

**Town of Auburn
Planning Board
PUBLIC HEARING
October 15, 2014**

Present: Ron Poltak, Chairman, 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: No one was absent.

Mr. Poltak called the meeting to order at 7:00 p.m. and explained the procedure for tonight's meeting and noted the emergency exists. Mr. Poltak stated that there was a full Board for tonight's meeting. At this time, the Board introduced themselves to everyone present and the meeting began.

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MINUTES**

Mrs. Marzloff moved to accept the minutes of October 1, 2014 as written, Ms. Woods seconded the motion. A vote was taken; all were in favor, the motion passed with Mr. Côté abstaining.

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ANNOUNCEMENTS/CORRESPONDENCE**

➤ None were reviewed at this time.

GENERAL BUSINESS

**-
Informal – Keith Coviello
On Behalf of Keith Martel
58 Dearborn Road, Tax Map 8, Lot 42
Discuss Potential Subdivision**

Ms. Royce informed the Chairman that Mr. Martel postponed the informal for tonight due to illness and has rescheduled it for Wednesday, November 5th.

**JEMCO Builders
Lovers Lane Subdivision, Tax Map 8, Lot 2
Request 4 additional Building Permits**

Mr. Poltak indicated that Mr. Gagnon was requesting 4 additional Building Permits from the Building Inspector. To date, Mr. Gagnon has used 5 and has 2 left and is asking for 4 more. Espana has utilized 6 permits and has one left and Summit View/Keith Martel has used 2 permits and has 5 left. There have been a total of 13 permits submitted since Town meeting. A brief discussion ensued with regard to the number of permits obtained and the number of permits left. Mrs. Marzloff asked if there was a request in writing. Ms. Royce indicated that the Board received a request in writing and that she had it in the file.

Mr. Côté moved to grant the Lovers Lane Subdivision, Tax Map 8, Lot 2 an additional 4

Building Permits. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

**MATAM – Tanglewood Estates
Tanglewood Drive, Tax Map 4, Lot 19
Recommended Surety Reduction from
\$91,850.00 to \$15,406.25**

Mr. Côté pointed out that at the last meeting they were going to pull the bond and that now Mr. Tamzarian has provided cash in lieu of in the amount of \$15,406.25 and that the wearing course has been put on the road.

Mr. Côté moved to reduce the surety for Tanglewood Estates, Tax Map 4, Lot 19 from \$91,850.00 to \$15,406.25. Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

PUBLIC HEARING

**Maverick Development
Haven Drive & Pingree Hill Road, Tax Map 5, Lots 29 & 36
Major Cluster Subdivision (25 Lots)**

Mr. Poltak informed everyone at tonight's meeting that he would like Mr. Mitchell to make his presentation and then would take abutters comments and asked that when the abutters speak that they announce their name and address for the record.

Mr. Mitchell presented on behalf of the applicant, Maverick Development and explained that this project has been before the Conservation Commission and Zoning Board of Adjustment as well as the Planning Board for discussion. There has been a lot of input with regard to cluster subdivision and whether or not the lots should be within the wetland setbacks. Mr. Mitchell pointed out that this was a design review where the Board can inform them of what they like and don't like about the plan. Mr. Mitchell went through the plan and details for the Board's review. Mr. Mitchell began with lot D1 which has a wetland buffer on the property and that if they kept the wetland buffer out of the lot that the lot would be reduced to approximately half an acre. Mr. Mitchell indicated that all the septic's would be placed within the front setbacks to allow for more room in the back yard. Mr. Mitchell talked about the lots closest to the connection to Haven Drive where the five lots are which includes the flag lot. Mr. Mitchell further talked about the connection from Pingree Hill Road to Haven Drive to allow access for emergency vehicles and for a way to get from one site to the other.

Mr. Poltak turned to the Board members for comments and questions and then would turn to the abutters for questions or comments. Mr. Côté started out by asking the Board if they were actually going to start the technical review on this that the Board should accept the application which should be the first step. Mr. Côté stated that he saw a lot of problems with the plan but believes that the application is complete in order to accept the application. Mr. Sullivan agreed with Mr. Côté.

