

**Town of Auburn
Planning Board
PUBLIC HEARING
September 17, 2014**

Present: Alan Côté, Vice-Chairman, Paula Marzloff and Karen Woods, Members. Jim Tillery, Alternate and Steve Grillo, Alternate. Russell Sullivan, Selectmen's Representative. Minutes recorded by Denise Royce.

Absent: Ron Poltak, Chairman,

Mr. Côté called the meeting to order at 7:00 p.m. Mr. Côté pointed out that in the absence of Mr. Poltak that he would elevate Mr. Tillery to full voting status for tonight's hearing. Mr. Côté explained the procedure for tonight's meeting and noted the emergency exists.

MINUTES

Mrs. Marzloff moved to accept the minutes of September 3, 2014 as written, Ms. Woods seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Informal – Otto & Lisa Kinzel
381 Chester Road, Tax Map 8, Lot 1-1
Discuss Maintaining child play structure
Within designated watershed protection buffer**

Before getting started, Mr. Côté pointed out to the Board members that they all received an e-mail today from Ms. Royce which showed that it was a Zoning Board decision that caused this buffer to be reduced from a 125 foot buffer down to a 75 foot buffer and that the Planning Board has no jurisdiction over this matter and that they would have to go to the Zoning Board of Adjustment. Mr. Côté informed Mrs. Kinzel to contact Ms. Royce to get on the Zoning Board of Adjustment's Agenda. Mrs. Kinzel asked when the ZBA was meeting next. Ms. Royce informed Mrs. Kinzel that the next possible ZBA meeting would be Tuesday, October 28th. Mrs. Kinzel stated that they were trying to rush to get this done before they have a newborn. Mr. Côté apologized to Mrs. Kinzel and Mrs. Kinzel exited the meeting.

**Informal – Mike Gariepy
Tuck Realty
Dollard Road, Tax Map 9, Lot 2
Discuss possible Subdivision**

Mr. Tillery recused himself from this informal and Mr. Côté elevated Mr. Grillo for this discussion. Mr. Gariepy passed out copies of a conceptual cluster development plan for the Board members to review. Mr. Gariepy began by saying that they are looking at a property on

Dollard Road. He measured the road itself and it comes out to be approximately 1800 feet to the end. Mr. Gariepy informed the Board members that he was proposing to do a cluster subdivision but that because they only had 50 feet of frontage that they would have to go before the Zoning Board of Adjustment for a variance to seek relief from the zoning ordinance in order to just access the property with 50 feet of frontage. Mr. Gariepy asked the Board how they would measure the road length for a cul de sac. Mr. Côté stated that they would be measuring from Hooksett Road which would require a waiver from the Planning Board for length of cul de sac. Discussion ensued with regard to length of cul de sac and it was determined that the length would be over 2,700 feet. Mr. Côté also pointed out that Mr. Gariepy would also need to have a cluster buffer as well as a wetland buffer. Discussion ensued with regard to acquiring relief from the cluster buffer which would be dealt with at the Planning Board level. The wetland buffer would be dealt with at the ZBA level. Mr. Côté read the section of the Subdivision Regulations which was Article 9 – Design Standards, Section 9.18(2)(b) “Cluster developments shall, at a minimum, have a landscaped buffer suitably located to provide an adequate division or transition between abutting land uses. Wells, leach fields and passive recreation will be allowed in the landscaped buffer. The buffer shall be twenty (20%) percent of the average width of that tract with a minimum of one hundred (100) feet and a maximum of two hundred fifty (250) feet.” Mr. Gariepy asked if they could waive that. Mr. Côté pointed out that they can waive it to a point but they wouldn’t waive it dramatically. Mr. Sullivan stated that it would not be 30 feet. Mr. Gariepy asked about 50 feet. The Board stated that they could not take that up at this point that they would need to see more information. Mr. Gariepy hoped that the Board could give him some guidance with regard to asking for a waiver for cul de sac length otherwise the property would be considered undevelopable. Mrs. Marzloff asked about the abutting homes. A brief discussion ensued with regard to abutting property. Mr. Sullivan believed that Mr. Gariepy would need to come back with a more definitive number and design because they Board cannot do anything tonight. Mr. Gariepy thought that they may then look at a conventional subdivision as opposed to a cluster subdivision. Basically, the Board informed Mr. Gariepy that they need more information with regard to road length and was not very receptive to having a cul de sac length of 2,700 feet.

