

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
June 2, 2021

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

Also Present: Eric Mitchell, ECM, Geraldine Silva, Jacob Doerfler, Dubay Group, Bill Scott, Maine Drilling & Blasting, Brad Remillard (Silva)

Absent: Jess Edwards, Alternate.

Mr. Poltak called the meeting to order at 7:00pm. Mr. Poltak explained the procedures for tonight's hearing and began by explaining 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 began as follows:

Mr. Poltak introduced himself as Chairman of the Planning Board. Mr. Porter introduced himself as a Member of the Planning Board. Mr. Rolfe introduced himself as the Selectmen's Representative. Ms. Dross introduced herself as a member of the Planning Board. Mrs. Marzloff introduced herself as an Alternate Member of the Planning Board. Mr. O'Callaghan introduced himself as a Member of the Planning Board.

Mr. Poltak moved on to the applicants and abutters and asked everyone to please state their names and what case they were here for tonight. Ms. Geraldine Silva, trustee for Chester Turnpike introduced herself. Mr. Eric Mitchell introduced himself and stated that he was before the Board tonight representing Ms. Geraldine Silva which was the first informal on the agenda tonight. Mr. Jacob Doerfler introduced himself and stated that he was before the Board tonight representing Maine Drilling & Blasting along with the informal discussion on Londonderry Turnpike. Mr. Bill Scott, Vice President of Engineering for Maine Drilling & Blasting. Mr. Brad Remillard was present for the informal discussion on the Silva property located on Chester Turnpike.

Mr. Poltak began the meeting by asking the Board for an approval of the last meeting minutes which was May 19, 2021, and stated that a motion to approve would be in order.

MINUTES

Mr. Porter moved to approve the minutes for May 19th, 2021, as written. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak explained that there were three (3) items on the agenda tonight and moved on to the first item which was an informal discussion regarding the Silva property on Chester Turnpike to discuss the potential of a two (2) lot subdivision.

GENERAL BUSINESS

Informal – Eric Mitchell

On Behalf of Geraldine Silva, Trustee

Chester Turnpike, Tax Map 11, Lots 15-1 & 15-2

Discuss Potential Two (2) New Lot Subdivision

Mr. Mitchell began by saying that, his office has prepared a proposed plan for both Gerry Silva and Cherry Hill Homes. The project is located on Chester Turnpike and went on to point out on the plan locus the two (2) lots as they currently exist. The lot on the left is Lot #2 and the lot on the right is Lot #1. Both lots are about 14 acres in size. Lot #1 which is on the right which is where Ms. Silva lives which has a single-family house with an in-law apartment and what they are proposing to do is to do a lot line adjustment between the two (2) lots. So basically, one acre of Ms. Silva's lot will be added to Lot #2 and then they would subdivide Lot #2 into three (3) separate house lots. The zoning out there is Rural which is 3 acres and 300 feet of frontage. Mr. Mitchell talked about all the lots of which Lot #1 would be 4 plus acres, Lot #2 would be 7.5 acres, Lot #3 would be 3 acres and Ms. Silva's lot would have 13 plus acres remaining where her home is on.

Mr. Mitchell went on to say that they do have an application into the Zoning Board of Adjustment seeking a Variance relief to the wetland's setback. They are also scheduled to meet with the Conservation Commission next Tuesday night. The reason they are before the Planning Board tonight was because there was some question about a common driveway that they are proposing which will go to Lot #2-2 and Lot #2-1 and so they wanted to discuss that. Mr. Mitchell explained the location in detail for the Board members. Mr. Mitchell also explained that they would need a Dredge and Fill Permit and that it would go up to the left and off to the right. The reason they are doing that is why they are proposing a common driveway. The wetland crossing is why they are going to seek relief from the Zoning Board of Adjustment. Currently they show a 125-foot wetland setback, and they are seeking a reduction down to 75-feet. Mr. Mitchell pointed out that, they do show the building envelopes on the plan and that the last two (2) lots would be built in the back of those lots. Most of all the wetlands have been mapped and there are a few areas that are not fully mapped which they still need to do before they come back to the Planning Board. With that said, Mr. Mitchell stated that, he would be happy to answer any questions that the Board may have.

Mr. David Haddad entered the teleconference at 7:10pm.

Mr. Poltak turned to the Board first. Mrs. Marzloff began by pointing out that, before they do a final submission could he kindly illustrate the existing lot line as such and then the adjusted lot line. Mr. Mitchell understood and commented that, they will show that on what they will show for final submission. A brief discussion ensued with regard to the lot lines.