Mr. Dandrade asked the Board if they looked at the check list to make sure that the application was complete and noted that the drainage calculations were not provided. Mr. Poltak explained that he reviewed the application and believed it was complete. The Board reviewed the

application and Mr. Côté explained that usually when they do a design review they have accepted the application and then move on to the technical review which would include the drainage calculations and Stantec's review as well the Board's critiquing the application and plans. Mr. Tatem suggested that the Board ask the applicant's engineer how long it would take them to provide the drainage calculations and a complete set of plans for a thorough technical review. Mr. Mitchell stated that it would take 30 days. Mr. Côté explained the procedure as being that first someone would bring in an application and then the Board determines whether or not the application is complete and then the Board will ask the applicant and the engineer to do certain things that they want to see done on the plans.

Mr. Lessard of Pingree Hill Road believed that an environmental study should be done on this piece of property because of the vernal pools and the like. Ms. Doreen Remillard of Haven Drive asked if it was approved as a cluster as opposed to a grid development. The Board informed her that nothing had been approved yet.

Mr. Côté moved to accept the application for Maverick Development, Tax Map 5, Lots 29 & 36. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté now stated that the Board can now start looking at the technical side. Mrs. Marzloff asked Mr. Mitchell how he got the numbering system for the lots because we don't do letters and numbers. Mr. Mitchell stated that it was done for the purposes of this plan but it would be numbered as required by the current map and lot.

Mr. Côté began by saying that he picked up certain things on all three of the subdivisions that were coming before the Board tonight that Mr. Mitchell would be presenting before this Board. Mr. Côté pointed out the reduction in the cluster buffer to 50 feet and thought that unless there is an extremely compelling argument and an insurmountable hardship that he was not compelled to grant any waivers. Mr. Côté began by pointing out Sheet R1 where it shows the back lot and if you make it 100 foot buffer it would immediately eliminate the ROW and would cut the other two lots dramatically. Mr. Côté informed Mr. Mitchell that he would have to redraw the lines where they are realistic or ask the Board tonight for a waiver and they can act on it and did not know if he was the only one that was of the opinion that waivers should not be granted unless there is a real hardship. Mr. Poltak said that he would not want to act on that at this time and asked Mr. Côté if he had any other issues. Mr. Mitchell wanted to respond to Mr. Côté's comment. Mr. Côté went on to talk about Sheet R3, Lot D1 where it looked like it had approximately 15 feet on one side of the house to the wetland buffer and has seen too often where the homeowner would seek a reduction from the buffer and did not want to see any of the buffers on the lots. Mr. Febonio indicated that the ordinance does not state that at this time. Mr. Côté pointed out that it did not have to be in the ordinance but that the Board was supposed to be in good planning. At this time, Mr. Côté reviewed the ordinance and that the ordinance is supposed to preserve the integrity.

Mrs. Marzloff asked Mr. Mitchell if he could put the driveway to the flag lot between the other two lots. Mr. Mitchell stated that he would rather not place the driveway between two lots but would much rather put it off to the side. Mr. Febonio wanted to touch upon the feedback from the last meeting and tried to place the homes so they weren't in a straight row and believed they did try to keep the buffer out of the lots and believed there were very little areas of wetland buffers on the property. A brief discussion ensued with regard to having the wetland buffer on the lots and the Board believed it was deceiving to the people buying the property where the

people have property that they basically cannot use and cannot understand why they cannot use the area within a wetland buffer. Mrs. Marzloff commented that the Board has made some mistakes in the past but what they are hearing from people in the town is what's going on and why can't we use our land cause we have .65 acres. Mrs. Mazloff further added that it was not the proper way to manage this land and this board is trying to be sensitive to that. Mr. Febonio understood what the Board was saying and Mrs. Rouleau-Côté's concerns. Discussion ensued with regard to the lot locations and wetland buffer as well as the size of the lots. Mr. Poltak also pointed out that after you put the house on the lot with the septic, well and leach field that you then do not have enough room to put an expansive deck or an inground pool and that people cannot understand why they can't do these things. Mr. Poltak asked what the size of the houses he was proposing for this subdivision. Mr. Febonio stated that they would be between 2,200 to 2,600 square feet and noted that they would like to go with closed drainage in order to accommodate the lots.

