

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
August 17, 2022

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

Also Present: Sam Kauh of the Dubay Group and Doug MacGuire via phone conference for MD&B, Dan Tatem of Stantec.

Absent: Jill Dross & Michael O'Callaghan, Members.

The meeting was being held at the Town Hall. Mr. Poltak called the meeting to order at 7:02pm and introduced everyone to everyone present tonight.

Mr. Poltak elevated both Mrs. Marzloff and Mr. Edwards to full voting members for tonight's hearing with both Ms. Dross and Mr. O'Callaghan being absent. Mr. Poltak moved on to approval of the minutes of the last meeting of August 3rd.

MINUTES

Mr. Porter moved to approve the minutes for August 3rd, 2022, as written. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the first item on the agenda tonight which was the renewal of the excavation pit permit for Mr. Garabedian.

GENERAL BUSINESS

Excavation Pit Renewal:

Paul Garabedian – 7:00pm
Birch Road, Tax Map 11, Lot 50

Mr. Poltak explained that due to Covid that we have not renewed the excavation pit permit in a few years and now that we are back to almost normal, we will be reviewing this again on an annual basis. With that said, Mr. Poltak added that he did not anticipate a problem but wanted to share with the Board that the activities there were minor in nature for the last two (2) years. Mr. Garabedian stated that they have been taking material out of there every now and then. Mr. Poltak added that he believed that the fees have been around

\$13.00 or so and asked Mr. Garabedian if he anticipated things changing. Mr. Garabedian stated that he did not know at this time. Mr. Rolfe added that, if they did that, they would have to do something with Raymond Road because that was the agreement.

Mr. Edwards was new at this issue regarding Excavation Pit Permits. Mr. Poltak explained what has been occurring in the past and what action is needed by the Board which is renewing the permit.

With that said, Mr. Poltak asked for a motion to grant the Excavation Pit Permit for one year for Tax Map 11, Lot 50.

Mr. Porter made a motion to grant the Excavation Pit Permit renewal for one year for Paul Garabedian, Tax Map 11, Lot 50. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak informed Mr. Garabedian that he was all set and Ms. Royce handed Mr. Garabedian his renewal permit for one year.

Mr. Poltak moved on to the discussion for Maine Drilling & Blasting and asked Ms. Royce to get Mr. MacGuire on the intercom phone to discuss the Major Site Plan Review. Mr. Kauhl of the Dubay Group was also present tonight.

PUBLIC HEARING

Maine Drilling & Blasting, Inc.

Doug MacGuire

88 Gold Ledge Avenue, Tax Map 1, Lot 17-4, 18-4

Major Site Plan Review

(Storage Yard)

Mr. MacGuire was reached by phone to discuss Maine Drilling & Blasting proposal. Mr. Poltak explained what has transpired so far with this project and believed that they can get to final approval of this with whatever conditions are necessary given the fact that Mr. MacGuire and Mr. Tatem have had a lengthy conversation this morning and relative to the comments that Stantec has brought forward which has been shared with the Board and upon conclusion that Mr. MacGuire and Mr. Tatem have come to terms with. With that said, Mr. Poltak turned the discussion over to Mr. Tatem to give an update as to where they stand and give a status report which will then allow the Board to ask questions and then decide what actions they need to take.

Mr. Tatem asked Ms. Royce to turn to Sheet #5 of 17. Mr. Tatem began by using the pointer to point out the location of discussion which was the Town Right of Way and the entrance of the gravel road. Mr. Tatem pointed out that the road was paved below and that the road going up to the storage laydown area was going to be gravel. Mr. Tatem believed that for planning purposes believed that this road that was private now would

eventually be continued. With that thought, Mr. Tatem believed that the apron at the entrance of the gravel road should be paved of which Mr. MacGuire agreed as well. Mr. Tatem moved on to Sheet #6 of 17 and talked about the access road that goes all around the perimeter. Mr. Tatem also mentioned the detention ponds that would have some minor changes made to it which was agreed to by Mr. MacGuire to adhere to the town's regulations. Mr. Tatem talked about the tiers which had a Tier #1, Tier #2 and Tier #3 and went into detail with the Board. Mr. Tatem indicated that they would have to file an Alteration of Terrain permit which he believed had been filed and believed that that was the only permit they needed. Mr. Tatem pointed out that, because it was a private road that he did not believe they needed a driveway permit but would be a question for the Building Inspector.

