

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**PUBLIC HEARING**  
**November 17, 2021**

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

**Also Present:** Tristan Smiley. Eric Mitchell.

**Absent:** Jess Edwards, Alternate Member.

Mr. Poltak called the meeting to order at 7:00pm. Mr. Poltak moved on to ask all the Board members to introduce themselves to everyone present tonight. Mr. Poltak indicated that there was a full Board tonight. Mr. Poltak believed there were no abutters as he pointed out the individual applicants. Mr. Poltak went on to say that what he was going to do was to take up Heritage Plumbing first then Tristan Smiley second and then the Silva property with the LLA, Subdivision and CUP last.

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

**MINUTES**

<p><b>Mr. Porter moved to approve the minutes for November 3<sup>rd</sup>, 2021, as written. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.</b></p>
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**ANNOUNCEMENTS & CORRESPONDENCE**

There were no Announcements and Correspondence.

## **GENERAL BUSINESS**

### **PUBLIC HEARING**

**SCJ Holdings, LLC  
Heritage Plumbing  
28 Commercial Court, Tax Map 1, Lot 16-24  
Minor Site Plan Amendment**

Mr. Michael Stewart began by saying that he has a letter from Craig Chartier giving him permission to present on behalf of Heritage Plumbing which he presented to the Chairman for the file. Mr. Stewart stated that, the business has been growing and they are running short on warehouse space. Mr. Stewart explained that, on the existing site plan coming off the back is a full concrete pad which is existing since they purchased the property approximately 24 years ago. Mr. Stewart stated that, what they are looking to do with the footprint of that concrete pad which is approximately 18 feet by 68 feet is over that concrete pad is to build an enclosure to match the rest of the building which will basically square off the building. At this time, Mr. Stewart pointed out the proposed area on the plan that was presented to the Board. A brief discussion ensued with what would be stored in this new building. Mr. Stewart indicated that, it would be boilers, furnaces, plumbing and HVAC parts and things like that. Mr. Rolfe asked if it would be cold storage. Mr. Stewart said, yes for right now but that they may add a gas unit heater or warehouse unit heater. Mr. Porter asked if he had spoken with the Fire Department. Mr. Stewart has not. Mr. Rolfe pointed out that, Mrs. Rouleau-Cote would be taking care of that during the building process and would be working with the Fire Department.

Mr. Poltak informed the Board members that, Mrs. Rouleau-Cote has been out there to look at this and has no problem and she would certainly be overseeing this project as well. Mr. Poltak stated that, this was an amendment to an existing site plan of which was a minor amendment that is required. Mr. Poltak also pointed out that there are no abutters present tonight and suggested to Mr. Porter that if he wanted to make a motion to approve the amendment conditioned upon the Fire Department. Mr. Porter did not believe they had to as Mrs. Rouleau-Cote would be taking care of all of that during her review. Mr. Poltak agreed.

**Mr. Porter made a motion to approve the Minor Site Plan Amendment for 28 Commercial Court, Tax Map 1, Lot 16-24. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Poltak informed Mr. Stewart that he was all set and that he would need to see Mrs. Rouleau-Cote now. Mr. Stewart stated that he would see her tomorrow and thanked the Board for their time.

**Tristan Smiley**  
**9 Auburndale Lane, Tax Map 10, Lot 24**  
**Minor Site Plan Amendment**

Mr. Poltak informed Mr. Smiley that the Board has received his site plan and asked Mr. Smiley to begin his presentation. Mr. Smiley stated that he had an authorization signed by the property owners and presented a copy to the Chairman to be placed into the file for the record.

Mr. Smiley began by saying that, Mr. Franklin made the changes to the plan and that there were only a few small minor adjustments that were made from the last time they spoke. The most significant one that Mr. Smiley mentioned was that the later half of the driveway that completes the loop believed that a good gravel covering would make better sense in the event of an emergency situation. Mr. Smiley moved on to the location of the composting toilets by the barn which will be the brew house near the composting area which is marked on the plan. Mr. Smiley informed the Board members that, he did amend the eight parking spots on the western side of the driveway which is single directional. Mr. Smiley also indicated that, he asked Mr. Franklin to show a second location for signage and he made a rough draft which he showed the Board members. The signage would be black simple lettering of which on sign would be eight by six which would be at the same location as the last sign and one by 16 which would be on the building. Mr. Smiley believed that was all the changes required and would be happy to answer any questions.

