

**UNAPPROVED MINUTES  
Town of Auburn  
Planning Board  
PUBLIC HEARING  
June 3, 2015**

**Present:** Ron Poltak, Chairman; Karen Woods and Paula Marzloff, Members. Steve Grillo and Jim Tillery, Alternate Members. Dale Phillips, Selectmen's Representative. Minutes recorded by Denise Royce.

**Absent:** Alan Côté, Vice-Chairman.

Mr. Poltak called the meeting to order at 7:01 p.m. and introduced the Board members to those present. Mr. Poltak pointed out to the Board that there were three (3) sets of minutes to approve tonight. .

**MINUTES**

*Ms. Woods moved to accept the minutes of April 8<sup>th</sup>, 2015; Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.*

*Ms. Woods moved to accept the minutes of April 22<sup>nd</sup>, 2015; Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.*

*Ms. Woods moved to accept the minutes of May 20<sup>th</sup>, 2015; Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.*

Mr. Poltak elevated Mr. Grillo in the absence of Mr. Côté to full voting status for tonight's hearing.

**GENERAL BUSINESS**

**Maverick Development  
Sawyer Hill Farms Subdivision  
Donald Drive, Tax Map 8, Lot 48  
Release of Surety (Road)**

Mr. Poltak stated that this has been in the works for quite a while and read the letter from Stantec recommending that the maintenance surety be released.

*Mrs. Marzloff made a motion to release the maintenance surety for Sawyer Hill Farms Subdivision, Tax Map 8, Lot 48; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.*

**Randy Donckers**  
**On Behalf of Ty & Cheryl Griffin**  
**112 Hooksett Road, Tax Map 10, Lot 5**  
**Discuss Proposed LLA for 1 lot &**  
**Create 2 new lots**

Mr. Poltak called Mr. Donckers to present on behalf of Ty & Cheryl Griffin and Mr. Donckers was not present at this time. Mr. Poltak moved on to the next item of business.

## **PUBLIC HEARING**

Mr. Poltak moved on to ask Mr. Mitchell to present on behalf of Maverick Development for the lot line adjustment. Mr. Mitchell indicated that there were two (2) items on the agenda tonight for Maverick Development and asked that they discuss the Conditional Use Permit first as the owner of the lot on which they will be doing a lot line adjustment with will be getting out of work late and would like to wait until they arrive to discuss the lot line adjustment. Mr. Poltak agreed and Mr. Mitchell began with the Conditional Use Permit request first.

**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 May 20, 2015**

Mr. Mitchell began by saying that they would like to get confirmation from the Board that the road location that they have is better than going through the vernal pool. Mr. Mitchell understood that the Board would like the road to go through but would like confirmation that this layout is better than going through the vernal pool. Mr. Poltak asked if the Board had any comments. Mrs. Marzloff asked if the Board has seen any documentation in terms of impact to wet like Plan A versus Plan B. Mr. Mitchell stated that Tracey Tarr was present tonight and that she could speak with regard to impact to the vernal pool with regard to the road going through or the road being alongside the vernal pool. Mr. Poltak said that having Ms. Tarr speak with regard to the vernal pool would be good. Mr. Poltak also pointed out that the Board has discussed the importance of connectivity within the context of our roads and the advantage that the current proposal has over the prior proposal in terms of direct impact on the vernal pool. There is recognition that they are advancing towards a more acceptable proposal than what was initially the case when they were going through the vernal pool in terms of this development. Mr. Poltak was also concerned as they discussed at the last meeting that this is a significant improvement on the initial proposal. Mr. Poltak still wanted to know if

there was still the potential effect remaining on the vernal pool with regard to tree removal and location of the road continuing in existence. Mr. Poltak talked about mitigation and protecting the vernal pool.

Ms. Tarr began by saying that they have done a lot of design changes on this and the applicant has worked with the abutter that really was not present with the existing property where there was not an opportunity to move the road. Ms. Tarr indicated that this new road location was really the best and preferred design of all the design options they have had so far. This completely avoids the envelope of the pool and previously the project was maintaining 63% of the envelope for the vernal pool and that this design was maintaining 100% by maintaining tree cover. Ms. Tarr talked about the canopy and how it would still cover the entire pool except for one edge of the pool. Ms. Tarr pointed out the fact that there was a large wetland adjacent to the vernal pool with a nice hemlock which would remain. Ms. Tarr stated that by doing it this way that the vernal pool had a much greater chance of success. Ms. Tarr further pointed out that the road will direct drainage away from the vernal pool which is advantageous and directs most of the salt away from the pool which is a really nice design feature. Ms. Tarr stated that they still include the culvert that is recommended by Fish and Game which is added mitigation which was not part of the original design. Ms. Tarr concluded by saying that these were design features that would suggest that this pool has a great chance of success.

