

**Town of Auburn
Planning Board
PUBLIC HEARING
April 22, 2015**

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

Absent: Jim Tillery, Alternate Member.

Mr. Poltak called the meeting to order at 7:00 p.m. and introduced the Board members to those present. Mr. Poltak pointed out the emergency exits and moved on to the first matter which was an informal.

GENERAL BUSINESS

John Gianitsopoulos (Old Holidays Restaurant)

346 Hooksett Road, Tax Map 31, Lot 11

Discussion of site plan for restaurant

Mr. Poltak indicated that there was a possibility of reopening Holidays and that they were before the Board tonight in order to obtain some feedback from the Board. Mr. Bruce Scammon of Emanuel Engineering began his presentation on behalf of Patty & Sheila, LLC and the new proposed owner of the restaurant, Mr. John Gianitsopoulos. Mr. Gianitsopoulos is interested in opening up what was Holiday's Restaurant under Auburn Tavern. Mr. Scammon stated that they did the original site plan for Holiday's back in 2006 and understands that the restaurant has been for a period of time. Mr. Scammon also informed the Board that Patty & Sheila, LLC have been trying to market the property either as a restaurant and/or a medical office facility which has not occurred. Mr. Scammon understood that the medical office facility was approved back in 2013-2014. Mr. Scammon passed out copies of the recorded site plan for Holidays to each Board member. Mr. Scammon understands that there are a few code issues with the Building Inspector and the Fire Department in order to reopen the restaurant to work on some interior renovations. Mr. Scammon informed the Board that what they would like to do is go back to the previously approved site plan that was done back in 2006. Mr. Poltak asked Mr. Scammon to explain his intentions and then they would comment. At this time, Mr. Scammon stated that their intention is to reopen the restaurant with the same footprint.

and leave it the way it is with doing interior renovations. Mr. Poltak asked about the utilization of the parking lot, entrance/exit and hours of operation. Mr. Scammon said yes all would remain the same.

Mr. Poltak asked for comments from Board members. Mr. Côté began by saying that he believed it closed in October of 2011. Mr. Scammon indicated that it had closed back in October of 2012. Ms. Woods believed it was 2012 as well. Mr. Côté pointed out that they had abandoned the use as a restaurant and that they came before the Board with a plan for a medical facility and that this building was going to be razed. With this in mind, Mr. Côté believed that it would have to go back as a full blown site plan and would have to be a whole new application. Mr. Côté also believed that the Board would be looking at green space out there and would also be looking at buffers, hours of operation and as far as he was concerned that they would have to start over as a new application. Mr. Poltak wanted to determine how long was considered abandonment. Mrs. Marzloff indicated that it was one year. Mr. Côté explained to Mr. Scammon that when they were marketing the property that they were marketing it as a medical facility because that was what was approved and that the existing building was to be razed. Mr. Poltak informed Mr. Scammon that he would have to file an application with the Planning Board for site plan review and come back before the Planning Board for a Public Hearing where abutters would be noticed and did not believe it was complicated. Mr. Scammon believed that the Board would be looking at obtaining green space and buffers and did not believe they could move forward. Mr. Poltak and Ms. Woods disagreed with Mr. Côté and believed that they would have to file an application for public hearing and come back before the Board with a plan. Mr. Scammon stated that, if they were to come back before the Board, what would they be looking for. Mr. Côté stated that they would be looking at lighting to see if the lighting works and would like to see a little less impervious surface and he believed that they would have to relook at the site. Mr. Côté pointed out that the driveway encroaches on the abutting property, hours of operation need to be looked at. Mr. Poltak believed that they were things that were inherent in the process itself. Mr. Scammon understood and wanted to understand if they were starting with existing conditions or wanted it wiped clean and start over. Ms. Woods did not believe it needed to be wiped clean but believed that they would have to start with something and to do their best. Mr. Poltak pointed out that it was an eyesore as it exists today and if there was anything they could do to enhance the site relative to its acceptability from a community point of view as well as the abutters by refiling and submitting a site plan and getting the abutters in here and initiating the process so that the Board can hear where they're coming from then they'll go from there and try and accommodate everyone. This way it will make the site a more attractive operation and that the Board would work with them.

Mr. Scammon did not believe they could move forward if the Board is going to require major renovations on this place. Mr. Poltak did not believe that the Board used major renovations. Ms. Woods stated that all they could do was try and that the Board would

be more than happy to assist them in the process. Mr. Poltak reiterated to Mr. Scammon to come back before them by utilizing the site plan and refile and that the Board would take a look at it from a community setting point of view and see where they can go from there.

At this time, Mr. Poltak thanked Mr. Scammon for his presentation and moved on to the Public Hearing part of the meeting.

