

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
May 24, 2023

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

Also Present: Dan Tatem, Stantec.

Absent: Jess Edwards, Alternate Member.

The meeting was held at the Auburn Town Hall. Mr. Poltak called the meeting to order at 7:00pm. Mr. Poltak stated that there were three (3) items on the agenda tonight.

Mr. Poltak moved on by asking the Board for an approval of the meeting minutes for May 10th, 2023 and stated that a motion to approve would be in order.

MINUTES

Mr. Porter moved to approve the minutes for May 10th, 2023, 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 which was a request for a reduction in remaining work surety for Auburn Self-Storage.

Auburn Self-Storage (Joe Robinson)
404 Hooksett Road, Tax Map 9, Lot 16
Request Remaining Work Surety Reduction

Mr. Poltak explained that the Board is in receipt of a request for surety reduction regarding the Auburn Self-Storage located at 404 Hooksett Road. Mr. Poltak pointed out a letter from Stantec recommending a reduction of surety in the amount of \$118,979.66. The Town of Auburn is currently holding a Letter of Credit in the amount of \$599,077.65 and with the reduction of \$118,979.66 will leave a new Letter of Credit in the amount of \$480,097.99. Mr. Poltak asked the Board how they would like to proceed. The Board members did not have any questions and therefore a motion to reduce the surety was made by Mr. Porter.

Mr. Porter made a motion to reduce the surety from \$599,077.65 down to \$480,097.99 for a reduction amount of \$118,979.66 as recommended by Stantec in a letter dated May 11, 2023 for Auburn Self-Storage, 404 Hooksett Road, Tax Map 9, Lot 16. Ms. Dross seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak moved on to the discussion regarding Chinburg and the landscaping of the entrance to the development.

**Chinburg Development, LLC
The Cliffs at Evergreen
Hooksett Road, Tax Map 10, Lot 19
Discuss Landscaping of Entrance**

Mr. Poltak began by giving the Board members a synopsis of what has transpired regarding The Cliffs at Evergreen development pertaining to the entrance to the 55 and older community. Mr. Poltak talked about when Ms. Pyburn was before the Board to further discuss the landscaping at the front entrance to the site and believed they would have to come back before the Board with a revised plan. At that time, it was noted that they would be presenting to the Board in the future renderings of what would be happening from a landscaping point of view with regard to types of trees to be planted along with arborvitaes. Mr. Poltak then mentioned that, shortly thereafter, both he and Mrs. Rouleau-Cote received a letter from Mr. O'Neil of Manchester Water Works who expressed some concerns with regard to sitework that had been completed for the entrance road. Mr. O'Neil had concerns about the logging road that they had established being blocked and would prevent them from utilizing that woods road. With that said, Mr. Poltak added that a meeting was called with all the parties involved and came up with a resolution whereby Mr. Severino came up with an idea. At this time, Mr. Poltak turned the meeting over to Mr. Severino.

Mr. Tatem wanted to comment before Mr. Severino began his presentation and stated that he has received plans from Mr. Severino today and as far as the grading and drainage which he has had a chance to review today all look appropriate. Mr. Tatem mentioned the "MOU" (Memorandum of Understanding) that they recommended that they get from Manchester Water Works which they are onboard with the proposal. With that said, Mr. Tatem turned it over to Mr. Severino.

Mr. Severino began by passing out copies of the proposed plan showing the grading and drainage plan. Mr. Severino pointed out that the biggest driver of the project is Manchester Water Works whereby they would be doing regrading of the left side of the entrance in order to obtain MWW access to their property. Mr. Severino talked in length about the plan of which a copy is available in the file. Mr. Severino mentioned the removal of approximately 4 tall pine trees that had roots exposed to be replaced with evergreens (per landscape architect). Mr. Severino indicated that, once they soften that entrance that it will look so much better and it's going to clean up the entrance and they will rebuild

the stone wall and reset the property monument and that area would be replanted and revegetated through that area.

Mr. Severino went through the package with the Board members which shows a rendering of what the entrance will look like when the landscaping is planted and what it will look like in approximately 10 years from now. In conclusion, Mr. Severino indicated that he would be happy to answer any questions that the Board may have and believed that this was a major improvement.

