

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**PUBLIC HEARING**  
**March 3, 2021**

**Present:** Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Tom Lacroix & Jeff Porter, Member. Paula Marzloff & Jess Edwards (7:22pm), Alternates. Michael Rolfe, Selectmen's Representative. Minutes prepared by Denise Royce.

**Also Present:** Alan Villeneuve, Sharon Leblanc, Matthew Peterson, Scott Tickler, John O'Neil, Steve Lefevre, Teryn Moy, Anthony Fowler, Brian Cloutier, Richard Janelle

**Absent:** None

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 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 moved on to the roll call of attendees and began with the Board members and called on each of them individually and began as follows:

Mr. Poltak introduced himself as Chairman of the Planning Board. Mr. Poltak called on Mr. Grillo. Mr. Grillo was present. Mrs. Marzloff was present. Mr. Lacroix was present. Mr. Rolfe was also present. Mr. Porter was present.

Mr. Poltak moved on to the applicants and abutters and everyone to please state their names and addresses. Bruce Dionne of Sonya Drive, Scott Tickler of Rockwood Terrace, Sharon Leblanc of Tanglewood Drive, Teryn Moy and Steve Lefevre of Auburndale Lane, Alan Villeneuve of Spofford Road, John O'Neil of Manchester, Richard Janelle of Auburndale Lane, John Menken of Rockwood Terrace, Matt Peterson of Keach-Nordstrom.

Mr. Poltak began the meeting by asking the Board for an approval of the last meeting minutes which was February 3, 2021 and stated that a motion to approve would be in order. Mr. Rolfe had one comment regarding the meeting minutes and indicated that, the minutes reflect that he read a portion of the regulations into the minutes but, he did not read that regulation that, Mr. Grillo had read the regulation into the minutes. Ms. Royce indicated that, she would correct the minutes to reflect that Mr. Grillo read a portion of the regulation.

## **MINUTES**

**Mr. Rolfe moved to approve the minutes for February 3<sup>rd</sup>, 2020 with the correction noted above. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Porter voted to approve, Mr. Grillo voted to approve, Mr. Rolfe voted to approve, and, Mr. Lacroix voted to approve, all were in favor and the motion passed.**

Mr. Poltak explained to everyone present tonight that, he would be taking the two matters on the agenda out of order due to legal and valid reasons in doing so. Mr. Poltak moved on to Tanglerock Holdings first.

## **PUBLIC HEARING**

**Tanglerock Holdings, LLC  
Russell C. Sullivan & Tanglerock Holdings, LLC  
207 Spofford Road, Tanglewood Drive, and,  
Rockwood Terrace, Tax Map 4, Lots 13-4 & 16  
Minor Subdivision  
Lot Line Adjustment & Lot Consolidation  
No New Lots Being Created  
Continued from February 17, 2021**

Mr. Poltak further explained that, around 2:30pm today that, he received an e-mail from John O'Neil who is the watershed land and property manager for Manchester Water Works and would let Mr. O'Neil speak to the content of this e-mail but simply stated, it is the position of Manchester Water Works that there is a discrepancy on the plan that was submitted by Keach-Nordstrom for the Tanglerock Holdings, LLC. MWW is asking that the Planning Board give MWW a chance to meet with the surveyors in the field and to review the documents before this plan is approved by the Planning Board. At this point, after talking to legal counsel who advised that, we open the hearing and allow Mr. O'Neil to explain their request and then continue the hearing. Mr. Poltak further added that, he would be continuing this meeting until the first meeting in April and that the reason behind that is, we do not want to be re-noticing this continuation on a number of occasions and it could take some time to resolve what will be shared with everyone tonight. With that said, Mr. Poltak turned the meeting over to Mr. O'Neil of Manchester Water Works.

