

**Town of Auburn
Planning Board
PUBLIC HEARING
May 20, 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

David Nye

Priscilla Lane, Tax Map 1, Lot 36-28

Discuss Parking

Mr. Poltak informed everyone that Mr. Nye was before the Board tonight for a project on Priscilla Lane and turned the meeting over to Mr. Nye.

At this time, Mr. Nye began by saying that there is a problem with parking on Priscilla Lane and were looking at extend the lighting. Mr. Nye stated that they have been before the Selectmen and they did not have a problem with what they're proposing to do but informed them that they would need to go before the Planning Board and that was why he was here tonight. Mr. Nye stated that Stantec was doing all the designs and the elevations for a complete set of plans. Mr. Nye also pointed out that there was no impact to wetlands. Mr. Poltak asked Mr. Nye what exactly he was looking for from the Planning Board. Mr. Nye stated that what they were looking to do was we have an agreement with

the coop to do lighting extension for power that was time sensitive. It would be 2 poles and then it would go underground.

Mr. Poltak asked the Board members if they had any questions. Mr. Côté asked if Conservation Commission had a chance to look at this yet. Mr. Nye said he was not sure if they did because the actual plan was done about a year ago. Mr. Villeneuve commented that there was a plan 2 years ago that they did see but could not remember. Mr. Villeneuve believed there were wetland impacts and explained the area to the Board members where there was a pond in the lower left hand side as well as a culvert. Mr. Villeneuve agreed with Mr. Nye that the parking needed to be worked on. Discussion ensued with regard to wetland impacts. Mr. Villeneuve asked if the town had a plan on file of the existing fields. Mr. Poltak did not know the answer to that as the Board was seeing this for the first time. Mr. Villeneuve did not believe there was enough information and that the town should be treated the same as we treat developers. Mr. Poltak indicated that Mr. Nye stated that the Selectmen were in favor of this.

Mr. Tatem was unaware of any proposed changes to the existing facility. Mr. Tatem explained the area that they were working on and that they would be permitting the box culvert with DES of which the Selectmen were on board with. Mr. Tatem pointed out that what they were proposing to do now had no wetland impact. Ms. Phillips explained what occurred at the Selectmen's level and that in her opinion at the Level 2 and Level 3 that they cannot put in more fields because to her it was not suitable. Mr. Nye explained that they were looking at doing it in 3 phases and what they were looking at tonight was within the red area. Further discussion ensued with regard to parking. Mr. Tatem pointed out that they could not park on the road or they would get a ticket so they needed to fix the parking.

Mr. Poltak asked the Board what they wanted to do. Mr. Villeneuve talked about the culvert that needs to be replaced and wanted to know how all the pieces fit in. Mr. Poltak asked the Board if they could take up the electrical side of this and did not believe it had any environmental impact.

Mr. Côté made a motion to endorse the extension of the electrical service into the property with the caveat that they come back before the Planning Board for development of the site for parking, fields etc... for Priscilla Lane, Tax Map 1, Lot 36-28; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

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 April 22, 2015

Mr. Mitchell began by passing out copies of a revised plan and pointed out that the original plan showed them going through the vernal pool. Mr. Mitchell explained that the new proposal is to move the road so that it did not go through the vernal pool but goes beside it. Mr. Mitchell stated that they have an agreement with the abutter to adjust the road and pointed out the location of the existing lot line and where the new lot line would be. A copy of which is located in the file for review.

Mr. Mitchell moved on to talk about the second sheet which shows the location of the road. Mr. Mitchell stated that they have not submitted these plans to Stantec yet because this was something that has occurred within the last few days. Mr. Mitchell further pointed out that by not going through the vernal pool that the vernal pools to be constructed would not be constructed. They do have mitigation with regard to the amount of open space they have but this particular end of it, they have come up with a solution. At this time, Mr. Mitchell asked the Board if they had any comments with regard to what is now being proposed.

Mr. Mitchell further stated that they would be seeking relief from the 25 foot setback to a Level 3 wetland and that there was also a Level 2 wetland with a detention pond that is currently within the 75 foot wetland buffer as well. Mr. Mitchell also pointed out that they would be seeking relief from the buffer near the Haven Drive area. Mr. Mitchell also informed the Board that they have shown the 250 foot buffer around the property. Mr. Poltak wanted to acknowledge the effort that Mr. Mitchell has brought forward as the applicant with regard to avoiding the impact on the vernal pool considering the amount of time that has been spent on discussions with regard to the vernal pool. This eliminates the problem with having negative impact on the vernal pool. Mr. Poltak stated that with regard to wetland relief and buffers that he looked forward to the possibility given the Board agrees with him to take up and vote on as many as possible tonight.

