

**Town of Auburn
Planning Board
PUBLIC HEARING
April 8, 2015**

Present: Alan Côté, Vice-Chairman; Karen Woods and Paula Marzloff, Members. Jim Tillery, Alternate Member. Dale Phillips, Selectmen's Representative. Minutes recorded by Denise Royce.

Absent: Ron Poltak, Chairman; Steve Grillo, Alternate.

Mr. Côté called the meeting to order at 7:00 p.m. and introduced the Board members to those present. Mr. Côté pointed out the emergency exits and went on and elevated Mr. to a full voting member in the absence of Mr. Poltak for tonight's meeting.

Mr. Côté began by saying that there were a few requests for extensions and therefore would be taking the agenda out of order.

PUBLIC HEARING

Maverick Development

Steve Febonio/Eric Mitchell

Haven Drive & Pingree Hill Road, Tax Map 5, Lot 29 & 36

Major Subdivision – Final Review

25 Lot Cluster Subdivision

Conditional Use Permit – to permit a road

To be within 25 feet of a Level 3 wetland

Continued from March 18, 2015

Mr. Côté read the request from Steve Febonio, Maverick Development asking the Board members to continue the Public Hearing for this matter until April 22, 2015 as they need more time to accurately address the outstanding items in Stantec's letter dated March 19, 2015. Mr. Côté stated that there were over a hundred items on and understood why they were requesting a continuance and believed that Mr. Febonio wanted everything in order before they came back before the Board. Mr. Côté pointed out that it did not make much sense to pick at things that would be addressed. Mr. Côté apologized to everyone that

came to the meeting expecting to have this presented tonight and informed everyone that they would be back before this Board in two (2) weeks on April 22nd. At this time, Mr. Côté asked if there was anyone on the Board that would be willing to make a motion to continue until April 22nd.

Mrs. Marzloff made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on April 22nd, 2015; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté informed everyone present tonight that Maverick Development is continued until April 22nd and that this is the only notice that they would receive as no further notices will be mailed out.

Mr. Dandrade addressed the Board regarding a letter that he presented to the Board at the last hearing requesting that the applicants provide PDF copies of plans and submittals to the Planning Board office so that abutters and interested parties could easily obtain copies and that it was allowed in the Town of Auburn's Subdivision Regulations. Mr. Côté informed Mr. Dandrade that Ms. Royce had conferred with town counsel and that town counsel has stated that "we are not required to create a document in electronic format that we do not have in that format. Since the Planning Board uses only paper files, and that is all we have available, we are not required to scan and create PDF copies of paper documents. We are however, required to make those paper documents available to the requesting party for inspection." Ms. Woods asked Mr. Dandrade if he was asking the Planning Board to request that the applicants provide PDF copies of plans. Mr. Dandrade said yes, as permitted within the town's regulations. Ms. Woods wanted to know what the cost would be in requiring applicants to do this on top of what we are currently requesting because she did not know what the amount would be. A brief discussion ensued with regard to the additional cost and Ms. Woods asked Ms. Royce to check and see what that cost would be. Ms. Woods also pointed out that there would have to be a large enough data base in order to maintain these PDF files. Mr. Côté stated that they would check with the applicant.

Strategic Consulting Company, LLC

Rob Starace/Eric Mitchell

Pingree Hill Road, Tax map 5, Lot 19

Major Subdivision – Final Review

9 Conventional Lot Subdivision

Conditional Use Permit – to permit a road

To be within 75 of a Level Two wetland

Continued from March 18, 2015

Mr. Côté read a request from Mr. Mitchell, the engineer for both Strategic Consulting Company, LLC and JMJ Properties, LLC requesting a continuance to the April 22nd Planning Board Public Hearing. Mr. Côté also pointed out that in the request for a continuance that Mr. Mitchell stated that they voluntarily waive the 65 day requirement for action as per RSA 676:4 I (c) (1) and (f). Mr. Côté wanted to take each request individually to keep things in order.

