

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**PUBLIC HEARING**  
**April 20, 2022**

**Present:** Ron Poltak, Chairman. Jeff Porter, Vice-Chairman. Jill Dross & Michael O'Callaghan (7:10pm), Members. Paula Marzloff & Jess Edwards, Alternate Members. Minutes prepared by Denise Royce.

**Also Present:** George Chadwick and Joe Midolo.

**Absent:** Michael Rolfe, Selectmen's Representative.

The meeting was being held at the Safety Complex. Mr. Poltak called the meeting to order at 7:02pm.

Mr. Poltak introduced the Board members to everyone present tonight. Mr. Poltak elevated Mrs. Marzloff to full voting status in the absence of Mr. O'Callaghan. Mr. Poltak moved on to approval of the minutes of the last meeting which was April 6<sup>th</sup>.

**MINUTES**

**Mr. Porter moved to approve the minutes for April 6<sup>th</sup>, 2022, as written. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.**

**GENERAL BUSINESS**

There was nothing to be discussed tonight.

**PUBLIC HEARING**

**Tristan Smiley**  
**9 Auburndale Lane, Tax Map 10, Lot 24**  
**Discuss Minor Site Plan Amendment**  
**Continued from March 16, 2022**

Mr. Poltak turned the meeting over to Mr. Smiley. Mr. Smiley attempted to do a PowerPoint presentation to show the Board members the preliminary design regarding the septic system, but the television was not running at the Safety Complex. Mr. Smiley moved on to talk about the proposed septic plan that was almost finalized. Mr. Smiley

showed the proposed location of the leachfield along with the septic tank location and grease trap. Mr. Smiley talked about the pump chamber along with the water line and septic line to the brew house. Mr. Smiley explained that they proposed to have a full dining area but unfortunately there was not enough room on the property to do that, so they had to down grade that to paper service. In doing this it reduces the water usage and therefore they were able to downsize the system to a 75-foot radius. Mr. Smiley hoped to get the plan over to Mrs. Rouleau-Cote next week for review and approval. Once Mrs. Rouleau-Cote has approved it then it would go to the state for approval. Then the public water system registration can be approved based upon the draw for that septic system and the business which will then let him register the water system as a transient community public water system which will then satisfy those two (2) lingering issues. At this time, Mr. Smiley stated that he would be happy to answer any questions that the Board may have.

Mr. Poltak asked the Board members if there were any questions. Mr. Porter commented to Mr. Smiley that he was impressed with the amount of work he has done. Mr. O'Callaghan asked about the paper service and if that meant they would have to use paper plates. Mr. Smiley said yes that it would be all disposable products. Mr. Edwards asked what his new date to open was. Mr. Smiley commented that, it would possibly be winter of this year.

Mr. Poltak wanted to discuss how they would go about finalizing this plan as statutes dictate a timetable regarding Planning Board approval. Mr. Poltak asked if there were any abutters present tonight. None were noted. Mr. Poltak commented that what he would like to see is that next time that he comes before the Board which means they need to continue this Public Hearing again. He would like to be in a position when he comes back to the next hearing that state approvals are in place, and you have a final plan drawn to scale what will be transpiring on the property. With that said, Mr. Poltak wanted to discuss a date certain and both Mr. Smiley and the Board members decided on June 1<sup>st</sup>. Mr. Poltak informed Mr. Smiley that if he ran into a problem to call Ms. Royce and that she could relay a message to the Board to continue the project.

With that said, Mr. Poltak asked for a motion to continue the Public Hearing until June 1<sup>st</sup>.

**Mr. Porter made a motion to Continue the Public Hearing for 9 Auburndale Lane, Tax Map 10, Lot 24, Minor Site Plan Amendment until June 1<sup>st</sup>, 2022. Mr. O'Callaghan seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Smiley thanked the Board members and the discussion ended.

Mr. Poltak moved on to 88 Gold Ledge Avenue since he believed it would be quick as it was a Lot Line Adjustment and asked Mr. Chadwick if that were okay.