Mr. Mitchell moved on to talking about the cover sheet exhibits. Mr. Mitchell went through the distance between house to house and pointed out the location for seeking relief from one area for the buffer reduction. Mr. Mitchell was in agreement that they had some work to do with Lot 29-1 because the road would be changing. The other item they would like to look at is behind Lot 29-12 which is where the detention pond has been relocated of which part of it is located within the 125 foot setback for which they have received a variance for. The other part that is in the 75 foot setback they will need a Conditional Use Permit from the Board as well as a Conditional Use Permit for going next to a Level 3 wetland.

Mr. Poltak asked the Board members if they had any questions. Mrs. Marzloff asked about the lot line adjustment on Pingree Hill Road and if it would be a recorded plan. Mr. Mitchell said that there was still some work to be done on that and that they would have to come back before the Board and that it would be a recorded plan. Mrs. Marzloff asked Mr. Mitchell to include the names within the title block. Mr. Mitchell agreed. Mrs. Marzloff stated that she agreed with Mr. Poltak because she liked the idea of moving away from the vernal pool but was still not convinced.

Mr. Grillo wanted to ask the experts about building the three (3) vernal pools as opposed to placing the road next to the vernal pool for which plan would be better. Ms. Tracey Tarr explained that the vernal pool is already impacted by the existing road and that the mitigation was in a much larger area in the open space. Ms. Tarr added that when you create vernal pools you have a better chance of success in the larger landscape but it is also a large expense for the developer. Mr. Côté also asked Ms. Tarr, in her expert opinion would she say that with the construction of Haven Drive being adjacent to the vernal pool, what would the impact be with the road being within 15 feet. Ms. Tarr explained that if water is pitched a certain way they could certainly prevent large amounts of salt going into the vernal pool but the positive attribute was that there was still the large open space that the pool is connected to along with the uplands. Discussion ensued with regard to maintaining the canopy as much as possible and maintaining connection to the open space.

Mr. Stone of Pingree Hill Road asked if they had to get the blessing from the state. Mr. Côté pointed out that they would need state subdivision approval. Mr. Côté further pointed out that any subdivision creating a lot with less than 5 acres needs state subdivision approval and that any lot greater than 5 acres does not need state subdivision approval.

Ms. Cornett wanted to know why DES did not get involved right away. Mr. Côté explained that they need to iron out issues with the Planning Board first before otherwise they would be going back and forth the DES with changes. Discussion ensued with regard to when DES should get involved. Ms. Tarr stated that the applicant has had meetings with state and federal regulators as well as Fish and Game Department on mitigation component which you would do before you submit it to DES.

Ms. Cobuzzi of Haven Drive stated that she had an issue with the road going through and didn't want the traffic. Mr. Côté again pointed out that a land owner has the right to develop their property and the best way to prevent development is to own it. Mr. Côté further stated that the subdivision on Haven Drive has a cul de sac which shows the right of way into this piece of property for connectivity. Mr. Côté added that there will be growth in Auburn and the Board is here to make sure that it is developed in an intelligent manner and that we can't shut people out. A brief discussion ensued with regard to development within the Town of Auburn.

Mr. Davis of Pingree Hill Road stated that when he built his house they made him have 2 acres and 200 feet of frontage and that Pingree Hill Road is a busy road and more traffic. Mr. Côté explained the cluster development and that Mr. Febonio went to the Zoning Board of Adjustment to be allowed to build cluster. Mr. Poltak added that the concept of cluster development was to have denser development and save open space and the concern that everyone is having is with regard to the compactness of the development which is a legitimate concern. Mr. Côté and Mr. Poltak explained to everyone present tonight that if they did not like the cluster ordinance then they can do something about it by proposing a petition warrant article to do away with the cluster ordinance but that it cannot happen until the next town meeting which is held in March.

An abutter asked who owned the open space. Ms. Phillips explained that each home within the cluster development is taxed on their property and also a portion of the open space as they are allowed to utilize the open space for recreational purposes.

Ms. Remillard of Haven Drive reiterated what she has stated before was that she would like the Board to uphold the rules as they are written and that one of the homes is for sale on Haven Drive and that the letter from that homeowner should be null and void. Ms. Pinkham of Haven Drive, the owner of the home that is for sale explained to Ms. Remillard that, yes their house is for sale and that they have signed a waiver and the people that are purchasing the home are aware of what has been going on and they are fine with it.

