

**UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
November 18, 2020**

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

Also Present: Carrie Rouleau-Cote, Building Inspector. Alan Villeneuve, Shawn Thrasher

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

Mr. Poltak called the meeting to order at 7:01pm. 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. Rolfe 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. Alan Villeneuve indicated that he was alone.

Mr. Steve Febonio indicated that he was alone.

Mrs. Rouleau-Cote stated that she was at home and was in a room alone.

Mr. Shawn Thrasher indicated that he was alone.

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 21, 2020 and stated that a motion to approve would be in order.

MINUTES

Mr. Porter moved to approve the minutes for October 21st, 2020 as written. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to approve, Mr. Porter voted to approve, and, Mr. Poltak voted to approve, all were in favor with Mrs. Marzloff abstaining and the motion passed.

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

GENERAL BUSINESS

**Steve Febonio
Haven Drive, Tax Map 5, Lot 29
Zoned Residential One
Acceptance of new portion of Haven Drive &
Surety Reduction**

Mr. Poltak explained that, the Board was in receipt of a letter from Stantec dated November 3rd stating that the work has been completed and that the regulations require that maintenance surety be provided for a period of two years from the date of the completion of the roadway work. The amount of the maintenance surety must be 2% of the total estimated surety of \$1,549,218.70 or \$30,984.37. Stantec recommends that the current surety be reduced to \$30,984.37 for the remainder of the 2-year maintenance surety period, which will be completed on November 2, 2022. Therefore, Stantec recommends that the Planning Board recommend that the Board of Selectmen accept the new portion of Haven Drive.

With that said, Mr. Poltak asked if anyone had any questions. Mrs. Marzloff had a question about the success of the vernal pool and how we would proceed with that. Mr. Poltak commented that, to date has been successful. We have had one of the driest summers and all the little creatures were doing fine and well. Basically, Mr. Poltak stated that, the vernal pool will continue to be monitored and that there was a letter to that effect

that went out as well. Mr. Poltak asked Mr. Febonio if he had anything else he wanted to add to that. Mr. Febonio began by saying that, Tracey Tarr of GZA has been monitoring the vernal pool and issued a report. Ms. Tarr stated that the existing vernal pool is 100 to 110% active which is two years into this project. Mr. Febonio gave a brief overview of what has occurred with the vernal pool. (a copy of the report can be found in the file)

At this time, Mr. Poltak asked for a motion to recommend that the Board of Selectmen accept the new portion of Haven Drive and to also reduce the surety to \$30,984.37. Mr. Poltak also read a portion of Stantec's letter whereby they indicate that the construction monitoring is over budget by \$323 and that they will incur charges for this final letter, their attendance at the final acceptance PB hearing, and our final site walk and letter, in 2 years, to recommend release of the warranty surety. With that said, Stantec is requesting that, prior to the acceptance of the roadway, the developer provide \$900 to cover these final charges. Mr. Febonio was in agreement and did not have a problem with submitting a check for \$900 tomorrow. Mr. Febonio also informed the Board members that, he would be submitting an additional \$400 for setting some bounds that they were unable to set at this time. Mr. Febonio stated that, Mr. Tatem and Mrs. Rouleau-Cote were in agreement with this as well.

Mrs. Marzloff made a motion to reduce the current surety being held by the Town of Auburn in the amount of \$1,549,218.70 to \$30,984.37 for the remainder of the 2-year maintenance surety period, which will be completed on November 2, 2022 and to recommend that the Board of Selectmen accept the new portion of Haven Drive, Tax Map 5, Lot 29. 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. Poltak thanked Mr. Febonio and the discussion ended at 7:13pm. Mr. Poltak moved on to the next item on the agenda.

**Jean Gagnon
Juniper Circle, Tax Map 8, Lot 25
Zoned Residential Two
Acceptance of Juniper Circle & Surety Reduction**

Mr. Poltak began by saying that the Board members are in receipt of a letter from Stantec that should be in their package and asked the Board if they needed to discuss it further. The Board did not think they needed to discuss this further. Mr. Poltak asked for a motion to reduce the surety and to accept Juniper Circle.

Mr. Porter made a motion to reduce the current surety being held by the Town of Auburn in the amount of \$1,150,725.00 to \$23,014.50 for the remainder of the 2-year maintenance surety period, which will be completed on November 2, 2022 and to recommend that the Board of Selectmen accept Juniper Circle, Tax Map 8, Lot 25. Mrs. Marzloff 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. Poltak thanked everyone present and the discussion ended at 7:14pm. Mr. Poltak moved on to the next item on the agenda.

