

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
June 14, 2023

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

Also Present: Dan Tatem, Stantec.

Absent: Michael O'Callaghan, Member.

The meeting was held at the Auburn Town Hall. Mr. Poltak called the meeting to order at 7:00pm.

Mr. Poltak elevated Mrs. Marzloff to a full voting member in the absence of Mr. O'Callaghan. Mr. Poltak stated that he would be reworking the items on the agenda due to some conflicts on time. Mr. Poltak moved on by asking the Board for an approval of the meeting minutes for May 24th, 2023 and stated that a motion to approve would be in order.

MINUTES

Mrs. Marzloff moved to approve the minutes for May 24th, 2023, as written. Mr. Porter seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak informed the Board that Mr. Tatem was pressed for time and at the last meeting the Board made recommendations on updating the surety regulations with regard to developments. Mr. Poltak stated that the Town Administrator suggested that the surety regulations go before the Board of Selectmen for review acceptance and then we found out that the NH State Legislature has a Bill that is moving towards its passage entitled SB 78. This piece of legislation will require changes regarding surety throughout the state. It defines to the benefit of the developer more so than the community. Mr. Poltak added that the Town Administrator has advised them to hold back on moving any further until such time as this piece of legislation lives or dies in the general court.

Mr. Poltak did state that tonight they have to address the way they have processing surety versus the eventuality of a Certificate of Occupancy. With that said, Mr. Poltak asked for a motion to move forward and turned the discussion over to Mr. Tatem.

Mr. Tatem began by talking about the project that is located on the corner of Rockingham Road and Dartmouth Drive whereby they have requested a building permit and they are requesting that their surety has been treated as surety has been treated over the last 16 years. Mr. Tatem went on to say that they are requesting that their current reclamation surety remain in place and to allow them to pull a building permit and prior to a CO being pulled, Stantec will prepare a letter listing the remaining items outstanding and they would recommend that the reclamation surety be released, and that remaining surety be put in place. Mr. Tatem commented that it is their recommendation that their request be approved by the Board that it is appropriate.

Mr. Poltak asked if there were any questions from the Board. The Board believed it was pretty straight forward. Mr. Tatem stated that, the Board should authorize the Building Inspector to issue building permits considering ample reclamation surety is in place and prior to the issuance of a CO that remaining surety would be put in place per the normal procedure over the last 16 years.

Mr. Porter made a motion to authorize the Building Inspector to issue building permits considering ample reclamation surety is in place and prior to the issuance of a Certificate of Occupancy that remaining surety would be put in place for M&M Ventures, LLC, 22 Dartmouth Drive, Tax Map 25, Lot 44. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Edwards responded that the Bill has already gone through the House and the senate already passed it and everybody is happy, and it could be law within the next few weeks. A brief discussion ensued between the Board members. Mr. Poltak stated that, here is his understanding, now that we know the Bill is at the doorstep of being released from the State House and we will get a copy of it. The Town Administrator will take this up with the Board of Selectmen to make sure that they do not have any concerns and then this Board will be ready to move forward. Mr. Poltak believed the draft surety regulations were solid and informed the Board that that was where they were. Mr. Poltak thanked Mr. Tatem and Mr. Tatem left the meeting at 7:13pm.

Mr. Poltak asked Mr. Villeneuve if he wanted to go ahead with his presentation. Mr. Villeneuve asked the Chairman to move ahead with the next item on the agenda which was the Dunkin Donuts.

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 \$103,228.65. The Town of Auburn is currently holding a Letter of Credit in the amount of \$480,097.99 and with the reduction of \$103,228.65 will leave a new Letter of Credit in the amount of \$376,869.34. 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 \$480,097.99 down to \$376,869.34 for a reduction amount of \$103,228.65 as recommended by Stantec in a letter dated June 7, 2023 for Auburn Self-Storage, 404 Hooksett Road, Tax Map 9, Lot 16. Mr. Rolfe seconded the motion. A vote was taken, and all were in favor and the motion passed.