Mr. Tillery made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on April 22nd, 2015; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté informed everyone present meeting that this would be the only notice and that no further notices would be mailed out and that this hearing has been continued until April 22nd.

JMJ Properties, LLC

Jean Gagnon/Eric Mitchell

Lovers Lane, Tax Map 8, Lot 25

Major Subdivision – Final Review

26 Lot Cluster Subdivision & 3 Conventional Lots

Conditional Use Permit – to permit a detention pond

Within a Level One wetland

Continued from March 18, 2015

Mr. Côté asked for a motion to continue until April 22nd.

Mrs. Marzloff made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on April 22nd, 2015; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Again, Mr. Côté informed everyone present meeting that this would be the only notice and that no further notices would be mailed out and that this hearing has been continued until April 22nd.

Ms. Cornett respectfully requested that the Planning Board, upon this occurring again to possibly put something on the website so that everyone doesn't come out for nothing. Mr. Côté explained that when something like this occurs and noted to everyone that the requests were received today but the problem with that is that if the Board decided not to continue and take action on it tonight, it could lead to someone saying that they would have come to the meeting if it was going to be heard tonight. Mr. Côté understood the abutter's frustration and apologized but explained that these things happen. Mr. Côté also wanted to point out that one of the applicants was sick as a dog and was very happy that he did not come tonight because he did not want to get whatever he had.

Ms. Remillard asked about the minutes and the agenda being posted the day of the hearing. Ms. Royce indicated that the agenda was posted on the website yesterday. Ms. Woods understood the abutter's concerns and explained that the administrative staff was spread thin as well and we try to post things as quickly as we can. Ms. Woods further explained that the minutes from tonight will be sent to the Board members for review and then go back to Ms. Royce and any corrections will be made and then posted to the website. Ms. Remillard made a suggestion that the next meeting date be placed at the end of the minutes. Mr. Côté pointed out to Ms. Remillard that it already is placed at the end of the minutes and read the section from the minutes of March 18, 2015.

Discussion ensued with regard to whether or not the developer continues the hearing again. Mr. Côté did not believe that they would be continuing the hearing again and truly did not believe it was a nefarious act on the part of these developers by making people come out for nothing.

Mr. Willett asked the Board members if they met with the Conservation Commission last night. Mr. Côté stated that he did not but believed that Mr. Poltak and Mrs. Marzloff did. Mr. Burnham asked about the three (3) applicants that have requested a continuance are not present tonight but all the abutters are here so what would happen if the Board decided not to continue it. Mr. Côté stated that if they did not continue the meeting then the applicant would have to re-notify all the abutters by certified registered mail. Mr. Shank asked if there was a timeframe to request a continuance. Mr. Côté and Mrs. Marzloff said that statutorily there was not. Mrs. Marzloff explained that it was not a guarantee that when they requested a continuance that the Planning Board would grant it and that they are absent at their own peril. A brief discussion ensued with regard to timeframe for an applicant asking for a continuance. Mrs. Marzloff added that after hearing the discussion with Conservation Commission last night where there were issues raised that she was not surprised that they were moving forward tonight.

MINUTES

Ms. Woods moved to accept the minutes of March 18th, 2015 as written; Mr. Tillery seconded the motion. A vote was taken; Mrs. Phillips and Mrs. Marzloff both abstained, all others members were in favor, the motion passed.

Mr. Côté moved the meeting on to Dana and Jocelyn Carlucci.