Mr. Rolfe pointed out that, the Town of Auburn's regulations state that "Common Driveways are Prohibited" which is #18 in our regulations and did not know if they could let this go and requested some more information. Mr. Poltak agreed with Mr. Rolfe that "Common Driveways are Prohibited" and that has always been the case. Mr. Poltak did not know how they could vacate this from the regulations. Mr. Mitchell indicated that, in this particular case, if it is in the regulations that they would ask for a waiver and the reason why they would be asking for a waiver is so they would not have two (2) driveways side by side impacting the wetland crossing more as well as impacting the wetland buffer to go up and back and that is the rationale on why they would be requesting a waiver. Mr. Poltak understood that the three (3) lots would be to build homes and secondly that they would be for sale either before or after construction. Mr. Mitchell said yes, they are for single-family house lots. Mr. Poltak commented that, the difficulty associated with common driveways is long term which relates to maintenance, plowing, conditions associated with safety and lastly, ownership. Mr. Poltak asked Mr. Mitchell how he expected to share ownership of this driveway. Mr. Mitchell explained that they have shown the driveway to be located on one lot so that the driveway would be on Lot #2-1 and that Lot #2-2 would have an easement. Mr. Mitchell also stated that, it was also possible for them to put the lot line down the middle so that each lot would have an easement over it so they could go down. Mr. Mitchell realizes that there would have to be an agreement between the parties and did not believe it was any different than having a townhouse project so there would be a homeowner's agreement between the two (2) parties. The agreement would be to make sure that the maintenance gets done and the plowing gets done and also if there were any repairs that needed to be done.

Mr. Poltak asked Mr. Mitchell if he would still proceed with a two (2) lot subdivision if the Board members were to deny him a common driveway. Mr. Mitchell began by saying that they probably would not and wanted to clarify that, because this got noticed as a two (2) lot subdivision was because we already have two (2) lots so there would be a total of four (4) lots in the end. So, if Mr. Poltak is asking if they would still try to make two (2) new lots the answer would be yes, they would. If they cannot get a common driveway, they would then put two (2) driveways side by side and they would have more wetland impact and more of a buffer impact. Mr. Mitchell commented that, that was why they wanted to go with the common driveway was to have less of an impact to the wetlands. A brief discussion ensued with regard to the driveways. Mr. Poltak explained to Mr. Mitchell that, if he were to leave Lot #1 as is associated with a driveway accessing it and leave Lot #2 as it currently is and adjust Lot #3 so it utilizes a bit more of Lot 15-1, they would still have an opportunity by subdividing this piece of property a little differently to have 300 feet of frontage with three (3) different lots with three (3) driveways. Mr. Mitchell believed they would have to cross a wetland again by doing it that way. Mr. Poltak stated that, they are going to have difficulty getting a common driveway because the Board at least through

experience is not going to embrace a common driveway because they are nightmares. Mr. Poltak thought it sounded wonderful but in the end people do not get along. Mr. Mitchell just wanted to make one clarification that does not show on the plan which is the 4-acre lot to the lot with the house on it which basically shows the wetlands that cuts the property in half.

Mr. Porter asked Mr. Mitchell where the easement was that was just put in place. Mr. Mitchell explained that it was the Sanborn lot, which is shown on the plan as Map 11, Lot 19 so the easement is on two (2) sides. Mr. Porter commented that, in terms of the common driveway and understands what they are trying to do in terms of only crossing the wetlands once however that whole area is sensitive to begin with and that was part of the reason why it was conserved. So, putting extra lots in there will not be looked upon favorably and the DES permitting will also be a challenge.

Mr. Poltak asked if there were any further questions. None were noted. Mr. Porter informed Mr. Mitchell that, his take home from tonight's discussion is not going to be easy and that the Board has some concerns especially with regard to combined driveways, Mr. Poltak believed they would have to revisit the thought of having two (2) lots as opposed to three (3) and go from there. Mr. Mitchell commented that, that was the main reason that they were asked to come before the Planning Board to obtain some input.

In conclusion, Mr. Poltak understood they had a scheduled meeting with the Conservation Commission next Tuesday and they are faced with a real deterrent in terms of our regulations and hates to set a new precedence that has not been set with approving combined driveways as they have been very difficult in the past. Mr. Poltak added, let's see what happens with the Conservation Commission and what you can do to rethinking this a bit and see where we end up. Mr. Mitchell informed the Board that, the owner was present tonight as well as someone from Cherry Hill Homes and wanted to see if they had any comments. Ms. Silva did not have anything to add. Mr. Mitchell thanked the Board members for their time and the discussion ended at 7:25pm.