Mr. Poltak had one more item before the Board moved into the Public Hearing portion of the meeting. Mr. Poltak mentioned the entrance to the 55+ community off Hooksett Road. Mr. Poltak stated that since we last met the Board approved the Landscaping Design Plan for the entrance way and what has transpired is the fact that the plan has been finalized by a Landscape Architect. The road to the left is the existing MWW logging road which widens the entrance a little bit. The plantings will be going in shortly. The underground stormwater collection system has been finalized and hooked up. Mr. Poltak informed the Board that Mrs. Rouleau-Cote will have a request for COs in the very near future. Mr. Poltak was unsure if the cistern had gone in yet but informed the Board members that the cistern has to be put in place for fire protection purposes prior to a CO being issued along with the curbing as well as some health and safety items.

Mr. Poltak wanted to update everyone with regard to the development off of Tanglewood and informed the Board that they have sent a letter which waives the 30-day acceptance process for the application that is required by state statute. They are waiving that, and we have them scheduled to come before the Board on August 9th, which will be our next meeting.

With that said, Mr. Poltak moved on to the Public Hearing and began with the 405 Hooksett Road application of which the applicant is present. At this time, Mr. Poltak turned the meeting over to the applicant.

PUBLIC HEARING

**DROMOS, LLC (Dunkin Donuts)
Megan Ulin, ReVision Energy
405 Hooksett Road, Tax Map 31, Lot 18
Minor Site Plan Review (Solar Arrays)**

Mr. Poltak began by informing everyone present tonight for this hearing that the Board will allow the applicant to present and then the Board will ask questions and then he would turn to abutters or interested parties for comment.

With that in mind, Mr. Poltak turned the meeting over to Ms. Megan Ulin who would be presenting on behalf of Dromos, LLC. Ms. Ulin introduced herself as well as Mr. Bob O'Brien of ReVision Energy along with Mr. Jim Clifford. Ms. Ulin explained that they were before the Board tonight to discuss installation of ground mounted solar arrays. The solar arrays would be located just west of the parking lot. Ms. Ulin stated that, in speaking with the Building Inspector, that they were told to go before the Planning Board for a minor site plan review. Ms. Ulin added that they did submit a waiver request to not have a stamped plan prepared by a land surveyor licensed in New Hampshire. In speaking with the Building Inspector and Land Use Administrator they did not believe that it would require a mylar. At this time, the Board reviewed individual copies of the proposed plan which were also placed on the TV screen for the public to follow. Ms. Ulin explained the solar array which would be approximately 12 feet in height and 122 feet long and would contain 4 rows. Ms. Ulin went through the description of the arrays and the use as well as there would be a fence that would go around the arrays. Ms. Ulin went on to say that there would be removal of trees to eliminate shade over the arrays and pointed out a tree clearing plan which would leave a 15-foot buffer of trees from the abutting property. The tree cutting area was shown in the hatched area shown on the plan. Mr. Porter asked if they could place a fifth row and shorten the length to eliminate some of the tree removal. Ms. Ulin pointed out a number of factors. Mr. O'Brien added that the property line and the closeness to the Hooksett Road property line as factors and the location of the septic system prevented them from moving in that location. Ms. Dross asked why there were so many panels for such a small building. Mr. O'Brien indicated that these panels would provide 100% usage for the Dunkin Donuts building. Discussion ensued with regard to location. In conclusion, Ms. Ulin commented that they were looking to begin construction later this summer/early fall. Ms. Ulin stated that she would be happy to answer any questions.

Mr. Poltak asked if there were any questions from the Board. Mr. Poltak had a few questions and began by asking when the project would start and when would it end and when would it be up and running. Ms. Ulin and Mr. O'Brien stated that they would like to begin in July by clearing trees and then construction of the arrays in September and say they're done construction in mid-October and be online in mid-November. Mr. Poltak asked if it would be 100% of the energy generated by this new solar facility would be utilized by the Dunkin Donuts. Discussion ensued with regard to usage by Dunkin Donuts and that there was no battery backup.