A brief discussion of the well location that was removed from the last plan that was presented to the Board members at the informal meeting. Mrs. Marzloff believed that the well needs to be shown on the plan. Mr. Poltak turned the discussion over to the Board members for questions or comments. Mr. O'Callaghan asked about only having eight parking spaces when he would be serving how many patrons. Mr. Smiley stated that there would only be 12 seats. Mr. Smiley believed that had to do with the different brew pub licenses and that he would be looking to obtain the Nano Brewery License is 0 to 20 occupancy and he can set that number and he has set it at 12 patrons. A brief discussion ensued with regard to expansion of the business. Mr. Smiley believed that an expansion would probably necessitate installing a new septic system and what he wants to do at the moment is make it manageable and get it started and then if he is blessed to be successful that he would cross that bridge when he gets there. Mr. Rolfe read off a document presented by the Building Inspector that, in speaking with DES it would be a change in use and a new septic system would be required. Mr. Smiley stated that, he did speak to DES and that they informed him that he does not have to put a new septic system in. The existing septic system is within the confines of the licensure. Ms. Dross asked Mr. Smiley if he has spoken with Mrs. Rouleau-Cote about this as she notes that, a change of use will require a new septic approval. Mr. Smiley stated that his contacts at DES is Cynthia Nelson and Kathy Black and was informed that a septic approval is necessary when you are building a new system but if the existing system is within the capacity necessary for the business to operate, he did not have to put in a new system provided the current

system is appropriate. Ms. Dross suggested that he check with DES and have who he has spoken with to speak with the person Mrs. Rouleau-Cote spoke with to sign off on what is there because it is considered a change of use for the property. Mr. Rolfe also believed that what Mr. Smiley is proposing is considered a change of use of the property. A discussion ensued with regard to the change in use and speaking with the contacts at DES.

Mr. O'Callaghan asked about the ability to have delivery trucks enter there. Mr. Smiley indicated that, there wasn't a problem as he's had 24 Firkin Cask delivered in September to that property and there was enough room to turn around.

Mr. Poltak stated that he believed the best the Board could do tonight is to potentially get to the point of giving conditional approval to your site plan but will need more information from NH DES. Mr. Poltak asked Mr. Smiley what type of food he would be providing at the brewery. Mr. Smiley commented that you can serve a single pint without food but if they want to purchase more than food would need to be provided. With that said, Mr. Smiley added that there would be a limited menu that would fill all the requirements of Health and Human Services. There are technically two (2) licenses for one business.

Mr. Poltak moved on to say that, with regard to the site itself, our land use regulations require that the driveway be paved. Mr. Poltak stated that this is a new site plan and would run with the property in perpetuity. Mr. Poltak added that, where the composting toilets are going to be, they're going to require someone to come out of the tavern and walk across the parking lot and through the parking spaces and out to one of the composting toilets. Mr. Poltak did not believe Mr. Smiley wanted to do that because he would be putting someone crossing incoming traffic entering the property and believed that it should be something that Mr. Smiley should think about. Mr. Poltak again mentioned that the driveway will need to be paved. Mr. Smiley indicated that, he did not want the composting toilets to be anywhere near where anything was growing where there would be waste transferring compost which would take a significant amount of time. Mr. Poltak further added that, the manure composting area is right on the boundary line of the property. Mr. Smiley wanted it to be in a place where it would fit. Mr. Rolfe was unsure that Manchester Water Works would be happy with this placement either. Mr. Poltak was unsure this was something that DES would be dealing with either. A discussion ensued with regard to the woodshed which would be staying which was a chicken coop at one time. Mr. Poltak asked about animals on site and where would they be going. Mr. Smiley stated that they would be put in the pasture with a wire fence which would include three goats. Mr. Smiley indicated that there would be a small shed constructed for the goats.

A brief discussion ensued with regard to the parking spaces with grass area in between them which were used when the vet clinic was there. Mr. Rolfe asked about the light fixtures. Mr. Smiley stated that all the light fixtures are existing. Mr. Poltak asked if there were any further questions from the Board.

Mr. Poltak asked Mr. Smiley how he would like to proceed. Mr. Porter informed Mr. Smiley that he may have to amend his plan if he would be paving the gravel area and utilizing the whole driveway. Mr. Smiley believed he would be removing that section of the driveway as paving was not an option. Mr. Porter mentioned the composting toilets and believed that from a business perspective that he would want them closer to the building. Mr. Smiley stated that, that would be ideal, but he did not mind being small and convenient to begin with as long as it exists and work out the kinks later on. Mr. O'Callaghan asked if there were any facilities in the building. Mr. Smiley stated that there was one facility in the building and had the intention of making that one as somewhat of a wheelchair accessibility. Mr. Porter asked Mr. Smiley if he wanted to come back when he had a final decision on the plan for the driveway. Mr. Rolfe indicated that it would be that and the septic.

