

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
April 7, 2021

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

Also Present: Matt Peterson, Sharon Leblanc, Bernie Temple, Bob Lee, Eric Mitchell

Absent: Jess Edwards

Mr. Poltak called the meeting to order at 7:00pm. 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 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 explained that, for tonight's meeting that he would be taking up Tanglerock Holdings, LLC and then would be taking up the King Street property that is listed under HQ Properties Realty Trust. Mr. Poltak indicated that he would not be asking everyone to introduce themselves. Mr. Poltak stated that, the Public Hearing tonight is associated with Tanglerock Holdings, LLC which is for a Lot Line Adjustment and if and when the time comes for the inclusion of abutters relative to comments and or questions that he would ask each person to announce themselves as well as share their address with us.

Mr. Poltak began the meeting by asking the Board for an approval of the last meeting minutes for March 3, 2021 and stated that a motion to approve would be in order.

MINUTES

Mr. Porter moved to approve the minutes for March 3rd, 2021 as written. Mr. Rolfe seconded the motion. A roll call vote was taken as follows: A vote was taken, and all were in favor and the motion passed.

Mr. Poltak explained to the Board members that, at the next hearing that they would have to take up the election of the Board and assuming we have two (2) members willing to serve as Chair and Vice Chair we could move forward. Mr. Poltak stated that he was more than willing to resume the position as Chair and that one of the other four members could step forward as the Vice-Chair roll. With that said, Mr. Poltak moved right into the Public Hearing for Tanglerock Holdings, LLC. Mr. Poltak explained to everyone present that, this was before the Board last month but that an issue came to the Board's attention that Manchester Water Works had a question concerning the ownership associated with a portion of the land. His understanding was that a meeting was held and that everything was worked out and would now turn the discussion over to Matt Peterson.

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 March 3, 2021**

Mr. Poltak further explained that, this is being called a minor subdivision due to the amount of land being transferred is more than 25%. With that, Mr. Poltak turned to Mr. Peterson. Mr. Peterson of Keach Nordstrom here representing Tanglerock Holdings for a proposed minor subdivision/lot line adjustment project at the end of Tanglewood Drive and Rockwood Terrace. Mr. Peterson added that, they have been before the Board a couple of times with the first changing it to a minor subdivision and then the second with the letter from John O'Neil of Manchester Water Works. Since that time, they sat down with John O'Neil and went over all the paperwork and per his e-mail on March 16th where he stated to the Board that we were all set with the boundaries on the plan where they all agree. With that said, what they propose to do is a land swap of about 17.495 acres. They would like to remove it from Tax Map 4, Lot 13-4 which has access down on Spofford Road and they would like to add that to Tax Map 4, Lot 16 which has access from Tanglewood and Rockwood. Mr. Peterson explained that, the end results of the parcels make Tax Map 4, Lot 16 now becomes 77.56 acres and Tax Map 4, Lot 13-4 becomes 29.697 acres. Mr. Peterson concluded that, this is all they are trying to do at this point and that he stated that, they are looking at other things on the property and that the vernal pools and wetlands on the property had to be researched and as the abutters will know that there has been activity out there. They have a wetland scientist out there to see if they are vernal pools or not so that they can do the proper classification to move forward. They also have a soil scientist out there trying to map the soils out there. At this point in time, they are still in the preliminary stage and turned the meeting over to questions from the Board and abutters. Mr. Peterson thanked the Board. Mr. Poltak wanted to make it aware to everyone that, the eventuality is likely there will be a major subdivision by definition of our subdivision regulations proposed for this 77.56 acres of property. Mr. Poltak wanted to make it clear that, the Planning Board has received no application for that purpose and at this time, the potential of what would be happening there respectful of a subdivision is not within the Board's purview and they are without application in regards thereto. The topic tonight is to deal with the transfer and the ownership of the property associated with the lot in question.

Mr. Poltak asked the Board members for any questions or comments. None were noted. Mr. Poltak turned to the public and abutters. Sharon Leblanc of 67 Tanglewood Drive asked why the purchase of additional land was for what reason. Mr. Peterson commented by saying that, the way the lot was set up without the additional 17 acres left like a "U" shape and with the additional land squared it off. Mr. Peterson also mentioned that, they would be working with the abutters to try and set up a neighborhood meeting, but he just does not have that data in hand yet. A brief discussion ensued with regard to obtaining the additional land. Questions were asked with regard to number of homes that have no relevance to this hearing regarding a lot line adjustment. Mr. Poltak explained that, these questions are too early and when we get this information that they would be informed at that time. Mr. Poltak wanted everyone to remember that tonight's meeting is only regarding the lot line adjustment. With that being said, Mr. Poltak wanted to make sure that all questions being asked tonight were pertaining to the lot line adjustment only.

