

**Town of Auburn  
Planning Board  
PUBLIC HEARING  
June 18, 2014**

**Present:** Ron Poltak, Chairman; Alan Côté, Vice-Chairman; Paula Marzloff and Karen Woods, Members; Jim Tillery and Steve Grillo, Alternate; Russell Sullivan, Selectmen's Representative. Minutes recorded by Kathryn Skoglund.

Mr. Poltak called the meeting to order at 7:00 p.m. Mr. Poltak introduced the Board members to those present.

**MINUTES**

***Mrs. Marzloff moved the minutes of April 16, 2014 for discussion, Ms. Woods seconded the motion.***

Mrs. Marzloff had questions with the content of the minutes on page 4, she believes where it says "take a lot at the buffer" it should perhaps say "take a look at the buffer". Further in the paragraph it also states there has been a lot of activity in town and it is not clear to Mrs. Marzloff what the relayed "activity" relates to. Mr. Côté suggested tabling the minutes until the recording secretary was present to clarify the minutes. The Board members agreed.

***Mrs. Marzloff withdrew her motion to approve the minutes of April 16th, 2014.***

**ANNOUNCEMENTS/CORRESPONDENCE**

None were reviewed at this time.

**GENERAL BUSINESS**

**Informal – Wright-Pierce  
Calef Lake Dam Reconstruction Project**

Mr. Joe McQueen of Wright-Pierce was introduced. Mr. McQueen explained to the Board that the State of NH Dam Bureau issued a Letter of Deficiency with regards to the dam on the Coopers property. Mr. McQueen further explained that the dam overtopped a few times in recent years and sand and gravels from the beach areas washed into the stream and flooding occurred in the campground area. Mr. McQueen relayed that the Coopers were quick to repair the dam during these flooding events. Mr. McQueen indicated that Wright-Pierce has done a full hydraulic analysis of the spill way. The Dam Bureau has challenged this dam's low hazard definition because it is a campground and ultimately ruled it as a high hazard. The proposed plan is designed to reclassify the dam as a low hazard by raising the sites so no site is inundated with water in the event of a 100 year storm. Mr. McQueen spoke about the culvert under Route 121 and how the water backs up into the campground area. Mr. McQueen further explained that the plan also proposes dredging the stream sediments and sand to restore the stream bed. Mr. McQueen indicated that they have submitted a Dam Reconstruction permit and are before the Wetlands Bureau with a Wetlands Permit Application, they have also met with the Auburn Conservation Commission. Mr. Côté verified that the Conservation Commission

was aware of the campsites being built up. Mr. McQueen stated correct. Mr. Côté also verified that during construction appropriate BMP's will be followed so that the sites are stabilized. Mr. McQueen again stated yes. Mr. McQueen went on to depict on the presented plan that the sites will be raised with fill approximately 6 to 8 inches in one area, 12 inches to 18 inches is the deepest fill with a 4 or 5:1 grade side slopes. The entire proposed plan is to be vegetated. Mr. McQueen depicted a bank on the presented plan and indicated that the bank is under cut and somewhat eroding, they had a wildlife biologist from Fish and Game Dept out to work with them to stabilize and it is proposed to place a series of larger, approximately 3 feet, boulder weirs stacked in a line to redirect and reduce the velocity, grass and low shrubs are also proposed. Mr. McQueen stated that NH Wildlife and Fishery really liked this proposed plan. Mr. Poltak asked if Dam Bureau/NHDES has agreed to the low hazard classification per the proposed plan. Mr. McQueen stated not formally in writing but they have played a big role in development of the proposed plan and have verbally expressed interest in the reclassification. Mr. Poltak asked Mr. McQueen to detail the dam reconstruction for the Board. Mr. McQueen explained that the lake is at one level and the dam is only so high with a narrow 5 foot spillway, this spillway will be widened to 15 feet and the dam will be raised 1 foot. Mr. McQueen went on that a concrete core wall will run the embankment and the existing wooden footbridge will be lengthened 15 feet. Mr. McQueen indicated that the goal is to maintain the ponds current water level. Mr. Poltak stated he was pleased that they are proposing stabilizing the streambed and asked out of curiosity what reconstruction would need to be done if the classification was to remain at high hazard. Mr. McQueen stated that the dam would need to be raised multiple feet and the spillway widened to maybe more than 30 feet. Mr. Poltak asked if they were looking for any approvals from the Planning Board. Mr. McQueen stated potentially a Conditional Use Permit and referenced the Tower Hill dam project which did not require a Conditional Use Permit. Mr. Poltak stated that he appreciates the presentation and the Board will look further at the application and determine if that is necessary. Mr. Côté asked what the areas of the campsites are. Mr. McQueen indicated approximately 15' x 30' or 40'. Mr. McQueen depicted campsites that were a little bigger perhaps 30' x 40'. Mr. McQueen referenced the Wetland Impact plan in the provided package and commented that the impact is mainly the dredge work. Mr. Poltak asked when they plan to construct. Mr. McQueen stated ideally this fall.