Mr. Poltak understands the timing with all of this and that the concept is embraceable and suggested that he did not have a problem with the Board granting conditional approval to you tonight so that you understand working with your people including his engineer and whoever else he would be dealing with. The intent is to see this happen and he would have that conditional approval. Mr. Poltak pointed out that, what will have to happen is the suggestions that Mr. Porter pointed out and what he suggested as well is that we must get clarity with DES because he would have to garner state approval for well and septic. Then in terms of the plan itself which he believes he knows what Mr. Smiley's decision will be and will not be paving that section. Mr. Smiley said that was correct and maybe a couple of years from now we can come back and readdress it. Mr. Poltak also pointed out that, he will need a site plan where the building is all labeled as to the purpose and what it will be called. Mr. Poltak also commented that, he may need to take a look at the lighting and possibly he could talk to Mrs. Rouleau-Cote about it especially when you are going to have people walking out in the dark to composting toilets. There should be kind of depiction of a pathway and the fact that everything needs to be depicted when he has a public place and there are requirements within the building code for that. Mr. Poltak also pointed out that, he will have to depict the eight parking spots on this plan. A brief discussion ensued about lining them out. Mr. Poltak informed Mr. Smiley that this is the plan that will go on record at the Registry of Deeds. Mr. Poltak added that, he would suggest that Mr. Smiley check with Ms. Royce and Mrs. Rouleau-Cote and to have his consultant be sure that everything is on this plan. Mr. Rolfe asked about a dumpster. Mr. Smiley stated that, all the trash will be carried off-site. Mr. Rolfe commented that, usually they have it marked on the site plan. Mr. Poltak also commented that, there needs to be a note on the plan on how the trash removal will be handled and should be addressed in some manner. Mr. Poltak asked if he thought he could get all of this done. Mr. Rolfe believed the Board should wait until he has everything in place before the Board gives him conditional approval because it is going to take some time. Mr. Poltak agreed and believed they could put it on their agenda whenever this DES issue is behind them for final approval.

Mr. Porter commented that, what he is hearing from the Board is that they would love to see this move forward, but they want to make sure that everything is covered. Ms. Dross commented that, Mr. Smiley has done a great job with what he's proposing to do and should try to get in touch with the people at DES that Mrs. Rouleau-Cote has spoken to as well as the people he has spoken with. Mr. Smiley thanked the Board members and stated that he would contact the people at DES and can live with what the Board is requesting. Mr. Smiley had a question regarding the concern with the water supply and recognizes the matter with the septic and will get that straightened out and would get in touch with DES. Mr. Poltak pointed out that, they will want water quality and water quantity data. Mr. Smiley understood.

With that said, Mr. Poltak asked for a motion to continue the Public Hearing until Wednesday, December 15<sup>th</sup>.

**Mr. Porter made a motion to continue the Public Hearing until December 15, 2021 to allow the applicant more time to obtain further information for 9 Auburndale Lane, Minor Site Plan Amendment, Tax Map 10, Lot 24. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Poltak thanked Mr. Smiley for his presentation and the discussion ended. Mr. Poltak moved on to the last item on the agenda tonight.

**Eric Mitchell**

**On Behalf of Geraldine Silva**

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

**Lot Line Adjustment, 2 New Lot Subdivision &  
Conditional Use Permit**

Mr. Mitchell passed out copies of the proposed plan for the Lot Line Adjustment and the creation of two (2) new lots along with a request for a Conditional Use Permit to each of the Board members. Mr. Mitchell began by introducing Mr. John Langill of Cherry Hill Homes who is the applicant and Ms. Geraldine Silva is the owner. The plan that they have includes a Lot Line Adjustment and a two-lot subdivision. What they are proposing to do is adjust the lot line between lots 15-1 and 15-2. Lot 15-1 has Ms. Silva's house on it. What they are proposing is taking an acre off of Lot 15-1 and adding it to 15-2 and then subdividing Lot 15-2 into three lots. Mr. Mitchell explained the lots to the Board members. Mr. Mitchell informed the Board members that they have gone before the Zoning Board of Adjustment for a Variance for a common driveway crossing of the wetlands. Mr. Mitchell indicated that, they were before this Board for a discussion this summer about a common driveway and the Board was not in favor of having a common driveway. Mr. Mitchell explained that the reason they were proposing to do a common driveway was to minimize the impact to the wetlands with having one crossing as opposed to having two wetland impacts for two (2) driveways when there is already a culvert there. If they were impacting more than 3,000 square feet than a Variance would be required. If they disturb less than 3,000 square feet, then a Conditional Use Permit from this Board