GENERAL BUSINESS

Dana and Jocelyn Carlucci

Silver Hill Road, Tax Map 2, Lot 25

Request 120 day extension for

Reclamation of Excavation Pit

Mr. Carlucci explained that in January they hired Roscoe Blaisdell and met with Conservation Commission in February and they were not in favor of the excavation within the wetland buffer so they went before the Zoning Board of Adjustment on March 31st. Mr. Carlucci went on to say that the Zoning Board wanted more information from Conservation Commission and agreed to table their decision based on Roscoe Blaisdell doing a little bit more detailed plan and then they would go back to Conservation so they could see the detailed plan and from there go back before the Zoning Board at the end of June. Mr. Carlucci pointed out that as soon as the weather provides access to the property he will then go out to complete a detailed plan and hopefully when they come back before the Planning Board that it will satisfy the Planning Board as well. Mr. Côté asked when was it originally set to expire. Mr. Carlucci stated that it was due to expire in April. Mr. Côté asked Ms. Royce what dates in July that the Planning Board would be meeting. Ms. Royce pointed out the dates and Mr. Côté suggested July 22nd and that they had a date certain with the Zoning Board of June 23rd and asked the Board members for a motion to grant an extension for the reclamation of the excavation pit for Tax Map 2, Lot 25 on the Carlucci property until July 22nd.

Mrs. Marzloff made a motion to grant an extension for the reclamation of the excavation pit for Tax Map 2, Lot 25 on the Carlucci property until July 22, 2015; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mrs. Marzloff asked Mr. and Mrs. Carlucci what exactly they would be bringing before the Planning Board in July and if it would include the reclamation plan or would it be just the plan of what they were proposing to do with the expansion. Mr. Carlucci believed that Roscoe Blaisdell would be preparing a reclamation plan. The Board indicated that that was what they were requiring Mr. and Mrs. Carlucci to do.

At this time, Mr. and Mrs. Carlucci exited the meeting.

PUBLIC HEARING (Continued)

Tuck Realty Corporation

Mike Garrepy

Bette Dollard & Heirs

Dollard Road, Tax Map 9, Lot 2 & Tax Map 30, Lot 8

Major Cluster Subdivision (8 Lots)

Preliminary Conceptual Consultation Review

Mr. Côté indicated that Mr. Tillery was an abutter and therefore would be recusing himself from this discussion.

At this time, Mr. Garrepy passed out color copies of the plan for the Board members to review. Mr. Garrepy began his presentation by saying that they were before the Planning Board for an informal meeting about four (4) months ago and since then they have done a little more homework by doing some wetland flagging. They have also worked with one of the neighbors to acquire more land to accommodate some buffer requirements within the cluster ordinance which eliminates them having to go before the Zoning Board of Adjustment for a variance to allow the cluster subdivision where they lack sufficient frontage where the ordinance requires 100 feet of frontage and that Tax Map 9, Lot 2 only has 50 feet on Dollard Road. They are working with the Norris' on Tax Map 30, Lot 8 to acquire approximately one acre of land by doing a lot line adjustment. Mr. Garrepy continued by saying that they are proposing an eight (8) lot subdivision and at the last meeting a couple of discussions that took place was regarding the length of the road. Mr. Garrepy asked for feedback with regard to road length and stated that the proposed road is approximately 560 feet and the existing road from the new entrance to the development to the end of Dollard Road was a little more than 500 feet. Mr. Garrepy stated that the general consensus of the Board at the time was that they needed to figure out the length of the road and that it should not be any longer than the beginning of the development to the end of Dollard Road. Mr. Garrepy pointed out that there would be 24 acres of open space. In conclusion, Mr. Garrepy reminded the Board that they notified abutters to get some public comments and to certainly get the Board's feedback. Mr. Côté asked Mrs. Marzloff to begin comments. Mrs. Marzloff began by saying that she was concerned with

the buffer to existing use and to make sure that all the wetland setbacks can be met. Mr. Garrepy answered by saying that the wetlands have been delineated on site but have not been surveyed as this was only a sketch plan. Mr. Garrepy indicated that all the wetland flags would be located and that Peter Schauer's company did the wetland delineation and they based their setbacks based on the classifications that he gave them for the wetlands. Discussion ensued with regard to the wetlands. Mrs. Marzloff asked if the wetlands were Level One, Two or Three. Mr. Garrepy believed they were all Level Two wetlands. The Board believed that there were a few Level One wetlands on the property. The Board members and Mr. Garrepy discussed the wetland mapping of Auburn done by West Environmental. Mrs. Marzloff stated that she would like to see some point of access to the rail trail as it doesn't do anyone any good to have open space that no one can get to. Mr. Garrepy agreed and said that currently they do not have a reasonable way for everyone to access the open space and that they would be looking into it further. Mrs. Marzloff's other question was regarding the frontage on Dollard Road and asked about the property that they would be acquiring from the Norris'. Discussion ensued with regard to the requirements under the cluster ordinance which requires 100 feet of frontage.