Mr. Gariepy asked who the abutter was next to them. Mr. Gariepy was informed that the school owned property that abutted the proposed property before the Board tonight. Mr. Gariepy asked if the fire chief would be weighing in on this possible cluster subdivision. Mr. Sullivan said to some degree. Mr. Gariepy asked who else would be. Mr. Sullivan indicated that the road agent would be involved. Mr. Côté informed Mr. Gariepy that the Planning Board would have the ultimate decision on this. Mr. Grillo pointed out that he would not minimize the setback implications as well. Mr. Gariepy believed he had a lot of homework to do and thanked the Board members for their time.

Mrs. Kinzel came back
For further discussion

Mrs. Kinzel informed the Board members that she received an e-mail from Ms. Royce asking them to come back before the Planning Board. Mr. Côté pointed out to Mrs. Kinzel that regardless of the letter from the Building Inspector that it was a Zoning Board issue because they have no jurisdiction. Mrs. Kinzel had the letter from the Building Inspector and stated that no one contacted them to tell them to go to a different meeting and that their only other option is to go ahead and build it because she can’t have this stuff sit around all winter because she has a newborn coming. Mr. Côté informed Mrs. Kinzel that she was in violation with the letter that she received from the Building Inspector. Mrs. Kinzel said that the town was not working with

her and that this has been going on for three (3) weeks and it still has not been resolved. Mr. Côté further informed Mrs. Kinzel that she had a placarded property that they have gone beyond. Mrs. Kinzel stated that it was not in her deed. Ms. Woods understood Mrs. Kinzel's frustration and was trying to see where it indicated for her to come before the Planning Board. Mr. Sullivan wanted to see the Zoning Board's action. Ms. Royce handed Mr. Sullivan the Zoning Board's decision back in July 2011. Ms. Woods believes the confusion was that the letter states what the Auburn Planning Board's Subdivision rulings were regarding the watershed. Mrs. Kinzel said yes and explained that Mrs. Rouleau-Côté told them to go before the Conservation Commission and they met with the Conservation Commission and they gave them the approval to put it in a different spot. Then the Conservation Commission e-mailed Mrs. Rouleau-Côté as well and then they were told to go the Planning committee. Mr. Côté informed Mrs. Kinzel that the Conservation Commission is only an advisory board and they can make recommendations but they are not a judiciary board. Mr. Côté explained that when this subdivision went in the decision for the reduction from 125 feet to 75 feet was done through the Zoning Board of Adjustment. Mrs. Kinzel indicated that they were not asking for a reduction but to be able to move it to a totally different area and asking for approval. Discussion ensued with regard to the location. Ms. Woods asked if there was anything else that they needed to do before the October ZBA hearing. Mr. Côté again pointed out that it was a Zoning Board issue and that they should go before the ZBA with what the Conservation Commission decided was best. Ms. Woods explained the process of notices to abutters and that the deadline was past and that the next available date was October 28th. Mrs. Kinzel asked who Mrs. Rouleau-Côté reported to. Mr. Côté stated that she reports to the Town Administrator and that if she wanted to appeal the Building Inspector's decision that she would have to meet with the Zoning Board of Adjustment and not the Town Administrator. Mr. Côté pointed out to Mrs. Kinzel that she violated the wetland ordinance and that she has to enforce the wetland ordinance. Mrs. Kinzel stated that they were not informed of because it was not in her deed. Mr. Côté suggested that she look on her Certificate of Occupancy. Mrs. Kinzel stated that she looked through all of her paperwork and did not see anything. Discussion ensued and a plot plan was shown to Mrs. Kinzel that showed the wetland buffer on it. Mrs. Kinzel stated that she has a copy of that plot plan. Mr. Sullivan asked Mrs. Kinzel if there was another place to move it outside the property. Mrs. Kinzel said that the property slopes and there is no other place to put it. Ms. Woods asked Mrs. Kinzel if she had a copy of that plot plan and Mrs. Kinzel said yes and the discussion ended.