Mr. Poltak wanted to get back to business at hand and asked Mr. Mitchell how he wanted to proceed with regard to requesting waivers. Mr. Mitchell began by asking the Board consider granting a waiver to the four lots near Haven Drive with regard to the buffer reduction. Mr. Febonio wanted to address the discussion with regard to the comment of postage stamp lots. Mr. Febonio pointed out that the only reason they do not have larger lots was to maintain distance from the wetlands and to minimize wetland impact. Mr. Febonio reiterated that the four (4) abutters are present tonight and have written letters of which the Board has copies in the file and that it would be a 50 foot no disturb buffer. Mr. Febonio did want to point out to the Board that they are maintaining a 250 foot buffer around the property except for a small portion near the entrance to Haven Drive. Mr. Febonio also talked about the type of homes that would be put in place in this development of which would not detract or devalue the homes in the area. Mr. Febonio feels that what they are asking for is very reasonable. Ms. Remillard believed that the buffer should remain 250 feet for transition reasons. Mr. Febonio commented that there are natural obstacles on the property with regard to the natural stream. Mr. Tatem asked

Mr. Febonio about the agreement between the four (4) homeowners. Mr. Febonio stated that he has an agreement with the homeowners and will be planting trees to give them more of a buffer.

Mr. Côté made a motion to grant a waiver to Section 9.18(B) Exterior Buffer to allow the buffer to be 50 feet where 250 feet is required; Ms. Woods seconded the motion.

Mr. Côté commented that he was not going to support a reduction from 250 feet down to 50 feet because our minimum in all cases is 100 feet and understands the hardship due to the stream and if it were 100 feet that he may lose a lot or two but going to 100 feet is a reasonable amount. Mrs. Marzloff agreed with Mr. Côté for all the same reasons in the prior discussion. Mr. Poltak asked if there were any other comments from the Board. None were noted.

Mr. Villeneuve wanted to point out that the Board has previously reduced the buffer down to 100 feet for Copley Court and that it was not nearly enough of a buffer. Mr. Mitchell did not believe there was a difference with regard to the buffer as it was single family homes to single family homes. Mr. Côté believed it was a different character of a neighborhood and that the density was much different because it was much more thickly settled.

A vote was taken and the motion passed by a vote of 3 to 2 with Mr. Poltak, Ms. Woods and Mrs. Phillips voting to grant and Mr. Côté and Mrs. Marzloff voting to deny.

Mr. Mitchell moved on to discuss the Conditional Use Permit regarding allowing the road next to a Level 3 wetland and to have a detention pond next to a Level 2 wetland. A brief discussion ensued with regard to these two (2) requests for Conditional Use Permit. Mr. Mitchell indicated that Stantec has reviewed these requests.

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

Mr. Dandrade reiterated the request for a peer review of the functionality of the wetlands prior to making a decision. Mr. Dandrade pointed out the request in a letter from Stantec dated May 5th and received on May 8th comment #30. Mr. Dandrade believed it was an important piece for the Board to consider. Mr. Dandrade commented about preserving and protecting the natural attributes of the area. Mr. Dandrade did not believe the developer has been innovative in protecting those natural features because they have pushed the road up immediately adjacent to a Level 3 wetland. Mr. Dandrade informed the Board that he has appealed the variance decision by the ZBA related to the proximity of the detention basins in that area near the Level 2 as shown. Mr. Poltak asked Mr. Mitchell if he had any response to Mr. Dandrade's comments. Mr. Mitchell began by talking about the large open space that is non-buildable and the project as a whole and that's why the ZBA granted them a variance. Mr. Mitchell also talked about the Level 3 which was not a vernal pool but a small wetland. Mr. Mitchell also pointed out that it allowed them to stay away from the Level One wetland and believed that the request for

a Conditional Use Permit was appropriate. Mr. Poltak asked Mr. Mitchell about possibly moving the road and how far would it have to be moved. Mr. Mitchell stated that if they moved the road about 25 feet that the whole road would have to shift for approximately 400 to 500 feet. Mr. Dandrade stated that the Board has not seen an alternative plan. Mr. Poltak acknowledged that they had not seen an alternative plan. Mr. Poltak asked the Conservation Commission if they had any comments. Mr. Porter also stated that they had not seen an alternative plan as well. Mr. Côté believed that they would have to change the curve on the road from Station 6+0 to 10+0. Mr. Mitchell said yes but they would have to look at the road location. Mr. Côté asked Mr. Mitchell to take a look at realigning the road to see what they can come up with for a plan. Mrs. Marzloff believed it was premature. Mr. Côté commented that since they would be realigning the road he would like to see what they can do and see how much you would be losing on lots on the other side before voting on the Conditional Use Permit. Mr. Poltak believed it was an appropriate request and once that is completed they would take up the Conditional Use Permit at that time.

