

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
August 3, 2022

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: George Chadwick, Attorney John Cronin, Matthew Peterson & Brian Cloutier.

Absent: Michael O'Callaghan, Member. Jess Edwards, Alternate Member.

The meeting was being held at the Safety Complex. Mr. Poltak called the meeting to order at 7:00pm and asked everyone to introduce themselves to everyone present tonight.

Mr. Poltak elevated Mrs. Marzloff to a full voting member for tonight's hearing with Mr. O'Callaghan being absent. Mr. Poltak informed the Board that Ms. Royce has sent out the minutes to everyone again and moved on to approval of the minutes of the last meeting of June 15th.

MINUTES

Mr. Porter moved to approve the minutes for June 15th, 2022, as written. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the first thing on the agenda which was an informal for 266 Rockingham Road.

GENERAL BUSINESS

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

Mr. Chadwick began by saying that they were back before the Board tonight for final approval as they now have all their state permits in hand. Mr. Chadwick asked if there was any way that the Board would consider allowing them to remove the dry sewer from

the project and they would very much like to discuss it with the Board tonight. Mr. Chadwick went on to say that what they would like to do is remove the dry sewer today and would agree that if the sewer were ever connected to this area and their septic fails that they would agree to connect to the sewer. They could put something on the plan to that affect. Mr. Poltak explained that he was aware of what they were coming before the Board tonight and was very aware of the sewer situation. Mr. Poltak pointed out that this project has state approval for the septic system and that they have a dry sewer going up Dartmouth Drive and to be perfectly frank with everyone that, no one here tonight is going to see that sewer running wet. A brief discussion ensued with regard to the sewer construction. With that said, Mr. Poltak would suggest to the Board that, the Board places a condition on the plan that should the septic system ever fails at this location that they would be required to connect to the sewer, if in fact it was wet. Mr. Chadwick believed that was agreeable. Mr. Poltak did not see a need to connect to a dry sewer that would not be functioning in our lifetime. Mr. Poltak believed that putting that condition on the plan would be sufficient. Mr. Chadwick asked if there was a way to put it without actually writing it on the plan itself because he has already prepared the mylar and submitted them to Ms. Royce already. Mr. Porter asked if the septic failed that they would have to replace it if the sewer was still not running. Mr. Chadwick said yes, they would replace it in the same spot. Mr. Poltak stated that he wanted it on the plan because it goes with the property.

With that said, Mr. Poltak asked for a motion to allow for the utilization of the state permitted septic system at 266 Rockingham Road, Tax Map 25, Lot 44 until such time as the system fails that they would be required to hook up to the wet sewer system if it is provided at that time.

Mr. Porter made a motion to allow for the utilization of the state permitted septic system at 266 Rockingham Road, Tax Map 25, Lot 44 until such time as the system fails that they would be required to hook up to the wet sewer system if it is provided at that time. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak pointed out to Mr. Chadwick that it is to be placed on the plan. Mr. Chadwick asked for a motion for final approval. Mr. Poltak wanted it noted in the minutes that the conditions have been met and therefore has final approval. Mr. Chadwick thanked the Board and the discussion ended.

Mr. Poltak moved on to the discussion with Matthew Peterson. Mr. Peterson indicated that they were still waiting for counsel to show up and asked the Board if they would move on to the next discussion. Mr. Poltak agreed and moved on to the discussion with Mr. Johnny Maravelis.

Informal – Johnny Maravelis
Re: Boxwood Drive Right of Way
Discuss Driveway over ROW to Utilize Lot Located in Derry

Mr. Johnny Maravelis introduced himself as well as his brother, Matthew Maravelis and explained that they purchased a piece of property that was located in Derry and was before the Board tonight looking for direction on how to proceed forward with developing the property. Mr. Maravelis stated that they were on a landlocked piece of property on the Derry side which is technically Ledgewood but has access through Boxwood Drive in Auburn. Mr. Maravelis added that they have obtained a Variance through Derry and are now looking for acceptance from Auburn. Mr. Maravelis talked about the Right of Way off of Boxwood Drive and was pretty much open to hear what the Planning Board had to say.