At this time, Mr. Poltak talked about neighbors being neighbors and that there was an 8 unit townhomes that abuts this property. Mr. Poltak pointed out that both were located within the Commercial Two zone and that when the townhomes were being built that the developer had to go to the Zoning Board of Adjustment to obtain a Special Exception to build within the Commercial Two zone because the Town of Auburn does not allow residential homes within the Commercial Two zone. With that said, Mr. Poltak believed the solar arrays would comply with setback requirements. Ms. Ulin pointed out that there was just a little over 110 feet from the solar array to the property line. Mr. Poltak asked how many feet of existing trees between the Townhomes and the array location. Mr.

O'Brien stated about 150 feet. Mr. Poltak asked how many feet of natural buffer will be remaining between the townhomes and the array. Ms. Ulin stated 15 feet would be left. Mr. Poltak believed it was pretty much clear cutting to the property line. Discussion ensued with regard to the cutting of trees. Ms. Ulin stated that it is needed to obtain the production for the solar arrays. Further discussion ensued with regard to possibly reconfiguring the solar arrays. Ms. Ulin asked if there was a buffer that was being asked for because in order to obtain the best production trees would need to be cleared. Ms. Ulin informed the Board members that they need approximately 8 feet from the panels. Mr. Porter asked if there was some way they could configure the panels without impacting the buffer closest to the townhomes. Mr. O'Brien went on to say that no matter which way they place them that they would need to clear some of the trees. Mr. Edwards asked if there was an issue where the application did not meet regulation guidelines for the Planning Board's Master Plan that the Board is trying to address. Mr. Poltak answered by saying that there is a major site plan approved and that this solar array is being proposed to fuel the needs at that facility. We have a residential development achieved by Special Exception in a Commercial zone. We are just trying to be neighborly and aesthetics. This is a first for the Board and we do not have any regulations in the books regarding solar arrays. Mr. Edwards asked how high off the ground these solar arrays would be off the ground. Ms. Ulin stated 12 feet. Mr. Edwards asked if there was a possibility of doing some screening to shield the sideline. Ms. Ulin believed there were options, but it was up to the owners. A brief discussion ensued with regard to possible screening between properties.

At this time, Mr. Poltak asked the abutters to speak. For the record, the Board received 8 letters from the residents of 11 Rockingham Road Townhomes. Mr. Demirjian began by saying that he would like Ms. Royce to pull up the two (2) photos sent over. Ms. Dross and the Board members stated that they have all seen the photos and had copies in front of them. Mr. Demirjian talked about the 8 units facing the property line and commented that if they remove the vegetation there would be nothing between the two (2) property lines. Mr. Demirjian liked the buffer and pointed out that the other 7 units also love the buffer and seeing wildlife. They are all concerned with the cutting of trees, and they would all love to maintain the 50-foot buffer of trees.

Another resident asked about using less panels if it would reduce the number of trees to be cut. Ms. Ulin commented that the number of panels proposed is necessary to run the Dunkin Donuts. A brief discussion ensued with regard to the cutting of trees. Ms. Ulin did mention that the owner of the Dunkin Donuts does have the ability to clear cut all the trees on the property.

Mr. Demirjian noted the 50-foot buffer requirement. Mr. Poltak commented that it was 50 feet from the structure and not the requirement for a 50-foot buffer of trees. Mr. Poltak added that the Board does not have the authority to say that they cannot cut the trees and that the reality is that this is going to happen. They are amending a site plan that was previously approved by this Board. Mr. Poltak also added that nobody here is a solar engineer but what they can do is figure out a way to do this with the least impact as possible so that the abutters are happy.

Mr. Jim Clifford, who works for NGP Management commented that when they bought this land, they had proposed a small strip mall, contractor bays and to truly maximize the land. Mr. Clifford added that these solar arrays do not make any noise and are not obtrusive and if it's not this it could be something else.

Mr. Robert Kereage of Unit #G of the townhomes wanted to mention that he is not against the solar arrays but that he is all for the project but is just hoping for a little screening between properties because once the foliage does come down they still will be looking at it but it would really be a big help to them. Mr. Porter reiterated that the property owner could go ahead and clear cut but why not do a selective cut which would give them the coverage and it would also be more beneficial to the condominium association. Mr. O'Brien commented that any tree of significant size was in the way of the array but believed they would be willing to confer with their customer to see if they can come to an agreement.