PUBLIC HEARING

Mary & Magdiel Canales &

CMS Limited Partnership

824 Londonderry Turnpike, Tax Map 1, Lots 21 & 22

Lot Line Adjustment

Mr. Don Duval presented on behalf of the applicant. Mr. Duval began by saying that they are before the Board tonight for a lot line adjustment and that they were before the Board last month for an informal discussion. Mr. Duval explained that what they wanted to do is a lot line adjustment and that now that CMS Limited Partnership is planning on selling his property he has given Mr. Canales first dibs to enlarge his property. They are here for a lot line adjustment and that there is nothing with regard to the car sales and if he was contemplating anything further that he would come back before this Board. Mr. Duval believed that what they were asking was pretty straight forward. At this time, Mr. Duval asked the Board members if they had any questions. Mr. Poltak pointed out that they would still have a non-conforming lot. Mr. Duval said yes and that they understand that they could not expand on this lot until they come back before the Planning Board.

Mr. Poltak asked if there were any questions from the Board. None were noted. Mr. Poltak asked if there were any abutters present. None were noted.

Mr. Côté made a motion to accept jurisdiction for 824 Londonderry Turnpike, Tax Map 1, Lots 21 & 22 for a lot line adjustment between Mary & Magdiel Canales &

CMS Limited Partnership; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté made a motion to approve the lot line adjustment for 824 Londonderry Turnpike, Tax Map 1, Lots 21 & 22 for a lot line adjustment between Mary & Magdiel Canales & CMS Limited Partnership; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Duval thanked the Board for their time and exited the meeting.

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 April 8, 2015

Mr. Mitchell presented on behalf of the applicant and explained the plan which is a residential subdivision with nine (9) lots with one lot on Pingree Hill Road. The plan has been before the ZBA to get relief on Lot 3 and Lot 5 from the 125 foot wetland setback which was granted by the ZBA of which is noted on the plan. They have also received a Conditional Use Permits from the Board to allow the roadway to be within 75 feet of the wetland buffer as well as the detention pond being within the 75 foot wetland buffer as well. They also received a variance to allow the detention ponds to be within 125 foot wetland setback and believe that the plan is ready to received conditional approval. Mr. Mitchell further stated that the plan has been reviewed by Stantec a couple of times. Mr. Mitchell pointed out that one of the comments that they were proposing 22 feet of pavement of which they would be asking a waiver for and that Stantec replied that the waiver would not be supported because the development has the potential to be a through road which right now would be a temporary cul de sac. Mr. Mitchell further discussed the future connection to Country Circle with less than 400 trips per day. Mr. Mitchell introduced Mr. Steve Pernaw who is a traffic engineer and turned the discussion over to Mr. Pernaw. Mr. Mitchell wanted to first point out that if they were to go with wider

pavement, it would mean that they would have more impervious surface, more drainage and more detention that has to be done and then there would be more maintenance for the town in the future.

Mr. Poltak asked Mr. Tatem for his comments with regard to the waiver request that they received today. Mr. Tatem stated that their opinion is ultimately not really based on traffic but agree with Mr. Pernaw that there would be very limited traffic on this road and believe that when the road is curved that 24 feet is preferred with regard to safety.

Mr. Pernaw began by saying that he has come up with a traffic count for this road. Mr. Pernaw believed that this particular road would warrant 22 feet of pavement as this road would only be looking at a high of 129 trips per day which is well below the 400 trips per day which AASHTO recommends. Mr. Pernaw concluded by asking the Board members if they had any questions. Mrs. Phillips asked if they contacted Mr. and Mrs. Barysaukas who own the property off of Country Circle. Mr. Pernaw did not understand the question.

Mrs. Marzloff asked about the road if connectivity occurred with the abutting property. Mr. Pernaw said that 22 feet of pavement would be sufficient. Mr. Mitchell believed that the waiver request could be granted and talked about the 22 feet of pavement for the road and requested a waiver from the Board at this time. Mrs. Marzloff stated that she would like to see it kept at 24 feet because the Planning Board needed to plan for the future.

Mr. Kittridge of Pingree Hill Road asked about the intersection of Anderson Way and Pingree Hill Road and the intersection of Rattlesnake Hill Road and Pingree Hill Road and what the distance was between the two. Mr. Mitchell believed it was between 400 to 500 feet.

Mr. Porter asked if the calculations for the detention pond were based on a 22 foot road. Mr. Tatem said yes.

Mr. Davis of Pingree Hill Road asked what the sight distance was for a road. Mr. Côté stated that it would depend on the speed limit on the roadway. Mr. Côté explained that they designed it according to the AASHTO standard. Mr. Tatem explained in detail how they came up with the sight distance and that they have met the criteria.

Mr. Burnham of Chester Road talked about traffic on the roads and the possible future connection to Chester Road.

Mr. Remillard of Haven Drive asked about curbing. Mr. Côté explained closed drainage as opposed to open drainage and the benefits of closed drainage which would have better maintenance ability.