Mr. Poltak asked if there were any other questions. None were noted. Mr. Poltak commented, that, hearing no further comments or questions that a motion would be in order for approval of the lot line adjustment.

Mr. O’Callaghan made a motion to approve the lot line adjustment for Tanglerock Holdings, LLC, Tax Map 4, Lots 13-4 & 16. Mr. Rolfe seconded the motion.

Mr. Poltak informed everyone that, the motion has been moved and seconded to approve the lot line adjustment is there any further discussion. None were noted. Hearing none, Mr. Poltak moved to a roll call vote from the Board members.

A roll call vote was taken as follows: Mr. Rolfe voted yes, Mr. Porter voted yes, Ms. Dross voted yes, Mr. O’Callaghan voted yes, all were in favor and the motion passed.

Mr. Poltak asked Mr. Peterson if he would be sharing with the abutters the details of a potential subdivision. Mr. Peterson commented that, he wanted to offer up a zoom meeting tonight but reiterated that, they are in the process of doing soil tests and vernal pool tests and was just not there yet. Mr. Peterson further added that, he would either try to drop a message to the abutters or work with Ms. Royce at the Town Hall for a way to get a hold of people. In the end, Mr. Peterson would be reaching out to the abutters shortly. Mr. Poltak added that as soon as the Planning Board receives an application that it will be shared. With that said, Mr. Poltak thanked everyone, and the discussion ended.

At this time, Mr. Poltak moved on to the next discussion which had to deal with Mr. Scott of King Street.

GENERAL BUSINESS

**Informal – Eric Mitchell
On Behalf of Matthew Scott
HQ Properties Realty Trust
15 King Street, Tax Map 25, Lot 47
Discuss Major Site Plan Review**

Mr. Scott was available and was unsure if Attorney Panciocco or if Bernie Temple of Eric Mitchell’s office as well as Eric Mitchell and Bob Lee, who is an assistant at HQ Properties were on the line yet. Mr. Mitchell stated that, he was on the line. Bernie Temple was also available, and Bob Lee was also present. Mr. Poltak asked Mr. Mitchell if they were comfortable proceeding absent their attorney. Mr. Mitchell said yes and explained that Attorney Panciocco was in Londonderry doing a zoom meeting and she is expected to join this meeting as soon as she gets done in Londonderry. Mr. Mitchell also explained that, he may also have to leave early as he has an appointment in Londonderry as well, but they were okay to get started with this.

Mr. Poltak asked if Mr. Tatem was on the line. Mr. Tatem was not. Mr. Poltak indicated that Mr. Tatem would be joining us as well and wanted to take a few moments to explain to Ms. Dross and Mr. O'Callaghan that an informal with the Board is information sharing. Basically, what he is asking the applicant to share their intent relative to what we are taking up is potentially for approval of a new site plan and a new direction of usage of this piece of property. Mr. Poltak went on to say that, in 2012 this piece of property received a Variance from the Auburn ZBA respectful of what is currently onsite. The ZBA approved the use of the property for light commercial. It is an industrial zone and approved the construction of two (2) buildings on the property. In November of 2020, a second ZBA Variance was granted for the site in two (2) separate regards. One was relative to the percentage of pavement allowed on a site of this nature being increased from a maximum of 40% to 56% in this case. The second was with regard to a reconfiguration of buildings on the property and we will be moving given the nature of the Variance granted from a two-building site to a four-building site that will be developed in three phases. With that said, Mr. Poltak will turn the discussion over to Mr. Mitchell.