Mr. Poltak asked the Board members if they had any questions. None were noted. Mr. Poltak asked if he was to suggest as he was talking earlier, a mitigation factor that the best alternative associated with the three (3) possibilities that existed prior, which one Ms. Tarr would opt for. Mr. Poltak asked Ms. Tarr what percentage she could assure that the vernal pool as it currently exists under the current proposal. Ms. Tarr stated that she could see no reason why it would not remain viable and the reason why, is that viable means that the pool would maintain that ability to function as an amphibian breeding habitat and the reason why she is making that statement which is pretty strong and much stronger than she has made on the old design is that the project maintains a connection to an extremely large open space which is over 23 acres in size. The project is maintaining safe corridors to upland habitat which is where most of those animals are spending their time so this is a great feature. Mr. Poltak asked when and how does one monitor the quality of the vernal pool as a functioning entity within the context of the phasing of the development and obviously the first thing that happens is that the road goes in. Ms. Tarr indicated that, if it were a perfect world if vernal pool mitigation is required that you try to remove the vernal pool structure to your site and place it at a perfect time. You have a limited amount of time between placing the structure and when you're digging it. A brief discussion ensued with regard to mitigation when it is not impacting the vernal pool now. Ms. Tarr pointed out that a copy of the report was submitted to the town. Ms. Tarr did not believe it was fair to ask the applicant to do mitigation when he is not impacting the vernal pool and he is giving connection to upland areas, maintaining as much canopy as possible and showing the highest level of water quality available. Mr. Poltak reiterated what Ms. Tarr stated which was that the primary alternative to the three (3) site perspective is in the report of which

the Board has a copy and within that context it would be the wettest site. Ms. Tarr said yes. Mr. Febonio wanted to comment on mitigation requirement by saying that by moving the road to miss the vernal pool and that by missing the vernal pool that they are not required by Army Corp of Engineers to mitigate because they are missing it. Mr. Febonio was wondering that missing the vernal pool completely was not satisfactory. Mr. Poltak stated that he was not saying that it was not satisfactory but was trying to make sure that within the context of the long term that the vernal pool does not suffer. Mr. Poltak stated that he had a strong interest in seeing the application of mitigation to a vernal pool in a community such as ours and one of the major arguments associated with vernal pool removal is the fact that it can't be mitigated and in fact if this one were to suffer in any degree, whether you're talking canopy or the proximity thereto and the project as a whole suffers as well then the ecological alternative and he wouldn't forgive himself if they lost a vernal pool when there would have been an alternative way in the form of mitigation. Mr. Poltak wanted to be sure that the vernal pool was protected and that it was up to the Board to decide.

Mrs. Elaine Willett of Pingree Hill Road wanted to ask for an environmental impact study of which was requested also by Mr. Dandrade, Mr. Lessard and the Conservation Commission as well as Stantec's letter requesting an environmental impact study. Mrs. Willett informed the Board members that she now had a resident petition signed by over 60 households asking for an impact study and presented the petition to the Board. Mr. Poltak asked Mrs. Willett to paraphrase the request for the Board so that he didn't have to read the whole thing now. Mrs. Willett pointed out that the second paragraph pretty much put it into perspective for the Board and read the second paragraph aloud for everyone present. Paragraph two reads as follows: "As residents of Auburn, NH we strongly urge the Planning Board to engage an environmental impact study of the functionality of the wetland resource areas to determine if Maverick Development has appropriately defined the wetland areas as Level I, Level II and Level III, and that all attributes of the sensitive wetlands and vernal pools on the parcel be reviewed for functionality." Mr. Poltak thanked Mrs. Willett for the request and asked the Board members if there were any questions. Mr. Grillo asked which piece has not been satisfied with regard to the two (2) wetland scientist who have presented regarding the wetlands and the functionality. Mrs. Willett stated that she did not believe that Stantec has seen a report and also believed that the Level 1, Level II and Level III wetlands needed to be confirmed that coincide with Maverick's determination. Ms. Woods believed that Stantec has seen all the information that has been supplied by the wetland scientists and that they have seen everything that the Board has seen. Ms. Woods had a question as to how the wetlands are defined and believed that the way they were defined was done through the town mapping. With this in mind, Ms. Woods wanted to know where the Board has not acknowledged that within the overall concept of the project. Mrs. Marzloff asked Mr. Porter how specific was the town mapping to these areas and should they be further reviewed for accuracy. Mr. Porter began by saying that Mark West did the wetlands mapping of which the majority of his work was focusing on larger wetland areas but not the individual parcels. Mr. West did go through and classify them as best he could and Mr. Porter believes there would be a benefit by having an environmental impact study done. Mr. Febonio informed the Board