Mr. O'Neil began by saying that, he received a notice as an abutter a few weeks ago and upon review of the plan that was submitted to the town hall, one of the lot lines does not match their deed description and their deed maps that they have on file at the MWW. Mr. O'Neil stated that, he had spoken with Mrs. Rouleau-Cote and Ms. Royce a little about it and did reach out to Mr. Peterson at Keach-Nordstrom and spoke to him this afternoon about it and he did say that he would be happy to meet with him and that he had information to share as to why he believes it is drawn on the plan. Mr. O'Neil stated that, they do have a meeting planned for Friday at 8:30am. Mr. O'Neil pointed out that, MWW purchased the property in the 1960's so they are meeting to go over where that common boundary line is. Mr. O'Neil informed everyone that he did send where he believes the line goes but that they need time to go over the details as this was just discovered. Again, Mr. O'Neil stated that, he will be meeting Mr. Peterson to go over the details and will figure this out and thanked Mr. Poltak for continuing this until April as they will need a little time to figure this out and hope to be able to resolve this quickly. With that said, Mr. O'Neil thanked the Board.

Mr. Poltak commented that, everyone has heard what Mr. O'Neil had to share and with that, this needs to be dealt with prior to the Board approving this plan. At this time, Mr. Peterson chimed in and wanted to respond that, everything that has been said tonight is correct and it was not until 2:00pm today that he received this notification and apologized to the Board that this was not brought to his attention prior to tonight's hearing, and he did not have enough time to take care of this. Mr. Peterson stated that, he did reach out to the previous owner of this property and he informed him that, in 1999 they had walked with MWW and Errol Sanford's office to finalize this. He has talked to his surveyor and have scheduled a meeting with Mr. O'Neil on Friday morning at 8:30am and they have all their documents and are pretty comfortable of where the lines are, so they just need everyone to sign off on it. Again, Mr. Peterson apologized to the Board for this issue, but he did not find out about this until 2:00pm today.

Mr. Poltak stated that, he appreciates Mr. Peterson's comments as well and did not believe he needed to apologize for this. At this time, Mr. Poltak opened it up to the Board and to the public and asked if anyone had any questions and then he would ask for a motion. There were no comments.

Mr. Poltak asked the Board for a motion and that legally they would need to set a date certain and requested that the motion to continue would be set for the first meeting in April which would be Wednesday, April 7<sup>th</sup> in order to give both sides time to resolve this issue. Mr. Poltak stated that, the Board would not be meeting on March 17<sup>th</sup> as he has his second shot scheduled for that evening and that they would have a few new Board members.

**Mr. Grillo made a motion to continue the Public Hearing for Minor Subdivision Plan Application, Tanglerock Holdings, LLC, Tax Map 4, Lot 13-4 & 16 to April 7<sup>th</sup>, 2021. Mr. Porter seconded the motion.**

Mr. Poltak informed everyone that, the motion has been moved and seconded to be continued to the first meeting in April for the Auburn Planning Board. Mr. Poltak added that, he is saying that so all of the abutters and interested parties that unless they hear differently that this subject matter is being continued until that date and there will be no new notices being sent out. At this time, Mr. Poltak conducted a roll call vote from the Board members.

**A roll call vote was taken as follows: Mr. Grillo voted yes, Mr. Porter voted yes, Mr. Lacroix voted yes, Mr. Rolfe voted yes, all were in favor and this matter has been continued until April 7<sup>th</sup>, 2021 at 7:00pm.**

Mr. Poltak thanked everyone for their presentation. Mr. Peterson thanked the Board and Mr. O'Neil thanked the Board and the discussion ended.

Mr. Edwards informed the Chairman that he was present. (7:22pm)

At this time, Mr. Poltak moved on to the next discussion which had to deal with Mr. Villeneuve, the Auburn Tavern and the fence and turned the discussion over to Mr. Villeneuve.