would be something that the ordinance would allow. They are asking for a CUP in the event the impact is less than 3,000 square feet. Mr. Mitchell explained further the wetland crossing and location of the existing culvert and where the two driveways would go up.

Mr. Mitchell went on to discuss the three (3) different waivers which the first one was a waiver from Section 6.03 of the Subdivision Regulations to not require test pit information on Lot 15-2-2 but not sure they need it now because they have since gone out there to do test pits on this lot. The second waiver was a waiver request from Section 9.15.18 to allow a common driveway to lots 15-2-1 and 15-2-2 to limit wetland disturbance. The last waiver is a waiver from Section 3.03, 2, A, xii to not provide if required, wetland mapping on adjusted lot 15-1 where it is existing and over 13 acres. Mr. Mitchell believed that was all he had and that he would be happy to answer any questions that the Board may have.

Mr. Poltak asked what the building portion of the lot would be as he had not walked that property in a long time. Mr. Mitchell pointed out the building envelope for the two (2) new lots. Mr. Porter had some concerns with these lots abutting a Conservation Easement and wanted to be sure that there was no breach in the setbacks. Mr. Langill stated that it could be flagged before they begin construction to be a "No Disturb" buffer. Mr. Mitchell pointed out that they have in the past put up signs that state "Conservation Easement, Do Not Disturb" and he did not think Mr. Langill would have a problem with putting those up facing the houses to let the homeowners would know it was abutting a Conservation Easement. Mr. Poltak asked about the wetland crossing and the potential of having a shared driveway. Mr. Langill explained that, having two (2) driveways will sell faster than having a shared driveway but however, the impact to the wetlands is greater so to alleviate the impact they are proposing to have a common driveway to lessen the impact to the wetlands. A brief discussion ensued with regard to potentially doing more disturbance to the wetlands with doing two (2) driveways. Mr. Langill stated that, basically they will do whatever the Board prefers. Ms. Dross asked Mr. Mitchell to point out the proposed driveway locations if there were two (2) driveways proposed. Mr. Mitchell pointed out the two (2) driveway locations if they were to do two (2) driveways.

Mr. Porter wanted to roughly know where the location of the homes would be to prevent future encroachment into the buffer for pools or sheds. Mr. Mitchell and Mr. Langill both did not know exactly where the location would be as they did not have septic designs yet and would not know this until they actually get into the area to build the homes. Mr. Mitchell believed if the Conservation Commission wanted a 50-foot no cut buffer that, that could be something that they could potentially talk about. Mr. Langill agreed that they could put a 50-foot no cut buffer on that back 50-foot setback. Mr. Langill indicated that they would be building houses that were less than 3,000 square feet. Mr. Langill had no problem doing some preservation here as long as it makes sense as he wants to preserve the wetlands as well. Again, Mr. Langill believed it made more sense to cross the wetlands once as opposed to twice as he's seen what happens when people cross wetlands. Mr. Rolfe asked if they would be able to pass two (2) cars through there. Mr. Mitchell indicated that, they would have to work with the Fire Department as well and have a turnaround at the top for the fire truck to turn around which will widen the width of the driveway. Mr. Rolfe stated that, he was not in favor of a shared driveway.

Mr. Porter believed they should note the wetlands on the 13-acre lot in the event it was ever subdivided. Mr. Mitchell did not believe it could be subdivided as it was really wet. Mr. Mitchell pointed out that they did ask for a waiver and that would be something that they Board could take up and was unsure if it would be required.