Informal – Charlie Zilch

C Squared Realty, LLC

Wellington Park, 65 Dartmouth Drive, Tax Map 6, Lot 18-5

Discuss possible site changes

Terry Trudel, the owner of S.E.C. & Associates, Inc. which did the survey for this property back in 2007. Mr. Trudel began by explaining to the Board what was approved by the Board back in 2007. Mr. Trudel indicated that the current owner, C Square occupies the 20,000 square foot building what they have found is a parking issue. What they would like to do is expand parking in an area shown on the plan. The Board and Mr. Trudel discussed the location of parking and believed that it would be an issue since they have a recorded site plan. Mr. Trudel informed the Board that they have a four (4) week lead time for pavers. Discussion ensued with regard to the location of parking and the Board suggested paving the parking area where it is already shown on the recorded site plan so that they would not be tearing up perfectly good pavement. Mr. Trudel thought it was a good idea and didn't think about that. Mr. Trudel asked if they could just do that. Mr. Côté stated that they would have to establish escrow but that they had an

approved site plan and thought they could do that. Mr. Sullivan did not see any reason why they couldn't pave it. The Board and Mr. Trudel reviewed what pavement was existing now and noted that there wasn't much more pavement that they would need. Mr. Tillery also pointed out that there was also a lighting plan that went with this plan. The Board discussed possibly adding some wall packs to make sure the parking spaces were properly lit. Mr. Trudel understood what the Board wanted and thanked the Board for their time and the discussion ended.

Keith Martel/Sterling Homes, LLC
Illsley Hill Subdivision
Copley Court, Tax Map 8, Lot 29
Discuss Reduction in Surety

Mrs. Marzloff recused herself for this matter.

At this time, Mr. Côté read the letter from Stantec dated August 20, 2014 recommending that the surety being held by the Town of Auburn in the amount of \$179,585.18 be decreased by \$133,460.18, reducing the total surety to \$46,125.00. At this time, Mr. Côté asked for a motion.

Mr. Tillery made a motion to grant the reduction of surety from \$179,585.18 to \$46,125.00, Illsley Hill Subdivision, Copley Court, Tax Map 8, Lot 29. Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Ara Tamzarian
Tanglewood Subdivision, Tax Map 4, Lot 19
Discuss Road Bond to Expire October 9, 2014

Mr. Côté read the cheat sheet provided that read as follows: "Move to direct the Town Administrator to draft a letter of credit for Tanglewood Drive, Tax Map 4, Lot 19, if all the improvements have not been completed and inspected by Stantec, prior to the date of expiration (October 9, 2014) and if new surety of 10% of the value of the wearing course to be held by the Town of Auburn for two (2) years has not been delivered to the Town of Auburn."

Mr. Côté reiterated that what they are requesting is to have the Town Administrator to draft a letter if the work isn't done and we don't have a new letter of credit produced to us. Mr. Côté asked the Board members if it made sense. The Board agreed. Mr. Sullivan asked what happens if he hasn't done the work. Mr. Côté stated that we have him draft a letter of credit and we employ a contractor to complete the work. Mr. Sullivan indicated that we would draw on the letter of credit like we've done before. Mr. Côté said yes.

Ms. Woods made a motion to direct the Town Administrator to draft a letter of credit for Tanglewood Drive, Tax Map 4, Lot 19, if all the improvements have not been completed and inspected by Stantec prior to the date of expiration (October 9, 2014) and if new surety of 10% of the value of the wearing course to be held by the Town of Auburn for two (2) years has not been delivered to the Town of Auburn. Mr. Tillery seconded the motion. All were in favor, the motion passed with Mr. Sullivan abstaining.

Mitchell Delacoe

Ms. Woods asked Mr. Delacoe if there was something he wanted from the Planning Board. Mr.