## **PUBLIC HEARING**

**- Ralph Daniels  
BAT Realty Holdings, LLC  
45 Priscilla Lane, Tax Map 1, Lot 16-18  
Major Site Plan Review  
Continued from May 21, 2014**

Mr. Poltak stated that a continuance has been requested so that the plans may be revised to reflect information received from the Fire Chief and the Building Inspector regarding the fire access and parking on site.

**Mr. Côté made a motion to continue the Public Hearing for Ralph Daniels, BAT Realty Holdings, LLC, 45 Priscilla Lane, Tax Map 1, Lot 16-18 until the next Public Hearing which will be held on July 16<sup>th</sup>, 2014. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.**

Mr. Poltak informed those present that they would not be re-notified of the next Public Hearing, this would be the only notice.

**Brandon Swisher  
Swisher Realty 140, LLC  
140 Rockingham Road, Tax Map 9, Lot 9  
Revised Major Site Plan  
Plan Previously Approved on 02/20/13**

Mr. Swisher and his Engineer, Michael Bramhall presented the proposed revised site plan to the Board, explaining that the building was built per the previous site plan and they are now proposing to add an office area and bathrooms inside the existing building and additional asphalt the front gravel area. Mr. Swisher noted that new drainage calculations have been done as well as a septic analysis and it is adequate for the proposed plan. Mr. Bramhall reiterated that the current building includes a 3 garage bays and a storage area, the storage area is to be divided into a conference room and three offices and two bathrooms; the upstairs will still be storage. Mr. Bramhall stated that the asphalt would be the biggest site plan difference. Mr. Poltak noted that the previously approved site plan was never recorded. Mr. Swisher stated that he was not aware. Mr. Côté commented that his engineer should have explained that to him. Mr. Bramhall stated that he did advise Mr. Swisher. Mr. Swisher stated that he must not have understood and he will take care of that right away. Mr. Côté asked regarding his snow storage area, if Mr. Swisher if he brought snow on to his property. Mr. Swisher stated he did for a kids project, the Indian Pathfinders. Mr. Côté informed Mr. Swisher that is not what the snow storage area is for, due to pollutants. Mr. Swisher stated that it won't happen again. Mr. Côté asked if the proposed offices will be used strictly by Mr. Swisher's company; Alliance Landscaping. Mr. Swisher stated yes, the offices would be for use by the officer managers. Ms. Woods asked how many total staff. Mr. Swisher replied 6 to 7 and the crew in and out 75/85% of the time out in the fire. Mr. Côté asked if Mr. Swisher had spoken with the Fire Department and Building Inspector regarding fire separation. Mr. Swisher stated yes. Mr. Côté asked if the parking area is remaining the same. Mr. Bramhall stated that the amount of parking has not changed but it is proposed now to be paved not gravel. Mr. Côté asked regarding drainage calculations, and noted that is something the applicant will need to do. The applicant stated they would. Ms. Woods verified that there is no proposed change of use. Mr. Swisher stated no, he just wants to get his business solely on this site; currently he is still using his other business site on Bodwell Road. Mr. Poltak summarized that the building was previously approved, the septic is adequate for the proposed offices and bathrooms and it is proposed to have pavement in lieu of gravel with the same numbers of parking spaces. Mrs. Marzloff asked if the presented plan was prepared using the previous Mylar and noted that the present plan would not be recordable as it has color and it has lines going through type and it also needs to be signed by a licensed engineer. Mr. Côté commented regarding drainage and the gravel being considered impervious. Mr. Bramhall explained that the pond is oversized and he and Mr. Swisher have talked about putting a drawdown pipe to dry out the water a little bit. Mr. Bramhall believes that should be sufficient. Mr. Poltak suggested that the Planning Board could accept the plan tonight, the applicant could then prepare a recordable site plan, and perform the calculations requested tonight in the interim and the Board could act on approving the plan at the next meeting. Mr. Côté suggested that upon approval the Board give the applicant a 30 day limit to record the revised site plan

