

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
December 15, 2021

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

Also Present: Tristan Smiley. Eric Mitchell.

Absent: Michael O'Callaghan, Member. 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 he would elevate Paula Marzloff to a full voting member for tonight's hearing in the absence of Mr. O'Callaghan.

Mr. Poltak began by asking the Board for an approval of the last meeting minutes for November 17, 2021 and stated that a motion to approve would be in order.

MINUTES

Mr. Rolfe moved to approve the minutes for November 17th, 2021, as written. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak stated that there were five (5) Public Hearings scheduled for tonight and it didn't look like there were a lot of abutters present. At this time, Mr. Poltak informed everyone that they did have one item removed from the agenda which was an informal discussion.

ANNOUNCEMENTS & CORRESPONDENCE

There were no Announcements and Correspondence.

GENERAL BUSINESS

One item was removed from the Agenda.

PUBLIC HEARING

Tristan Smiley

9 Auburndale Lane, Tax Map 10, Lot 24

Minor Site Plan Amendment

Continued from November 17, 2021

Mr. Poltak began with Mr. Smiley and turned the discussion over to him. Mr. Smiley indicated that, he had new plans drafted up by Mr. Franklin as there were six (6) points made by the Board back in November. Mr. Smiley pointed out that, the well had to be shown on the plan, the buildings were requested to be labeled (Taphouse & Brewhouse). The third was the manner of garbage disposal which can be found under #9 in the notes. The fourth one was parking which now is shown on the plan with lines. The driveway that was gravel is now marked "no longer intended for travel". The fifth item was exterior lighting which is now shown on the building on the plan. Mr. Smiley also stated that, he and Mr. Franklin are working on the application for DES regarding the septic system approval. Mr. Smiley added that DES cannot find the documents needed regarding the septic system that was installed back in 2003. So until they find their copy they have to wait.

Mr. Poltak talked about the septic system and asked Mr. Smiley if that system was approved at some point in time. Mr. Smiley said yes and as far as DES is telling him is that they cannot find their copy of the documentation. Mr. Smiley commented that, he had forwarded to Mr. Rob Tardiff at DES, and he indicated that nothing seemed out of sorts and that they were just looking for their copy. Mr. Poltak stated that, they would circle back to that but wanted to speak to the Board members about the plan that they have in front of us that was delivered today. Mr. Poltak wanted to take a couple of minutes for the Board to look at the new plan. Mr. Poltak did not believe there were any issues with what he was proposing as it was a good use of the property. Mr. Poltak also pointed out that, Manchester Water Works is an abutter and that the septic system associated to the transition has to receive DES approval in order for the Board to be able to move forward. Mr. Poltak had one question and stated that, he has never dealt with the approval of composting systems and asked Mr. Smiley if there was an approval process with regard to compost toilets. Mr. Smiley said that there is no approval that he would need to seek but that the product is a prefabricated purchased system that is ADA compliant. Mr. Smiley said the company name was SUNMAR and sold at Home Depot. Mr. Smiley added that, they are waterless and non-electric, and they are completely self-contained fiberglass unit that is just installed and operated. Mr. Smiley indicated that, to the extent of his knowledge that he did not need to seek approval.

Mr. Poltak moved on to talk about MWW's concern asked what the end waste product. Mr. Smiley stated that it was called Hummus compost fertilizer that you could put in any kind of plant and used as fertilizer. A brief discussion ensued with regard to composting and fertilizer.

Mr. Poltak turned to the Board members for questions or comments. Ms. Dross talked about the driveway that would no longer be utilized as a driveway as it would be required to be paved. Ms. Dross went on to talk about how the toilets were near the driveway. Mr. Smiley commented that it would be easier to spread it out near that location but could really do it anywhere. Ms. Dross asked if they could possibly move to behind the Taproom. Mr. Porter also mentioned the well radius may be an issue. Mr. Smiley could not find the exact number for the well radius. Mr. Rolfe pointed out that it was commercial which was larger than 75 feet. Mr. Smiley stated that, it did not bother him if he had to move them outside of the well radius. Mr. Rolfe commented that, he did not like these and that he could not vote for the composting toilets as he believed he needed indoor bathrooms. A brief discussion ensued with regard to composting toilets and that they would be insulated and heated units that he would be constructing. Mr. Rolfe believed that Mr. Smiley would have to change the septic system as it was now going to be a change of use which was commercial. Mr. Smiley did not think he needed a new septic system. Mr. Rolfe asked how people were going to wash their hands. Mr. Smiley stated that there was going to be a hand washing station. Mr. Smiley commented that, he has faith in his fellow man to be able to wash their hands when it's cold out. Mr. Porter asked how that was going to work in the winter where the water would freeze. Mr. Porter asked how they would be built. Mr. Smiley indicated that, they would be outhouses which would be timber frame of which he would be building. Discussion ensued about having indoor bathrooms. Mr. Smiley stated that there is one that would be handicap accessible.