Mr. Poltak thanked Mr. Severino and stated that he appreciated all of this and turned the questions over to the Board and began with Mr. Porter. Mr. Porter talked about the houses on the top of hill and pointed out that they can be seen from Old Candia Road and also had an issue with the steep slope. Mr. Porter believed that the arborvitae needed to be placed on that slope. Mr. Severino believed that once they filled in, that they would act as a barrier.

Mr. Rolfe wanted to point out that Ms. Dross picked up that the "MOU" had Epping on it, and it should read Auburn. Mr. Severino noted that correction. Mr. Poltak asked about timing on the entrance and when they would see plantings happening. Mr. Severino talked about the chamber system and that it will take a week to put it in and a week to backfill it and believed that it would be about two (2) weeks and it would be operational. A brief discussion ensued with regard to scheduling. Mr. Tatem pointed out that in order for Certificate's of Occupancy to occur that the entrance from those buildings down to Hooksett Road has to be operational which includes curb, sidewalk, binder, striping, stop signs and this entrance will all be completed. Mr. Tatem pointed out that landscaping is not a requirement for a CO, but it needs to function as intended.

Mr. Poltak asked Mrs. Rouleau-Cote and Mr. Sterndale if they had any comments. Mrs. Rouleau-Cote commented that it sounds like were on board with the phasing and the infrastructure that we want in place prior to introducing anyone on the site. We will still be looking for Chinburg and Mr. Severino to give us a plan showing how the construction vehicles will modify their paths around the development. Mr. O'Callaghan asked what the number of completed houses was at this time. Mrs. Rouleau-Cote commented that there were 10 houses, and 5 houses are 99% complete and 5 have foundations or beginning framing.

Mr. Eaton asked if all of the landscaping would have irrigation. Mr. Severino said yes. Mr. Eaton asked how much land was on Manchester Water Works. Mr. Severino pointed out the triangle area to Mr. Eaton. Mr. Eaton asked if they had a Maintenance Easement over Manchester Water Works land to maintain the landscaping that they are going to do over on that side. Mr. Severino said they don't but that he would speak with the Chinburg group to obtain one. Mr. Porter asked about the two (2) poles. Mr. Severino stated that they did not want to place them there but that they did not have a choice where Eversource wanted them. Mr. Poltak asked Mr. Severino if Ms. Pyburn was aware that we would still be requiring a final landscaping plan. Mr. Severino said yes. Mr. Tatem believed that the best way to move forward would be to allow them to finalize the grading

plan as is and then issue them a letter saying it's okay and then they could move forward to continue their work and get that entrance done. If the Board gives them the approval to make the changes and then work out an agreement with Manchester Water Works for maintenance of those trees. Mr. Severino agreed and said that that was what tonight was about was to obtain comments on what could be changed or what could be added, which was the reason they were before the Board tonight.

With that said, Mr. Poltak believed a motion relative to acceptance of the proposed plan presented tonight.

Mr. Porter made a motion for the acceptance of the grading plan to allow the developer to move forward for Chinburg Development, The Cliffs at Evergreen, Tax Map 10, Lot 19, Hooksett Road. Mr. Rolfe seconded the motion. A vote was taken, all were in favor.

Mr. Poltak wanted the minutes to reflect that Chinburg pursue Manchester Water Works to obtain a Maintenance Easement for the section of landscaping to be maintained by Chinburg Development. Mr. Severino understood and informed the Board that they will need to order these plants shortly. With that said, Mr. Poltak thanked Mr. Severino for his presentation and the discussion ended.

Auburn Woods Condominiums

David Haddad

945 Londonderry Turnpike, Tax Map 1, Lot 27

Discuss Completion of Development

Mr. Poltak pointed out that there was a discussion ahead of them and informed the Board what has transpired to date. Mr. Poltak began by saying that this is the project on Londonderry Turnpike with the Townhouses and turned the meeting over to Mr. Haddad.