Mr. Mitchell thanked Mr. Poltak and began by saying that, his office has done the survey work on this and Bernie Temple who is the engineer on the project is also on the phone. Mr. Mitchell indicated that, the property is located at 15 King Street, Tax Map 25, Lot 47, and HQ Properties is the owner who Matthew Scott is the trustee, and that Mr. Scott was also present tonight. Mr. Mitchell commented that, the Chairman has given a good overview of what has happened in the past and also recently. Currently there is a building on the property which we will call the dome building where the owner does have a business where he does landscape storage of materials on the inside and de-icing materials that is used during the wintertime which building is located at the lower section of the parking lot. The rest of the site is currently used for the bus terminal for the school buses. There is a building utilized as office space along with a garage to do bus repairs in. Mr. Mitchell further explained that, the dome building is expected to be moved up behind the existing office building to the high side with an office added to that. The existing building with the office in it along with the buses are using for parking is meant to stay for the time being. Mr. Mitchell went through the phases which Phase I would be to move the dome building and secondly, Phase IA would be to build six (6) contractor units on the lower portion of the property of which the units themselves would be used by contractors such as electricians or plumbers or other people who have the need to store some supplies and to come and go to go to their job sites to work. Mr. Mitchell went on to talk about the third phase which would be Phase III to build an additional building with contractor units which has eight (8) units in it and an additional building with three (3) contractor units near the existing building being utilized by the bus terminal. It is anticipated that, when that happens which will not be for at least a year from now because the bus terminal is still there, and they will be there for at least a year. So basically, this summer is to move the dome building and construct the first six (6) contractor units. Mr. Mitchell explained that, they did receive a Variance for this type of use and 14 self-storage units which are not being proposed here as they have removed those. Mr. Mitchell indicated that, the site itself is 3.67 acres and serviced by municipal water and has a septic system. Mr. Mitchell did explain that they are proposing to build a new septic system. Mr. Mitchell moved on to talk about parking and the fact that they looked at

parking for a full build out and have provided about 80 spaces. With that said, Mr. Mitchell stated that, he would be glad to answer any questions that anyone may have.

Mr. Porter mentioned that, the use being borderline commercial and asked about snow storage and where that would occur and also any type of dumpster and the turnaround for that. Mr. Mitchell indicated that, they do have to show the location of the dumpsters on the site and would get those onto the plan for the Public Hearing that is scheduled in two weeks and which would go to Stantec for the review. Mr. Mitchell talked about the dumpsters and that they anticipate putting those between the 6 and 8 units and one by the 3-unit building. In terms of snow storage, they would put a notation on the plan that in the event that snow storage cannot be held onsite that it would be trucked off to an appropriate location.

Mr. Porter asked about parking and did not believe that the number of spaces would be sufficient. Mr. Mitchell answered by saying that, what they do show is 3 spaces per unit plus an area to park a box truck or a van and believe that would be adequate and sufficient for the use and explained that it would not be a commercial retail site where people are coming and doing business in these units. Each unit would have an office so someone may stay and do the office work but primarily these are being used for more warehouse than anything else. A brief discussion ensued with regard to the use.

Mr. Poltak had a question regarding the minutes of the ZBA and asked if Mr. Scott would be retaining ownership of these units. Mr. Scott wanted to answer and stated that, yes, that is correct and that he would be onsite as well as his office for his business is located onsite as well. He would be owner and manager of the property.

Mr. Poltak turned the meeting over to the Board members for questions or comments. Mrs. Marzloff had a question regarding all the plans show an address of 15 King Street and that the Variance says that the address is 29 King Street. Mr. Mitchell commented that, even though there was an address it is based on Tax Map and Lot and the Tax Map and Lot is the same. Mr. Mitchell continued to say that, they will have to work with the post office to see how to get addresses for each individual unit and how they will get mailboxes for them too. Mrs. Marzloff asked Mr. Mitchell if he was aware of the new postal regulations where there needs to have a central location for the post office mailboxes. Mr. Mitchell said that they would work with the post office.

Mr. Scott commented that, 15 King Street came from Mrs. Rouleau-Cote called him and organized the whole address change and believed it would be the same process all over again and would check with Mrs. Rouleau-Cote so that is where the 15 King Street came from for Highest Quality Lawn Care and for HQ Properties and the bus company uses 30 King Street which is actually legally 29 King Street.

Mr. Rolfe asked if there would be an entrance and exit or would they be going both ways out. Mr. Mitchell believed that at this point in time they anticipated two-way traffic because there would be cars and the like. Initially when Phase I and Phase IA is done and the bus terminal is still there, they will be primarily using the upper entrance and not

down to the lower one. Mr. Rolfe stated that he would question it when those commercial units go in and would like to see it as a one-way. Mr. Mitchell did not believe it would be a big deal and once the bus terminal is no longer there it may be easier to do a one-way. Mr. Rolfe agreed. Mrs. Marzloff also agreed with Mr. Rolfe about traffic congestion and really thought this was a heavy burden piece of property and would hold off on any comments until they get the engineering review. Mr. Rolfe would agree with that as well.