Mr. Rolfe asked if there were any other questions from the Board. Mrs. Marzloff believed that everything had been covered that she had for questions. Mr. Poltak stated that, the issue is the transition of the property to a restaurant relative to state requirements. Mr. Poltak went on to say that, the difficulty defined there is that the change in use of the property relative to a restaurant/taproom is that the septic system in communications with the Building Inspector and DES is going to require an upgrade of the septic system and it will relate to the use of the property pertaining to the use of water and waste water from the perspective of food service, grease and whatnot. Mr. Poltak added that, the Board cannot move forward with the plan until such time that Mr. Smiley garners approval from DES respectful of the system. Mr. Smiley indicated that, the difficulty of that is that he cannot seek approval until DES finds their copy of the record regarding the system. Mr. Smiley commented that, he had spoken with Mr. Tardiff at DES and that it would require a new application for approval would be required and that he is working with Mr. Franklin to do just that. However, the only component missing is that DES cannot find their records of the subsurface system that was installed in 2003 prior to his family owning the property. Mr. Smiley stated that, he cannot do anything else until the documents are found.

Mr. Poltak did not believe there were any abutters present tonight and there were none noted. Mr. Poltak pointed out that a clock is ticking and that this Board has 60 days in order to grant you or deny you approval on the application. Mr. Poltak commented that, he did not know how long it would take Mr. Smiley and the state to resolve the process by which you can obtain a permit to operate a facility utilizing or renovating the septic system to this property. Mr. Poltak could share with Mr. Smiley tonight is that his site plan is on the whole approvable by this Board, but they can't approve it until he obtains his state approvals because state laws compel them to do so in that manner. Mr. Poltak also stated that, the Board more or less embraces the concept of what he intends to do. Mr. Poltak suggested that Mr. Smiley proceed with discussions with the state and that the Board would need to by the end of February be in a position to grant or deny approval to Mr. Smiley's project. Mr. Poltak suggested that the Board continue to a date certain and continue the hearing until either February 2nd or February 16th. With that said, Mr. Poltak asked the Board for a motion to continue this Public Hearing until February 16th. Mr. Poltak said that, by February 16th they would need to have response of the state to onsite sewerage disposal, employment of the current septic system and composting so that the Board can render a decision to this proposal. Mr. Poltak further added that, if Mr. Smiley on February 16, 2022, does not come back before the Board with state approvals that they will have to reinstate his application and go through the process of a Public Hearing yet again. Mr. Poltak asked for a motion to continue.

Mr. Porter made a motion to continue the Public Hearing until February 16th, 2022 for 9 Auburndale Lane, Minor Site Plan Amendment, Tax Map 10, Lot 24. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed and the Public Hearing is continued until February 16th, 2022.

Mr. Poltak thanked Mr. Smiley for his presentation and reminded him that the Board continued the Public Hearing until February 16th, 2022 and the discussion ended. Mr. Poltak moved on to the next item on the agenda tonight.

Eric Mitchell

On Behalf of Geraldine Silva

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

Conditional Use Permit

Continued from November 17, 2021

Mr. Mitchell passed out copies of the draft Driveway Easement for the shared driveway along with copies of proposed house plans. Mr. Mitchell went through the shared driveway plan with the Board members. Mr. Mitchell showed the proposed house location and septic system locations along with the 50-foot setback line. Mr. Mitchell also pointed out the 800 square feet of wetland impact. Mr. Mitchell also show two (2) proposed plans with one showing two (2) single driveways with a second wetland crossing and showing the house location and that there would be grading in the backyard because of the hill. Mr. Mitchell did say that they would rather do a shared driveway as there would be less impact to the wetland. Mr. Mitchell stated that, he would be happy to answer any

questions that the Board may have. Mr. Poltak asked Mr. Mitchell that the topic of discussion here is the pursuit of a Conditional Use Permit for the purpose of allowing a common driveway on the Silva property. Mr. Poltak pointed out that there was a third lot involved as well but it does not have anything to do with the request for a common driveway. Mr. Poltak explained that, at the last meeting his concern was with precedence setting and that he usually has reservation on the use of common driveways. Mr. Poltak talked about previous approvals with regard to a shared driveway through previous Boards. Mr. Poltak asked how long the driveways would be for the two (2) driveways that would be sharing a driveway. Mr. Mitchell stated that one was about 600-feet, and the other driveway was about 700-feet. Mr. Poltak stated that, from a practical point of view that he will be recommending that the Board approve the Conditional Use Permit for the common driveway with the conditions that given the length of driveway that the Fire Department will be looking at having an appropriate turnaround on the individuality of each driveway. Basically where it breaks it would have to accommodate a 50-foot Fire Truck. Mr. Poltak added that our engineer has said that it would include half a hammerhead for each driveway. Mr. Poltak moved on to the second condition which would include the two (2) homes be sprinkled by the request from the Fire Department. Mr. Porter also commented that, the driveway will be 14-feet wide with 12-inch shoulders. Mr. Porter also talked about what the impact would be within the culvert and how much work they would actually be doing. Mr. Mitchell believed it was all doable and stated that someone from Cherry Hill Homes was present tonight and explained that, if they wanted to comment on anything that they could do this at this time.