PUBLIC HEARING

Maine Drilling & Blasting Rattlesnake Hill, LLC Gold Ledge Avenue, Tax Map 1, Lots 4 & 5 Zoned Industrial & Residential Two Minor Site Plan Amendment

Mr. Poltak began by informing the new members of the Board that, the proposal they have before them tonight is Maine Drilling & Blasting has been a good neighbor in Auburn for quite a while. This Board has had an informal hearing with them as well as the Conservation Commission for a proposal that will be discussed here tonight. It's a minor site plan revision and the Board did not see difficulty associated with moving forth on it but there is a process that they have to follow. Mr. Poltak stated that, this is a formal

hearing and as such the Board will conduct it in a formal hearing manor in a sense that, the applicant and/or their representative would be making a presentation to the Board. Mr. Poltak went on to say that, once the presentation is given the Board can move to approve or disapprove tonight. Mr. Poltak did not believe there would be a need to continue this public hearing and with that said, turned the meeting over to the applicant or their representative.

At this time, Mr. Jacob Doerfler introduced himself and indicated that, Doug MacGuire had a conflict of meetings tonight and therefore he would be representing the Dubai Group on this matter. Mr. Doerfler began by explaining the location of the property and what they are proposing to do. Mr. Doerfler directed the Board to page 2 of the plan set which was sent to each of the Board members prior to tonight's meeting. Mr. Doerfler stated that, the property was located off of Gold Ledge Avenue shown on page #2 which was an aerial overview of the property and proposed project. The aerial overview showed both lots which are Tax Map 1, Lots #4 and #5 of which the gravel pad will be located on Lot #5. Mr. Doerfler moved on to page #3 which shows the gravel pad and grades of the property. Sheet #4 shows the gravel pad design which is pervious and shows the runoff. They've created a high point in the center of the pad which shows the runoff in each direction. They've added erosion control to protect the wetland during the construction process. Mr. Doerfler talked about the detailed sheet which shows the gravel. Other than that, they are not really impacting the 125-foot buffer other than the Variance they already received. Mr. Doerfler turned to the Board and indicated that, he would be happy to answer any questions that the Board may have.

Mr. Poltak asked Mr. Poltak with regard to the Conservation Commission review. Mr. Poltak indicated that it went very well, and the Board looked favorable on what they are proposing as they certainly did a better job than what is currently there right now. By putting the pad there, it actually allowed it to percolate more and distribute it better in the system. They did the review and they looked upon it as very favorable.

Mr. Poltak asked the Board members if they had any questions. None were noted. Mr. Poltak asked if there were members of the public who wished to speak. None were noted. Mr. Poltak stated that by hearing no comments and noted that this was a minor site plan amendment and seeing that the Conservation Commission has seen it and that it has gone through the Zoning Board of Adjustment and that the Planning Board has seen this two (2) or three (3) times believed that a motion was in order.

Mr. Porter made a motion to approve the Minor Site Plan Amendment for Maine Drilling & Blasting, Rattlesnake Hill, LLC, Tax Map 1, Lots 4 & 5. Ms. Dross seconded the motion. A vote was taken, all were in favor and the motion passed.

Mr. Doerfler thanked the Board for their time and the discussion ended at 7:34pm.

Next, Mr. Poltak moved on to the third item on the agenda and asked who would be presenting for that case. Mr. Doerfler indicated that he would be presenting for the informal discussion.

GENERAL BUSINESS

**Informal – Doug MacGuire
On Behalf of David Haddad
Londonderry Turnpike, Tax Map 1, Lot 27
Discuss Potential Townhouses (8-units)**

Mr. Doerfler asked the Board if they had those plans in front of them. The Board members indicated that, they did in fact have the plans in front of them. Mr. Poltak wanted to share with the Board that initially the Board was approached by an individual who would be purchasing the property with a concept of building two (2) duplexes of which they secured a Variance from the Zoning Board of Adjustment to build two (2) duplexes on the property. Mr. Poltak moved now to today of which they would like to have a six (6) unit townhouse development and to vacate the duplex proposal. Mr. Poltak reminded everyone that this was an informal discussion tonight and with that said turned the meeting over to Mr. Doerfler to present to the Board.

Mr. Doerfler began by saying that, what they are proposing to do now by reducing the disturbance of the wetlands is to move forward with a six (6) unit townhouse development. They would have one septic and one well where it was previously proposed to have two (2) of each. Mr. Doerfler went on to say that they included a turnaround for the fire truck. With that said, they are basically just looking to get some feedback from the Board tonight and then move forward with the Zoning Board of Adjustment. Mr. Doerfler asked if there were any questions that the Board may have.