Mr. Poltak suggested that they move on to the next one. Mr. Mitchell began explaining that the relief that has been granted through the Zoning Board is from the 125 foot wetland buffer and now what they are asking for is a Conditional Use Permit for relief from the 75 foot wetland that is behind it which would be within the uplands. Mr. Poltak stated that he did not have a problem with this one and asked the Board if they had any comments. None were noted.

Mr. Dandrade had a comment and talked about the functionality of the wetlands and believed that the request for a Conditional Use Permit was only being requested to maximize lot development and believed that they had other options. Mr. Poltak understood what was being said and asked the Board members if they had any comments. Mr. Côté stated that his concern was that if they tried to pull it back into Lot 29-12 that they would actually doing a deeper cut and would be very difficult to do that and there would still be a disturbance into that area which would mean that along that whole perimeter there would be more soil construction. Mr. Côté respectfully disagreed with Mr. Dandrade on this one. Mrs. Marzloff asked how wide the gravel access road to maintain this pond would be and would it have an easement. Mr. Mitchell answered by saying that the access road would be about 10 to 12 feet wide and there would be an easement to the back of the lots.

Mr. Côté made a motion to grant a Conditional Use Permit to allow grading within 75 feet from a Level Two wetland as depicted on Sheet 12 of 26 of the plan set for Haven Drive being more particularly described on Lot 29-12 and Lot 29-11 and the open space lot which is Lot 29 for Tax Map 5, Lots 29 & 36; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Mitchell asked the Board if they could come back in two (2) weeks to show the Board the Conditional Use Permit around the other wetland.

Mr. Côté made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on June 3rd, 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 June 3rd and that this is the only notice that they would receive as no further notices will be mailed out.

Mr. Dandrade asked the Chairman if the Board planned to respond to Stantec's comment on whether or not to engage in a peer review. Mr. Poltak stated that they would not be doing it between now and then.

Mr. Poltak asked Mr. Mitchell when they would have the redesign road and the like completed pursuant to where it would be moving from the vernal pool. Mr. Mitchell stated that the preliminary design has been done but the final design would be done towards the end of next week.

Mr. Poltak asked Mr. Tatem if he had anything else to add. Mr. Tatem did not have any additional comments.

Mr. Dandrade asked the Board to request that the applicant supply extra copies of the plan set. Mr. Tatem asked if they were going to be reviewing the vernal pool. Mr. Poltak said no that the vernal pool issue has completely reversed itself. Mr. Poltak asked Mr. Mitchell if he could provide extra copies of the plans. Mr. Mitchell stated that he could but that his only concern was when they original came before the Board that Mr. Dandrade took their original plans to create his own design and tear apart their design and now he's asking for full sized plans so he can go ahead and do the same but if the Board is asking him to do that then he will do that. Mr. Febonio said that he was not a fan of supplying plan sets to Mr. Dandrade. Mr. Poltak and Mr. Côté informed Mr. Dandrade that he can go down to town hall and make copies.

At this time, Mr. Poltak thanked everyone and the Board took a five (5) minute break.

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 22, 2015

Mr. Mitchell presented on behalf of the applicant. Mr. Mitchell began by saying that they have had waivers that have been granted and that the plans have been submitted to Stantec. Mr. Mitchell stated that they did go for a variance to have a detention pond within the 125 foot setback of which they were denied and that they have appealed it. Mr. Mitchell also pointed out that they have gone before the Conservation Commission. Mr. Mitchell did not think it was reasonable to move the detention pond onto the lot to lose the lot. Mr. Mitchell also pointed out that they have had a wildlife corridor study done and have filed an appeal with the ZBA.