At this time, John Langill of Cherry Hill Homes moved closer to the Board to discuss the requirements in detail. Mr. Poltak reiterated what the Board will be requiring as conditions and began by saying that the driveway will be 14 feet wide and paved with 12-inch shoulders and 14 feet crossing the stream. Mr. Poltak went on to say that they would like to see a pull off on each side of the crossing. A brief discussion ensued with regard to the common driveways. Mr. Mitchell pointed out that the crossing would have minimal impact to the wetlands. Mr. Mitchell has no problem with having a preconstruction meeting to make sure everyone knew what they would be doing. Mr. Langill stated that he had no problem with anything the Board is requested but asked for clarification on the turnaround of each driveway. Mr. Poltak stated that it could be a hammerhead and it had to be at least 12 feet wide and 50 feet long and did not have to be paved. Mr. Langill asked if it could be part of the driveway and should they work with Code Enforcement with regard to the driveway. Mr. Langill stated all the requests by the Board are all acceptable. Mr. Poltak added that the hammerhead is private, but the homeowner will be responsible for keeping that hammerhead clear and will be placed in the agreement. Mr. Poltak went on to the last consideration which was to put some kind of pull over so that two-way traffic can get by each other on this driveway possibly above the stream crossing and below. Discussion ensued regarding the turnaround. Mr. Porter mentioned that there was nothing noting that there was conservation land that abuts this property and did not know if this was something that SELT would do with placards or if it was something that they could do. Mr. Mitchell stated that, he has worked with SELT before and would check with them to see if it is their intentions to put placards up, but they have placards that they

could put up. Mr. Langill commented that, that was part of the disclosure process and that would be something that they would disclose to the property owners.

Mr. Poltak asked the Board for a motion and reiterated the motion by saying that, a motion to grant conditional approval for Tax Map 11, Lots 15-1 & 15-2 to grant utilization of a common driveway on Lots 15-1 & 15-2 as proposed off of Chester Turnpike with the condition that; 1) adequate turnaround for emergency vehicles be provided on each of the individual sections of the driveway leading to the two (2) homes to be constructed; and, 2) that both homes utilizing the common driveway will be sprinkled.

Mr. Rolfe made a motion to grant conditional approval for Chester Turnpike, Tax Map 11, Lots 15-1 & 15-2 to grant utilization of a common driveway with the condition that; 1) adequate turnaround for emergency vehicles be provided on each of the individual sections of the driveway leading to the two (2) homes to be constructed; and, 2) that both homes utilizing the common driveway will be sprinkled. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak reiterated that the construction of the driveway does not need a motion but that it is the intention of the Board that the driveway be 14-feet wide with pavement and 12-inch gravel shoulders and that pull offs be provided at both sides of the stream crossing and that they work with Stantec and Code Enforcement Officer with the construction of the stream crossing. Mr. Poltak also wanted the driveway easement to be sent to town counsel for review. Mr. Poltak thanked the applicant and the discussion ended.

Mr. Poltak moved on to the next item on the agenda.

**Maine Drilling & Blasting
88 Gold Ledge Ave, Tax Map 1, Lot 18-4
Minor Site Plan Review**

Joe Aiello presented on behalf of Maine Drilling & Blasting and what they are proposing is a 60-foot by 24-foot double wide trailer for some overflow offices. Basically, the trailer's intended use is for overflow offices and would be placed on existing pavement. There is already lighting with a utility pole and there is already parking on that spot. There is two (2) bathrooms in that trailer but no running water but does have a holding tank pumped once a week. They notified DES and there are no questions there and no septic questions but basically adding a trailer. Mr. Poltak commented that it would be just a mobile office and how long do they plan to have this trailer onsite. Mr. Aiello commented that they have a two (2) year lease. Mr. Poltak asked if they intend on moving it off in two (2) years. Mr. Aiello said yes.

Mr. Poltak asked the Board members if there were any questions. Mr. Rolfe asked if it was just for offices. Mr. Aiello said yes. Mrs. Marzloff asked if they would need additional parking. Mr. Aiello commented that there is already parking there right now and that there were six (6) offices in there now. Mr. Poltak believed it was minor site plan revision and that we have had no problems working with MD&B at this site. Mr. Poltak asked the Board members for a motion to approve the minor site plan amendment.