Mr. Mitchell reiterated the waiver request to allow 22 feet of pavement for this development and believed that this development warrants 22 feet of pavement because it was a dead end and pointed out that both Hawthorne and Willow Court have 22 feet of pavement. Mr. Mitchell also indicated that he has spoken with the road agent and that

he has indicated that 22 feet is sufficient. Mr. Tatem wanted to point out that 99% of Hawthorne and Willow Court have open drainage so that they could not compare these two (2) roads to this one. Mr. Villeneuve asked about the water table and the road elevation. Mr. Mitchell pointed out that the way they have designed it is that the road elevation is up and out of the water table. They do have cross culverts and they do have drainage that goes from one side to the other. The grades out there are very flat and any grading that that's been done besides the curbing is being done to take care of the water. Mr. Villeneuve stated that he would like to support that the road be wider than 22 feet as he is concerned about the salt and would support a 24 foot width of pavement.

Mr. Snowdale of Plngree Hill Road asked about water runoff and putting in a detention pond. Mr. Mitchell answered by saying that they have taken that into account and that any runoff is being detained in a treatment swale so that it does not come off the property any faster than what it is now.

Mrs. Marzloff talked about the difference of a curbed road and non-curbed and would support a curbed road as well as a road with 24 feet of pavement.

Mr. Côté made a motion to grant a waiver to Section 9.04.2 & 9.04.3 for pavement width to allow the pavement width to be 22 feet where 24 feet is required; Ms. Woods seconded the motion.

Mr. Côté commented that seeing that this development has closed drainage it makes more sense that the pavement width be 24 feet.

A vote was taking and the motion did not pass by a vote of 3 to 0.

Mr. Mitchell asked the Board to reconsider allowing the pavement to be 22 feet because from their vantage point that they believe that 22 feet is acceptable and if this was to be continued into the adjacent property then it would clearly meet the requirements of the ordinance and would like the Board to consider taking off the access into the adjacent property and consider allowing a 22 foot street. Mr. Poltak stated that he believed the Board understood that. Mr. Côté pointed out that he had land in current use and could take it out of current use tomorrow if the right number came along and this is about long term planning and would not want to consider eliminating that right of way.

Mr. Poltak stated that it was a 22 foot road and asked the Board if they would like to move forward with this tonight.

Mr. Tatem pointed out that there was another waiver that was a much simpler one that Mr. Mitchell should consider taking up tonight regarding the driveway. Mr. Mitchell stated that there was one driveway going up to the house that goes up at a 2% slope from the curbing so they did have a waiver request to allow that one driveway to go up at 2% as opposed to going down 2%.

Mr. Côté made a motion to grant a waiver to Section 9.15.2 to allow the existing house on lot 19 to have a driveway that slopes up 2% for the first 20 feet while all of the other driveways shall slope down at 2% as required; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Mitchell pointed out the review letter from Stantec which showed the two waiver requests which one was approved, however, the drainage for the 22 foot road had been approved but now they have to go back and re-engineer the whole design and would like to ask the Board to give conditional approval that if it passes with Stantec and then the Board can give conditional approval tonight. Mr. Poltak did not have a problem with that.

Ms. Cornett commented that at the ZBA hearing they received a waiver from the 125 foot wetland buffer that it would have to be written into the deed. Ms. Cornett wanted to make sure that with the conditional approval that it is part of it because if they came back seeking relief that she would scream. Mr. Côté pointed out that if it was part of the ZBA decision then it would be part of the record anyway and that Mr. Mitchell would have a note on the plan.

Mr. Porter commented that the alterations with the detention ponds that the Conservation Commission would like a chance to review the design changes. The Board understood.

Mr. Grillo pointed out that on sheet 13 he did not see anything about the berms but did see the plantings and believed that would need to be changed. Mr. Grillo saw the fencing and the plantings but nothing about a berm. Mr. Mitchell pointed out on sheet 13 where it mentioned the berm but agreed to put it on the plan. Mrs. Marzloff asked about the berm and would it be graveled and landscaped. Mr. Mitchell stated that the two lots that they were granted relief from the ZBA but the berm is supposed to keep the water from their yard from going towards the wetland and would be an earthen berm with plantings. Other areas that are in the field would not have a berm but would just be marked with fencing and trees and pointed out the locations on the plan.

Mrs. Marzloff moved to grant conditional approval for Tax Map 5, Lot 19 subject to the review and approval by Stantec for the drainage, the establishment of appropriate escrow, the concerns of the Conservation Commission being satisfied; and, that all conditions are to be met within 120 days; Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

Mrs. Marzloff asked Mr. Mitchell about the date on the plan is shown as January 23, 2015 and that since then, they have met with the Planning Board, Conservation Commission and the Zoning Board of Adjustment and wanted to know if there have been any changes since January 23, 2015. Mr. Mitchell pointed out that there were changes made and the dates are noted in the lower left hand corner of the plan.

At this time, the Board took a five (5) minute break at 8:09pm.

The Board resumed the Public Hearing at 8:14pm.