Mr. Poltak asked if there were any other comments from the Board. None were noted. Mr. Poltak asked Mr. Scott that, if they were to put "No Parking" signs on his side of the street would he be opposed to that. Mr. Poltak asked if this proposal accommodate on street parking from Phase I to Phase III in the new proposal for site plan. Mr. Mitchell believed it does and understands the issue and stated that, it was not their intention to utilize the street for parking. Mr. Poltak commented that, this would be something that he would be reviewing once the proposal comes before them. Also, Mr. Poltak would be looking to see if there was enough parking on site with no parking on the street for this proposal if they were to eliminate on street parking. Mr. Scott wanted to answer the question now and stated that, there is enough parking right now for everybody on site and have spoken to his tenant many times about parking on the street and was told that they cannot control them. Mr. Scott stated that, he was 100% sure that there was enough parking on site now and in the future to have zero cars on the street.

Mr. Poltak explained that, they have shared that there will be what he defines as four (4) Phases which is Phase I, Phase II and the potential for Phase III and his dilemma from a regulatory point of view is the necessity of being precise with regard to what your request is asking for and that is a site plan approval for a potential third phase. With that said, one of the thoughts he had was in the case of site plan proposal as opposed to having conditions of approval that he would like to possibly have a Development Agreement as opposed to conditions of approval. Mr. Poltak explained that, after Mr. Scott receives approval for the property and then goes to sell the property and they come back before the Board to condoize the units we would have a problem. A brief discussion ensued with regard to whether or not the buses would be leaving. Mr. Mitchell wanted to comment on this as he believes there is some confusion on the phasing. Mr. Mitchell began by saying that, the first phase is really in two parts with the dome building being moved to the top of the property and then once the dome is moved that the six (6) contractor units would be built. As far as the second phase which would be the remainder of the contractor units which would not happen for at least a year and that is partly because there is a contract with the bus people to be there. The earliest they would leave would be after school is done in 2022. Whether there is an extension of that or not, we do not know but it would be at least a year after this school year. Then the other units would be built but as far as the work to be done, all of the drainage work would be done in Phase I, the entire septic system would be put in along with the pumps for both Phases I, IA and II so the infrastructure on the site would be done. Mr. Mitchell went on to say that, when the buses are gone that the fuel station would have to be removed which would be done when the bus terminal is gone. They are looking for this year to move the dome building and put in the six (6) units and after school next year that the second phase would be done so for

two (2) years. Mr. Scott commented that, Mr. Mitchell was right on and pointed out that, there were really only two (2) phases.

Mr. Poltak wanted it noted that, the site plan should be specific to what is going to happen with the schedule and wanted the applicant to think about that as this was going before the Board for a Public Hearing in two (2) weeks. Mr. Poltak would want to see a site plan that is site specific to the phases in perpetuity on this site. Basically, Mr. Poltak wants to know what will happen on this site and when. Mr. Mitchell understood and reiterated the phases again and asked if the Board had any opinions about the timetable for the last phase of the 11 contractor units must be put in next year or whether it can hold off for two (2) years. Mr. Poltak went over the phases and began by saying that, Phase I was moving the Quonset hut. If the bus people stay does this all end after Phase I. Mr. Scott answered by saying that, the bus company has been a great tenant and a loyal tenant and would not ask them to leave during the school year. He would ask them to leave in the summer, so his thought is to move the dome and build the first six (6) contractor units before the winter and then were back to school. Then next summer around June 15th the bus company would be leaving, and they would begin construction on Phase II. Again, Mr. Poltak asked what would happen if the bus company did not leave. Mr. Scott said that, they will. Mr. Scott stated that, he is asking for two (2) phases, Phase I if approved would be completed by the end of this year which would be moving the Quonset hut, putting in the septic and drainage and building the six (6) contractor units would be all completed by December 31, 2021. Then there would be a small break because he really does not want to ask his tenant to leave in the middle of the school year as he is willing to wait until the school year ends which is when they would be leaving. That is basically how he sees it moving forward. Phase II beginning around June 15, 2022 and that phase only has the eight (8) contractor units and then the other three (3) contractor units and the diesel fuel tank removed and that completed by the end of 2022. Mr. Scott ended by saying that, the whole entire project being wrapped up by December 31, 2022. Mr. Scott asked Mr. Mitchell if that about summed it up. Mr. Mitchell said yes. Mr. Poltak asked about Phase III. Mr. Scott stated that there was no Phase III and there never was. Mr. Mitchell pointed the Board to note #3 on the plan. At this time, a brief discussion ensued with regard to the phases which was reiterated above.