Mr. Haddad began by saying that he had prepared an overview of what has been going on at the development at 945 Londonderry Turnpike. A copy of which can be found in the file. Mr. Haddad stated that it seems like he's in a constant battle with everything that has been going on. Mr. Haddad stated that there was a pre-construction meeting and that he has never received a bill from Stantec in almost a year. He has asked for them and never received them and never received a construction log. Mr. Haddad gave a synopsis of what has transpired over time (a copy of which can be found in the file). Mr. Poltak asked what his question was. Attorney Panciocco believed that this had been going on for a long time. Attorney Panciocco believed there was a lot of miscommunications. Mr. Haddad stated that enough was enough. Mr. Poltak asked what was enough was enough. Mr. Haddad commented that it was a constant battle with Stantec and did not know what the problem was. Mr. Haddad went through several issues he's had with the way Stantec bills its time and miscommunication and it's always one thing after another. Mr. Poltak asked Attorney Panciocco what the take home was. Attorney Panciocco answered by saying that she believed there was a failure to

communicate and unclear expectations from what she's read. Attorney Panciocco read an RSA to the Planning Board that "The Planning Board requires third-party inspections during the construction process shall, as part of the inspection process, develop a scope for the project inspection in consultation with the applicant." Attorney Panciocco pointed out that they had a pre-construction meeting, and they had a list of when to call them to inspect and believed that Mr. Haddad was getting in trouble for something that was not on the list.

Mr. Haddad did not believe the framing grates needed to be monitored because it was not on the surety list estimate. Mr. Poltak did not believe that the billing for the project was excessive. A brief discussion ensued with regard to the four (4) or five (5) items outstanding for this project and what needs to be completed. Mr. Haddad did not believe that any inspection of the framing grates was necessary and believed the lighting was adequate. Mr. Poltak pointed out that, since those items are within the Town of Auburn's regulations, it was explicit that those items be finished and finalized. Attorney Panciocco believed there was a personality conflict between the two. Lengthy discussion ensued with regard to the final items left to complete.

Attorney Panciocco asked the Board regarding a Certificate of Occupancy and believed that Mrs. Rouleau-Cote, Building Inspector did a final walk through of the units and believed they were in order. Mrs. Rouleau-Cote indicated that it was pretty close and that all 6 units had been walked through. Attorney Panciocco could not find anything in the Town of Auburn's regulations that say the project has to be 100% complete and everything done for him to have people move in. Mr. Tatem commented that it does say that the drainage has to be functioning as intended and safety items have to be in place and pointed out that the outstanding items are so short. Mr. Tatem did point out that there were also erosion control issues. Mr. Poltak asked Mrs. Rouleau-Cote for a response. Mrs. Rouleau-Cote commented that there were two (2) areas in Article 13 in our zoning ordinance specific to the Certificate of Occupancy stating that the provisions of the subdivision regulations and site plan regulations are met. As part of that process, she relies on the consultant from the Planning Board to determine what items of the site plan need to be completed that pertain to life safety items. Mrs. Rouleau-Cote explained that the items that she would be relying on in this instance would be pavement markings, signage, lighting, and the drainage to be working as intended and all of the other items would be covered under the surety. Once everything has been satisfactorily completed then the surety would be released.

Mr. Haddad stated that the lighting plan was submitted today. At this time, Mr. Tatem and the Board reviewed the lighting plan and Mr. Tatem stated that the lighting has changed, and the lights were installed and in review this lighting plan was worse than before and does not meet. What they recommend is that the revised lighting plan is at least as good as what was approved and not worse. There is a minimum to maximum ratio, and these are blank. The approved plan says it's 14 to 1.

In conclusion, Mr. Poltak would like to see the four (4) or five (5) remaining items completed so that this project is done. Attorney Panciocco asked the Chairman for a

possible conditional Certificate of Occupancy since the town is holding surety for completion of the development. The Board was not agreeable to a condition CO. Attorney Panciocco pointed out that he had a June 1st deadline.

Attorney Panciocco believed there should've been more transparency and he should've received the bills and hadn't received any of them. He's supposed to have 14 days to review them, and he never had a chance to.

Both Attorney Panciocco and Mr. Haddad thanked the Board for their time and exited the meeting.

Mr. Poltak moved on to discussion of the draft surety regulations.

Discuss Draft Surety Regulations

Mr. Poltak began by saying that he, Mrs. Rouleau-Cote, and Mr. Tatem have worked on a revised surety regulation.

Mr. Porter exited the meeting at 9:00pm.

Mr. Tatem began by saying that he highlighted the changes in red so that everyone could see the changes. Mr. Tatem commented that what they would like to do is have this regulation in one of the documents which would be the Subdivision Regulations. The Site Plan Regulations say look at the Subdivision Regulations. Mr. Tatem explained that what he did was remove anything with regard to bonds or surety in the Site Plan Regulations and inserted "See Subdivision Regulations." Discussion ensued with regard to LOC and Cash Surety and the Board of Selectmen. Auburn does not accept Bonds so that is why the word Bonds was removed from the document and the word surety was put in place.