## **GENERAL BUSINESS**

**Alan Villeneuve**

**346 Hooksett Road, LLC (Auburn Tavern)**

**346 Hooksett Road, Tax Map 31, Lot 11**

**Discuss potential Minor Site Plan Amendment**

Mr. Villeneuve began by saying that, back in late fall they have been having snow machines coming to the restaurant ever since he can remember and pulling up sometimes on the highway side and sometimes a few come down Candia Road in a few different places. Mr. Villeneuve talked about snowmobilers coming down tower hill and down Auburndale Road. As the landowner he would like to take a small section of the fence down since he owns both sides of the fence. Mr. Villeneuve stated that, he had spoken with Mrs. Rouleau-Cote, Building Inspector and she informed him to speak with the Planning Board about that. Mr. Villeneuve went on to say that, before he got to the Planning Board somebody had already gone and taken down a section of the fence, so Mrs. Rouleau-Cote told him to put the fence back. Mr. Villeneuve stated that, it took a while but eventually the fence was put back. Basically, he is here tonight seeking information and input of what he might do about taking a portion of the fence down seasonally from November until mid-March.

Mr. Poltak asked Mr. Villeneuve if that was all. Mr. Villeneuve stated that, he did not know what else he could say but he could tell the Board the different reasons for doing it because obviously any type of business that they could do at the restaurant would be important to them as it has been difficult for many restaurants. Basically, the snowmobilers come from many different directions and this would provide a safer route. Mr. Poltak asked Mr. Villeneuve where the snowmobiles parked. Mr. Villeneuve stated that, they basically park where the snow storage section is located on the plan that he provided to each of the Board members earlier. A brief discussion ensued with regard to traveling down Auburndale Lane. Mr. Poltak talked about the fact that, snowmobiles have been coming to this restaurant for many many years and this is where the Planning Board's roll comes into play because, you have an approved site plan which does not show an access point through the fence. Mr. Poltak further pointed out that, there has been some discussion that snowmobilers have been coming down Auburndale Lane. Mr. Fowler stated that, there have been no snowmobilers down Auburndale Lane until the fence was opened up at the Auburn Tavern. At this time, Mr. Poltak read an e-mail that Mr. Fowler had sent the Building Inspector. Mr. Fowler indicated that, he has read the statute and that the statute states that it is illegal to drive a snowmobile down a public road. Mr. Fowler gave a brief synopsis of what has transpired over the past few months where the fence was opened up and then fixed by an abutter.

At this time, Mr. Poltak read a section of the statute for "OHRV" for everyone where OHRV's shall not be permitted on any right of way of any public way. Mr. Poltak commented that, the Board of Selectmen may authorize the use of OHRV's but that, he did not see that happening. Mr. Poltak also pointed out that, in order to open up the portion of the fence that, it would require Site Plan Review by the Planning Board at a formal Public Hearing. With that said, Mr. Poltak opened it up to the Board for questions or comments. Mr. Rolfe commented that, Mr. Poltak said it all and that he doubts that the Selectmen would allow that to happen with snowmobilers going up and down Auburndale Lane and chew up the asphalt and the damage that it would do to the road. Mr. Grillo reiterated that, in order to remove that section of the fence that it would require an Amended Site Plan Approval and with that, the Planning Board would need the Board of Selectmen to approve that area for snowmobile use. Mr. Lefevre wanted to point out that, Mr. Villeneuve owns both sides of the fence and that they could potentially go up and down there on his own property without going into the road. A brief discussion ensued with regard to whether Mr. Lefevre favors or not favors the snowmobilers going up and down Auburndale Lane. In the end, Mr. Lefevre indicated that, he does not favor it at all but was just pointing out that, Mr. Villeneuve owns both sides of the fence so he could potentially allow snowmobilers across his property. Mr. Grillo again pointed out that, it would not end with just the Selectmen giving approval for that area that further approval would then have to come before the Planning Board to remove a portion of the fence seasonally and that the Planning Board would have to look at the safety and design. So basically, the first step would be to go to the Selectmen and then come to the Planning Board to amend the approved site plan. Mr. Lefevre reminded the Board members of when the Auburn Tavern went before the Planning Board for site plan approval that a few of the abutters said at that meeting that they wanted that fence to always be closed and to never be opened to any traffic and believed that it was Mr. Cote that said that, once the fence is closed that it would remain closed.