Mr. Poltak asked if there was a homeowner's association for the townhomes. Ms. Donna Mitchell of Unit H was present tonight who is the president of the homeowner's association. Mr. Poltak wanted to give the owners of the townhomes and Mr. Clifford along with ReVision Energy time to come to a mutually agreed upon decision. Mr. Clifford wanted a brief recess to discuss this further with the owners of the townhomes and ReVision Energy.

At this time, the Board and the applicant took a brief recess at 8:12pm.

Mr. Poltak moved on to 346 Hooksett Road, LLC which was continued from April 19, 2023.

346 Hooksett Road, LLC

Alan Villeneuve

346 Hooksett Road, Tax Map 31, Lot 11

Minor Site Plan Amendment

Continued from April 19, 2023

Mr. Villeneuve began by passing out copies of a proposed plan to renovate the Auburn Tavern located at 346 Hooksett Road. Mr. Villeneuve again stated that there would be no added parking and no added seating. He would be just squaring up the front of the building and adding a new access because the existing access is really unsafe. They would be working with the handicap ramp to bring up to ADA compliant for the front entrance. Mr. Villeneuve stated that the only new thing is that they are adding a beer cooler near the fireplace, so they won't have to lug the kegs up from the basement. Mr. Poltak reiterated what Mr. Villeneuve stated above with nothing changing with the building and parking. Mr. Villeneuve said correct. Discussion ensued with regard to the building renovation whereby Mr. Villeneuve would be making on side look like a barn style and making it more ADA accessible. The Board liked the idea and believed it would make it look nice.

Mr. Poltak asked if there were any further questions from the Board. None were noted. With that said, Mr. Poltak believed a motion relative to approve the minor site plan amendment for 346 Hooksett Road would be in order.

Mr. Porter made a motion to approve the minor site plan amendment for 346 Hooksett Road, Tax Map 31, Lot 11. Ms. Dross seconded the motion. A vote was taken, all were in favor.

Mr. Villeneuve thanked the Board and the discussion ended.

DROMOS, LLC (Dunkin Donuts) reconvened the Public Hearing discussions with the Board at 8:24pm.

**DROMOS, LLC (Dunkin Donuts)
Megan Ulin, ReVision Energy
405 Hooksett Road, Tax Map 31, Lot 18
Minor Site Plan Review (Solar Arrays)**

Mr. Poltak asked the applicant if an agreement was made. Ms. Ulin stated that they landed on a 50-foot buffer on the west side property line and a 30-foot from the northwest property line with the understanding that within that area if there are any tall growth trees would be selectively cut. Mr. Demirjian commented that everyone involved was in agreement.

Mr. Porter made a motion to approve the Minor Site Plan for the solar arrays for DROMOS, LLC (Dunkin Donuts), Tax Map 31, Lot 18, 405 Hooksett Road with the agreement between the property owner of 405 Hooksett Road and the property owners of the townhomes located at 11 Rockingham Road that a 50 foot buffer from the west side property line and a 30 foot northwest property line with the understanding that tall growth trees would be selectively cut. Mr. Rolfe seconded the motion. A vote was taken, all were in favor.

The applicant and the homeowners of 11 Rockingham Road thanked the Board and the discussion ended.

OTHER BUSINESS

Mr. Poltak asked for a motion to adjourn and stated that the Board would not be meeting in July and that he would see everyone in August. The August meeting is scheduled for Wednesday, August 9th. Mr. Edwards informed the Board that he would not be available on August 9th.

Adjourn

Mr. Rolfe made a motion to adjourn. Mrs. Marzloff seconded the motion. A vote was taken, all were in favor and the meeting was adjourned at 8:28pm.

The Planning Board will not be meeting during the month of July. The next Planning Board meeting is scheduled for Wednesday, August 9th, 2023 at 7:00 pm. This meeting will be held at the Auburn Town Hall, 47 Chester Road. This date is subject to change.