Mr. Poltak pointed out that the Board has received the minutes of the Derry ZBA meeting and that the decision that was rendered by the Zoning Board of Adjustment was that they permitted a single-family home on property owned by Mr. Maravelis, and they have a situation where the property is landlocked and it's only access is through Boxwood Drive which is shown on the Boxwood Drive Subdivision Plan. Mr. Poltak went on to explain that, when the Kenyon's built their house that they worked with NH Co-op to run a line down the ROW and before they could do that, they had to obtain an easement from the owner of the ROW who was the person that originally built Boxwood Drive. They had a wetland's crossing and put in the required infrastructure in place. Mr. Poltak also pointed out that, in Auburn, we do not allow shared driveways but that they have made exceptions in the past. Mr. Poltak stated that he was bothered by a number of instances that took place in Derry where the ZBA stated that, the Town of Derry will take no responsibility legally for the health and safety for the construction of that home in Derry. Mr. Poltak did not know how they could do that and charge taxes. His concern is the legal side of things and did not want Mr. Maravelis to do a final plan but believed that, at some point he would have to. Mr. Poltak asked Mr. Maravelis what he gave to the ZBA in Derry. Mr. Maravelis stated that, on the Derry side they had a plan that showed the location of the house, the location of the approved septic design already approved by the state, and they are still working with the Fire Chief to work out the fire safety aspect of it all. They already show a turnaround for emergency vehicles so that they will be able to turnaround. Mr. Maravelis further explained that the Derry emergency would have to take note that they would have to enter into Auburn in order to respond to this location.

Mr. Poltak pointed out that, the Board would have to approve a combined driveway which they would need to see a final plan associated with the driveway. Mr. Poltak went on to say that the ROW is still owned by the original applicant, so the existing electrical line and existing driveway done by the Kenyon's who pursued the easement through their attorney. Mr. Poltak added that they would need to have an agreement executed by the Kenyon's allowing them to hook up to their line and NH Co-op would have to allow that to happen so that would have to be executed by them prior to coming before the Planning Board for final approval. Secondly, Mr. Poltak commented that, he would not allow the Planning Board to move forward and read a section of the Derry ZBA which states "they

will come to the Auburn Planning Board for driveway approval and if approved, the Town of Derry is giving a Notice of Waiver of municipal liability and responsibility which must be recorded on the deed.” Mr. Poltak wanted to know how a municipality could do that.

Mr. Poltak asked Mr. Maravelis where the kids will go to school if they have an Auburn address. Mr. Maravelis stated that he did not know because he did not have any kids at the moment. Mr. Maravelis commented that they both own the lot but that his brother Matthew Maravelis would be living there. Mr. Poltak added that, he wanted it known that the only approval that they would be receiving from the Planning Board to utilize that Right of Way as a combined driveway would be for one single-family home because they would not approve anything more than that.

With that said, Mr. Poltak reiterated that, this discussion was an informal discussion but that they would need to contact the Kenyon’s, they have to go through the legality associated with the underground utilities and see what they are willing to work with them. They are going to have to talk to the Town of Derry because he needs a letter from them so that he can have a legal interpretation from their town counsel on how and what the meaning of the waiver of municipal liability and responsibility is because that directly ties into the address potential of Auburn. Mr. Poltak commented that, if they get all that information then they can come before the Planning Board with a final plan. Mr. Poltak also believed that the Kenyon’s would need to accompany them because the Kenyon’s driveway goes in about 200 feet and then your driveway would continue further. Mr. Poltak also added that they should also look into obtaining an easement for their driveway as well. On another note, Mr. Poltak also mentioned the fact that there would need to be a place for two (2) cars to pass by and it doesn’t necessarily have to be paved but there would need to be a place where two (2) cars could pass by each other.

Mr. Poltak believed this was a tough one and would require some work. Mrs. Marzloff also noted that, they would need to have an agreement between both parties with regard to maintaining this shared driveway. Before Mr. Poltak wanted to end the discussion, he wanted to give Mr. Maravelis an opportunity to respond and react to what he has shared with him or if he needed any further clarity. Mr. Maravelis said no that this makes more sense to him now because he did not really understand this before. Mr. Maravelis asked the Board if they knew who owned the ROW. Mr. Poltak believed it was Ross Sargent with an address in Pelham, NH.