Mr. Mitchell added that they have two (2) waivers that they are looking for of which one is regarding the driveways at the end of the cul de sac and the other one was a new waiver of which Mr. Mitchell has given a copy to the Board regarding shoulder width to allow 4 foot shoulder width with a 24 foot roadway as opposed to a 5 foot shoulder width of which Stantec is in agreement with. Mr. Mitchell moved on to talk about the fire protection and stated that he has spoken with the Fire Chief and that the Chief said to bring back some ideas. Mr. Mitchell indicated that to the end of the cul de sac that it was approximately 200 feet over the allowed limit for the cistern that was located on Lovers Lane. Mr. Mitchell pointed out that what they were looking at was possibly putting in a smaller cistern or sprinkler systems based on the size of the house and that he would be meeting with the Fire Chief to discuss it further. Mr. Mitchell believed that these were the only four (4) things that they needed to discuss and asked the Board to consider conditional approval tonight. Mr. Mitchell also stated that if the location of the detention pond has to move that they may have to request a Conditional Use Permit to move the detention pond completely out of the 125 foot setback from a Level One but that it would then be partially within the 75 foot wetland buffer to a Level Two wetland. Mr. Mitchell also asked to be continued until the first meeting in June. Mr. Poltak asked about the 75

foot Conditional Use Permit if they do have to move the detention pond out of the Level One would be from the Planning Board as opposed to the ZBA. Mr. Mitchell said correct. Mr. Poltak did not think the request for relief from the driveways was onerous whatsoever and the shoulder request was not an issue either. The concept of the fire protection would be taken care of with the Fire Chief. The zoning variance needs to play out first with the ZBA.

Mr. Côté made a motion to grant a waiver to Section 9.15.13 to allow driveways to be constructed closer than 50 feet on the cul de sac; Ms. Woods seconded the motion.

Mr. Poltak did not believe there was any discussion regarding this and called for a vote.

A vote was taking and the motion passed unanimously.

Mr. Côté made a motion to grant a waiver to Section 9.04.2 to allow shoulder width to be 4 feet with a 24 foot wide roadway as opposed to the 5 foot shoulder width with a 24 foot roadway; Mrs. Marzloff seconded the motion.

Mr. Poltak asked if there was any discussion needed and called for a vote.

A vote was taking and the motion passed unanimously.

Mr. Poltak added that now they needed to deal with the fire protection and the variance and would continue it to the next meeting. Mr. Côté stated that they could not give conditional approval tonight. Mr. Côté began his motion to continue and Mr. Mitchell wanted to make sure that there were no further comments from anyone at this time. Mr. Poltak had one concern and understood that the state approves well radii that are less than the required setback distances but relative to Stantec's letter received today with regard to well radii subject that was brought up and wanted to ask Mr. Tatem about that subject. Mr. Tatem began by saying that had spoken with Mr. Mitchell at great lengths today and passed out copies of well radii locations on the cul de sac. Mr. Tatem explained the examples that show the well radii over the lot lines and did not think there was a problem with this because DES takes the overall parcel and make you deduct out the well

radius per lot loading. Mr. Tatem did not have any concerns with it at all but that his only concern was if one well is drilled in the wrong place it would deem the next lot unbuildable. Mr. Tatem recommended that the site plan show where the well locations will be drilled so that they are drilled in that location. Mr. Tatem indicated that he had spoken with Mr. Thomas from DES and pointed out that if the DES plans show well radii 10 feet over the lot lines there has to be an easement there and he also said therefore, the recorded plan that goes along with this must have those same easements and be recorded at the time of approval and not at the time of construction. A brief discussion ensued with regard to well radii. Mr. Tatem further added that if they show those easements then they're fine with it. Mr. Poltak asked Mr. Mitchell if he was in agreement with this. Mr. Mitchell stated yes but the only thing was that all the houses have to be 60 feet apart and that he would hate to show the well radii on a recorded plan that would perhaps would be revised because they couldn't get the well rig right on the intended spot and they had to move it over 10 feet. Mr. Mitchell also pointed out that they don't know what style house is going to be on the lot and asked if they could put a note on the plan that they could do a secondary letter to get recorded if it changed different from the plan then he'd be okay with that. Mr. Mitchell did not want to have to come back before the Planning Board for a public hearing if it deviated from the recorded plan to move a well radius. A brief discussion ensued with regard to well radii. Mr. Poltak stated that he would be using a cautious eye on this one.

Ms. Cleary talked about the Blanding Turtles and if they could make the wildlife corridor bigger then that would be better. Ms. Cleary also asked where they were with that. Mr. Poltak stated that the Zoning Board of Adjustment would be ruling relative to that appeal next Tuesday night. Mr. Côté informed Ms. Cleary that they have filed an appeal with the ZBA. Mr. Mitchell further informed the Board that in addition to the appeal that they have also filed another variance request showing that they have a wildlife corridor study.

Mr. Côté made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on June 3rd, 2015; Mrs. Marzloff 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 June 3rd.