members that Mr. Ferwerda was present tonight and that he could speak with regard to his findings if the Board so chooses. Mr. Poltak said that would be great to refresh memories.

Mr. Tim Ferwerda began by saying that they went through and mapped all the wetlands on the property and assessed them through the Army Corp Highway method which is required by the Town of Auburn regulations and assigned the different values and functions to each one and numbered each wetland separately. Mr. Ferwerda stated that they produced a report and recalled giving a copy to the Board several months ago. At this time, Mr. Ferwerda gave Mr. Poltak another copy of the report. Mr. Ferwerda indicated that was how they came up with the different levels was by the Army Corp Highway method which each wetland receives a data sheet. Mr. Poltak reiterated that the Board did receive a copy of the data sheet and that within the context of the obligation that the Board has whereby the applicant provides the Board with the information and then the Board reviews the information and then they would employ the town engineers and then decide whether it's adequate and to date there has not been any findings of inadequacies associated with what has been presented.

Mr. Febonio voiced his frustration that this has been ongoing and that he has had Mr. Tim Ferwerda and Ms. Tracey Tarr who are two very good people on board and that he has never had the Board tell him that he needed to have his wetland reviewed. Mr. Febonio stated that it was not standard procedure and that he had two very good wetland scientists with Mr. Ferwerda and Ms. Tarr who have done a good job. Mr. Febonio believed that he has done everything that the Board has asked and that it was very frustrating.

Mr. Poltak talked about the different ways that the Boards have treated requests in the past as opposed to how they are treating request currently. Mr. Poltak pointed out that the Board is mandated to follow our rules, regulations and given we're a state of laws and a nation of laws that the Board has certain authorities and the ability to work within those authorities and that is what the Board is doing tonight. Mr. Poltak stated that they will try to be as consistent as they have been in the past and they will try to be consistent as they can be in the future. Mr. Poltak pointed out that they have sufficient information and sufficient knowledge on the Board and adequacy on this Board to make a decision tonight associated with the professionalism which has been exerted throughout this process by trained scientists and wetland science. Mr. Poltak further pointed out that it would be within the context of the Board's discretion on whether or not they would like to move towards a Conditional Use Permit. Mr. Poltak stated that there has been discussion after discussion after discussion on the wetlands and the vernal pool.

Mr. Porter wanted to clarify that there has not been a vernal pool destruction in any of their logic in this point in time. Mr. Porter talked about Maine Drilling & Blasting and what had occurred and that there was a bond in place along with DES planning. Mr. Porter indicated that they were looking at if any impact would be occurring to the vernal pool with the closeness of the roadway.

Abutters and interested parties which included Mr. Gould, Mr. Lessard and Mr. Dandrade reiterated what they have said at previous hearings with regard to the vernal pool, wetlands, variances given to developers and the request for an environmental impact study. Mr. Poltak replied that the Planning Board is in charge of land use applications whether it's building or preservation and that a variance is a legal term that the Board of Adjustment employs and that the Planning Board does not deal with variances but does deals with certain mitigation. Mr. Dandrade also talked about the Level One wetland and in conclusion asked the Board to consider a peer review. Mr. Febonio wanted to comment with regard to what has been said by indicating that obtaining a variance or waiver is part of the state law and that he has shrunk the lots to keep the wetland buffer out of the individual lots and out of the wetland buffer as well. Mr. Febonio also stated that they have made changes and that he thought that by moving the road out of the vernal pool that it would have been praised and that people would have liked it as opposed to going through the vernal pool. Mr. Febonio talked about doing the best job possible by saying away from the Level Two wetland and putting the road closer to the Level Three wetland which has no function. In conclusion, Mr. Febonio believed they have done a good job and that they were going to miss the vernal pool.