**Alan Villeneuve
269 Rockingham Road, LLC
269 Rockingham Road, Tax Map 25, Lot 40
Zoned Commercial Two
Discuss Amendment to Site Plan**

Mr. Poltak began by saying that, Mr. Villeneuve called him because there are a number of construction activities that have taken place on his site and a number of them have proceeded absent any pre-inspection or post inspections taking place. Mr. Poltak pointed out that, Stantec was located across the street and that Mr. Tatem drives by on occasion when he is headed into the office and has noticed activities taking place absent any approvals taking place. Mr. Poltak stated that, after speaking with Mr. Villeneuve, he is aware that those normal processes have been vacated in those certain instances and stated that, Mr. Villeneuve was very apologetic and with that said, Mr. Poltak turned the discussion over to Mr. Villeneuve. Mr. Poltak also wanted to point out that, what they don't want to take place here is that, to make sure that the final As-Built plan and the activities that take place on this site in the future are in accordance with what our rules and regulations require.

Mr. Villeneuve again apologized and began by saying that, there are activities that have occurred on the property. Mr. Villeneuve stated that, the activities have nothing to do with drainage but had to do with a retaining wall that he thought was a landscaping item and not a structural item. Mr. Villeneuve stated that, this project has been going on now for an extended period of time. Basically, Mr. Villeneuve believed he could do everything with an As-Built plan and that he did not communicate that well with Mr. Tatem. Mr. Villeneuve stated that, he was not disputing anything that was said that was going on at the site and that he has stopped everything. Mr. Villeneuve talked about an engineering plan being submitted and pointed out that, they have acquired an additional piece of land from the State of New Hampshire of which the Planning Board was aware of as it was just before the Planning Board for a Lot Line Adjustment. A brief discussion ensued with regard to the retaining wall and holding tank and again apologized to the Board and stated that he will rectify the wrong and make it right.

With that said, Mr. Poltak commented that, they have an assurance directly from Mr. Villeneuve that he will be continuing the site plan associated with this project and that coordination with Stantec will take place as well as with Mrs. Rouleau-Cote. Mr. Villeneuve also added that, there was a site plan that was recreated and has been submitted to Mrs. Rouleau-Cote and Ms. Royce. Mr. Poltak stated that, no motion was needed, and thanked Mr. Villeneuve and Mr. Villeneuve also thanked the Board for their time and the discussion ended at 7:23pm.

Mr. Poltak moved on to 692 Londonderry Turnpike.

J&R Properties, LLC
Shawn Thrasher
692 Londonderry Turnpike, Tax Map 1, Lot 11
Zoned Industrial
Discuss Occupancy of Building

Mr. Poltak began by saying that, they have a request for an allowance of the use of a pre-approved site plan in a Commercial district to utilize a portion of the building for housing purposes. Mr. Poltak did not know any of the other details and therefore turned the discussion over to the applicant so that it can be explained further. Mrs. Marzloff wanted to point out that this property was located within the Industrial zone and not the Commercial zone. Mr. Poltak understood and made the correction.

Mr. Thrasher moved on to explain that, what they are looking for was that, under the Industrial definition there was a use that offers “on-site employee housing may be allowed as an accessory use provided the housing is incidental to, and necessary for, the operation of a permitted business in the zone.” So their business has them traveling throughout New England and the Northeast and several of their employee’s live outside of New Hampshire and several hours away, Mr. Thrasher pointed out that, there are occasions where they may have service calls that happen early the next morning where they are looking to use approximately 800 square feet of the second floor of the office space away from the roadside for overnight use and not to be used for full time residential purposes. Mr. Thrasher further added that, it would not be used for rental use but only used on occasion, which is basically the last paragraph of Article 4, Section 4.09(5). Mr. Poltak asked what there was there now. Mr. Thrasher stated that, historically they have used the Sleep Inn off of Exit #5 and that hotel use has become very restrictive and they converted a space with a ¾ bath and kitchen and they had a fire detector go off because it was not designed for that whereby the steam set it off. Mr. Poltak asked who would be occupying the space. Mr. Thrasher stated that, in the past he has had employees from Maine and Vermont and Massachusetts that would drive far and then spend the night there and leave in the morning rather than continue during the late night. A discussion ensued with regard to the space not being used as a full-time residence. Mr. Thrasher stated that, that the space is not intended to be used as a full-time residence. Mr. Poltak commented that, he has gone by the property almost every day and has not seen a lot of activity over there for what it was approved for. Mr. Thrasher stated that, things have