Mr. Mitchell asked the Board about proposed road names such as Juniper Circle or Jasmine Circle. Mr. Côté thought that Juniper Circle sounded better than Jasmine Circle. The Board all voted for Juniper Circle. At this time, the discussion ended.

Michael and Julie Tourville
341 Wilsons Crossing Road, Tax Map 31, Lot 11
Minor Site Plan Review (Restaurant)

Mr. Poltak asked Mr. Tourville to explain his intent. Mr. Tourville stated that their intent is to have 15 children as opposed to 6 and what they were asked was whether or not the septic system could handle it and that he has received a response from Roscoe Blaisdell that did the septic and he indicated that Mr. Poltak asked Mr. Tourville if they were currently running a daycare at the location for 6 children. Mr. Tourville said there is nothing there yet as they have just added on the addition. Mr. Côté asked Mr. Tourville if his plan was to have a horseshoe driveway. Mr. Tourville said yes. Mr. Côté further informed Mr. Tourville that he will have to show sight distance which will show how far you can see up the road in both directions coming out of the driveway so that when someone is picking up their kids that they don't get T-Boned exiting the driveway. Discussion ensued with regard to sight distance which should show a drawing detail for sight distance coming out of the driveway to make sure that from 10 feet back from edge of pavement that you can see at least 200 feet in each direction. Mr. Côté explained to Mr. Tourville that he will first need to show a plan view of the location of where the driveway is going to come back out on the road and that he will also need a driveway permit for the other driveway from the Building Inspector. Mr. Côté also pointed out that to Mr. Tourville that when he is doing the drawing for the driveway to show that the sight distance that you can see from a 42 inch drivers eyesight that you can see 200 feet in each direction from 10 feet off of edge of pavement. Mr. Tatem asked if it was a residential driveway or a commercial driveway. Mr. Côté said residential driveway. Further discussion ensued with regard to sight distance. Ms. Woods was familiar with the location and did not believe it was a problem and should be able to do that.

Mr. Côté said that he would be taking a drive by the location to see as well and would have the Building Inspector go by as well. Mr. Tourville stated that the Building Inspector was familiar with the location as she has been there through the building of the addition for the daycare.

Ms. Woods made a motion to Continue the Public Hearing until the next Planning Board meeting which will be held on June 3rd, 2015; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

John Gianitsopoulos (Old Holidays Restaurant)

346 Hooksett Road, Tax Map 31, Lot 11

Discussion of site plan for restaurant

At this time, the Board reviewed the plan for the proposed restaurant reopening. Mr. Scammon began by saying that he was before the Board tonight on behalf of Patty & Sheila, LLC. Mr. Scammon indicated that they were before the Board about a month ago with a preliminary hearing and have taken the Board's advice and put in an application and notified all the abutters. Mr. Scammon further added that they are before the Board tonight with a site plan and have made a few changes from the original as-built plan. They are proposing to remove a corner of pavement from the abutter's property that was previously supposed to be done on the original plan. They have spoken with the abutter who was present tonight and they were in favor of that as well. Mr. Scammon pointed out the hours of operation which they are proposing to be open from 11:00am until 12:30am seven days a week and possibly for breakfast on Sundays from 6:00am until 11:00am. They would be lowering the capacity to 99 patrons. Mr. Scammon ended by saying that other than that there are no other changes and opened it up for questions from the Board members. Mr. Poltak asked about changes to the exterior of the building or fencing. Mr. Scammon pointed out that with regard to the fencing that most of the fencing is state highway fencing and the other fence belongs to the abutters. Mr. Côté asked about existing lighting. Mr. Scammon pointed out the location of the lights which some are located on the building itself. Mr. Côté was concerned about having a dark parking lot because there was nothing showing how lit the parking lot would be. A brief discussion ensued with regard to lighting. Mr. Scammon also pointed out that the abutter has asked them to slightly rotate the lighting on the pole as it currently shines on their property. Ms. Woods asked if they would be doing anything to the exterior of the building such as landscaping. Mr. Gianitsopoulos said that they would be cleaning up the outside of the building and planting flowers.