Mrs. Marzloff wanted to address Mr. Lessard's comment by saying that, under the State Planning and Zoning Laws that if you have a Planning Board that you must have a Zoning Board of Adjustment because not all land is flat and not all land is dry so you must have some ability to move within the framework. Mrs. Marzloff stated that Mr. Lessard used the term variance when addressing this Board and that it's not this Board it's the Zoning Board of Adjustment and that this Board does grant waivers. Mrs. Marzloff asked Mr. Porter that after what he's heard tonight if he still felt that it was necessary to have an environmental impact study. Mr. Porter stated that it would be beneficial to the town to understand what the overall impact to wildlife and to the wetlands and how it all functions.

Mr. Kittredge talked about Pingree Hill Road and Haven Drive roads falling apart. Mr. Hallstrom stated that people are tired of developments and big houses on little tiny lots and that this is a town not a city. Mr. Lessard asked the Board that the Board must notice that more and more towns people are coming to the meetings because the people are going fed up with what's going on. Mr. Poltak understood and explained the changes that are occurring and that the community is growing and that the Board is doing the best job that they can do.

Mr. Grillo had a question with regard to the request for a peer review and that it was his understanding that the Board has received all the documentation and that Stantec has reviewed all the information and when everyone is requesting a peer review is it something different than having our town engineer reviewing the data that the Board is getting. Mr. Dandrade answered by saying that it would be getting Stantec or some consultant to them that can opine on the accuracy of the functionality of the wetlands for Level I, Level II and Level III and the impacts to those areas.

Mrs. Willett again asked the Board to give some thought to an environmental impact study. Mr. Poltak explained that what has been submitted with regard to this subdivision is no different than any other subdivision that he has seen in this community. Mr. Poltak further stated that the change in the use of the property goes from wild to residential and that an environmental impact study would not do anything different relative improving what they have in front of them associated with making a decision and that this was his opinion and that the Board might think differently.

Mr. Mitchell commented that the regulations have to have provisions to allow you to do different things as well as the wetland ordinance. Mr. Mitchell informed the Board members that they were ready to move on.

Mr. Poltak asked the Board members if they were ready to make a motion. Mrs. Marzloff didn't believe it would be hard to put together an environmental impact study and there proposed the following motion.

***Mrs. Marzloff made a motion to request from the applicant an environmental impact study for Haven Drive for Tax Map 5, Lots 29 & 36; Mr. Grillo seconded the motion.***

Mr. Tillery commented that he would not be voting on this but did not see any justification for deviating from anything they've ever done in the past and that they've done projects like this that have never required this. Mrs. Phillips pointed out that the developer has given the Board all of that information and if she understands it correctly they are asking to have somebody else verify his information and Stantec's and did not believe that they should be asking the developer because he has already done it.

***A vote was taken and Mrs. Marzloff vote to have an environmental impact study done and Mr. Poltak, Mr. Grillo, Ms. Woods and Mrs. Phillips all voted against having an environmental impact study done. The vote did not pass.***

Mr. Poltak asked the Board if they wanted to take up the Conditional Use Permit with regard to the road and the proximity to the vernal pool. Ms. Woods said yes.

At this time, Mr. Mitchell moved on to discuss the request for Conditional Use Permit and talked about obtaining relief from the 25 foot Level 3 wetland buffer. Mr. Mitchell showed the layout of the road and the location of the request for relief from the 25 foot Level 3 wetland buffer and stated that Mr. Ferwerda could speak further on this. Mr. Mitchell did not believe that there was any impact to the Level 3 wetland. Mr. Mitchell explained the difference if the road were to move down closer to the Level 2 wetland. Mr. Poltak asked Mr. Porter what his response would be. Mr. Porter stated that keeping them away from the Level 2 is better than being further from the Level 3.