**Maine Drilling & Blasting  
Rattlesnake Hill, LLC  
88 Gold Ledge Avenue, Tax Map 1, Lots 5, 18-3 & 18-4  
Lot Line Adjustment**

Mr. Jake Doerfler of the Dubay Group presented on behalf of Maine Drilling & Blasting. Mr. Doerfler began by saying that they are proposing a Lot Line Adjustment between Lot 5, Lot 18-3 and 18-4. At this time, Ms Royce passed out copies of the proposed plan showing the Lot Line Adjustment. Mr. Doerfler indicated that the idea is to use Parcel "A" shown on the plan for access. Mr. Doerfler believed it was pretty simple and there were three (3) lots involved. Mr. Poltak asked for more information so that the Board can better understand. Mr. Doerfler went on to say that, what they are doing is that right now Tax Map 1, Lot 5 and Tax Map 1, Lot 18-3 are owned by Rattlesnake Hill, LLC and Tax Map 1, Lot 18-4 is owned by Maine Drilling & Blasting and they are looking to do a Lot Line Adjustment in favor of Lot 18-4 and along with this process they are looking for potential future development by extending Gold Ledge Avenue. They would align the Right of Way to keep it a 50-foot Right of Way. Mr. Poltak asked what necessitated this to want to happen. Mr. Doerfler explained that they are in the process of expanding Maine Drilling & Blasting home base building on Lot 18-4. Mr. Doerfler directed the Board to Sheet #5 which shows the grades. A brief discussion ensued about the woods road which allows for better access so the actual land will be used for access for Lot 18, and they recently purchased Lot 18-4. Mr. Bill Purington informed the Board that Maine Drilling & Blasting has been leasing it for over 40 years and they are now slowly buying it off of the former owner. They would like to develop a new building.

At this time, Mr. Poltak turned to the Board for questions or comments. Mr. Porter talked about the watershed and in terms of development that they would be looking at waivers and variances and asked why they would not be looking more towards the east side. Mr. Doerfler stated that there were bigger wetlands in that area that are not shown and also pointed out that they have the 125-foot wetland buffer shown on the plan. A discussion ensued with regard to the Lot Line Adjustment. Mr. Doerfler indicated that any future development is still in the design phase stage right now and is aware of buffer impacts. Mr. Doerfler stated that they are only looking to do a Lot Line Adjustment at this time. Mr. Poltak asked if there was any building associated with this Lot Line Adjustment. Mr. Doerfler stated that there was no new construction but just a transfer of property and development to be made will be in the future. Mr. Porter did not believe there was any land to be able to develop in that transfer of land as they would be in the buffer. Mr. Doerfler agreed that there would be buffer impacts with any future development. Mr. Tatem directed the Board to Sheet #4 which shows the primary wetland on the left side of the existing road that goes through there but did not see any wetlands on the right side. Mr. Tatem asked, why wouldn't you develop onto the right side or the east side to avoid any buffer impacts. Mr. Doerfler stated that there was a bigger wetland on that side and turned the discussion over to Mr. Purington. Mr. Purington began by saying that they purchased two (2) parcels with the agreement to buy two (2) acres into Tax Map 1, Lot 5 to give them flexibility to get to dry land. Mr. Tatem believed that it would be helpful if they had a plan of what they intended to do and understood that they did not need to for

a Lot Line Adjustment. Mrs. Marzloff commented that, we're here to plan for the big picture and you're alluding to a big picture but you're not showing it to the Board and that's Mr. Tatem's concern and her concern is what's the overall plan. If you know you have a plan going forward, we probably need to see that or at least a conceptual.

Mr. Edwards commented that it sounded to him like tonight's decision is focused on a Lot Line Adjustment as that was the only requested action by the property owner at this point and our criteria for Lot Line Adjustments is what's relevant and not what they are going to do with it in the future. Mr. Edwards asked the Chairman if this is what the request tonight was all about was for a Lot Line Adjustment. A brief discussion ensued with regard to what is before the Board tonight and the possible wetland impact. Mr. Purington commented that they have already purchased the two (2) lots and they have a Purchase & Sales Agreement in place.

Mr. Poltak stated that, he would like to make a suggestion because he was not comfortable at all understanding and appreciating what is intended as well as what is being presented here tonight so he did not want to move ahead with a Lot Line Adjustment tonight. Mr. Poltak suggested that they come back to the next meeting and for them to do their homework with regard to Level One, Two and Three wetland buffer setback and distances and the like and would like to have an appreciation at the end of the evening before they take a vote. Mr. Poltak also pointed out that the relationship between this Board and Maine Drilling & Blasting has been wonderful and they have never had any issues but was at a loss with what was being presented tonight. Mr. Poltak would like them to present what they would like to do and what will occur after the Lot Line Adjustment because they will be back before this Board for something. Mr. Purington informed the Chairman that he had those drawings on his laptop but that his laptop was not here.

Mr. Purington thanked the Board and Mr. Poltak asked for a motion to continue until May 4<sup>th</sup>, 2022.