Mr. Poltak asked if there were any further questions. Mrs. Marzloff pointed out that at the informal discussion with the Planning Board that there was some discussion with regard to reducing pavement and if they were able to address that. Mr. Scammon pointed out that with the size of the parking lot that it would be hard to do because they would not want people to start parking on the road. The Board and Mr. Scammon discussed parking, snow storage and lighting. Mr. Côté wanted to see a lighting plan to see what there is for lighting. Mrs. Phillips thought maybe motion sensor lighting would help. Mr. Poltak pointed out that we have made concessions in the past at the request of the abutters and wanted the abutters to speak. The abutter closest to the proposed restaurant stated that it was pretty well lit and that the parking lot was not dark. Mr. Poltak believed that they could move forward and be accommodating to the abutters. Mr. Côté wanted the abutters to know that they were not trying to make the area look like Fenway Park and that they are aware of not having lighting spill over onto abutting properties. An abutter pointed out that someone drove through the fence at the end of Auburndale of which the applicant is unaware of and would like that addressed and taken care of. Mr. Côté asked the applicant if they could repair the fence and make sure that the gate to Auburndale remains closed. Mr. Scammon said yes that they would be in agreement. Mr. Poltak explained that they would very much like to see the building up and running as it

was the gateway to Auburn and would like to make it as feasible as possible for the applicant to do that.

Mrs. Marzloff wanted to see the lighting plan for the Family Medical Facility. Mr. Poltak pointed out that it was a whole different building and parking lot but believed that it was totally different and had nothing to do with this building. Ms. Woods also agreed with Mr. Poltak.

Mrs. Marzloff wanted to have anything that has been recorded be placed as a note on the plan and to show that the plan for the Medical Facility being abandoned and will not be built.

Mr. Poltak asked the Board if there was any other guidance to provide the applicant at this time. Mr. Scammon wanted to inform the Board that he has spoken with Rob Tardiff, Administrator from the Subsurface Bureau Department with regard to the previously approved septic and that he has indicated in an e-mail that the septic was sufficient with 4,000 gallons a day for the restaurant. Mr. Poltak believed that as long as the number of patrons did not go up that it would be fine.

Mr. Villeneuve asked what the number of parking spaces were required for a restaurant. Mr. Poltak stated that he did not know but believes that there are 58 parking spaces. Mr. Scammon explained that with every 2 or 3 patrons that you would have a car and with 99 patrons that you would need approximately 45 parking spaces. Mr. Côté suggested that they move a handicap space to the rear of the property where the ramp is located. Mr. Scammon understood what Mr. Côté was suggesting.

Mr. Poltak asked Mr. Scammon if he understood what the Board was looking for as far as requirements. Mr. Scammon said yes that he would need to show snow storage, a lighting plan, fix the gate or repair a gate, make sure that all the plans that have been recorded have the recording numbers on them, a new note about abandoning the previous site plan and to move at least one of the handicap spaces to the rear of the property. Mr. Scammon asked if there was a chance that they could get conditional approval tonight. Mr. Tatem suggested that they show details of the lighting plan. Mr. Poltak stated that the lighting plan was the major issue and was absolutely necessary to move forward.

Discussion ensued with regard to what was previously discussed above with regard to hours of operation, family style restaurant and the like. Mr. Scammon stated that they could come back next month with a lighting plan.

Mr. Poltak understood that they were inside doing work and were told by the Building Inspector to stop and asked Mr. Scammon if they could not go in and start work until they received site plan approval from the Planning Board. Both Mr. Scammon and Mr. Gianitsopoulos said that was correct that they would need approval from the Board in order to proceed with interior work.

Mr. Côté did not feel comfortable giving conditional approval before the lighting plan was completed. Mr. Poltak believed that they could give conditional approval tonight and that they could not open until the lighting plan was complete which meant no Certificate of Occupancy until all conditions were met. Ms. Woods agreed with Mr. Poltak so this way it would allow them to enter and do the necessary repairs to the inside of the building.

Mrs. Marzloff made a motion to accept the application for 346 Hooksett Road, Tax Map 31, Lot 11; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté made a motion to grant conditional approval with the following conditions: 1) provided that the applicant complete a lighting plan and install the lights to meet the Town of Auburn's Regulation for lighting; 2) snow storage to be shown on the plan; 3) dead end at Auburndale that the gate be repaired and closed; 4) the recorded plan numbers are shown on the plan; 5) that a note be placed on the plan to show that the recorded plan for the Medical Office Facility being abandoned; 6) move at least one handicap spot to the rear of the building near the ramp; 7) appropriate escrow be established to make sure that the lighting plan works and has been installed per plan by Stantec; and, 8) work to be completed within 90 days and no Certificate of Occupancy to be issued until the lighting plan has been implemented and all lights are functioning and inspected by Stantec for 346 Hooksett Road, Tax Map 31, Lot 11; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

Mr. Scammon asked the Board if it was only the lighting that needed to be inspected by Stantec. Mr. Côté and Ms. Woods both said yes that it was only the lighting.