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 April 8, 2015

Mr. Mitchell began his presentation on behalf of the applicant and stated that they have submitted final plans and pointed out the two (2) lots that will be merged together. Mr. Mitchell pointed out that this plan is designed for a 22 foot road and that they have asked for a waiver to allow a 22 foot road and did not see a point in submitting the drainage if the 22 foot road was not approved. Mr. Mitchell went on to talk about the road connectivity and that they have had discussions with the Planning Board regarding whether or not this should be a through road and that the Planning Board said yes they would like a through road. Mr. Mitchell indicated that the road would be going through a vernal pool and that they have gone through how they would mitigate that. Mr. Mitchell also stated that they have been to Conservation Commission and that the topic keeps coming up about using the 50 foot access way through Cohas Drive and doing a cul de sac in the middle. Mr. Mitchell believes that the access that is required would be to go out through Pingree Hill Road to Haven Drive. Mr. Mitchell also informed the Board that they have had discussions with both the Road Agent as well as the Fire Department and this plan is what they are both in support of with regard to emergency access. Mr. Mitchell believed that the through road is essential and would like confirmation from the Board that what they have been doing with regard to the through road is what they want to see. Mr. Mitchell also stated that Tracey Tarr was present tonight and will be speaking with regard to mitigation. Mr. Mitchell also explained that they have received Conditional Use Permits to go next to some Level 3 and Level 2 detention areas and they would like confirmation from the Board that this is the recommendation of the Board that they would like a through road. Mr. Poltak began by saying that he has been a member of this Board for 8 years and has always felt that in terms of roadways that connectivity was vitally important that the preferred route of travel given this subdivision would be to Pingree Hill Road and not to Cohas Drive. Mr. Poltak believes that this was the interpretation that the Board gave Mr. Mitchell and the applicant and that was the correct interpretation that how the Board

wanted to proceed as a community so consistent with town policy that was the way the Board gave them guidance at the first hearing of this proposal.

Mr. Dandrade asked if the Board accepted this application. Mr. Poltak said no that they have not accepted this application. Mr. Dandrade asked why they were holding a hearing without accepting the application. Mr. Poltak said they can do this until such time that they are satisfied that the application is full. They have the opportunity to converse and have the public be party to the discussion associated with the proposal. Mr. Dandrade stated that the Board is supposed to take action within 30 days of it being submitted. Mr. Côté added that if they request an extension that the 30 day limit is there to protect the developer and not to protect the town and if the developer asks for a continuance and waives the time limitation then the Board can do that. Mr. Dandrade did not believe that it has not been acted upon within that 30 day limit. Mr. Poltak stated that it was fine.

Mr. Côté agreed with Mr. Poltak that the Board wants connectivity and that was the direction that the Board gave the applicant. Mrs. Marzloff disagreed and feels that personally that they cannot replicate a vernal pool and did not believe that the vernal pool should not be destroyed. No further comments from the Board were made.

Mr. Mitchell moved on to introduce Mr. Pernaw to go through his traffic count and then the Board could act on the waiver at that time.

Mr. Poltak asked if the Board wanted to accept the application at this time. Mr. Côté pointed out that they would need to accept the application before granting any waivers.

Mrs. Marzloff made a motion to accept the application for Maverick Development, Pingree Hill Road & Haven Drive, Tax Map 5, Lots 29 & 36; Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

Mr. Pernaw began by going through the traffic count for this development for the road to go through from Pingree Hill Road and Haven Drive. At this time, Ms. Woods had to remind everyone present tonight to refrain from outburst so that the Board could hear what Mr. Pernaw was saying so that everyone is not talking over each other. Mr. Pernaw continued to talk about a future potential extension off of Highwood Drive which is located off of Haven Drive. Mr. Pernaw believed that the traffic count volume for all scenarios would be below 200 trips per day which was below the guidelines.

Mr. Poltak read a letter from Chief Phillips indicating that the Fire Department was 100% in agreement with the proposal to connect to Pingree Hill Road with regard to safety perspective for emergency response. A copy of which can be found in the file.

Ms. Willett of Pingree Hill Road asked Mr. Pernaw to indicate on the map where Pingree Hill Road and Haven Drive was located. Mr. Pernaw showed the audience the locations on the map. Mr. Pernaw went on to point out that the trips per day also included the mail carrier, fire trucks, police and would include 5 departures and 5 arrives per household.

Mr. Villeneuve was all for connectivity but did not believe that the Planning Board should be endorsing the way they are making the connectivity in this proposal. Mr. Poltak informed Mr. Villeneuve that the Planning Board never suggested that there was not an alternative way to do that and that all he was trying to iterate was that within the context of priorities that this community's position has been what he said it was.