changed since they went through the site plan review and that they do not redo used tanks as much as they used to and that basically all the tanks are new and are shipped directly from the manufacturer. Mr. Thrasher again reiterated that, by no means are they looking to have a full-time resident living there as this would be just for occasional use. Mr. Poltak also wanted to inform Mr. Thrasher that, he was not a fan and that the regulation does not allow this type of use. A brief discussion ensued with regard to the regulation. Mr. Thrasher indicated that, he was not looking for it to be a daily use. With that said, Mr. Poltak wanted to turn to the Board members for comment.

Mr. Poltak asked Mrs. Marzloff to comment. Mrs. Marzloff wanted to point out the section that Mr. Thrasher was talking about and stated that, she wanted to point out that, it was not supposed to be a Motel 6 for employees who are too far away from home and secondly, she did not see how this was relative to the operation of this kind of a business and if we grant this, it would be so open ended and that there would be no way to control the number of times someone is there. Mr. Porter agreed and added that, when this building sells that, this would be turned into an occupied structure almost like a hotel fashion. Mr. Poltak asked Mr. Rolfe for his comments. Mr. Rolfe wanted to know what the maximum number was that have stayed there on an overnighiter. Mr. Thrasher said only one because it was an open area with a single bed in it. Mr. Rolfe asked if there was a kitchenette in there and a $\frac{3}{4}$ bath with a shower in it. Mr. Thrasher said yes. Mrs. Marzloff commented that, she did not see anywhere in their regulations where they control the hours of operation and the use of the facility.

Mr. Poltak asked Mrs. Rouleau-Cote if she had anything else to add to this conversation. Mrs. Rouleau-Cote stated that, she believed that there were two (2) people there when the fire department responded as she was told that there were a couple there in the building. Mrs. Rouleau-Cote also wanted to mention that, there are a lot of other businesses in town that do a lot of work remote such as Daniels Equipment and another one that did a lot of pipeline work all over New England and did not believe this business was unique and agreed with Mrs. Marzloff. Mrs. Rouleau-Cote went on to say that, they will possibly start a precedence if we start having to provide occupancy accommodations for employees because of the nature of their business off-site. Mr. Poltak stated that, he tends to agree with what has been said and wanted to point out that, when this was added to the ordinance that, it was intended to be utilized as he said earlier for on-site oversight of the facility and the ongoing operations on the property. Mr. Poltak commented that, the precedence that they would set here, if they were to allow this was a dangerous precedence and could open up a serious can of worms in terms of others who may want to do something similar. Mr. Poltak asked Mr. Thrasher if he understood where they were coming from. Mr. Thrasher said yes.

With that said, Mr. Poltak moved to the Board members and asked if they wanted to handle this through a motion to deny the request or a motion to approve and let the motion follow through. Mr. Poltak asked Mr. Thrasher if he had any other comments at this time. Mr. Thrasher indicated that, he has spoken and the Board has commented and that it was a shame that there is an allocation within the zoning for something like this and it is very

vague and it's a shame to be made a model of. With that said, Mr. Poltak asked if someone would like to make a motion to deny the application.

Mrs. Marzloff made a motion to Deny the application for an accessory use as a residential location for Tax Map 1, Lot 11, 692 Londonderry Turnpike. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to Deny, Mr. Porter voted to Deny, and, Mrs. Marzloff voted to Deny, all voted to Deny, and the request did not pass.

Mr. Poltak informed Mr. Thrasher that the request did not pass, and thanked Mr. Thrasher for his time. Mr. Thrasher thanked the Board members and the discussion ended at 7:48pm.

OTHER BUSINESS

Mr. Poltak wanted to inform the Board that, he has been working on the budget for 2021 and has been working with Mr. Porter on a ground water protection ordinance. A brief discussion ensued with regard to ground water resources in the Town of Auburn.

Mr. Poltak also stated that, the Planning Board would not be meeting during the month of December. Mr. Poltak asked the Board members if there was any other business to attend to. None were noted.

ADJOURN

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

Mrs. Marzloff made a motion to adjourn. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to adjourn, Mr. Porter voted to adjourn, and, Mrs. Marzloff voted to adjourn, all were in favor and the meeting stood adjourned at 7:57pm.

The Planning Board's will not be meeting during the month of December and therefore the next scheduled meeting would be set for January 6th, 2021 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.