***Mr. Côté made a motion to accept the application for a revised Major Site Plan for Brandon Swisher, Swisher Realty 140, LLC, 140 Rockingham Road, Tax Map 9, Lot 9. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

***Mr. Côté made a motion to continue the Public Hearing for Brandon Swisher, Swisher Realty 140, LLC, 140 Rockingham Road, Tax Map 9, Lot 9 until the next Public Hearing which will be held on July 16<sup>th</sup>, 2014. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

**JMJ Properties, LLC/Jean Gagnon**

**Lovers Lane Cluster Subdivision**

**Saddle Hill Road, Tax Map 8, Lots 2-10 & 2-11**

**Amend Subdivision Plan for Tax Map 8, Lots 2-10 & 2-11**

**Cluster Subdivision (Article 9, Section 9.18(iii))**

**Side & Rear Yard to be 58.2 feet – Structures shall not be located closer than sixty (60) feet for residential**

Mr. Gagnon presented the Board with a proposed amended setback plot plan and informed the Board that when the existing foundation for Lot 2-10 was constructed it was accidentally done so 58.2 feet from the existing Lot 2-11 instead of 60 feet as required. Mr. Sullivan noted that the Zoning Board of Adjustments has made people remove foundations for 3 inches. Mr. Côté noted that the 60' setback is for room for emergency vehicles to pass through. Mrs. Marzloff commented that she would like to see the owners name in the title block on the plot plan. Mr. Mitchell stated that he can do that.

***Mr. Côté made a motion to grant a waiver for Article 9, Section 9.18 (iii) to allow the Side/Rear setback to be 58.2 feet as depicted on the Amended Setback Plot Plan for Tax Map 8, Lots 20-10 & 2-11. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

## **OTHER BUSINESS**

**- Informal – Eric Mitchell, Eric C. Mitchell & Associates**

**On Behalf of Maverick Development**

**Pingree Hill Road, Tax Map 5, Lot 29**

**Discuss Possible Cluster Subdivision**

Mr. Mitchell passed out conceptual plans to the Board and explained that they have met with the Conservation Commission last week and a site walk was conducted last night. Mr. Mitchell continued to explain the proposed road access from Pingree Hill Road partially goes through a vernal pool, the EPA has suggested that if a vernal pool is disturbed another vernal pool could be created to mitigate the impact by creating another vernal pool, they are proposing creating 3. Mr. Mitchell depicted them on the plan and went on to reference other studies in which vernal pools have been created and their success rates. Mr. Mitchell stated that they understand that vernal pools are important to the environment. Mr. Mitchell went on to reference the last page of the proposed plans and depicted the access from Pingree Hill Road in relation to the existing Right of Way and Lot 7 that Mr. Febonio, Maverick Development owns which has never been built on. Mr. Mitchell described that the proposed road and noted a wetland crossing and the outlet/connection to Hill Haven Drive. Mr. Mitchell noted that they understand the importance of connectivity; the Conservation Commission would prefer the road not to go through because of the vernal pool. Mr. Mitchell noted that Hill Haven is 1,900 feet long from Rattlesnake Hill Road; the proposed road to Pingree Hill Road is 2,400 feet, they are trying to avoid the vernal pool the best they can. Mr. Côté stated that he is a big believer in connectivity and is not a fan of cul de sacs especially at this length, he respects the Conservation Commissions concern but this