Mr. Poltak turned the discussion over to the Board members. Mr. Porter asked when they received the Variance for the duplexes one of the Cons Com concern was the wetland impact but also the water. Mr. Porter went on to say that, from going from a four (4) unit which was the two (2) duplexes on two (2) wells and now going with six (6) unit townhouses with one well will impact it even more. Mr. Porter did not believe the plan improves much in terms of the water use as it would be impacting the land more. Mr. Doerfler stated that they were reducing their driveway length so they will have less impervious. A brief discussion ensued with regard to pavement and curb cut which would include one entrance to the site. Mrs. Marzloff asked about the detention pond and would like to see it moved so that there would be less clearing of the land so that these units will not be seen from the road. Mr. Doerfler explained that this was a conceptual drawing and was basically based on the old plan which was overlayed on top of the previous plan for the duplexes. Mrs. Marzloff asked about the 6 units which was located within a 3-acre zone and asked if this was going to be part of their Variance request or would they be seeking a waiver. Mr. Doerfler indicated that, they would definitely be going to the ZBA for that, but they wanted to come to the Planning Board first before they went through the

whole process. Mrs. Marzloff believed they were putting the cart before the horse in coming to the Planning Board first. Mr. Doerfler stated that, they were asked to go before the Planning Board for an informal prior to going to ZBA.

Mr. Poltak asked if there were any other questions or comments. Mr. Rolfe asked if this would be a private drive and would be maintained by a homeowner's association. Mr. Doerfler said yes. Mr. Poltak asked if there would be a homeowner's association. Mr. Doerfler said yes, who would handle all the grounds maintenance and the drainage maintenance and snow removal and the like. Mr. Poltak asked about the design of the townhouses itself and asked if it would be similar to what was done on Rockingham Road. Mr. Doerfler stated that it would be similar to those units with a garage under. A brief discussion ensued with regard to parking which would be in the garage and in front of the garages and across from the garages. Mr. Poltak informed Mr. Doerfler that there would be more discussion in this regard if they were successful in obtaining approval from the Zoning Board of Adjustment. Mr. Poltak also pointed out that, when that point comes that there would be a great deal of interest from the Wethersfield development which is a single-family development that he believes directly abuts this property. Mr. Porter also added that, they will be looking at the design of these structures and how they are constructed, and all of the aesthetics associated with its location as well as its design.

Mr. Poltak asked if there were any abutters or interested parties who would like to speak. None were noted. Mr. Poltak asked if there were any members of the Board who would like to add to this conversation. Mr. Porter pointed out that, they would be looking at the landscaping plan on this project very closely as this will be in everyone's minds. Mr. Poltak also pointed out that with regard to the hammerhead which would be a Fire Department review which will be a concern to them. Mr. Poltak asked Mr. Doerfler if they had a date set with the ZBA yet. Mr. Doerfler said no they did not as they wanted to meet with the Planning Board first because if the Board said no way, then they would not proceed with this.

Mr. Doerfler thanked the Board for their time and input and the discussion ended at 7:54pm.

OTHER BUSINESS

Mr. Poltak wanted to have a discussion with the Board regarding future meetings. Mr. Poltak informed the Board that the school would not be available after the school year ends so they cannot have public meetings until school resumes again sometime in September. Mr. Poltak added that, what he is attempting to do is to work with Ms. Royce and the Police Department to access the meeting room at the Safety Complex. Mr. Poltak stated that, tomorrow the Governor will be issuing new guidance in respect to conducting business with COVID 19 virus being somewhat under control. Mr. Poltak basically indicated that, they will have to wait and see how relaxed things will become and will have to wait and see on how to proceed with public meetings as a result of whatever takes place tomorrow in regards to guidance. Mr. Poltak would like to have two (2) meetings in

the month of July if available and the first week in August. Mr. Poltak informed the Board that he will not have a meeting in the second week of August as he will not be here. Mr. Poltak stated that, he would not go down into the basement of the town hall as he did not believe it was large enough to hold the draw for the 55 and older development and the upcoming development off of Tanglewood.

In conclusion, Mr. Poltak stated that he would be happy to answer anyone's questions if they had any. Ms. Dross asked about possibly doing zoom as a visual meeting which would make things easier as opposed to teleconference. Mr. Poltak said yes, the town did buy into the zoom process and decided it wasn't worth the price and therefore zoom capabilities was not available to the Board Chairman. Ms. Royce also indicated that we did not have the capabilities at the Town Hall. Most of the Board members did not have the ability to do zoom meetings as well.

ADJOURN

At this time, Mr. Poltak thanked everyone for their participation tonight and indicated that a motion to adjourn would be in order.

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 7:59pm.

The Planning Board's next scheduled meeting would be set for June 16th, 2021 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23rd, this meeting will be held in person at the Auburn Village School, 11 Eaton Hill Road.