Mr. Dandrade talked about connectivity and that a number of residents have signed a petition and presented the Board with a copy of the petition. Mr. Dandrade also agreed with Mr. Pernaw that ITE is generally conservative but believes that it is important to have an emergency access route and that Chief Phillips makes a good point and that the feasibility to go through Cohas Drive deserves a closer look and believes that the Board should uphold the regulations. Mr. Dandrade again asked for an environmental peer review on what the functionality of the wetlands that are located on the property. Mr. Dandrade also did not believe that it was the Planning Board's job was to maximize the development potential for this applicant and further believed that the Board should uphold the regulations. Mr. Dandrade stated that he has a request to the Zoning Board because he believes that the ZBA has erred in their decision because he believes that the applicant has not minimized the intrusion with regard to the detention basin within the wetland buffer. This would have benefited the process if this had a peer review done to directly look at those items before they rendered their decision. The ZBA has also stated that they wanted approval of the same plan that was presented that night and it sounds like after 108 comments that it was likely to change and believed that they would have to go back before the ZBA anyway. Mr. Dandrade also understood that cluster was allowed but that the cluster that they are presenting was very impactful and should be scaled back.

Mr. Febonio pointed out that Tracey Tarr of GZA and Tim Ferwerda both are wetland scientist who have done wetland reviews on this parcel are present tonight as well. Mr. Febonio further pointed out that he had the support of all four (4) abutters that would be affected by the reduction in the buffer and have submitted letters from each abutter of which are available in the file. Mr. Febonio went on to talk about the waiver request for the cluster buffer reduction in that one area with the consent of all the abutters. Mr. Febonio reiterated again that he has consulted with the Army Corp of Engineers, DES and Fish and Game and stated that he was committed in making this work. Mr. Febonio believed that they were doing the right thing by going this way and talked about how Maine Drilling & Blasting has filled in a vernal pool. Mr. Febonio also informed the Board about his discussion with Chief Phillips and Mike Dross, the Road Agent who were both in favor of this road going through from Pingree Hill Road and Haven Drive. Mr. Febonio pointed out that Chief Phillips commented that by going through Cohas Drive would not work because their ambulance service comes from Scobie Pond Road which is on the Pingree Hill Road side. Mr. Porter wanted to inform the Board and Mr. Febonio that filling in the vernal pool for Maine Drilling & Blasting was an ATF requirement and has been mitigated. Mr. Villeneuve added that the vernal pool was still there and how it was still active and that they pushed it back to place a structure. A brief discussion ensued with regard to the vernal pool at Maine Drilling & Blasting.

Ms. Tracey Tarr of GZA who is a certified wetland scientist and certified wildlife biologist began by saying that the open space is not included within the 4 to 1 discussion. Ms. Tracey Tarr briefly discussed the vernal pool with Mr. Villeneuve. Mr. Poltak concluded by saying that he has allowed the discussion to go on because in point of fact this subdivision hinges on a decision to the vernal pool relative to the road which will infringe upon a vernal pool. Mr. Poltak pointed out that they have accepted the application and they will deal with the waiver relative to the road and Mr. Dandrade's petition has been submitted to this Board of which will be shared to the Board.

Mr. Villeneuve stated that the Conservation Commission has requested an environmental impact study done. Mr. Poltak noted that he would address that issue later. Mr. Mitchell pointed out that they were seeking a waiver to reduce the pavement to 22 feet. Mr. Poltak explained that he was always in favor of having less pavement from a stormwater runoff perspective but was not going into that discussion relative to this one. At this time, Mr. Poltak asked the Board for a motion.

Mr. Côté made a motion to grant a waiver to Section 9.04.2 & 9.04.3 for pavement width to allow the pavement width to be 22 feet where 24 feet is required; Mrs. Marzloff seconded the motion.

Mr. Côté commented that he was going to vote against it because this development has closed drainage and has cape cod berm and believes it should be 24 feet wide. Mrs. Marzloff agreed with Mr. Côté for all the same reasons in the prior discussion.

A vote was taking and the motion did not pass by a vote of 2 to 1.

Mr. Mitchell stated that they have Tracey Tarr here tonight to talk about the vernal pool as well as the mitigation and turned the meeting over to Ms. Tarr. Mr. Poltak wanted it known that he would allow discussion again regarding the vernal pool tonight because he wants to put it behind the Board and future discussion. Mr. Poltak explained that when the Board comes back that since the application has been accepted that Stantec's review would be well in process regarding the technical aspects that the Board would be taking a hard look at Mr. Dandrade's submission tonight and will see how far it takes the Board relative to this proposal. Mr. Poltak wanted to also comment on the several request with regard to having an environmental impact study and that his position on that is that he did not believe that this community has empower this Planning Board through any ordinance to request an environmental impact study as there is nothing in our ordinance and if they did then he would feel comfortable asking for and EIS but would be speaking with legal counsel before he makes that decision and stated that he was not opposed to what the request is but did not believe the Board had the authority to do it. Ms. Cornett commented that approximately 12 years ago that the Planning Board required it for the Wethersfield Subdivision which prevented him from excavating more land than he did excavate. A brief discussion ensued with regard to this request and Mr. Poltak pointed out that it did not make that legal and wanted to confer with legal counsel and that what they did in Wethersfield had nothing to do with what's before the Board tonight. Ms. Cobuzzi of Haven Drive asked the Board whether there was a vernal pool or not that this road would

be going through either way. Mr. Poltak stated that he did not say that because they have a whole host of technical engineering and other aspects to go through but respectful of theory in a macro sense right now they are looking at a proposal that the applicant is bringing to this Board and that's what the application will be addressing. Mr. Poltak moved on to talk about the vernal pool and then move on and that they would have a peer review through Stantec given that the application has been accepted.