Mr. Tatem had Ms. Royce go back to Sheet #3 and talked about the gravel road which they would be bringing underground power up that road which is a requirement in Auburn. Mr. Tatem also stated that, Mr. MacGuire and he agreed over the phone that all of the comments in his letter would be addressed except for one which was regarding the cross section where Mr. MacGuire believed that a waiver would be requested due to the fact that it was a private road. Mr. Tatem stated that he concurred with that which the Board could act on tonight. Mr. Tatem commented that, this would be the only waiver that would be required.

Mr. Poltak commented that, if they were going to reach the point which is his intention tonight of final approval with conditions, he would like to have the motion made and seconded relative to the waiver. Mr. Poltak asked Mr. MacGuire to read what his waiver request would be to the Board. Mr. MacGuire agreed. Mr. Tatem also mentioned that the Board would also need to accept the plans as complete and vote on the waiver and then if they deem appropriate to vote on conditional approval as Mr. MacGuire has agreed to address all the comments in the letter dated August 15, 2022. Mr. Tatem also pointed out that they would need letters from both the police department and fire department regarding access for public safety.

Mr. Tatem asked about the gate and if it would be relocated to an area before the new entrance. Mr. Kauhl commented that there was a key fob gate but was further back after the entrance so no Knox box would be needed if a gate were not proposed for the new entrance. Mr. Poltak asked about the detention pond close to the pavement which would be relocated to meet the town regulations.

With that said, Mr. Poltak turned to the Board for questions or concerns. Mr. Edwards asked about distance from property line for the gravel road. Mr. Tatem informed Mr. Edwards that there was no setback from property lines for a road. Mr. Tatem also pointed out that the markers that would be installed and a brief discussion ensued with regard to the access way.

Mr. Rolfe had no questions. Mr. Poltak asked Mr. MacGuire if he had anything else he wanted to add. Mr. MacGuire thanked the Chairman and also thanked Mr. Tatem for pointing out things at the beginning and agreed with everything that Mr. Tatem said. Mr.

MacGuire had a few concerns on some of Mr. Tatem's comments, but the vast majority of the comments are just minor notations or additions to the plan. Mr. MacGuire basically stated that they have discussed 6 main items and that he was satisfied with the outcome and have come to an agreement on a lot of them and therefore have no issues addressing all of those comments on a final set of plans. They have obtained the necessary Variance for the buffer impact as they had hoped they would and with that asked the Board if they had any further questions that he would be happy to answer.

Mr. Poltak believed that what they would like to do now is to ask for a motion to accept the application as complete from the Board.

Mr. Porter made a motion to accept the application as complete for Maine Drilling & Blasting, Inc., 88 Gold Ledge Avenue, Tax Map 1, Lots 17-4 & 18-4. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak asked Mr. MacGuire to read the waiver request for the Board. Mr. MacGuire stated that, "the applicant respectfully requests a waiver from Section 9.11(2) which requires roadway cross-sections every 100-feet per proposed driveway". The proposed driveway is intended to serve as access to a gravel storage yard and will have no access to the public. Cross section will not be required for proper construction of a 20-foot access drive and therefore a waiver is requested.

Mr. Porter made a motion to grant a waiver from Section 9.11(2) which requires roadway cross-sections every 100-feet per proposed driveway for Maine Drilling & Blasting, Inc., 88 Gold Ledge Avenue, Tax Map 1, Lots 17-4 & 18-4. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak asked for a motion to grant final approval subject to the conditions brought forward by Stantec in their August 15, 2022 letter and as agreed to by the applicant. Mr. Poltak went on to say that final approval would be granted conditioned upon continuation of the execution of Stantec's findings. Mr. Tatem wanted to add the required AOT permit and the waiver that was just granted to be placed on the plan to be recorded. Mr. Poltak indicated that he would be getting to that next which would include subject to all State approvals.