Mr. Poltak asked how many lots they would get with a grid subdivision. Mr. Mitchell stated it would be the same with 25 lots. Mr. Mitchell went on to say that part of the discussion that was noted pertained to two different things. The first was buffering a cluster from adjacent properties with a buffer that is in the ordinance. The second was the wetland buffer being on peoples lots which they are unable to do anything in. Mr. Mitchell understood that people get upset when they can use a portion of their property because it is in a wetland buffer. Mr. Mitchell pointed out that with the cluster ordinance as well as the wetland buffer that some of these setbacks are more than what they need to be and believes that each piece of property is unique and should be treated individually. Mr. Mitchell did not believe that the Board has made mistakes in issuing waivers because when the Board granted a waiver to reduce the cluster buffer it was based on information supplied by applicants and was waived given the ordinance and given the location of the property. Mr. Mitchell talked about the definition of cluster found in both the zoning regulations as well as the subdivision regulations. Mr. Mitchell read the cluster buffer section in the subdivision regulations where it states that "the cluster developments shall, at a minimum, have a landscaped buffer suitably located to provide an adequate transition between abutting land uses." Mr. Mitchell believed that the buffer should be determined according to uses and if the land uses are the same they may not have to be as big as it should be. Mr. Côté explained that when you're in a rural zone where the houses are 300 feet apart and there are horse farms and people have chickens or pigs and then you put houses 60 feet apart that he would argue that it was a different use because it was a totally different character to the zone. Mr. Côté further added that he understood that there was another subdivision that was before the Board tonight that has a horse farm next to it and that the last thing he wants to see is a reduction in that buffer because when people complain about the smell of horse manure that he did not want to hear it. Mr. Côté pointed out that there was a reason for a buffer and that it not only has to do with land use but the character of the zone. Mr. Mitchell explained that the master plan as well as the zoning ordinance that when it talks about cluster that it talks about the diversity of houses. The master plan talks about the diversity of housing and that the cluster is one way it can be done because it does provide for a different area. Mrs. Marzloff was going to make the same point that Mr. Côté made and it has come up that the visual impact of houses 60 feet apart and that their both single family residential which is the same use but it's jarring to people who expect to see 200 feet of frontage and 2 acres and across the street is a different zone which requires 300 feet of frontage and 3 acres. Mr. Poltak wanted to hear from the Conservation Commission. Mr. Joy, the Chairman of the Conservation Commission stated that we're allowing a cluster development in this zone by Special Exception which preserves open space. Discussion ensued with regard to cluster development and the number of lots. The objective is not to have more lots but to be more centered and more

concentrated and stricter density which preserves more open space as a result of the cluster.

At this time, Mr. Poltak wanted to hear from abutters. Mr. Dandrade of 318 Pingree Hill Road wanted to say that he supplied a letter to the Board as well as the ZBA and that this parcel has received a Special Exception to allow cluster development. Mr. Dandrade believed the discussion about the buffer was important and would like the Board to require the applicant to supply an environmental impact report that details all the attributes that the sensitive wetlands and vernal pools on the parcel be reviewed for functionality. Mr. Dandrade believed that they should be documenting where they are seeking flexibility to make this plan work. This is just design review and not final review and did not believe there was no specific timeframe that this design review ends.

Mr. Snowdale of 92 Pingree Hill Road talked about the size of the lots and if the septic system fails what would happen. Mr. Côté answered by saying that the septic plans are approved by the state.

Mr. Remillard of 18 Haven Drive explained that if you drive down Haven Drive that you will see splits, capes and ranches and did not see the diversity of houses because what they are planning to build would not be affordable to people because they will be big homes. Mr. Poltak understood what Mr. Remillard was saying but that the cluster provides an alternative type of living space given the density and the intensity of which it takes place. The cluster was never intended to be as a concept an affordable housing and does not provide diversity but an alternative living style. Mr. Febonio stated that the reason that they are looking at building 2,200 square feet to 2,600 square feet is because that it seems to be the average size that people are looking for with 3 or 4 bedroom homes. Mr. Febonio explained that he has done a lot of grid developments in the Town of Auburn and that people go out less and less and people want things that are maintenance free and they don't want a big yard with less lawn to mow. Mr. Febonio further stated that land is very expensive as well.