Mr. Tatem went on to say that, as long as he's been working in town the surety has been handled one way and for the past two (2) years things have changed and he really did not know why. Mr. Tatem pointed out that there was some confusion. Mr. Tatem pointed out the two (2) different types of projects in town and one being public infrastructure and the other one is private. If you're going to put up a town road, the process has been that you put up reclamation surety. It's a dollar amount that Stantec comes up with. Mr. Tatem added that you put up reclamation surety for a town road and build the road up to binder and then you take the reclamation surety and transfer that surety to remaining work surety because you want to pull a building permit. Discussion ensued with regard to why surety needs to be in place in case a developer decides to walk away from the project which is to protect the town.

Mr. Tatem talked about the difference between public and private development and pointed out that for public infrastructure when you want a building permit you put up surety for restoration but for a private site you keep your reclamation in place until you want a certificate of occupancy. Then you put up surety for remaining work and typically when you request a CO everything is done.

Mr. Poltak informed Mr. Tatem that he drafted these surety regulations and Mrs. Rouleau-Cote read lined them and he has read them. Mr. Poltak asked Mr. Tatem if he included Mrs. Rouleau-Cote's comments from an email that was sent to all. A brief discussion ensued with regard to changes to be made. Mr. Tatem commented that he could take Mrs. Rouleau-Cote's mark ups and incorporate them into the document. Mr. Poltak indicated that he would like to take these to a public hearing as soon as possible. Mrs. Rouleau-Cote believed the Selectmen should receive a copy of what the Planning Board is proposing as well. Mrs. Rouleau-Cote believed these regulations are to protect the Town of Auburn.

Discussion ensued with regard to putting up remaining surety for phased developments on private developments where the roads will remain private and maintained by a Homeowners Association.

Someone from 266 Rockingham Road commented that this was something that they were interested in. Mr. Chadwick added that they would like to obtain a building permit to continue on and he does have surety in place for reclamation of the property. Mr. Chadwick believed that the owner was asking the Board if they would allow them a building permit with just the surety in place. They would like to just get the foundations this week and then begin erecting steel at the beginning of June. Mr. Poltak stated that he did not have an answer for them on that. Mr. Poltak went on to say that he would need to speak with Mrs. Rouleau-Cote and then go from there. Mr. Chadwick asked if he could get back to them on that. Mr. Poltak said yes. Mrs. Rouleau-Cote asked Mr. Chadwick if the project was phased out. Mr. Chadwick said no that their bank financing was phasing it. A brief discussion ensued with regard to the surety request for the project located at 266 Rockingham Road.

Mr. Poltak turned to the Board members and asked the Board if he wanted to discuss this on June 14th to discuss this further and then take it up with a formal motion would that be enough time. The Board believed they could do that. The Board also mentioned making copies for the Selectmen to review as well. Mr. Sterndale asked the Chairman when he would be going to legal with this and if it would be prior to public hearing. Mr. Poltak stated June 14th. Mr. Sterndale believed it would be premature because it still had to go through the Select Board and any mark ups that would come out of that and then going to legal with the outcome. Mr. Tatem asked if they could go to legal while the Selectmen are reviewing it. Mr. Sterndale indicated that it would take one night to take it all in and one night to swallow it. Mr. Poltak asked if they should put this on hold until such time as it goes through the Selectmen because he was fine with that. A brief discussion ensued with regard to the Public Hearing date. In conclusion, Mr. Poltak stated that his goal is to take it up on June 14th and if he hears it's not amendable to all parties that he will move it off until the next hearing. Mrs. Rouleau-Cote believed they could meet on June 14th for another discussion and then set a public hearing date if everything is in order. The Board believed that would work.

The discussion regarding the Surety Regulations ended.

OTHER BUSINESS

With that being said, Mr. Poltak asked if there was any other business before the Board tonight. None were noted. Mr. Poltak asked for a motion to adjourn and reiterated that the Board would be meeting next on June 14th.

Adjourn

Mr. O'Callaghan made a motion to adjourn. Mr. Rolfe seconded the motion. A vote was taken, all were in favor and the meeting was adjourned at 9:15pm.
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The next Planning Board meeting is scheduled for Wednesday, June 14th, 2023 at 7:00 pm. This meeting will be held at the Auburn Town Hall, 47 Chester Road. This date is subject to change.