Mr. Poltak wanted to explain that, he has received concerns from the neighbors adjacent to the restaurant associated with access through the fence being provided for snowmobiles. Mr. Poltak informed Mr. Villeneuve that, the takeaway tonight is to give it some more thought because he does not find it to be something that residents of the area going to approve of and the feasibility of garnering Planning Board approval for what you're requesting in opening that area up to access all-terrain vehicles to include snowmobiles in particular is going to be a difficult fit. In conclusion, Mr. Poltak stated that, that was where they were coming from. Mr. Villeneuve understood where the people on Auburndale Lane are coming from but on another note, there is still what is fair with utilizing his property as well. Mr. Villeneuve talked about the safety issue with this particular use by keeping snowmobiles off the highway and that he had a lot to think about and that he would have a whole year to think about it as this year was definitely over. Mr. Fowler wanted to mention that, in the past the snowmobilers have come up to the restaurant on the other side of the fence and that he wanted to open up another section of fence, so they do not come down Auburndale Lane because they don't want them on Auburndale Lane. Mr. Lefevre agreed with Mr. Fowler and talked about snowmobilers on the other side of the fence.



Mr. Villeneuve wanted to thank everyone for their input tonight and respect all the abutters and will think it through. A brief discussion ensued with regard to being on the state side of the fence. Mr. Poltak thanked everyone and pointed out that it was a good discussion and regardless of where it might be brought forward by Mr. Villeneuve in accommodating snowmobiles at the restaurant, it is going to require an Amendment and a Revised Site Plan. Mr. Poltak reiterated that; Mr. Villeneuve stated that he has time to think this through.

Mr. Villeneuve wanted to address the Board about another issue which is that he would like to put a cover over the deck that is on the other side of the building and that Mrs. Rouleau-Cote suggested that he bring it up with the Planning Board. Mr. Villeneuve stated that, it does not increase capacity and it does not change impervious. It does not do anything but provide the deck with cover. Mr. Poltak asked Mr. Villeneuve if, Mrs. Rouleau-Cote believed that this would require site plan approval as well. Mr. Villeneuve believed that Mrs. Rouleau-Cote would be on the call tonight and asked if she was. Mrs. Rouleau-Cote was not available at tonight's meeting. Mr. Lefevre, a direct abutter to the Auburn Tavern stated that, they would not have a problem with that. Mr. Villeneuve stated that, it would not be closed in, in any way that it would just be a cover for the deck. Mr. Fowler, an abutter on Auburndale Lane stated that he would not have a problem with that as well. Mr. Poltak suggested that, Mr. Villeneuve speak with Mrs. Rouleau-Cote with regard to building codes and site plan and he did not believe that it would require a site plan and believed that it would be totally approvable under her authority. Mr. Villeneuve understood. Mr. Fowler wanted to say one more thing to Mr. Villeneuve that, if he could find a way to keep Auburndale closed that he would be all for it, he just did not want them coming down the street.

At this time, the discussion ended, and Mr. Poltak moved on to Planning Board business.

## **OTHER BUSINESS**

Mr. Poltak explained that, the next meeting would be held the first Wednesday in April and at that time, there will be a few new members and a few of our current members gone. Mr. Poltak wanted to thank Mr. Lacroix and Mr. Grillo for all their work over the years and wished them all the best. Both Mr. Lacroix and Mr. Grillo thanked the Chairman and Mr. Grillo did say that he would be back.

## **ADJOURN**

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

**Mr. Grillo made a motion to adjourn. Mr. Porter seconded the motion. A roll call vote was taken as follows: Mr. Rolfe voted to adjourn, Mr. Porter voted to adjourn, Mr. Lacroix voted to adjourn, Mr. Grillo voted to adjourn, Mr. Porter voted to adjourn, and, Mr. Rolfe voted to adjourn, all were in favor and the meeting stood adjourned at 8:00pm.**

**The Planning Board's next scheduled meeting would be set for April 7<sup>th</sup>, 2021 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.**