Mr. Lessard of 186 Pingree Hill Road did not believe that there should be any impact on the vernal pool and agreed that the Board should request an impact study.

Mr. Davis of 136 Pingree Hill Road asked if there was going to be a traffic study done because this will be behind his house and asked if they need to be doing this. Mr. Poltak explained that when the land comes up for sale that the owner has the right to do what they want with their land. Discussion ensued with regard to wetland impact and Mr. Côté explained that people have a right to go to the wetlands board and ask for a dredge and fill. Mr. Côté further talked about minimizing the impact to wetlands and stated that they could ask for a traffic study. Mr. Côté explained that the Board is working with an ordinance that was already adopted by the residents of the Town of Auburn and that one of the reasons why the cluster came forth in the first place was to try to minimize the environmental impact by putting all the houses closer together and leaving larger pieces of open land undisturbed. That's why they have to look at it and say what the best way to develop this land was, do all these lots make sense and are there ways that we can mitigate and make sure that we are going to reduce the impact to the environment.

Mrs. Marzloff asked if Mr. Mitchell could talk a little about the impact on the vernal pool. Mr. Mitchell explained the location of the vernal pool and where the road would go through and pointed out that they would only be crossing a portion of the vernal pool. Mr. Mitchell indicate that they have spoken with EPA and showed the location of the three vernal pools to be built on

the property and the reason why there would be three proposed vernal pools because the success ratio is that three was better than one. Mr. Mitchell indicated that Mr. Ferwerda was present tonight and that he could better explain the vernal pools. Mrs. Marzloff believed that once they complete the road construction that they would basically be destroying the vernal pool by opening it up to sunlight. Mr. Côté asked Mr. Ferwerda if the vernal pool would still function after they nip the edge of it. Mr. Ferwerda believed it was possible that it would still function but that there was no way of knowing. At this time, Mr. Ferwerda submitted two copies of a "Wetland Functions and Values Assessment for Tax Map 5, Lots 29 & 36, Auburn, New Hampshire Prepared for Maverick Development by Meridian Land Services, Inc." dated February 3, 2014 for the Board's record. Mr. Ferwerda explained his experience as a wetland scientist and that he has monitored the vernal pool for two seasons and has flagged the wetlands on the property. Mr. Joy stated that it was possible but unlikely that the vernal pool would still function. Mr. Porter pointed out that a vernal pool has to have tree cover to help a vernal pool function and a Level One wetland has virtually no tree cover and did not believe it would have supporting elements if it's near a wetland. Mr. Ferwerda indicated that in order to recreate a vernal pool it needs to be near a wetland. Mr. Villeneuve wanted to suggest that before the Planning Board grants any waivers that they conduct a site walk of the property. Mr. Poltak stated that they would be doing that. Ms. Cornett asked Mr. Ferwerda what the number of times that he successfully created a vernal pool. Mr. Ferwerda stated that they have only done a couple but has not seen one himself.

Mr. Poltak asked if there were any other abutters that would like to speak. Mr. Remillard asked who owned the common land and was anyone allowed to use it. Mr. Côté answered by saying that typically it is owned by the abutters and is private property and whether they choose to open it up to the public would be done by the homeowners association. Mrs. Marzloff gave an example of Hawthorne Drive that was created by a Conservation Easement.

Mr. Febonio informed the Board members that he and Mr. Ferwerda met with DES, Mark Kerns and explained the reason they were putting the vernal pools in the area that they were planning which would be out of the buffer. Lastly, Mr. Mitchell added that you have to place the vernal pool where there is a chance of success and that there will be a water table. Mr. Mitchell further pointed out that in the ordinance; wetland mitigation is a permitted use within the wetland setback and that by recreating a vernal pool that there was more involved than just digging a hole and seeing if it works.

Mr. Smullen of 248 Pingree Hill Road began by saying that the proposed road would be coming alongside his property and was worried about the impact on the vernal pool and talked about the increase of ticks if the vernal pool were to be moved further away from his property. Mr. Smullen was also concerned with the increased amount of traffic as well as privacy.

