

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
June 15, 2016

Present: Ron Poltak, Chairman; Paula Marzloff, Michael Rolfe & Steve Grillo, Members. Jeff Porter, Alternate. Dale Phillips, Selectmen's Representative.
Minutes recorded by Denise Royce.

Absent: None.

Mr. Poltak called the meeting to order at 7:00 p.m. and began introducing the Board members to everyone present tonight.

MINUTES

Mrs. Marzloff moved to approve the minutes of May 18, 2016 as written, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

PUBLIC HEARING

Corey & Patience Joy
40 McQueston Drive, Tax Map 2, Lot 5-4
Minor Conditional Use Permit Review
(Certain Driveway)

Mr. Joy began his presentation to the Board by passing out copies of his proposed plan. Mr. Joy indicated that he was before the Planning Board last month for an informal meeting with the Board and that the night before that he had also met with the Conservation Commission and they recommended that he move the driveway to the left to get out of the 75 foot wetland setback. Mr. Joy added that he then met with Mrs. Rouleau-Cote and then had his engineer move the driveway to the left and then got on the formal agenda for the Planning Board for tonight and that is where he is at. Mr.

Poltak asked Mr. Joy to explain what the plan depicts so that the Board knows where he is at. Mr. Joy began by saying that the lot is an established lot and that in 2006 all the permits were granted for the driveway and septic design. Mr. Joy stated that he had since hired a wetland scientist who determined where the wetlands were today. Mr. Joy explained that the driveway has been nit pack which has been sitting there for approximately 12 years. Mr. Poltak asked Mr. Joy when his plan to build was. Mr. Joy indicated that Mrs. Rouleau-Cote has the septic design and she did not want to sign off on it until after this meeting tonight. The driveway was the only issue with regard to moving forward. A brief discussion ensued with the Board members.

Mr. Poltak asked the Board members if they had any questions. Mr. Porter indicated that the Conservation Commission was very happy with the proposed plan. Mr. Poltak pointed out that it was a lot of record and that the building envelope was fine and did not see a problem with what Mr. Joy was proposing. Mr. Poltak asked the Board members for a motion to approve the driveway for the Conditional Use Permit so that Mr. Joy could move forward.

Mr. Poltak asked Mr. Tatem if he had anything to add. Mr. Tatem stated that he has not seen the plan and asked if there were any public comments and if this was a public hearing. Mr. Poltak informed Mr. Tatem that yes it was a public hearing and that there were only applicants present tonight.

Mr. Grillo made a motion to approve the Conditional Use Permit, 40 McQuestion Drive, Tax Map 2, Lot 5-4, Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Joy thanked the Board members and exited the meeting.

**PD Associates, LLC
Deborah R. Richards Living Trust
Raymond Road, Tax Map 11, Lot 11-1
Major Subdivision – 3 new lots with road
Continued from May 18, 2016**

Mr. Pease presented on behalf of the applicant and that they have received comments back from Stantec of which they have addressed all of the issues and that he has delivered all the electronic files to Ms. Royce with regard to the deeds, Restrictive Covenants and Drainage Easements and believed that they have taken care of everything. Mr. Pease stated that he would be happy to answer any questions that the Board may have at this time.

Mr. Poltak pointed out that they have received a memo from Mr. Tatem of Stantec of which the Board members have seen. At this time, Mr. Poltak asked Mr. Pease what has occurred with regard to the upgrades to Raymond Road with the Selectmen. Mr. Pease indicated that no one has spoken to him about it.