needs to be looked at from a planning standpoint too. Mr. Côté noted that there is relatively minor impact to the wetlands and there is going to be mitigation; the plan is a balanced plan and makes sense. Mr. Mitchell stated that the total wetland impact is 5,000 square feet. Mrs. Marzloff noted that the plan references Hill Haven and Haven, the correct road name is Haven Drive. Mr. Mitchell stated that would be corrected on the formal plans. Mrs. Marzloff asked regarding the traffic impact on Rattlesnake Hill Road and Haven Drive as the proposed road would be a thru road. Mr. Mitchell spoke with regards to traffic and noted that he does not see a big impact. Mrs. Marzloff stated she wants to make sure there is adequate site distance. Mr. Poltak stated he understands the vernal pool issue but echoes Mr. Côté's sentiments. Mr. Poltak continued that the plan is a good first attempt and he acknowledges that they are trying to minimize the impact to the wetlands; a thru road makes the most sense. Mr. Poltak stated that he believes that there are professionals who can successfully mitigate the vernal pool impact and cautioned the developer to employ a professional who can do so. Mr. Poltak also suggested that they work with Mark Kern with the EPA and the core, noting that if they approve the 3 to 1 mitigation, the State will approve it. Mr. Mitchell acknowledged the documentation period to determine if a created vernal pool is successful and also noted that the Conservation Commission had concern with the pools have 125 foot buffers and this creating issues for abutting property owners so they will be looking into relocating the proposed pools to address this. Mr. Kevin Dandrade noted that he is an abutter, in the profession and formerly being a member of the Planning Board, he acknowledges there are things to be done to mitigate impacts, wildlife corridors are a paramount concern of his, tree harvesting within the buffers can detract from the intent of the buffers and he asks that there be particular controls; visual controls. Mr. Dandrade went on to suggest sections of split rail fence to designate buffers, placards. In reference to the perennial crossing, Mr. Dandrade suggested the structure going over it should support wildlife passage. Mr. Dandrade continued that the site distance that Mrs. Marzloff brought up is valid, this subdivision and road will add more traffic and they should look at double crest of curves around the intersection of Rattlesnake Hill Road and Haven Drive. Mr. Dandrade referenced traditional subdivisions as opposed to cluster subdivision and noted that he doesn't know if this warrants a full 24 foot roadway and money that the developer could save there could be used elsewhere to develop a longer lasting better project.. A brief discussion regarding the zone of this area and items that should be included on the plan ensued. Mr. Dandrade stated that his goal is not to stop the development but help make it better and he hopes that he can be notified of other meetings, even informal ones

**Board Discussion – Tenn Property**  
**Property off Harvard Ave, Tax Map 9, Lot 28**  
**Discuss Re-zoning a portion of the Property from**  
**Industrial to Residential One**

Mr. Poltak relayed to the Board that per a discussion he had with the Tennessees and their Attorney, he agreed to relay to the Board that the Tennessees don't want to spend a lot of money to come in and have suggested perhaps a sub-committee could be formed to discuss the matter. Mr. Sullivan suggested they seek advice of town counsel. Mr. Côté noted that the Tennessees already sued and prevailed to build residentially; the Planning Board should not now spot zone to accommodate them. Ms. Woods doesn't disagree but thinks it would be a missed opportunity if they don't have a conversation. Mrs. Marzloff agreed that dialog is not bad and they had tried to schedule a workshop but the Tennessees don't want to deal with the whole Planning Board and she thinks the whole Board should be aware of the conversations. Mr. Côté stated that he doesn't want things to be done behind the scenes and discussion should be held at duly noticed meetings and doesn't see why the 5 Planning Board members can't sit down and have a

workshop with the Tennes at a noticed meeting. Mr. Poltak stated that moving forward conversations with the Tennes would be at Planning Board meetings, he would still like town counsels opinion of sub-committees

Ms. Carol Peterson asked about granite bounds and explained when she had Eric Mitchell survey the property that abuts the Daniels property and the granite bound that exists was that marker between her property and Daniels property. Ms. Peterson continued that Daniels had a surveyor out recently and they put a different marker 4 inches from the granite bound and told her that the granite bound had moved. Mr. Côté noted that can happen, he has seen it happen and mathematical calculations are the only accurate way to determine the bounds. Ms. Peterson noted that the existing bound was hit by a plow and the top came off. The Board agreed that could be enough to have moved it. The Board agreed any further discussion that Ms. Peterson has regarding the Daniels site should be tabled until the applicant is present.

## **ADJOURN**

***Mrs. Marzloff moved to adjourn the Hearing. Mr. Côté seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:19 p.m.***