Mr. Poltak wanted to recap what has transpired tonight and believed from the applicant's perspective that they have heard the Board's concern with regard to buffers associated with wetlands and general buffers associated to the use of the property. Mr. Poltak also pointed out that there was some concern about an environmental impact report which we would have to think about that. Mr. Poltak also pointed out that they would be in discussions with Dan Tatem of Stantec at a later date and would like to close the discussion and pursue it further.

Mrs. Marzloff asked if they would like to continue this hearing until the next Public Hearing which would be held on Wednesday, November 19th.

Mrs. Marzloff moved to continue the Public Hearing until November 19, 2014 for Maverick Development, Tax Map 5, Lots 29 & 36. Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

Mr. Mitchell asked if the Board wanted to conduct a site walk. At this time, the Board reviewed the schedule and determined that they would conduct a site walk on Saturday, November 1st at 8:00 a.m. and would all be meeting at the end of Haven Drive at the right of way entrance to the property.

Mr. Poltak informed everyone present tonight that this would be their only notice as no further notices would be mailed out.

At this time, the Board took a 5 minute break before continuing on with the Public Hearing.

**Strategic Contracting Company, LLC
77 Pingree Hill Road, Tax Map 5, Lot 19
Major Subdivision (3 Frontage lots & 8 Cluster Lots)**

Mr. Mitchell presented on behalf of the applicant. Mr. Mitchell explained that there would be 3 grid lots in the front and that they were proposing 8 cluster lots in the rear with open space. The cluster houses would be on one side of the road only. They would like to take some of the comments that were discussed at previous meetings. Mr. Mitchell pointed out that they show the buffer as 50 feet for the cluster buffer. What they are trying to do is move the process ahead with whether it will be a cluster in the rear and that they would be going before the ZBA on Tuesday, October 28th and asked the Board if they had any questions. Mr. Mitchell also asked the Board to consider duplexes in the cluster subdivision as well. Mr. Poltak asked if this was ever going to be a grid development. Mr. Mitchell said no.

Mr. Poltak asked if the Board has to accept the application. The Board said no because he has to go before ZBA first. Mr. Poltak asked the Board members if they had any questions. Mr. Côté stated that he wants to see a conventional subdivision on this lot and did like the 3 conventional lots that front Pingree Hill Road and still has a concern about the buffer line to the north on Lots #4 through #9 being 50 feet. Mr. Côté appreciated that they have excluded all the wetland buffers from the lots. Mrs. Marzloff stated that her only comment would be the zoning buffer as he eluded the possibility of duplexes and would not be inclined to reduce it if it were going to be two family homes. Mr. Mitchell stated that he was not proposing two families for this project as it would require a Special Exception and if they were thinking that there would be two less lots.

Mr. Sullivan stated that the Planning Board should look at a right of way to the north as well as to the east. The second comment Mr. Sullivan had was regarding the well and leach field in the buffer but you can't have a house. Mr. Tatem pointed out that Mr. Sullivan was correct that you can clear cut right to the property line in the cluster buffer.

Mr. Poltak asked if there were any abutters that would like to speak. Mrs. Barysaukas of 23 Country Circle asked what the buffer width was between her property and the proposed cluster development. Mr. Mitchell indicated that it was shown on the plan to be 50 feet. Mrs. Barysaukas asked what the buffer was supposed to be. Mr. Mitchell stated 100 feet minimum to 250 feet maximum. Mrs. Barysaukas asked Mr. Mitchell if they would be asking for a waiver. Mr. Mitchell said yes. Mrs. Barysaukas stated that she was not in favor of allowing