Mr. Poltak reiterated that he needed a written interpretation of what the ZBA is vacating liability and responsibility for relative to the construction of the house they are intending to build. Again, Mr. Poltak stated that, they would only be agreeable for one single-family home being built on this 12-acre parcel of land in Derry, NH.

In conclusion, Mr. Poltak thanked both Mr. Maravelis’ and the discussion ended. Mr. Poltak moved on to the next discussion which was an informal with Mr. Peterson regarding Tanglerock Holdings, LLC.

**Informal – Matthew Peterson, Keach-Nordstrom
On Behalf of Tanglerock Holdings, LLC
Off of Tanglewood Drive & Rockwood Terrace, Tax Map 4, Lot 16
Discuss 55 & Older Housing Development**

Mr. Peterson began by saying that, they are before the Board tonight with a conceptual plan and that they've been before the Board a few times with conceptual plans and obtained feedback from the Board and abutters. They had proceeded to walk away from the 55 and older development and move forward with a conventional subdivision. Mr. Peterson proceeded to point out that based on this property that the 55 and older development made a better layout on the property and avoided a lot of variances and crossings with the wetlands. Mr. Peterson presented to the plan showing all the wetlands and where the driveways would have to cross the wetlands in order to get to the dry areas of the lots. Mr. Peterson commented that, Attorney Cronin has asked them why they were not going with the 55 + development. Mr. Peterson explained that they went before the Board with a conceptual hearing and noted that there was a lot of questions, and a lot of comments were brought up from abutters that they thought the traffic would be less with a standard subdivision than a 55 + development.

Mr. Peterson moved on to present to the Board that with the 55 + that the only impact to the buffers would be this main crossing which would be a town road that would connect the end of Tanglewood Drive to Rockwood Terrace to allow DPW to be maintained by the town. Mr. Peterson stated that the homes would be 1,400 square feet to 1,600 square feet and a lot of these have finished basements with two (2) bedrooms on the first floor with basement walkouts. Mr. Peterson talked about permitting a community water system and informed the Board that Bruce Lewis has decided to retire which leaves about one or two water companies who do this. Mr. Peterson also pointed out that they would have to prove that they have the capacity for water before they can go before the Planning Board. Mr. Peterson moved on to talk about the septic system where they are looking to do combined septic systems for two (2) homes on one system each so that there is not one huge septic field with a bunch of candy canes sticking out of the ground. Mr. Peterson went on to say that he knew Attorney Cronin wanted to run this by the Board again and they understand that they would have to get a traffic study done. Also, from the states standpoint there would have to be an environmental study done as well. With that, Mr. Peterson stated that basically that was where they were at and that they wanted to see where the Board felt on this project. They basically want to develop the property correctly and address the environmental constraints. Mr. Peterson talked about the wetlands that were situated on one side of the development and that the other side was much cleaner. Mr. Peterson indicated that they meet the requirements from wetland setbacks with the 55 + development except for one crossing.

Attorney John Cronin arrived at the meeting at 7:45pm.

With that said, Mr. Peterson indicated that he would look for any feedback from the Board at this time. Mr. Rolfe asked how they would maintain the septic systems in the rear of the properties. Mr. Peterson pointed out that they were residential septic systems which

would be for a four (4) bedroom septic for every two (2) units. Mr. Rolfe believed it would be an issue to maintain them where they have them located as it would be people's lawns. Mr. Rolfe asked if they would be condominiums where people would own the building but not the land. Mr. Peterson said yes. Discussion ensued with regard to curbing and full drainage and having the septic systems in the rear.

Mr. Poltak pointed out that this was an informal discussion and that this is connected but not contiguous and there would be a road connecting the two. Mr. Poltak asked if it would be phased. Mr. Peterson said yes. Mr. Poltak asked if they foresee the water supply being two (2) wells. Mr. Peterson commented that, he proposes one community system and pointed out the location on the plan. Mr. Poltak asked about a clubhouse. Mr. Peterson said yes and pointed out the location on the plan. The homes would be stick built with two (2) stall garages. Mr. Peterson added that he also makes sure to leave 25-feet in front of the driveways so they can have two (2) cars inside the garage and two (2) in the driveways. Mr. Poltak asked about storage of motorhomes and the like. Attorney Cronin commented that in most of these developments they do the declaration and by-laws that would have some pretty strong covenants of what they can do outside because it is a community and people who buy these will have an understanding that if you drill wells for a living that you can't park the well rig in the driveway. Attorney Cronin talked about a development around the lakes region that prohibits motorcycles so they will have to rent a storage unit or keep it at their friend's house. Mr. Poltak talked about off street parking and if someone has a party. Mr. Peterson pointed out that extra parking is placed throughout the development, and he tries to leave four (4) parking spaces for the homeowner. Mr. Poltak asked what the number of units would be in this development. Mr. Peterson indicated that there would be 68 units.