Mr. Poltak asked Mr. Tatem if he had anything to add with regard to his memo that he sent to the Board members. Mr. Tatem asked Mr. Poltak if the Board granted any waivers. Mr. Poltak said no. Mr. Tatem began by talking about the need for a cistern which needs to be waived because the applicant has agreed to put restrictive covenants on the remaining land that it would not be further developed in perpetuity and that the Fire Chief was okay with that and they had no issues with it either. Mr. Tatem commented that the only other thing would be that the town's counsel would review the restrictive covenant and approve it. Mr. Tatem went on to the third issue where there was some concern with the remaining land not having wetlands or topography done and the Board requested a site walk of which a number of the Board members went and agreed that there were no issues and that Stantec had no issues as well. Mr. Tatem moved on to the requirement for the radius of the road is less than a certain number you would need to have 200 feet of frontage in a chord length which is a straight line so you can't use the bend in the road where it's impossible for a cul de sac and believed that the language should be rewritten. With that in mind, Mr. Tatem suggested that the Board approve a waiver for that as well because he did not see an issue with safety.

Mr. Poltak asked Mr. Tatem about the property lines and what was the side and what was the rear. Mr. Tatem answered by saying that they were not typical square lots and at this time asked Mr. Pease to show the Board members the property lines of which Mr. Pease pointed the property lines out for the Board members. Mr. Tatem also wanted to inform the Board that the right of way was a 66 foot wide right of way and explained that the monuments that were set were set incorrectly and that it would be noted on the plan so that if anyone was to research this would see it on the plan. Mr. Tatem believed that they have addressed everything and that he would recommend conditional approval at this time.

Mr. Poltak opened up the meeting to any Board member questions at this time and reviewed what waivers would be asked of them. Mr. Poltak went through the waiver requests as follows:

- Section 9.14 – Fire Cistern
- Section 3.03(2)(A)(xiv)(xv) – Topography/Wetlands and Soils
- Section 9.07(6) – Chord Length on the arch of the cul de sac of 200 feet

Mrs. Marzloff made a motion to approve a waiver from Section 9.14 – Fire Cistern for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1 with the condition that the restrictive covenants are approved by town counsel, Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.

Mrs. Marzloff made a motion to approve a waiver from Section 3.03(2)(A)(xiv)(xv) – Topography/Wetlands and Soils on the remaining undeveloped land for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Rolfe made a motion to approve a waiver from Section 9.07(6) – Chord Length on the arch of the cul de sac of 200 feet for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo made a motion to accept the plan for the Raymond Road Subdivision for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1, Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.

Mrs. Marzloff made a motion to grant conditional approval for the Raymond Road Subdivision with the condition that town counsel approves the restrictive covenants for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Pease reiterated that he has provided all the documents electronically to Ms. Royce along with his e-mail address and his attorney's number and e-mail address. At this time, Mr. Pease thanked the Board for their time

**266 Rockingham Road,
266 Rockingham Road, Tax Map 25, Lot 44
Major Site Plan Review
Conditional Use Permit
Continued from May 18, 2016**

Mr. Chadwick began his presentation on behalf of the applicant, Dick Danais who is the owner of 266 Rockingham Road, LLC. Mr. Chadwick indicated that they were before the Board on May 18th where the Board approved the Lot Line Adjustment between 266 Rockingham Road and Linear Technology Corp with a couple of conditions being that the monuments being set and plus addressing any of the comments that Stantec had in their memo. Mr. Chadwick indicated that the monuments have been set and moved on to talk about the site plan. Mr. Chadwick stated that on June 13th, he met with the Fire Department and he had a couple of questions and believed that Jim from the Fire Department was all set. Mr. Chadwick went on to say that they have also met with the Conservation Commission and they concurred with the Board and Stantec with regard to moving the driveway so they did move the driveway further uphill so that it could line up with the drive across which allowed them to reduce the wetland impact to 275 square