Discussion ensued with regard to the removal of pavement at the entrance and water runoff.

Mr. Poltak asked the applicant when they would like to come back before the Board with regard to the lighting plan. Mr. Scammon said a month and asked for a continuance until June 17th.

Mr. Côté made a motion to Continue the Public Hearing for the lighting plan until the next Planning Board meeting which will be held on June 17th, 2015; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.

**Sterling Homes, LLC
Keith Martel
Dearborn Road, Tax Map 8, Lot 42
Major Subdivision
Preliminary Conceptual Consultation Review**

Mr. Martel informed the Board that they were before the Board previously with a Preliminary Conceptual Consultation Review with a grid style subdivision plan as Concept #9. Mr. Martel explained that they have gone ahead and have done test pits and in the process their wetland scientist has found a previously un-flagged wetland when they were doing test pits. That wetland has in fact been confirmed as being a vernal pool which they then had to redesign their plan. Mr. Martel indicated that the new plan shows 19 lots and would have no impact to the vernal pool. The subdivision would be a grid style subdivision and indicated that this was the best way to avoid the vernal pool. Mr. Martel stated that the length of cul de sac went to 2,150 feet to the neck of the cul de sac and 2,300 to the backside of the cul de sac. Mr. Martel pointed out that this property abuts Manchester Water Works on two sides and felt this was much more limited. At this time, Mr. Martel concluded his discussion and asked the Board for comments.

Mr. Poltak asked the Board members if they had any questions or comments. None were noted. Mr. Poltak asked Mr. Martel what his timeline was for beginning on this project. Mr. Martel pointed out that they were back before the Board to get some feedback in support or lack thereof and ended the conversation. Mrs. Marzloff recused herself from this discussion. Mr. Poltak elevated Mr. Grillo to full voting status for this discussion.

Mr. Côté asked Mr. Martel to go back to Concept #9 and asked about possibly shifting the road at the entrance. Mr. Martel stated that they were challenged because if they shift it they start losing their buildable envelope on a few lots. Mr. Martel also pointed out that they have heard from abutters and did not believe that was the best point of action. Discussion ensued with regard to the location of the vernal pool.

Ms. Woods commented that she could tell that they have reworked this a few times and did not know how else they could go. Mr. Poltak asked for comments from the Conservation Commission. Mr. Porter stated that this was the first time they've seen this plan and suggested that Mr. Martel meet with the Conservation Commission on June 2nd.

Mr. Côté commented that he did not see it as an insurmountable plan even with the 2,300 foot length of cul de sac. Mr. Poltak added that it was not a cluster and thanked Mr. Martel and believed it was feasible.

Mr. Poltak asked if there were any abutters that wanted to speak. Mr. Sullivan who is an abutter to the proposed project asked what the reason behind having the 1,200 foot requirement for length of cul de sac was. Mr. Côté answered by saying that it was regarding emergency response and gave a scenario of something occurring at the beginning of the road which shuts down the road so it would be regarding a safety issue. A brief discussion ensued with regard to length of cul de sac. Mr. Sullivan asked if the Board was comfortable with the fact that the cul de sac would be 2,300 feet. Mr. Côté explained that the Board would weigh the pros and cons with regard to a 2,300 foot cul de sac length and in some cases they may not allow a 2,300 foot cul de sac because there may be other alternatives. Mr. Sullivan pointed out that the 2 acre grid is certainly more favorable as opposed to a cluster subdivision.

Mr. Burnham added that he went to a school board meeting recently and there was discussion about renovating the school and one of the things that was mentioned was that the number of students has gone down and cannot understand that with the growth within the Town of Auburn. Mr. Villeneuve pointed out that the comment was made by someone in the audience and not someone that was proposing a modification to our existing infrastructure. Mr. Côté added that New Hampshire is the third oldest state in the country as a whole.

An abutter was concerned about possible runoff with the new development going in and asked if improvements would be done to the road. Mr. Côté explained that post development runoff cannot exceed pre-development runoff. Mr. Côté further informed everyone that the Board was looking at very preliminary plans tonight as they were not designing roads or drainage. Mr. Tatem explained that the Road Agent just shimmied the upper part of Dearborn Road and when Mr. Martel did Copley Court that he donated a sizeable amount of money but did not know when it was in Mr. Dross' schedule to be done.

MINUTES

The Board members did not approve the minutes of April 8, 2015 or April 22, 2015 and noted that they would approve them at the next Planning Board hearing scheduled for June 3, 2015.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

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, June 3rd, 2015 and will be held at the Town Hall, 47 Chester Road.