Mr. Ferwerda stated that when they evaluated the Level 3 wetland which is poorly drained soils and when they went through the functions and value worksheet that it did not score anything out of the 13 functions as being of value. Mr. Ferwerda indicated that there was no water in it last week and there was still not water in it as of today. Mr. Ferwerda believed there was a benefit of allowing the road to get closer to the Level 3 wetland as opposed to the Level 2 wetland.

Mr. Poltak asked if there were any questions from the Board.

***Mrs. Marzloff made a motion to grant a Conditional Use Permit to allow the road to be within 25 feet of a Level Three wetland for Haven Drive, Tax Map 5, Lots 29 & 36; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.***

Mr. Mitchell stated that with respect to the cluster subdivision that they would like to be submitting final drainage plans to Stantec because of these changes they were waiting to submit final drainage plans and would like to come back before the Board at a later date.

***Ms. Woods made a motion to Continue the Public Hearing until July 8<sup>th</sup>, 2015; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

Mr. Poltak informed everyone that this matter has been continued until July 8<sup>th</sup> and the final plans would be taken up at that time and that no further notices would be sent out.

At this time, Mr. Poltak asked Mr. Mitchell to move on to the Lot Line Adjustment.

**Eric Mitchell  
On Behalf of Maverick Development  
Pingree Hill Road & Haven Drive, Tax Map 5, Lots 36 & 9-9A  
Lot Line Adjustment**

Mr. Mitchell explained the request that was being made with regard to a lot line adjustment between Mr. Febonio and Mr. and Mrs. Pinkham of Haven Drive to the Board according to the plan submitted. Mr. Mitchell indicated that they would like to deed a portion to the abutting property. Mrs. Marzloff asked Mr. Mitchell if they would be showing a plan that depicts the portion being released from the 50 foot right of way. Mr. Mitchell said yes that it would be included in the whole application for Maverick Development and that this was just housekeeping stuff so that they could close on the house.

Mr. Poltak asked the Board for a motion.



***Mrs. Marzloff made a motion to accept the application for Lot Line Adjustment for Haven Drive, Tax Map 5, Lots 36 & 9-9A; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.***

***Ms. Woods made a motion to accept the Lot Line Adjustment between Maverick Development and Mr. and Mrs. Pinkham for Haven Drive, Tax Map 5, Lots 36 & 9-9A; Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.***

**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 May 20, 2015**

Mr. Mitchell requested a continuance until July 8<sup>th</sup> due to the fact that the ZBA matter has been tabled until June 23, 2015.

***Ms. Woods made a motion to Continue the Public Hearing until July 8th, 2015; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

Again, Mr. Poltak 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 July 8<sup>th</sup>.

**Michael and Julie Tourville  
341 Wilsons Crossing Road, Tax Map 31, Lot 11  
Minor Site Plan Review (Daycare)  
Continued from May 20, 2015**

Mrs. Tourville began by saying that she missed the meeting last month and that the questions that they were asked were to show the driveway and to also show how cars would be exiting the driveway. Mrs. Tourville passed out copies of a plan as well as photos showing the sight distance from the driveway looking both ways on Wilsons Crossing Road. Mrs. Tourville pointed out to the Board members that what they have now is an existing dirt path of which they would like to have it paved. Mrs. Tourville explained the location of the existing driveway which is currently paved and the location

of the existing dirt path that they would like to have paved so that people would be driving in one way and exiting out the other way. Mrs. Tourville had pictures of what it looks like pulling out of the driveway looking both ways on Wilsons Crossing Road. Ms. Woods stated that she lives on Nutt Road and knows the location very well. Mrs. Phillips stated that she has also driven by the proposed daycare and did not see a problem. In reviewing the sheets provided to the Board, Ms. Woods asked what the number of cars they anticipated entering and exiting. Mrs. Tourville indicated that there would be approximately 12 cars between 7:00am and 9:30am and then again between 3:00pm and 5:00pm. Mrs. Tourville further stated that they have been getting bids with regard to having the driveway paved and that they would be pulling permits for the driveway. Mrs. Tourville also stated that she would be working with Mrs. Rouleau-Côté and Captain Saulnier with regard to health and safety. Mrs. Marzloff asked about lighting. Mrs. Tourville commented that the building was completely lit up as well as the entire driveway. Ms. Woods asked about signage. Mrs. Tourville commented that Mrs. Rouleau-Côté had informed her that she could have up to a 4 foot by 4 foot sign and that she stated that it was her home and did not want a sign that big and really has not started looking at signs yet as she has to get licensed first before she can advertise. A brief discussion ensued with regard to signage and that she would be dealing with Mrs. Rouleau-Côté with that.