any waivers in reducing the buffer to 50 feet. Ms. Cornett also stated that she was not in favor of a 50 foot buffer reduction either and did not believe that they should reduce the wetland buffer at all. Mr. Benway of 90 Pingree Hill Road also stated that he was against any waivers and talked about the current traffic on Pingree Hill Road. Mr. Snowdale did not think this development was a good idea as it was changing the character of the area by adding a cluster development. Mr. Diorio of 5 Rattlesnake Hill Road asked about building near the wetlands and possible wet basements and asked what size the homes would be for this development. Mr. Starace of 77 Pingree Hill Road stated that the houses would be 2,000 square feet to 2,500 square feet and would have 3 to 4 bedrooms. Mr. Labbe of 76 Pingree Hill Road explained that his driveway was directly across the street from the proposed development and informed the Board members that there were already numerous driveways in the area and believed that if the existing two family was to remain that it should be required to have 4 acres because there would be two families living there. Mr. Dollard reiterated what Mr. Labbe had stated about the number of driveways in that location and the increased traffic with the number of homes proposed. Mr. Dollard also suggested to the Board that Stantec review all the final plans for completeness. Mr. Dollard asked about the Special Exception. Mr. Mitchell answered by stating that if the ZBA grants the Special Exception then they would be permitted to do a cluster subdivision but what the cluster would look like would be under the purview of the Planning Board and they will decide where the road will go. Mr. Mitchell further stated that if the Board does not believe it would not work as a cluster then they would not go back to the ZBA but if it has merit and at least pursue it further and then give their recommendation that cluster is not out of the question then they would go back to the ZBA.

Mr. Mitchell pointed out that there was a couple of things that the Planning Board would have to look at which would be the buffers and the length of cul de sac which would require a waiver because the allowable length of cul de sac is 1,200 feet as stated in the Subdivision Regulations, Article 9, Section 9.04(4). Mr. Mitchell also pointed out that they would be seeking a Conditional Use Permit to allow the roadway within the wetland buffer of a Level 2 wetland.

Mr. Tatem brought up the fact that considering the direct abutters are not in support of reducing the cluster buffer down to 50 feet and asked Mr. Mitchell if the Board does not give him the waivers that they would need could they still do the cluster. Mr. Mitchell commented that if they applied every rule and regulation in the strictest form that it would be difficult to do a cluster but a cluster may be easier to do than a conventional grid because the lots would be smaller. Discussion ensued with regard to the Board reducing the cluster buffer. Mr. Côté believed that unless the Board was going to give them a buffer reduction down to 50 feet that he did not see that they had very functional lots and believed that they should be pursuing a conventional subdivision. Mr. Côté asked Mr. Poltak if he would be inclined to do a poll of the Board members on whether or not they would be willing to grant a waiver for the cluster buffer to be 50 feet. Mr. Poltak asked Mr. Starace if he was open to going conventional as opposed to cluster. Mr. Starace stated that he has done cluster because he believed they worked. Further discussion ensued with regard to buffers and whether or not to do cluster.

At this time, Mr. Poltak suggested that Mr. Mitchell go back and pursue a conventional subdivision because a cluster does not fit for this area or the abutters. Mr. Côté, Mrs. Marzloff and Ms. Woods all agreed with Mr. Poltak decision. Mr. Starace understood what the Board members were asking them to do.

Mr. Côté moved to continue the Public Hearing until November 19, 2014 for Strategic Contracting Consulting, LLC, Tax Map 5, Lot 19. Ms. Woods seconded the motion. All

were in favor, the motion passed unanimously.

Mr. Côté informed everyone present that this would be their only notice and that no further notices will be mailed out that the Public Hearing was continued until Wednesday, November 19th.

JMJ Properties, LLC

Lovers Lane, Tax Map 8, Lot 25

Major Subdivision (3 Frontage Lots & 25 Cluster Lots)

Mr. Mitchell presented on behalf of Mr. Gagnon and began by talking about the length of cul de sac and that they would be looking for a waiver for length of cul de sac. Mr. Mitchell pointed out the location for future connection to the adjacent property. Mr. Mitchell indicated that there would be 3 grid lots fronting Lovers Lane and 25 cluster lots in the rear. Mr. Mitchell moved on to talk about Sheet 2 and talked about the wetland setbacks and the grade of the lots. Discussion ensued with regard to keeping the wetland buffers out of the individual lots and the issues that have been occurring with people encroaching into the wetland buffer. Mr. Mitchell would like the Board members to consider reducing the cluster buffer based on the character of the land and the nature of what is out there. Further discussion ensued with reducing the cluster buffer and whether or not the Board would consider reducing it in certain areas. Mr. Mitchell indicated that they have the buffer reduced to 50 feet in one area and the that he has spoken with that abutter and the abutter is okay with them reducing it to 50 feet.