Ms. Tracey Tarr began by saying that there was an impact to a vernal pool of approximately a third of the vernal pool and that the existing vernal pool is already located within 200 feet of an existing road which is already impacted by that road and existing yards. There is another existing vernal pool that is proposed to be protected in the open space. As additional mitigation beyond the 42 acres of existing open space the applicant is proposing three (3) new vernal pools which is designed by state and federal agencies of which will support different species. Ms. Tarr explained in depth the process of mitigating and the extensive monitoring that would occur which reports would be reviewed by the State Fish and Game Department, the DES wetlands bureau and the US Army Corp of Engineers in addition to EPA. Ms. Tarr added that they did meet with Fish and Game since she last met with the Board and that they have added some benefits to the design and at their request they have remove sumps from the drainage features because sometimes sumps can act as sinks for small animals so those were removed from the design. In place of erosion control matting with plastic netting, they are proposing wildlife matting with nature fibers that would not entangle snakes. At this time, Ms. Tarr asked the Board if they had any questions. Mr. Tatem asked Ms. Tarr about owing money or guarantee the success of the pools. Ms. Tarr pointed out that it was in the report that they presented to the Planning Board back in January. If for some reason performance standards could not be met the Federal Government could ask for money to replace this. Mr. Tatem understood it to mean that if the three (3) proposed vernal pools did not take that the applicant could write a check instead. Ms. Tarr said yes. Mr. Saulnier asked what the success rate was. Ms. Tarr stated that they have records of them being successful. Mr. Saulnier asked if anyone had to pay out. Ms. Tarr answered by saying that they were pretty easy to create if you respect the seasonal high water table and when they are done appropriately they would be out with the applicant monitoring construction to be sure that the seasonal high water table was hit.

Mr. Snowdale asked if the developer goes out of business or something. Mr. Côté stated that they are required to produce surety when they come in with a subdivision plan for the cost of all improvements to the road. Mr. Tatem stated that within the last number of years that most developers have been placing a reclamation surety until they want to get a Certificate of Occupancy and then additional surety for the vernal pool.

Mr. Pisapia of Cohas Drive believed there would be an impact either way but if the Cohas right of way option for the road was considered by the road that he would like it known that it would completely reshape his property as well as his neighbor Mr. Saulnier and that the impact to the wetlands on his property would be destroyed. There is a waterway going through his driveway that would be affected and there would be a road 30 feet from his house that people would be going 40 mph on where there are woods now. Mr. Pisapia

believed that the impact by going through the vernal pool was minimal and mitigated where the impact to his property and Mr. Saulnier would not be. Mr. Pisapia asked the Board to really think about the huge impact that would occur by using the Cohas Drive right of way.

Mr. Poltak asked Mr. Mitchell if he had any intention of going further tonight with respect to waiver requests. Mr. Mitchell stated that if the Board would allow them to as they had a Conditional Use Permit requests for improvements within a Level 1 and Level 2 wetlands as to the waivers to the adjacent buffer and would also request to come back before the Board next month but would like to know what direction they need to go. Mr. Poltak asked Mr. Mitchell where he stood with regard to Stantec's comments. Mr. Mitchell stated that the majority of the comments were addressed the ones that weren't addressed was the drainage and believes that everything has been address and believed they could come back a month from now.

Mrs. Marzloff did not believe that it was timely to address the Conditional Use Permit because he did not get the waiver for width of pavement so he will need to redo the drainage. Mr. Tatem agreed with Mrs. Marzloff and that they have done a full review and would be able to comment on them if the Board chooses.

A brief discussion ensued with regard to runoff from the property if the development goes through.

