. A brief discussion ensued with regard to frontage.

Mr. Poltak asked if anyone else had any questions or comments. Mr. Rolfe asked what the acreage would be for the lot with the house on it. Mr. Degen said that, Tax Map 11, Lot 19-3 would end up having 4.451 acres. Mr. Rolfe thanked Mr. Degen.

Mr. Poltak again asked if there were any other questions or comments. Kathy Doyle of 20 Grove Court wanted to confirm that it would be truly only one house lot that would be added that would have access on Dearborn Road and that the large lot which is Tax Map 11, Lot 19 would be going into a Conservation Easement. Mr. Degen said yes, only one lot and that no new buildings would be added to Tax Map 11, Lot 19. Ms. Doyle asked if

the Boy Scouts would be still able to utilize the property like they had been in the past. Mrs. Sanborn said yes as that portion has been removed from the Conservation Easement. Ms. Doyle thanked everyone and ended the discussion.

With that said, Mr. Poltak asked for a motion to accept the application.

Mrs. Marzloff made a motion to accept the application for minor subdivision and lot line adjustment for Tax Map 11, Lots 19 & 19-3. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mrs. Marzloff voted to approve, and, Mr. Porter voted to approve, all were in favor and the motion passed.

Mr. Porter made a motion to approve the application for minor subdivision and lot line adjustment for Tax Map 11, Lots 19 & 19-3. Mrs. Marzloff seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mr. Poltak thanked everyone for their patience and the discussion ended and Mr. Poltak moved on to the next item on the agenda.

**Eric C. Mitchell
269 Rockingham Road, LLC
269 Rockingham Road, Tax Map 25, Lots 39, 39-1 & 40
Lot Line Adjustment**

Mr. Poltak turned the meeting over to Mr. Mitchell. Mr. Mitchell explained that, what they are proposing is a lot line adjustment with the state-owned land between 269 Rockingham Road and Wellington Bros Limited Partnership and the state has agreed to do that. A copy of which is shown in the file with the condition of it being approved by the town. Mr. Mitchell went on to say that, 0.40 acres will go to 269 Rockingham Road and 0.12 acres will go to Wellington Bros Limited Partnership. Mr. Mitchell indicated that, they are asking for a waiver as the definition of lot line adjustment states that, no lot can be increased more than 25% so this requires a waiver. Mr. Mitchell ended by saying that, he would be happy to answer any questions.

Mr. Poltak asked if there were any questions from the Board. Mrs. Marzloff asked who was representing the State of New Hampshire as she did not see a signature block for them, and she did not see a signature block for Wellington Bros Limited Partnership. Mr. Mitchell explained that there is a spot for both to sign and pointed out that, in the application they submitted that, it shows the G&C Agenda dated September 23, 2020 at Approved #37 and Approved #38. (a copy of which is in the file) A brief discussion ensued with regard to the authorization and approval from the state. Mrs. Marzloff mentioned deeds of which Mr. Mitchell will be doing.

Mr. Poltak asked if there were any abutters present that wanted to speak. None were noted. Mr. Poltak asked if there were any other members of the Board. None were noted. Mr. Poltak wondered how they would proceed and believed that they could give conditional approval to this request by following a series of motions with the conditions being that the appropriate plans with signature blocks and that deeds will be drawn up. Mrs. Marzloff believed this would take care of everything. With that said, Mr. Poltak stated that, they would also have to include that waiver which is very minimal.