Mr. Porter made a motion to approve the minor site plan amendment for Maine Drilling & Blasting, 88 Gold Ledge Ave, Tax Map 1, Lot 18-4. Mrs. Marzloff seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak stated that, their request has been granted and the discussion ended.

Mr. Poltak moved on to the next item on the agenda which was Mr. Martel regarding Freedom Lane.

**Liberty Woods, LLC
Andrew Robinson & Alicia Egan
31 & 49 Freedom Lane, Tax Map 8, Lots 42-13 & 42-14
Lot Line Adjustment**

Mr. Martel passed out colored copies of the proposed lot line adjustment so that the Board could better see what they were proposing. Mr. Martel informed the Board that Ms. Alicia Egan here tonight as well who is the owner of Lot #13. Mr. Martell began by saying that they are proposing to do a lot line adjustment to swap out an equal area between Lots #13 & #14. Mr. Martel stated that by doing this lot line adjustment that it makes both lots more useable and is a better fit.

Mr. Poltak asked the Board members if they had any questions. None were noted. It was noted that no other abutters were present tonight. Mr. Poltak asked for a motion to approve the lot line adjustment.

Mr. Porter made a motion to approve the Lot Line Adjustment for 31 & 49 Freedom Lane, Tax Map 8, Lots 13 & 14. Mrs. Marzloff seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak thanked Mr. Martel and the discussion ended.

Mr. Poltak moved on to the last item on the agenda which was Matthew Scott and Eric Mitchell.

**HQ Properties Realty Trust
Matthew Scott
29 King Street, Tax Map 25, Lot 47
Major Site Plan Amendment**

Mr. Mitchell began by saying that the plan was approved by the Planning Board last summer and prior to construction the owner would like to make a small revision to the plan. Mr. Mitchell stated that, Mr. Scott was not here tonight but his wife Pamela was present and that Mr. Rick Eaton who has been helping Mr. Scott was also present tonight. Mr. Mitchell went through what they originally proposed to do which was move the dome building to the top of the property and construct 17 contractor bays. Instead, Mr. Scott has decided to remove the dome building all together and construct five (5) more contractor bays and the dome building would go away. Mr. Mitchell pointed out that the amount of impervious would remain the same and the septic system increased a little bit due to the additional five (5) contractor units. Mr. Mitchell stated that, they were before the ZBA last night because when they originally went to the ZBA they had asked for 17 contractor units and now they will have 22 contractor units and they were granted the Variance. Mr. Mitchell stated that, the dome building was approximately 39-feet high and that the five (5) contractor units will be the same height as the other ones. Mr. Mitchell also explained that he was in receipt of a letter from Stantec stating that they did not have any issues with the proposed changes.

Mr. Porter asked about the lighting plan. Mr. Mitchell indicated that they have a new lighting plan as well as a landscaping plan. Mr. Rolfe liked the plan and noted that it has cleaned up a lot.

Mr. Poltak asked the Board members if there were any questions. None were noted from the Board. Mr. Eaton asked Mr. Mitchell to show the location of the salt storage bins. Mr. Mitchell pointed out the location to the rear of the building would be which was way in the back. Mr. Poltak commented that, this was the best plan the Board has seen yet. Mr. Poltak asked Mr. Mitchell when they would be looking to begin construction. Mr. Eaton commented that, they were planning on April 1st. Mr. Poltak asked what the timeframe would be. Mr. Eaton believed 2½ years as he would be starting with the units where the dome was supposed to go because the three (3) units in the back will be for HQ Properties (Matthew Scott) because when he takes the dome building down, he will not have any place to store his trucks. A brief discussion ensued regarding which buildings would be first and so on and so on. Mr. Eaton believed it would go quickly as contractor units are in high demand right now.

Mr. Poltak asked for a motion to approve.

Mr. Porter made a motion to approve the Major Site Plan Amendment for 29 King Street, Tax Map 25, Lot 47. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Eaton and Mr. Mitchell thanked the Board for their time and the discussion ended.

OTHER BUSINESS

Mr. Poltak asked Ms. Royce what was on the agenda for the next meeting which is scheduled for January 5th. Ms. Royce stated that there were two (2) items on the agenda, one being 404 Hooksett Road, Self-Storage Facility and Londonderry Turnpike which was for the townhouses.

ADJOURN

Mr. Porter made a motion to adjourn. Mrs. Marzloff seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 8:22pm.

The next Planning Board meeting is scheduled for Wednesday, January 5th, 2022 at 7:00 pm. This meeting will be held at a site to be determined. This date is subject to change.