**Mr. Porter made a motion to Continue this Public Hearing until the next meeting, which is currently scheduled for May 4, 2022 for a Lot Line Adjustment for Maine Drilling & Blasting, 88 Gold Ledge Ave, Tax Map 1, Lots 5, 18-3 & 18-4. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Poltak informed Mr. Doerfler and Mr. Purington that the Board would see them on May 4<sup>th</sup>. With that said, Mr. Poltak moved on to the last item on the agenda which was 266 Rockingham Road.

**George Chadwick  
On Behalf of Joe Midolo  
266 Rockingham Road, Tax Map 25, Lot 44  
Major Site Plan Review  
(Contractor Bays)**

Mr. Chadwick passed out revised copies for the Board to review and follow along as he presented on behalf of Mr. Joe Midolo. Mr. Chadwick also informed the Board members that also with him was Mr. Midolo, Mr. Monroe and Mr. Eaton. Mr. Chadwick began by saying that the last time he was before the Board was on March 16<sup>th</sup> conceptual to speak to the Board on what they would like to do. What they would like to do is to construct a Multi-Unit Commercial Service Establishment which is what Mrs. Rouleau-Cote has identified it for a total of 22,680 square feet which is broken up into two (2) buildings with 19 units. Mr. Chadwick talked about the discussion of having no retain sales and pointed to the note on the plan shown as Note #1 which excludes retain sales. Mr. Chadwick went on to say that they went before the ZBA on March 29<sup>th</sup> where they received the necessary Variance to allow the Multi-Unit Commercial Service Establishment which was approved with three conditions which was 1) no retain sales, 2) the buildings to be single story and 3) to come before the Planning Board to obtain site plan approval. Mr. Chadwick went on to say that along with site plan approval they need a Conditional Use Permit for Buffer impacts. On April 5<sup>th</sup> they went before the Conservation Commission and had a good discussion with them. At that meeting, he was made aware that there were additional buffer impacts that were cut. He originally submitted a CUP for 40,800 square feet which is now no longer the number. The actual number is now 90,663 square feet. The Conservation Commission asked him to show the real tree line on the plan and he did that and pointed it out to the Board on the plan. Mr. Chadwick went on to point out the additional buffer impact location on the plan as well and indicated that he will need to amend that number with the Board and what he would like to do is discuss that part at the end.

Mr. Chadwick also mentioned that the Conservation Commission also had a concern of what might be stored in these units. Mr. Chadwick stated that they gave him their thoughts and basically what they want to do is if any chemicals are stored in these units that they provide a spill prevention plan. Mr. Chadwick passed out copies of some language regarding spill prevention to each of the Board members to review. Discussion ensued with regard to a spill prevention plan. Mr. Chadwick just wanted to discuss the threshold of whether it was 5 gallons, 10 gallons or 50 gallons so he just wanted to discuss that with the Board. Mr. Poltak believed it should come under the concern of the Fire Department or be licensed and stated that this was the first time that he has come across this and did not know why it was before the Planning Board and asked Mr. Porter to explain the reason behind this request. Mr. Porter began by saying that their biggest concern was that there was no mitigating plan for containment to go into the wetlands. Mr. Poltak did not believe the Planning Board had any authority to regulate this. Mr. Chadwick wanted to hear from the rest of the Board and does not believe it is necessary. Mr. Poltak explained that he would like to think that within the context of taking up this proposal regarding drainage and the like that the concept of worrying about 5 gallons of

petroleum products getting into the wetlands is secondary to making sure the building is constructed in accordance with safety standards and building codes. What he would like to do is concentrate on that. Mr. Poltak commented that he will allow an expectation that rules of behavioral conduct on the part of the tenant shall be what governs activities and that the overall design of the site will be accommodating with anticipating activities on it and that is how they will proceed. Mr. Tatem commented that he would think that the note that Mr. Chadwick offered to put on the plan would be a good idea.

At this time, Mr. Chadwick went over the notes on the cover sheet. Mr. Chadwick stated that the proposed use requires 67 parking spaces, and we have 67 shown so they meet the regulations. Mr. Chadwick went on to say that the project would be on an individual septic system with Manchester water. He still needs to get a final approval letter from Manchester Water Works, and they received one for the larger project and did not believe it would be a problem for this one. Mr. Chadwick did read Mr. Tatem's 2<sup>nd</sup> review letter and they will be able to address all the items but wanted to discuss two (2) issues tonight. Mr. Chadwick went through the site plan with the Board members. Mr. Chadwick directed the Board to Sheet #4 of 18 – Grading Plan and explained that they needed to amend the Alteration of Terrain permit as part of the site as it requires some infiltration and showed the area of infiltration on the plan. Mr. Chadwick reminded the Board that they originally brought a project in back in 2016 for a 43,000 square foot building warehouse building and then they came back before the Board and got reapproved for a smaller building. The third proposal was with Burl Land Clearing, and they withdrew those plans and the Board never saw those plans because we never had a Public Hearing. Mr. Chadwick stated that he was here today with the fourth one and so he needs to amend the AOT, and the state has a criterion that you need to meet in order to amend it as opposed to submitting a whole new application from scratch and they meet those criteria so they need to amend. They have already received approval from Mrs. Rouleau-Cote for the septic system and pointed out the location on the plan.