At this time, the Board and Mr. Mitchell talked about the covenants that would be written up to each of the homeowners indicating their respective responsibilities which can be reviewed by Town Counsel and the Board Members. Mr. Poltak added that, he did not know what kind of houses are going in and he did not know what the topography is and he does not know what the length of driveway is and does not know what the width of driveway is going to be and did not know what the context of wetlands crossing was going to be and did not know what the timing of all of this is. Mr. Poltak also pointed out the three (3) waivers, Lot Line Adjustment and Subdivision Approval they were looking for and did not have enough to go on. Mr. Poltak stated that, what he is going to suggest to the Board is from the perspective of the subdivision and the Lot Line Adjustment it's pretty much a given but with respect to the waivers and the Conditional Use Permit he would like to see some more details. He wants to see how this driveway is going to work and wants to see how this driveway will be laid out and would like to know the nature of the wetlands crossing. Mr. Poltak would also get a review to Town Counsel to see the agreement for the common driveway as well. Mr. Poltak would like to suggest to the Board that we approve the subdivision and Lot Line Adjustment, but he does not want to give waivers to things that he does not know where it's going to go. Mr. Poltak reiterated what he said above. Mr. Mitchell just wanted to clarify what will happen tonight. Mr. Poltak went through what he would be looking for which is more details and reviewed by them. A brief discussion ensued with regard to what the Board is looking for and whether or not the Board would rather two (2) driveways or a common driveway. Mr. Poltak was unsure what would be best as he does not know the details. In conclusion, Mr. Poltak would like to see minimum disturbance of the wetlands and more details with regard to a common driveway and proposing two (2) driveways. Ms. Dross further explained that the Board is looking for what the difference would be between the two proposals whether it's a shared driveway or two (2) individual driveways. Mr. Poltak wanted to see whether or not there would be 3,000 or less square feet of wetland impact. Mr. Poltak also asked what type of homes would be going there. Would it be 3 bedrooms or 4 bedrooms with 4 baths. Mr. Langill asked Mr. Poltak if he'd like to see a home plan. Mr. Poltak said yes. Mr. Langill stated that, he would get that information to the Board and he's doing 2,900 square foot colonials with 4 bedrooms and 3 car garages. The footprint is 32 feet by 32 feet and the garage is 24 feet by 36 feet with a 4-bedroom septic. Mr. Poltak also asked to see the building envelope and the amount of what the disturbance is going to be. Mr. Poltak added that, he would like to see how the building envelope would be laid out because it would possibly help alleviate the need to go to the ZBA to seek relief from a buffer for a pool or a shed. Mr. Langill could not tell where the houses would be going until they do test pits. Mr. Langill pointed out that, they have a buildable area in which they are allowed to build anywhere within those setbacks. Mr. Langill stated that, he could get that to the Board but that they would have to give them at least 20 feet all the way around because it could move.



Mr. Mitchell asked the Board members if they would be able to act on this tonight. Mr. Poltak believed they could approve the subdivision plan and Lot Line Adjustment but could not act on the waivers without more information. Mr. Mitchell indicated that, they would show a concept of where the house is going to go, the grading, the driveway and where the septic could go and where the well would be. Mr. Poltak also wanted to see documents with regard to the common driveway responsibilities so that Town Counsel can review it. Mr. Langill pointed out that, what he wants to do is what's best for the homeowners and to do what the Board wants whether it's a common driveway or two (2) individual driveways. Mrs. Marzloff explained that, what they should do is drive through some of the developments and they will see what the Board is talking about because what they will see is developers squeezing in a house within the building envelope and then the homeowners come back and they want a pool and they want a shed and a deck and before you know it, they're encroaching into the setbacks and seeking relief from the Zoning Board of Adjustment. Mr. Langill stated that, he is willing to do whatever the Board wants him to do whether it's flagging the Conservation Easement and what not. Mr. Poltak wanted Mr. Langill to show the possible location for a pool or a shed as well as the house. Mr. Langill understood what the Board was looking for.

**Mr. Porter made a motion to approve the Lot Line Adjustment for Chester Turnpike, Tax Map 11, Lots 15-1 & 15-2. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.**

**Mr. Porter made a motion to approve the Subdivision plan for Chester Turnpike, Tax Map 11, Lot 15-2. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.**

**Mr. Porter made a motion to continue the Public Hearing until December 15, 2021 for the Conditional Use Permit to allow the applicant more time to obtain further information for Chester Turnpike, Tax Map 11, Lot 15-2. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.**

## **OTHER BUSINESS**

## **ADJOURN**

**Mr. O'Callaghan made a motion to adjourn. Mr. Rolfe seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 8:56pm.**

**The next Planning Board meeting is scheduled for Wednesday, December 15<sup>th</sup>, 2021 at 7:00 pm. This meeting will be held at a site to be determined. This date is subject to change.**