Mr. Rolfe made a motion to grant final approval subject to the conditions brought forward by Stantec in their August 15, 2022 letter and as agreed to by the applicant. Final approval would be granted conditioned upon continuation of the execution of Stantec's findings for Maine Drilling & Blasting, Inc., 88 Gold Ledge Avenue, Tax Map 1, Lots 17-4 & 18-4. Mr. Edwards seconded the motion. A vote was taken, and all were in favor and the motion passed.

Lastly, Mr. Poltak asked for someone to make a motion to grant final approval conditioned upon all State review and permits be obtained and that the permit numbers be placed on the plan to be recorded.

Mr. Porter made a motion to grant final approval conditioned upon all State review and permits be obtained and that the permit numbers be placed on the plan to be recorded for Maine Drilling & Blasting, Inc., 88 Gold Ledge Avenue, Tax Map 1, Lots 17-4 & 18-4. Mrs. Marzloff seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak believed that this was complete and thanked everyone who presented tonight. Mr. MacGuire thanked the Board for allowing him to call in remotely and the discussion ended.

OTHER BUSINESS

At this time, Mr. Poltak wanted to discuss a few items with the Board before the Board adjourned this evening. Mr. Poltak began by discussing the 28 Bypass construction process. Basically, the developer is not following the usual protocol for procedures during construction which will end up costing more money for the developer as it becomes time consuming for Stantec to go out there several times in a day. Mr. Poltak discussed the difficulties to date concerning compliance with the Town of Auburn's regulations. Mr. Poltak and Mr. Tatem both pointed out that Mr. Haddad has a recorded site plan that he needs to adhere to as well as what was pointed out to him in the pre-construction meeting. In the end, the Board directed the Chairman to inform the applicant which both he and Mr. Tatem will work out and will be scheduling a time to meet with Mr. Haddad onsite to discuss this issue further.

Mr. Poltak moved on to discuss an Intent to Cut for Mr. Swisher of 140 Rockingham Road which has an approved site plan in place. Mr. Poltak commented, what is he cutting and if he is planning to expand then he would need to amend his site plan. Mr. Poltak stated that they were told that he was not expanding but only doing a cutting of trees in which a skid road would be put in place to basically harvest the timber. If they are not amending the site plan, then there is no roll that this Board can take as they are removing trees according to state law. Mr. Poltak indicated that the town was informed that they have contacted the abutters and informed them that a barrier would be kept in place between them and the commercial zone. Mr. Tatem added that, if there is a 50-foot buffer that is required to be in place then they cannot cut that buffer no matter what. Mr. Poltak indicated that he had spoken with Mrs. Rouleau-Cote, Building Inspector and that the only concern she had as well was the buffers. Mr. Tatem believed that it would be whoever has the authority to enforce the site plan which would be Mrs. Rouleau-Cote. Mr. Poltak wanted to inform Mrs. Rouleau-Cote that the Planning Board's concern was honoring the buffers and that the buffers be marked in advance of the cutting. Mr. Poltak wanted it noted that, the Planning Board does not oversee timber cuts which it has no authority. The Board has the authority to oversee site plans and subdivisions.

Lastly, Mr. Poltak wanted to discuss the Boxwood Drive access via the Right of Way. Mr. Poltak explained that he had a lengthy discussion with Attorney Tierney where he indicated that “relative to a Right of Way that has been designated on an approved subdivision, you have to have a grantor and a grantee”. Mr. Poltak went on to say that what role as a Planning Board do we have if the town does not own the Right of Way of which we do not have any authority. Mr. Poltak further explained that there should be a note on the plan that the owner of that piece of property that is subdividing it, grants to the town the Right of Way as a public entity for the purposes of it being a public entity. Then we could rule as a Planning Board whether someone could use it or not before you could build your house. Hence why the Kenyon’s had to obtain an easement to utilize the Right of Way to build their house and to utilize it for their driveway. Mr. Poltak just wanted to share with the Board what should be done. A brief discussion ensued regarding the proposed request for a shared driveway. In the end, Mr. Poltak informed the Board that, Attorney Tierney was going to research more case law prior to giving him a final answer. A brief discussion ensued with regard to accessing the Right of Way to extend it in order to build on land in Derry.

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

ADJOURN

Mr. Porter made a motion to adjourn. Mr. Edwards seconded the motion. A vote was taken, all were in favor and the meeting stood adjourned at 8:30pm.

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