Mr. Grillo asked if they needed to go to zoning. Mrs. Tourville informed the Board that they did go to zoning and that at the Zoning Board was told to then go before the Planning Board. Mr. Poltak informed Mr. Grillo that they have already gone to the Zoning Board. Mr. Poltak believed that they could give approval on this.

***Mrs. Marzloff made a motion to accept the application for a minor site plan review for 341 Wilsons Crossing Road, Tax Map 2, Lot 6-3; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.***

Mr. Poltak believed that what Mr. and Mrs. Tourville were proposing was acceptable and that if someone would like to make a motion with the condition that they instruct the applicant to work with Mrs. Rouleau-Côté to effectuate the changes associated with the intent.

***Ms. Woods made a motion to accept the minor site plan review with the condition that the applicant works with the Building Inspector with regard to signage and any necessary requirements for 341 Wilsons Crossing Road, Tax Map 2, Lot 6-3; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

Mrs. Tourville thanked the Board members and exited the meeting.

## **GENERAL BUSINESS**

**Randy Donckers**

**On Behalf of Ty & Cheryl Griffin**

**112 Hooksett Road, Tax Map 10, Lot 5**

**Discuss Proposed LLA for 1 lot &**

**Create 2 new lots**

At this time, Mr. Donckers passed out copies of a proposed subdivision and lot line adjustment plan to all the Board members to review. Mr. Donckers began by saying that there is an existing old house on the left and that Ty and Cheryl Griffin are the owners of the house in the middle. What they are proposing to do is adjust the lot line on the northerly lot to make it more of a conforming lot. The lot currently consists of .994 acres and they would like to make it have 208 feet of frontage as opposed to 253 feet of frontage in order to make enough frontage to build two (2) more homes on Mr. Griffin's property. They would be making the less than one acre lot a two (2) acre lot which will become conforming. They would be tearing down the garage and the house would probably not be there long either but that the house does meet the required side setbacks. Mr. Donckers pointed out that there are currently four (4) driveways existing between the two (2) lots and that they would be modifying the driveways slightly to accommodate the lots as shown on the plan. Discussion ensued with regard to the old house that was existing to the north of Mr. Griffin's home and the well that was no longer any good. Mr. Donckers talked about the septic system on that property and stated that there was an existing septic plan on file that has since expired. Mr. Donckers moved on to talk about Mr. Griffin's well which was located to the south of his lot and pointed out that they are hoping to use that well for the proposed new lot and also noted that there would be an easement that would go onto Mr. Griffin's house. Mr. Donckers also informed the Board that Mr. Griffin's septic and leach field were both located to the rear of the property. Mr. Poltak asked if the location of the new well for Mr. Griffin's house was where the proposed well radius was for Mr. Griffin's house. Mr. Donckers said yes but that it did not have to be right there. Mr. Poltak asked if the new house lots were going to remain in the family or would be put up for sale. Mr. Griffin stated that they would be lots that would be put up for sale. Ms. Woods asked Mr. Griffin if he would be keeping his lot. Mr. Griffin stated that they have not made any decisions yet. Mr. Poltak was unsure how they wanted to deal with the well situation and believed it would require a variance to allow the well radius to go onto another lot. Mr. Poltak pointed out to both Mr. Donckers and Mr. Griffin that the well radius would be one issue and asked Mr. Donckers if he was done with his presentation. Mr. Donckers stated yes and that they wanted to know what the Boards thoughts about the proposed concept before moving forward with a full survey. Mr. Poltak believed it was pretty straight forward and asked the other Board members what their thoughts were. Mrs. Marzloff had an issue with creating two (2) new lots and having a driveway easement over it. Discussion ensued with regard to the driveways. Mr. Donckers stated that they would be creating new driveways and relocating driveways as there are four (4) existing driveways now. Ms. Woods believed that they could take each existing driveway now and make it fit so that each driveway would be on its own lot.