Mr. Chadwick showed the Board the current tree line as it exists today. Mr. Chadwick indicated that he received permission from the town to cut the trees. Mr. Poltak wanted to explain about the Intent to Cut and began by saying that, an Intent to Cut is a submission to the Board of Selectmen that is notification by a landowner of their intent to cut. Mr. Poltak went on to say that, upon approval of an intent to cut submission, the Selectmen by Statute have 15 days to render a decision and they have 30 days to notify the local assessing officials and the timber tax associated with that cut. There are only four (4) ways that an Intent to Cut can be denied and 1) that the application itself is insufficient, 2) that the owners in total have not signed on, 3) is the yield tax bond is needed and 4) the land is unable to support the growth of a forest as it is under Current Use. You get your notification approved but it does not allow anyone to go out and cut whatsoever. You have no permit to cut. In a community like the Town of Auburn our Land Use Regulations apply to anyone who is pursuing a subdivision or a site plan on the property that is being cut. In this case no one received a permit to cut because it was just a notification. A discussion ensued with an Intent to Cut.



Mr. Chadwick moved on to discuss the waivers of which one was for the driveway and the Board has granted it before and the second one is for the internal landscaping in the parking lot. Mr. Porter asked Mr. Chadwick if he had the original AOT on hand. Mr. Chadwick did not but indicated that it was all basically identical to what was on the prior approved plan and Mr. Tatem concurred with what Mr. Chadwick was saying.

Mr. Chadwick talked about the Landscaping Plan and the Internal green space in the parking lot and directed the Board to Sheet #8. Mr. Chadwick stated that, because of the use that they would prefer to leave the parking lot free of landscaping as he believed that everyone would be driving over the median. Mr. Chadwick stated that he would be giving the Board the landscaping but it would not be put in the parking lot but would be put by the building as it would do a better job screening the building. Discussion ensued with regard to grade and possibly putting some trees at the base of the 10-foot high wall.

Mr. Chadwick moved on to talk about the buffer as he is looking for a Conditional Use Permit (CUP) for 90,663 square feet of impact which was done partially by this project and partially by the landowner. Mr. Chadwick directed the Board to Sheet #8 – Landscaping Plan and they are proposing to put in about 32 trees and wetland vegetation in the front where the old driveway is located. A brief discussion ensued with regard to the species of trees. Mr. Poltak wanted it known that he was going to take a hard look at this restoration “mitigation” to make sure that every effort possible to replace what was destroyed and what should be present. The worse thing about this is the intrusion into the wetland buffers in which there was no reason for that to happen and to do what they did pre-flagging or not recognizing the flagging that was there. Mr. Dana is going to know that this was unacceptable and that he’s going to have to comply and make some sort of concession to making sure that this is acceptable to the Board.

Mr. Chadwick wanted to move this along and Mr. Poltak understood that they needed a driveway waiver and an internal landscaping plan along with a CUP. Mr. Poltak moved on to the letter from Mr. Tatem from Stantec in which both Mr. Chadwick and Mr. Tatem have been in communication about and in which the majority of the issues are behind them. Mr. Tatem said yes and that Mr. Chadwick stated that at the beginning of the meeting and Mr. Tatem commented that there were two (2) questions which we can talk about. Mr. Poltak explained that given the waiver from the driveway which was procedural and with the CUP they potentially could get to conditional approval of this project given that it’s the fourth time we’ve seen it and the majority of what’s happening on the ground is compliant with what they approved previously. Mr. Poltak did mention that they would be holding back on the landscaping because he is tying it in with the general overall re-establishment of the property. Mr. Chadwick said it sounded good to him. Mr. O’Callaghan asked about the sewer system. Mr. Chadwick explained that Dartmouth Drive has a dry sewer line when Dartmouth Drive was built which doesn’t go anywhere. It was put in place in the event it was ever connected at some point. Mrs. Marzloff asked what the life span of these dry sewer lines. Mr. Tatem basically stated that it would not be replaced in the lifetime of anyone that was in the room as they are supposed to last 100 years.