Mr. Poltak asked the Board if they had any questions. Ms. Woods was trying to get by the fact of Mr. Mitchell pointing out for the third time to the Board what they should consider and what they should not consider and that we are having this issue because they had a woman who was pregnant that was distraught because she could not understand why she couldn't put a child's play gym in an area on her property that was placarded "wetland buffer" do not cross. Ms. Woods stated that she would appreciate Mr. Mitchell listening to what the Board was saying and consider that when he has to go back to make changes and redo a number of things. Mr. Mitchell understood what Ms. Woods was saying. Ms. Woods further stated that they cannot consider what could be or can't be or should be that they have to deal with what is in front of them. A brief discussion ensued with regard to listening to what the Board is asking. Mr. Côté used the current proposed subdivision to show what would happen if the developers kept the wetland buffers out of the individual lots and asked the Conservation Commission if they would be inclined to go for that. Mr. Joy said that when they have a plan presented to them that they go lot by lot and if they have walked that land, and after knowing what was there that they would be okay with reducing the buffer down. Mr. Joy talked about the lot regarding the swing set and stated that they went lot by lot but that the lots were not ready to be developed so they had no reason to reduce the buffer. After that, they then went around the Conservation Commission and went to the ZBA and maybe some of the lots needed a bigger buffer and the lot with the swing set could have had less than 75 feet but instead they went for a blanket 75 foot reduction to the wetland buffer. Discussion ensued with regard to not incorporating the wetland buffer on the lots and by doing so would eliminate people from going to the ZBA requesting reductions because the wetland buffer would not be on their property. Mr. Joy and Mr. Porter both suggested rotating the lots. Mr. Côté believed that Lot C2 should go away and called it shoe horning a lot because it was an unrealistic lot. The Board suggested that Mr. Mitchell go back and review each lot and to show more realistic lot configurations.

Mr. Côté asked the Board if they drew lot lines that would require a reduction and go to the ZBA for a variance for the lots with lot lines if he had the support of the Planning Board and Conservation Commission. The Board all agreed. Mr. Villeneuve believed this would be a good place for a cluster and talked about the stream that goes through the property and suggested that they keep a 250 foot wetland buffer.

Mr. Poltak asked if there were any abutters that wanted to comment. Ms. Cleary of Lovers Lane commented that the wetland on this property is a Level One wetland and does not believe they should be given a waiver to a Level One wetland. A brief discussion ensued with regard to the wetland buffer. Ms. Cleary asked the Board if they were planning something for this spring to be placed on the ballot. Mr. Poltak stated that it was in the early stage but that they would have something proposed. Mr. Côté reiterated about keeping the wetland buffers out of the property owners hands because if they don't own it then they can't come before the ZBA looking for relief from a buffer they do not own.

Mr. Poltak informed Mr. Mitchell that this plan was further along with regard to acceptability with regard to the cluster and with Conservation Commissions comments tonight. Mr. Poltak asked Mr. Mitchell if he would like to continue this hearing until November 19th. Mr. Mitchell said yes. Mr. Mitchell asked if the Conservation Commission would approve to allow them flag the wetlands in that corner and they won't cut any trees but just locate the wet. Mr. Joy said that would be fine and asked if they would need a waiver from the ZBA for a variance to reduce the wetlands. Mr. Mitchell did not believe they could go for a variance and prove hardship. Mr. Côté thought the Board was creating the hardship. The Board members were unsure about that comment. Mr. Mitchell believed they would need to meet with the Conservation Commission and Mr. Tatem of Stantec and go through each lot one by one.

Mr. Côté moved to continue the Public Hearing until November 19, 2014 for JMJ Properties, LLC, Tax Map 8, Lot 25. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Both Mr. Côté and Mr. Poltak informed everyone present that this would be the only notice that no further notice would be mailed out and that the hearing was continued until November 19th.

ADJOURN

Mr. Côté moved to adjourn the Hearing. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 10:05 p.m.

The next Planning Board meeting will take place on Wednesday, November 5, 2014 and will be held at the Town Hall, 47 Chester Road.