Mrs. Marzloff informed Mr. Garrepy that if his application is submitted before the Board makes any changes to the Master Plan that they were looking to at making changes with regard to the cluster because it really was not working. Mr. Garrepy understood that if an application was submitted that it typically is grandfathered for one year from any changes but would be happy to take a look at any changes proposed by the Board because if it's something that works better for their design.

Ms. Woods said that her question was answered because she wanted to see what Level wetlands were on the property as she wanted them to be labeled. Mr. Garrepy stated that they would definitely have their wetland scientist prepare a report that identifies on a plan what each wetland is and showing the required setbacks for all of those. Ms. Woods asked how long the driveway was for lot 6. Mr. Garrepy stated that it was 300 feet to the dwelling.

Mr. Côté asked Mr. Garrepy if they would be looking for a waiver to reduce the cluster buffer down to 100 feet. Mr. Garrepy said it was 100 feet to 250 feet. Mr. Côté explained that it was according to a percentage of the width of the lot with a minimum of 100 feet and a maximum of 250 feet. Mr. Garrepy stated that they would have to figure that out and was it something that the Board would be willing to work with the applicant on. Mr. Côté stated that the Board is reluctant to grant waivers for cluster buffer reductions because presently the town is against cluster subdivisions and don't like them because it's making the town look more like Manchester and that the buffer is in the regulations to try and keep the rural character and to try to hide it. Discussion ensued with regard to cluster subdivisions within the Town of Auburn. Mr. Garrepy stated that they would take a look at that if they need to make the buffer based on the requirements. Mr. Côté talked about the detention ponds. Mr. Garrepy stated that Scott would be able to take care of the drainage without any issues. Mr. Côté asked about the access to open space which is shown as only 10 feet currently and believed it would have to be wider than 10 feet. Mr.

Garrepy said that they would work on that. Mr. Côté talked about possibly having access to the school lot or the Doerfler lot by having a right of way. Mr. Garrepy said that he would take a look at that as well.

Discussion ensued with regard to mapping the wetlands. Mr. Garrepy stated that they do not go onto private property.

Mr. Dollard talked about the existing Dollard Road and that now there would be eight (8) more homes on what he considers being a marginal road and that when Dollard road was put in with minimum standards and that the first few hundred feet is deteriorating badly. Mr. Côté stated that when the Planning Board and Stantec takes a look at it that possibly they would be required to do some offsite improvements.

Mr. Côté believed that they had all the preliminary comments from interested parties and the Planning Board. Mr. Garrepy pointed out that it's nice to know and to have a reasonable approach. Mr. Côté stated that he would really like to see some connection somehow because he was not a big fan of dead ends or cul de sacs. Mr. Garrepy added that they would have to also speak with the road agent and the fire chief.

Mr. Côté suggested that they meet with the Conservation Commission to get their input because he believed there were some Level One wetlands which may restrict the development potential. Mr. Côté also suggested that they review the regulations with regard to cluster buffer and the like before they spend a lot of money on engineering. Mr. Garrepy understood and thanked the Board. Mr. Garrepy asked if there were any other abutters other than Mr. Dollard and if so that he would be happy to talk to anyone after the meeting.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

OTHER

Mr. Tillery welcomed Mrs. Phillips as the new Selectmen's Representative. Mrs. Phillips stated that she has received a lot of minutes and the like to read to catch up to speed.

Ms. Remillard asked the Board about the Master Plan. At this time, the Board and abutters that remained discussed the cluster buffer and when the Board would be reviewing the Master Plan to make changes. The Board stated that it would be next March.

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 8:13 p.m.

The next Planning Board meeting will take place on Wednesday, April 22nd, 2015 and will be held at the Town Hall, 47 Chester Road.