Mr. Poltak asked Mr. Tatem about the CUP which is for 90,663 square feet as opposed to the previous CUP for 40,800 square feet. Mr. Tatem stated that what he would suggest the Board do is that they will be looking for a waiver for a fence around the pond so why doesn't the Board give them the waiver from the fencing and put the money into fixing up the buffers so we're not killing their budget of which the fence is a typical waiver. A brief discussion ensued with what Mr. Tatem suggested. Mr. Poltak thought it was a good idea. Mr. Tatem also agreed with Mr. Poltak that they should come back before the Board with a real mitigation plan for the damage.

Mr. Poltak explained that, in terms of process, he believed that they could move towards conditional approval of this project which would be the last motion. The first motion would be to grant a waiver to the driveway. The second motion would be to grant a waiver to the fencing and then the first condition that he was going to add to the conditional approval is for them to come back with an enhanced mitigation plan. Mr. Poltak added that, he is not going to give a CUP as of yet until he receives an enhanced mitigation plan. Mr. Poltak asked the Board what they thought. Mr. Porter agreed. Mr. Chadwick stated that he needs the CUP to get some numbers associated with the mitigation plan. Discussion ensued with regard to buffer impact from 40,800 square feet to now 90,663 square feet for a difference of approximately 50,000 square feet. Mr. Chadwick also wanted to remind the Board that he is also asking for a waiver from the Internal Green Space. Mr. Chadwick stated that, if the Board does not grant the waiver for the landscaping that they would be coming back before the Board again. Mr. Poltak said yes. Mr. Eaton asked if the mitigation could be on two (2) separate pages where the original is on one page and the mitigation is on a separate page. Mr. Poltak said yes.

Mr. Poltak asked if there were any abutters. Mr. Demirjian who is an abutter across the street asked if the units would be sold or rented. Mr. Midolo stated that they would be rented. Mr. Demirjian asked what's to say that it doesn't end up like the ones on Priscilla Lane. Mr. Midolo commented that he would be overseeing all the units. Mr. Demirjian was just hoping to keep the area looking good.

With that said, Mr. Poltak informed everyone that they would be taking a four (4) minute break to get their motions in order.

At this time, the Board reconvened the meeting and Mr. Poltak asked the Vice-Chairman, Jeff Porter to make the first motion which was a motion to grant a waiver for the driveway.

**Mr. Porter made a motion to grant a waiver from Section 10.08.3 Site Plan Regulations – Driveway for 22 Dartmouth Drive, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Major Site Plan Review. Mr. O'Callaghan seconded the motion. A vote was taken, and all were in favor and the motion passed.**



**Mr. Porter made a motion to grant a waiver from Section 10.20.4.D Site Plan Regulations – Landscape Parking Areas for 22 Dartmouth Drive, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Major Site Plan Review. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.**

**Mr. Porter made a motion to grant a Conditional Use Permit for 90,663 square feet of impact conditioned upon they come back with an acceptable mitigation plan for 22 Dartmouth Drive, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Major Site Plan Review. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Poltak explained that he was going to eventually have a motion to continue this hearing until they can come back before the Board and is requesting at that hearing that they have an acceptable presentable mitigation plan. Mr. Poltak also informed Mr. Chadwick to be prepared to have a waiver for the fence.

**Mr. Porter made a motion to grant conditional approval with the condition that all of Stantec's comments in a letter dated April 19, 2022 be addressed for 22 Dartmouth Drive, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Major Site Plan Review. Mr. O'Callaghan seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Mr. Poltak asked Mr. Chadwick for a date certain to continue the Public Hearing. A discussion ensued and May 4, 2022 was chosen. Mr. Poltak asked the Board for a motion to continue this hearing until May 4, 2022.

**Mr. Porter made a motion to Continue the Public Hearing until May 4, 2022 for 22 Dartmouth Drive, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Major Site Plan Review. Mr. O'Callaghan seconded the motion. A vote was taken, and all were in favor and the motion passed.**

Lastly, Mr. Poltak stated that they would have a pre-construction meeting on this but he wanted the rules regarding the Spill Prevention Plan that a note be placed on a recordable site plan that states that the language must appear on the lease agreements.

Mr. Chadwick thanked the Board and the discussion ended.

## **OTHER BUSINESS**

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

## **ADJOURN**

**Mr. Porter made a motion to adjourn. Mr. O'Callaghan seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 9:15pm.**

**The next Planning Board meeting is scheduled for Wednesday, May 4<sup>th</sup>, 2022 at 7:00 pm. This meeting will be held at the Safety Complex, 55 Eaton Hill Road. This date is subject to change.**