Delacoe indicated that his wife had talked to Mrs. Rouleau-Côté and that she suggested that they come before the Planning Board for an informal to see what would be required of them but noted that he was not on the agenda for tonight's hearing. Mr. Delacoe indicated that they have a pending Zoning Board issue and that Mrs. Rouleau-Côté suggested coming down and ask what to expect. Mr. Delacoe began by saying that his wife starting having a small yoga practice with one person a week at the house in the basement and now its a few people a week. After a couple of years it's now classified as a "Private Educational Facility" by the Zoning Board. Mr. Delacoe said that the Zoning Board stated that if they get approved that they would have to go to the Planning Board as well. Mr. Côté indicated that they would be looking at a minor site plan to basically delineate the hours of operation, parking areas and signage. Mr. Sullivan agreed it would be a minor site plan and thought it was a home business and asked Mr. Delacoe if he had only one person outside of the home as an employee. Mr. Delacoe said yes. Mr. Côté reiterated that it would be a minor site plan showing where the cars are able to turn around and if they were going to have people coming and going when it was dark out then they would need proper lighting. Also what days of the week would the business be running. Mr. Côté pointed out that he should be able to answer any questions that abutters may ask. Mr. Côté asked the Board members if they had anything else to add. Ms. Woods asked Ms. Royce if he could contact her. Ms. Royce indicated that the only issue was that the Zoning Board denied their request for a Special Exception to all a Private Educational Facility in their home. Mr. Côté asked Mr. Delacoe if he was going to appeal the Zoning Board's decision. Mr. Delacoe said yes. Mr. Côté informed Mr. Delacoe that he would first need to go through the Zoning Board first before coming before the Planning Board. Mr. Delacoe thanked the Board members for their time and the discussion ended.

Board to Discuss
Conducting Possible Site Walk of
Maverick Development Site
Pingree Hill Road, Tax Map 5, Lot 29 & 36

Mr. Côté explained that the Conservation Commission was very anxious for the Board to go out and view the vernal pool that was out there. Mr. Sullivan pointed out that the Board does not typically do site walks until the applicant has come before the Board for a Public Hearing. Ms. Royce indicated that she believed that they would be filing an application for October. Mrs. Marzloff indicated that if they file an application for October then the foliage would be down and it would be easier to see things. Ms. Woods indicated that she had requested that Ms. Royce put this request on the agenda and thought that would be fine. Mr. Sullivan thought it was a good idea to wait and the Board members all agreed.

Board to Discuss - Old Escrows

Mr. Côté went through the list of old escrows for inspections that should have been released a long time ago. Mr. Côté informed the Board members that what they need to do is make a motion to release the escrows as listed on the list provided by the BOS. The list of old escrows are as follows:

1. Bradford Oil
2. Ryan V. Phs II & Ryan Offsite
3. Sheas Purchase
4. RWEMCE (Convenient Concrete)
5. Lamphere, Tilton Place currently owned by Keith Martel/Summit View Development

6. Stormy Weathers & Verres (Hooks Landing)
7. Gagnon Lot 1, 4, 5 & 9 (Wildwood Dr)
8. Pelletier (Peachtree Road)
9. Renaissance Homes (Flagg Court & Liberty Court)
10. First Assembly (Site & Road) Myles Drive
11. Fuel Depot
12. Sean O'Brien
13. Wood Family Trust
14. Brodsky
15. Kristen Degroot (Top Hat Stables)
16. Lantaigne (Marcoulier Suit settled)
17. Auburn Family Medical Center
18. Dunkin Donuts

Mr. Côté asked the Board for a motion.

Ms. Woods made a motion to release the above referenced escrow accounts to the respective recipients as indicated on the list provided by the Board of Selectmen. Mrs. Marzloff seconded the motion. All were in favor, the motion passed with Mr. Sullivan abstained.

Mrs. Marzloff asked to have a paper trail for the Mega X site plan revisions that he is currently doing on the site for 903 Londonderry Turnpike. Mr. Côté asked Ms. Royce to ask Mrs. Rouleau-Côté if Mega X is modifying their exterior lights or traffic patterns on their site with the improvements they are currently doing. Ms. Royce noted the request from the Board.

Mrs. Marzloff had another issue with the site and believed that someone was running a tow truck business out of Derry from the site. Mrs. Marzloff indicated that the person was told he could park his tow truck vehicle on the site because the person lives at Whispering Pines and can't park it there. Mrs. Marzloff believed that if he is parking the tow truck there then he is driving his personal vehicle and leaving it there behind the building. Mr. Côté asked Ms. Royce to inform Mrs. Rouleau-Côté of this activity as well. Ms. Royce noted the request.

PUBLIC HEARING

- No Applicants Scheduled

OTHER BUSINESS

- Mr. Côté and the Board members discussed a few issues that were before the Board tonight.

- Mr. Grillo passed out copies of an agenda for the committee meeting regarding cluster subdivisions which has been scheduled for Wednesday, October 8th.

ADJOURN

Ms. Woods moved to adjourn the Hearing. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:16 p.m.

The next Planning Board meeting will take place on Wednesday, October 1, 2014 and will be

held at the Town Hall, 47 Chester Road.