Mr. Poltak wanted them to be comfortable so that they can make him and the Board comfortable with what they would be approving in terms of a timetable and what is involved in each step of progress along the way to achieve an end result of a new in existence site plan that accommodates all the concerns that technically they will take up with our town engineer as well as your people. Basically, Mr. Poltak would like everything straightforward and understood on what will be occurring and when. A brief discussion ensued with regard to the ZBA minutes where three (3) phases were noted. Mr. Mitchell indicated that, that was what was discussed in September but what it has transformed to now is two (2) phases the way that it was explained above. Mr. Poltak stated that, his take home is simply that, he would like complete clarity so they understand what they would be approving as well as the parking issue, the paving issue and the septic, the stormwater and snow removal along with the dumpster locations.

Mr. Poltak asked if there were any other questions or comments from the Board. None were noted. Mr. Poltak asked if Mr. Tatem was on the line. Mr. Tatem was not on the line. Mr. Poltak pointed out that, there was a Planning Board Public Hearing to be held in two (2) weeks and asked Mr. Mitchell if he would have more technical documentation and answers to some of these questions that were brought up tonight. Mr. Mitchell said yes that they would have all the questions answered and the plan set that was sent over for discussion had only four (4) sheets and that they actually have a 12-sheet set which were a little more intricate than what they wanted to discuss tonight but that they would clean them up and get them to the Board and Dan Tatem so that he can review them and have them for the Board for the next meeting. Mr. Poltak thanked Mr. Mitchell and Mr. Scott for their presentation. Mr. Scott had one question and wanted to know if Attorney Panciocco ever made it to this meeting because he did not hear from her. Mr. Mitchell said no that he can still see her in Londonderry on the zoom meeting. Mr. Scott stated to Mr. Poltak that, he was comfortable with the Development Agreement. Mr. Poltak commented that, that would be something that they could take up but the take home for both Mr. Scott and Mr. Mitchell is that this proposal might require a Development Agreement and believed that, if they work together that they could get this done and wanted to reiterate the need for a timetable and long term as he does not want someone coming back saying that they could not understand why they could not do that.

In conclusion, Mr. Scott really wanted to say that, he appreciates the Board's time and all the comments as it has certainly helped them. In his opinion, as he has been on this site for 11 years or so and believes that this plan is much cleaner and neater and organized than having 40 school buses coming and going twice a day with 40 employees bringing their cars in and out twice a day. Mr. Scott truly believed that, they will never have any cars parking on the street. Mr. Scott stated that this was a dream come true. Mr. Poltak agreed and commented that, it was a busy site than what is proposed. Mr. Poltak stated that, they will leave it at that and go from there and thanked Mr. Scott and Mr. Mitchell.

Mr. Rolfe wanted to ask Mr. Scott if he was keeping his fertilizer business. Mr. Scott said yes, his office is for Highest Quality Lawn Care and NH Ice Melt and that NH Ice Melt only operates for three (3) months a year. Mr. Scott explained that, the dome has his fertilizer trucks parked inside it and that is why his site is so neat because his trucks are parked inside and that he is on site every day. A brief discussion ensued with regard to the office for Highest Quality Lawn Care. Mr. Rolfe understood and the discussion ended.

Mr. Poltak asked if there were any further questions. None were noted. At this time, the discussion ended, and Mr. Poltak thanked Mr. Scott and Mr. Mitchell.

OTHER BUSINESS

Mr. Poltak stated that, that was our agenda. Mr. Rolfe asked Mr. Poltak if we would be live in two (2) weeks. Mr. Poltak explained that, the Board would have an informal on the senior housing and also the formal hearing on this one and masks will be mandatory. Mr.

Poltak further added that, he has spoken with Ms. Royce today and it will all be dependent on how this Covid thing continues and we will try to have Public Hearings in a public sense.

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. Mr. Porter seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 8:15pm.

The Planning Board's next scheduled meeting would be set for April 21st, 2021 at 7:00 pm. This meeting will be held at the Auburn Village School Gymnasium. Due to Governor Sununu's Emergency Order #12 on March 23rd, everyone who will be attending this meeting will be required to wear a mask.