Mr. Porter pointed out that the vernal pools and the wetlands would have to be delineated throughout the project. Mr. Peterson stated that, this project does not affect any of them. Mr. Peterson also pointed out that the area would be delineated as a no cut buffer. A brief discussion ensued with regard to delineation. Mrs. Marzloff asked about the traffic. Mr. Peterson pointed out that there would be a traffic study done and a brief discussion ensued regarding a traffic study. Attorney Cronin commented that, when they came before the Planning Board with a conventional subdivision, they noted that they would need variances from the ZBA and agreed with them on that and the ZBA is a lot more difficult than doing a 55 + development. Attorney Cronin talked about the hardship criteria and noted that, if they could do this development that was allowed under the ordinance that they would have an obstacle to get over this particularly if you have neighborhood opposition. Attorney Cronin understands that traffic is always an issue, and you can't plan for what you hope for and under the existing ITE they look at this with the same eyes as it would for a traditional development. Attorney Cronin pointed out that, a lot of people spend a lot of time at other places in the winter, but you are also looking at the sizes of homes and with a 1,400 to 1,800 square foot range that you would not be getting a lot of gatherings as you would get with a 4- or 5-bedroom house. A brief discussion ensued with regard to traffic and the 55 + development and having less traffic.

Mr. Poltak asked about the types of homes and the price range. The homes would be a maximum of 2,000 square feet as there is a restriction as to size with two (2) bedrooms and they would have two (2) or three (3) different designs. Mr. Poltak asked if there would be a community pool by the clubhouse to draw everyone in. Mr. Peterson stated that they have not gotten into the clubhouse details yet. Mr. Rolfe mentioned that they would have to have a mailbox location. Mr. Peterson commented by saying that there would be a kiosk for that as well.

Mr. Poltak asked an abutter to this project if they had anything to add. An abutter on Tanglewood Drive commented that they were at the first hearing and pointed out that they went over the concerns which were the traffic and noted that a traffic study would be conducted and what they are looking for is a thorough examination which they appreciate the Board's questions that are being asked and went on to talk about water and traffic and believed that the consensus was leaning towards a conventional neighborhood.

Mr. Poltak asked about marketing these and would they be going through a realtor. Mr. Peterson said yes. Discussion ensued with regard to phasing and believed it would be 20 to 22 units per year that they would be allowed to do. Mr. Peterson indicated that they would have an erosion control plan and their idea is to get all the drainage in as much as possible and get the staging area in place. Attorney Cronin asked Mr. Poltak if he had a preference with design. Mr. Poltak stated that he did not have a preference. Mr. Rolfe asked about street lighting for safety. Mr. Peterson stated that they usually put in a carriage lantern just to kind of dop the road and not light up the road.

In conclusion, Mr. Poltak commented that, he takes no offense on what is being proposed and understands there are some steep slopes that they would be dealing with. Mr. Poltak also believed it would be a 3-to-5-year project. Mr. Peterson stated that they hope to get something formal before the Board soon and thanked the Board for their input.

Attorney Cronin thanked the Board for their time and feedback and the discussion ended.

OTHER BUSINESS

At this time, Mr. Poltak thanked everyone for their participation tonight and asked if anyone had anything that they wanted to talk about. Nothing was noted.

Mr. Poltak stated that a motion to adjourn would be in order.

ADJOURN

Mrs. Marzloff made a motion to adjourn. Mr. Porter seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 8:15pm.

The next Planning Board meeting is scheduled for Wednesday, August 17th, 2022 at 7:00 pm. This meeting will be held at the Auburn Town Hall, 47 Chester Road. This date is subject to change.