Mr. Poltak asked the Board members if they preferred to vote on the waivers tonight. Most of the Board members preferred to vote on the waivers at this time. Mrs. Marzloff asked Mr. Mitchell if he could bring in a tax map locus where the suggested access off of Highwood Drive would fall in terms of traffic pattern in this area. Mr. Mitchell had a plan of the area in question and where a 50 foot right of way access was left off the cul de sac on Highwood Drive. Mr. Willett asked about the future connection to Highwood Drive and if they would have to go through the vernal pool again. Mr. Mitchell indicated on the plan where the vernal pool would be located which would be in the open space and would not be anywhere near the vernal pool. Mr. Willett stated that he lives on Pingree Hill Road and that he has water in his backyard now. Mr. Villeneuve asked the Board to consider not acting on the Conditional Use Permit tonight. Mr. Côté informed Mr. Villeneuve that they would be holding off acting on the Conditional Use Permit tonight. Mr. Mitchell went through the waiver requests that were listed on the plan which the first one was for a waiver from Section 9.15.2 – to allow driveways to slope up at 2% for 20 feet in curbed sections only and to slope down 2% in non-curbed areas. Mr. Tatem indicated that they asked for the same waiver for 77 Pingree Hill Road Subdivision which was kind of a blanket waiver and in sitting down with their designer it ended up only being one waiver for one driveway. With this in mind, Mr. Tatem suggested that the Board Table this waiver request until it goes through the technical review and if they need only two (2) waivers for two (2) driveways then it would be better than them asking for a blanket waiver for all the driveways. Mr. Poltak and the Board members agreed.

Mr. Mitchell explained the next waiver request from Section 9.15.18 – the driveway profiles shall be shown for each lot and what the Planning Board has done in the past is not blankly say that you can't do it but you can do it on a few lots and did not believe that a waiver was required. Mr. Poltak agreed that a waiver would not be required and that Mr. Mitchell could move forward with that.

Mr. Mitchell moved on to the next waiver request from Section 9.18(B) – Exterior Buffer and believed that letters have been submitted from each of the abutters that the buffer reduction would affect and that a 50 foot non-disturb buffer would be put in place. Mr. Mitchell talked about plantings that would be put in place to provide more of a buffer as well. Mr. Poltak pointed out that he has always been in support of what the abutters would like to have done and so respectful of that and that the abutters are in favor of what Mr. Febonio is proposing and they have submitted letters stating this. Mr. Febonio reiterated that he has met with all four (4) of the abutters that would be affected and that they are agreeable with regard to a 50 foot non-disturbed buffer. Mr. Febonio further pointed out that they maintain 250 feet in most of the areas. Mr. Côté pointed out that he did not believe Lots 29-8, 29-9, 29-10, 29-11 and 29-12 met the 250 foot buffer requirement. Mr. Mitchell stated that they will show it as a building setback buffer on all of those lots and that you can place a well or septic within that buffer but no buildings can be put in that buffer. Mr. Côté asked Mr. Mitchell if he showed the building setbacks. Mr. Dandrade did not believe that Lots 29-1, 29-2 and 29-25 did not meet the 250 foot buffer. Mr. Mitchell stated that they would show the building setback buffer on the next plan and that if the Board was in a position to act on the buffer to the corner lots then they would like to ask for conditional approval. Mr. Côté stated that he would rather wait until all the building setbacks are shown on all the lots showing where the 250 foot buffer is and would like to hold off on this at this time. Mr. Tatem would like something placed on the plan with regard to the plantings within the area of the four (4) abutters where the buffer is reduced. Mr. Poltak agreed. Mr. Willett asked how close the road would be to Mr. Smullen's property. Mr. Côté stated that it would not be to the road that it would be to the cluster subdivision. There will be a road right next to Mr. Smullen's property as long as the developer remains within the right of way. Mr. Côté explained that the setback is to the subdivision and not to the road itself. Mr. Côté wanted to point out to everyone present was that you cannot stop development in Auburn and if they wanted to control development within the Town of Auburn then they would have to own it because people have a right to develop their property and that the Board's job is to make sure that it's being done in an intelligent manner. At this time, Mr. Poltak informed everyone that they would not be taking up any waivers tonight and that they would be holding off until the next meeting which is currently scheduled for May 20th.

Mr. Nadeau of Pingree Hill Road and stated that he was not far from Vici Drive and believed it was a dead end road. Mr. Côté was unsure and stated that he would have to look at a map but did not believe there was a right of way.

Mr. Saulnier of Cohas Drive who is one of the abutters that has written a letter stating that he and his wife are in support of the waiver and talked about the vernal pool and wanted the Board to consider the impact that it would have to his property as well as his neighbor

Mr. Pisapia and has asked Mr. Villeneuve to come see his property and the location of the right of way between his property and his neighbors property. Mr. Saulnier wanted the Board members to take that into consideration as well. Mr. Villeneuve wanted the Board to take a closer look at the reduction in the buffer for these four (4) lots because he did not believe that the current owners would be in these homes forever.

Mr. Poltak thanked everyone for their comments and asked the Board to make a motion to continue the Public Hearing.

Mr. Côté made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on May 20th, 2015; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté informed everyone present tonight that Maverick Development is continued until May 20th and that this is the only notice that they would receive as no further notices will be mailed out.

At this time, the Board took a five (5) minute break at 9:26pm and resumed the Public Hearing at 9:33pm.