Mr. Porter made a motion to accept the application for a minor lot line adjustment for Tax Map 25, Lots 39, 39-1 & 40. Mrs. Marzloff seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mrs. Marzloff made a motion to approve the waiver from Section 3.02(1): to allow the proposal to be considered a lot line adjustment even though the lots are being increased by more than 25 percent for Tax Map 25, Lots 39, 39-1 & 40. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mrs. Marzloff made a motion to approve the lot line adjustment conditioned upon submission of the appropriate plan with signature block for DOT and proposed deeds being prepared for 269 Rockingham Road, LLC and Wellington Bros Limited Partnership, Tax Map 25, Lots 39, 39-1 & 40. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mr. Poltak asked Mr. Mitchell if that was sufficient to move forward. Mr. Mitchell said yes, and they would take care of whatever is needed to be done. With that said, Mr. Poltak thanked Mr. Mitchell and Mr. Mitchell thanked the Board for their time. Mr. Poltak moved on to the last item on the agenda.

Walter P. Milne

**Mika Hyvonen, Walter Milne & Susan Haydock, Trustees
Spofford Road, Tax Map 4, Lots 11 & 12
Minor Subdivision & Lot Consolidation**

Mr. Poltak turned the meeting over to whomever was presenting tonight. Mr. Milne explained that, they purchased the 92 acres from the Peabody family last February and they are just basically subdividing it in half. Mr. Milne went on to say that, Mr. Hyvonen would get the 46 acres on the top and that they would be getting 46 acres on the down hill side. The land will be in current use and be used for agriculture and wooded land so basically keeping it as is. Mr. Poltak asked Mr. Milne if he had anything else to add. Mr.

Milne indicated that, for Planning Board purposes they were going to consolidate the lower portion of Tax Map 4, Lot 12 with Tax Map 4, Lot 11 and that Mr. Hyvonen's portion would be left as Tax Map 4, Lot 12 and would now include 46 acres.

Mrs. Marzloff had a question about Tax Map 4, Lot 13. Ms. Royce informed Mrs. Marzloff that Tax Map 4, Lot 13 had nothing to do with this lot line adjustment and lot consolidation. Basically, Tax Map 4, Lot 12 would now consist of 46 acres and the other 46 acres would be consolidated with Tax Map 4, Lot 11. Mrs. Marzloff understood and asked who the owner would be of Tax Map 4, Lot 12. Mr. Milne stated that it would be Mr. Hyvonen as Trustee. A brief discussion ensued with regard to the plans and signature blocks.

Mr. Poltak asked the Board members if they had any questions. None were noted. Mr. Poltak asked if there was anyone else that wished to speak. None were noted. Mr. Poltak asked the Board if there was anything else, they would like to add. Mr. Porter informed Mr. Milne that if he was interested in putting the property into a Conservation Easement to please let him know. Mr. Milne said that he would and thanked Mr. Porter for his comments. With that said, Mr. Poltak asked for a motion to approve.

Mrs. Marzloff made a motion to accept the application for lot line adjustment and lot consolidation for Tax Map 4, Lots 11 & 12. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: Mr. Porter voted to approve, Mr. Rolfe voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mrs. Marzloff made a motion to approve the application for lot line adjustment and lot consolidation conditioned upon the correction of the names of the property owners involved showing legal title to the property for Tax Map 4, Lots 11 & 12. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Porter voted to approve, Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the motion passed.

Mr. Poltak thanked everyone for their time and the discussion ended. Mr. Poltak moved on to other business to discuss.

OTHER BUSINESS

Mr. Poltak wanted to inform the Board that, he has been working on the budget for 2021 and has been working on future work items which included ground water resource. A brief discussion ensued with regard to what Mr. Poltak has been working on ground water resource.

Mr. Poltak also stated that, the Planning Board would not be meeting at the beginning of November. The next Planning Board meeting is scheduled for Wednesday, November 18, 2020. So basically, there will be one meeting in November.

ADJOURN

At this time, Mr. Poltak thanked everyone for their participation tonight and asked for a motion to adjourn.

Mr. Rolfe made a motion to adjourn. Mrs. Marzloff seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mrs. Marzloff voted to approve, all were in favor and the meeting stood adjourned at 8:10pm.

The Planning Board's next scheduled meeting would be for November 18th, 2020 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23rd, all meetings will be held via teleconference until further notice.