Mr. Poltak believed that the old house would be torn down. Mr. Griffin wanted to clarify that the existing old house was not owned by him but was owned by George Griffin and all they are interested in doing is changing the property line to add some frontage to his property and making the non-conforming lot a conforming lot. Ms. Woods asked Mr. Griffin if he was representing his father. Mr. Griffin said no. Mrs. Marzloff informed Mr. Griffin that he would need to be a party to this. Mr. Donckers pointed out that this was only a concept plan and understood that Mr. Griffin would need to be a party to this as well. Mrs. Marzloff asked if DOT would give them enough driveway cuts on this section of roadway. Mr. Donckers stated that there already were four (4) driveway curb cuts. Mr. Poltak explained that it was all how DOT viewed it because currently it's four (4) driveways for two (2) lots and now there would be two (2) driveways serving two (2) new homes. A brief discussion ensued with regard to the driveway cuts. Mr. Griffin indicated that when he built his home that he received two (2) driveway permits but did not know, if any, driveway permits were pulled for the existing old home because it was built in the 1940's or 1950's. Mr. Poltak stated that he only wanted to make Mr. Donckers and Mr. Griffin aware of the driveway issue with DOT. Mr. Poltak again stated that it was pretty straight forward and that they would have to give consideration to the well side of the equation because it presents a little bit of a problem seeing that they will be selling the lots outside of the family. Mr. Poltak also pointed out the issue with the driveway situation which they would be dealing with the state and then come back before the Planning Board. Mr. Poltak did not see any difficulty associated with Mr. Griffin moving forward with what is depicted on the concept plan given that those things are taken care of.

## **PUBLIC HEARING (Resumed)**

**Matthew & Diane Olsen**

**44 Westminster Lane, Tax Map 2, Lot 3-9**

**Minor Conditional Use Permit**

Mr. Olsen began by saying that he is seeking approval for a Conditional Use Permit to build a 24 inch high deck in his backyard of which a corner of it goes into the wetland buffer. Mr. Olsen stated that it would be a 24 foot by 24 foot deck and which would be 16 feet from the back of the house. Mr. Olsen pointed out to the Board members that he had a brick patio and that is why the deck would be 16 feet from the back of the house. Mr. Olsen stated that the backyard was all lawn of which the lawn continued into the buffer as well. Mr. Olsen informed the Board that he had his IPAD and had pictures for the Board to review. Mr. Poltak stated that he would need to see the picture because he couldn't understand why Mr. Olsen couldn't move the deck over closer to where the pool will be. Mr. Poltak reviewed the photos and asked Mr. Olsen how many feet that he would be going into the buffer. Mr. Olsen believed it was approximately 10 feet into the buffer at its largest point. A brief discussion ensued with regard to the location.

Mr. Poltak asked Mr. Porter if this had gone before the Conservation Commission. Mr. Porter stated that it did go before the Conservation Commission last night and that from their understanding that they can have up to 120 square feet inside the buffer without any variances. Mr. Porter added that this seemed reasonable and that the Conservation Commission did not have a problem with what they are proposing. Mr. Grillo asked Mr. Olsen if he had any intentions of adding a hot tub on the deck. Mr. Olsen said no that he was putting in a pool. Mr. Poltak asked what the vote was from the Conservation Commission and if it was to approve as requested. Mr. Porter said yes, they voted to approve as requested. Mr. Poltak asked what the 10 foot by 10 foot square was next to the pool. Mr. Olsen stated that it was a deck for the pool but that was on hold because his leach field is failing right now. Mr. Olsen further added that the deck was a standalone deck because years from now the pool may not be there and did not want the deck to look like it didn't belong there.

Mrs. Marzloff asked Mr. Olsen about the application, number 3 where it says "No clearing for the installation or placement" and asked if he would be excavating any portion of that land. Mr. Olsen stated that they would be using concrete deck supports.

***Mrs. Marzloff made a motion to accept the application for Conditional Use Permit for 44 Westminster Lane, Tax Map 2, Lot 3-9; Ms. Woods seconded the motion. All were in favor, the motion passed unanimously.***

***Mr. Grillo made a motion to approve the request for Conditional Use Permit for 44 Westminster Lane, Tax Map 2, Lot 3-9; Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.***

## **ANNOUNCEMENTS/CORRESPONDENCE**

➤ None were reviewed at this time.