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 April 8, 2015

Mr. Mitchell presented on behalf of the applicant. Mr. Mitchell began by saying that they have been before the Board on a number of occasions and that the Board has accepted the application. They have gone before the ZBA to obtain relief to allow a detention pond

within 125 feet of a Level One wetland which was denied. They have also been before the Conservation Commission and wanted to update the Board on what has occurred since then. Mr. Mitchell passed out copies of the plan sheet showing the new location of the detention pond which ends up removing a lot. Mr. Mitchell stated that the applicant is considering appealing the ZBA decision or resubmit an application with less impact.

At this time, Mr. Mitchell talked about the number of trips per day and that Mr. Steve Pernaw was present to speak on behalf of the traffic count. Mr. Mitchell turned the discussion over to Mr. Pernaw explained that they were at a high of 400 trips per day. Mr. Pernaw asked the Board members if they had any questions. Mr. Côté reiterated what he had previously stated in the last two (2) discussions that this development had closed drainage and that he was not in support of reducing the pavement down to 22 feet. Discussion ensued with regard to the width of pavement for the other development that Mr. Gagnon is currently building was 22 feet on Saddle Hill Drive.

Mr. Poltak asked what the topography was for this development. Mr. Mitchell went through the areas of topography and pointed out the flat areas and did not know the areas of the wetlands because they have not walked it yet. Mr. Mitchell asked the Board to take into consideration to the 22 feet of pavement because of the traffic count being 400 or less and the reduction in the amount of stormwater that would need to be treated. Mr. Poltak and the Board talked about Lovers Lane and the surrounding roads and noted that most of the roads were dead ended.

Mr. Côté made a motion to grant a waiver to Section 9.04.2 & 9.04.3 for pavement width to allow the pavement width to be 22 feet where 24 feet is required; Mrs. Marzloff seconded the motion.

Mr. Côté again commented that this development was also closed drainage and had cape cod berm on both sides and believes it should be 24 feet wide.

At this time, Mr. Poltak took a vote.

A vote was taking and the motion did not pass by a vote of 3 to 0.

Mr. Mitchell added that the plans have been reviewed by Stantec that they would have to go back and revise the drainage for 24 feet of pavement. Mr. Mitchell also asked the Board to give consideration with regard to the Conditional Use Permit to allow a road within 75 feet of a Level Two wetland. Mr. Tatem asked Mr. Mitchell if they submitted waivers beside the 22 feet of pavement. Mr. Mitchell said yes, driveways around the cul de sac but that they would have to look at grading but that they were okay for right now. They may have a few to request at a later time.

Mr. Mitchell moved on to go through the criteria for the Conditional Use Permit, a copy of which is in the file. Mr. Poltak asked Mr. Mitchell if he was looking at one Conditional Use Permit. Mr. Mitchell said two (2) that the other one was at the end of the cul de sac. Discussion ensued with regard to the request for a Conditional Use Permit to allow a roadway within 75 feet of a Level Two wetland.

Mr. Poltak asked the Board if they had any questions. None were noted. Mr. Poltak asked if there were any abutters that had questions. None were noted.

Mr. Côté made a motion to grant a Conditional Use Permit to allow the roadway within 75 feet from a Level Two wetland at approximately Station 7+50 to 10+50 for Tax Map 8, Lot 25; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Ms. Cleary asked what the distance was from the wetlands at allow a road. Mr. Côté explained the Conditional Use Permit to allow the road to be next to a Level Two wetland and that sometimes they get a dredge and fill permit and fill in a wetland but that they just want to be next to a Level Two wetland. A brief discussion ensued with regard to the Conditional Use Permit. Mr. Tatem stated that they would rather see him closer to a Level Two and near a Level One because a Level One wetland was more valuable.

The Board asked Mr. Mitchell to show the Board where the other Conditional Use Permit was being requested. Mr. Mitchell indicated on the plan at the end of the cul de sac where the detention pond would be which would be further away from a Level One wetland and closer to the Level Two wetland which is shown on Sheet 2.

Mr. Côté made a motion to grant a Conditional Use Permit to allow the construction of a detention pond as shown on Sheet 14 of 24 for subdivision of Tax Map 8, Lot 25; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

At this time, Mr. Mitchell asked the Board to grant a continuance until the next hearing date of May 20th.

Mrs. Marzloff made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on May 20th, 2015; Mr. Côté 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 May 20th.

MINUTES

The Board members did not approve the minutes of April 8, 2015 and noted that they would approve them at the next Planning Board hearing scheduled for May 6, 2015.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

OTHER

Ms. Woods made a motion to request that all applicants be required to submit any revised plans to the Planning Board no later than 10:00am on Monday morning when the Agenda is posted publicly and distributed; Mr. Côté seconded the motion. All were in favor, the motion passed unanimously.

ADJOURN

Mr. Côté moved to adjourn the Hearing. Ms. Woods seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:58 p.m.

The next Planning Board meeting will take place on Wednesday, May 6th, 2015 and will be held at the Town Hall, 47 Chester Road.