## **OTHER**

Mr. Burnham wanted to ask about the JMJ Development and believed that the Board would be speaking on that today. Mr. Poltak informed Mr. Burnham that their Conditional Use Permit comes from the ZBA and with respect to the action that would be forthcoming that the Board was advised by legal counsel that we don't want to be in conflict so we don't want to move ahead with approval until that approval is garnered so until such time a decision is rendered and the Planning Board was asked to continue the matter. Discussion ensued with regard to when the request for continuance came before the Planning Board. Ms. Royce stated that the Board received it yesterday. Mr. Poltak stated that they needed to take care of the business before the ZBA before coming before the Planning Board.

## DISCUSSION

Mr. Porter wanted to explain to the Board members why an Environmental Impact Study was important and its function as they know it. There have been numerous debates where the scientific people that are charged with supporting a development and offer their testimony. In terms of the effectiveness of an Environmental Impact Study is really to support our views and what we are looking for. Mr. Porter indicated that they want to make sure that what they are telling us is the big picture.

Mr. Poltak responded regarding the Environmental Impact Statement which would have to be paid for by somebody and within the Planning Board and Conservation Commission budget that we cannot necessarily pay for it. The Board agreed. Mrs. Marzloff believed they could have the developer pay Stantec. Mr. Poltak stated that the Board does not have a statutory requirement to make them do that. Mr. Porter agreed with Mr. Febonio with regard to him paying his engineers to do a study and now he would have somebody else doing the same thing and that did not make any sense.

Mr. Poltak further pointed out that the Planning Board cannot require a developer to pay for an Environmental Impact Study to support what he/she has already provided because it makes no sense. Mr. Porter agreed with Mr. Poltak. Mr. Poltak explained that it did not make any sense by having the requirement from the Planning Board's prospective on the appropriateness of the information provided of which the Board is compelled to accept that is done by a certified and licensed wetlands person under the laws of the State of New Hampshire and then question it.

Mr. Porter stated that the Boards are trying to show the town that we are really concerned about what this town going to be and trying to do the best job that we can as a Conservation Commission and a Planning Board.

Mr. Villeneuve commented that at the last meeting Mr. Mitchell finally proposed missing the vernal pool with the road and it was his impression that he was going to come back before the Conservation Commission and show the impact of missing that vernal pool was going to be. Mr. Villeneuve further stated that they expected Mr. Mitchell at their meeting last night and he wasn't there and he missed the first part of the Planning Board meeting tonight and asked the Planning Board members if it was still for review or did the Planning Board approve it without him coming back before the Conservation Commission. Mr. Poltak stated that they should not approve anything to do with the road or its proximity to that vernal pool associated with the road layout because that's in the final design. Mr. Poltak added that he made his point upfront with respect to Mr. Febonio and his development that he still feels that the road regardless of the fact that it does not directly impact the vernal pool that it indirectly will in a sense from his prospective. Mr. Poltak talked about mitigation and how he wanted the most appropriate mitigation to be responsive to be constructed. A brief discussion ensued with regard to mitigation between the Conservation Commission and the Planning Board members.

Mr. Poltak talked about updating the Master Plan but did not have the funds at this time and asked Mrs. Phillips if the ~~Selectmen~~ would allow him to meet with them at the next meeting. Ms. Royce indicated that they were meeting next on Monday, June 8<sup>th</sup>. Mrs. Phillips stated yes. Mr. Poltak stated that he was unable to make the meeting on June 8<sup>th</sup> but could make the next meeting which would be June 22<sup>nd</sup>.

## ELECTION OF OFFICERS

Mr. Poltak indicated that it was time for the Board to elect a Chairman and if the Board wants him to continue then he would need a motion.

**Ms. Woods moved to nominate Ron Poltak as Chairman of the Planning Board. Mrs. Marzloff seconded the motion. All were in favor and Mr. Poltak will remain as Chairman.**

Ms. Woods asked if they needed to vote to have Mr. Côté in.

**Ms. Woods moved to nominate Alan Côté as Vice-Chairman of the Planning Board. Mrs. Marzloff seconded the motion. All were in favor and Alan Côté will remain as Vice-Chairman.**

## ADJOURN

***Ms. Woods moved to adjourn the Hearing. Mrs. Phillips seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:15 p.m.***

*The next Planning Board meeting will take place on Wednesday, June 17<sup>th</sup>, 2015 and will be held at the Town Hall, 47 Chester Road.*