feet which was substantial. After they revised the plans, they submitted revised plans to the town and Stantec for review and that Stantec has since submitted a revised letter to the Board of which he would like to go over a few of the items which were able to be addressed. Mr. Chadwick began going through the letter and believed item #2 with regard to Manchester Water Works was not a problem. Item #8 pertaining to the truck turning, Mr. Chadwick explained how it the trucks would come into the site and exits the site. Mr. Chadwick asked the Board members and Mr. Tatem if anyone had any questions. Mr. Porter asked about snow storage. Mr. Chadwick explained the areas that would be used for snow storage along the parking lot and along the rear of the property. Mrs. Marzloff wanted to direct a question to Mr. Tatem with regard to trucks coming around the corner and crossing into the oncoming lane. Mr. Tatem stated that with regard to site plans and intersections that it was very common and that we probably see it all the time, when you're stopped at a light and an 18 wheeler comes around the corner and crosses over the other lane. Mr. Tatem believed that what they were proposing was not an issue but if the next owner has more trucks then it could be an issue but it's not uncommon to have trucks crossing into the other lane. Mr. Tatem also pointed out that Mr. Chadwick did a lot of work to get the road out of the buffer by removing impervious from the buffer. A brief discussion ensued with regard to large trucks. Item #34 – Grading plan, Mr. Chadwick stated that it wasn't a problem and moved on to Item #37 and #42 – Utility Plan that they did miss a roof drain invert and would make sure that they add it to the plan. Item #44 and #46 – Driveway Profile Plan, Mr. Chadwick explained that it was a compromise and would require a waiver of which Mr. Tatem stated that they had no issue with the waiver request. Mr. Chadwick indicated that he has submitted that waiver request to the Board.

Mr. Chadwick moved on to Item #71 had to do with the number of parking spaces as the regulations require 54 parking spaces and only 33 are provided due to moving the drive uphill. Mr. Chadwick stated that it would require a waiver for reducing the required parking spaces of which has been presented to the Board. Mr. Porter asked what the number of employees would be for the building. Mr. Chadwick stated that there would be only 7 employees. Mr. Tatem pointed out that another note to be placed on the plan was that if there were a parking issue in the future that the Board reserves the right to call them back in and provide the additional parking. Mr. Danaïs explained that the building would have a mezzanine storage area on the second floor which would be 91 feet by 210 feet that they would use for their small items as they are in the garage door sales, a conference room and bathrooms. On the first floor there will be a showroom that will take up 33% of the space, two offices, a reception area, a coffee room, bathrooms and a warehouse office and another office. There will be 4 offices within the entire building. At this time, Mr. Danaïs handed Ms. Royce a copy of the floor plan for the file. Mr. Poltak talked about the required parking spaces required within the Town of Auburn's regulations with regard to the size of the building. A brief discussion ensued with regard to parking spaces and Mr. Poltak pointed out that he was more concerned about the future. Mr. Poltak wanted to make sure that the number of parking spaces if the current owner were to sell it that would remain in tack. Mr. Danaïs informed the Board that if the use were to change that they would have to come back before the Board at that time. Mrs. Marzloff stated that if the use remains the same such as a

warehouse use that they would not be coming before the Board and that concerned her. Mr. Danais pointed out to the Board that even if he got another tenant that there were only 4 offices in the entire building and if they wanted more office space that he would have to come back before the Board to request more offices and that would require them to address the parking at that time. Mr. Tatem suggested putting some notes on the plan of which Mr. Danais had no issues with doing. Mr. Poltak had no issue with that suggestion as well. Mr. Tatem stated that he would work with Mr. Chadwick with regard to the parking notes.

Mr. Tatem brought up a question with regard to the lighting plan. Mr. Chadwick knew that he would have to prepare a lighting plan and get that to Mr. Tatem. Mr. Tatem asked Mr. Danais if he intended to provide any lighting along the driveway. Mr. Chadwick said no. Mr. Danais added that they like to have their buildings lit as much as they can for security purposes and that most of his buildings exceed the requirements of the town. Mr. Tatem is not concerned about lighting for the parking area and the loading docks because it is clearly required in the regulations. Mr. Tatem's concern is for the entrance area in the front. Mr. Chadwick stated that they would do that. Mr. Danais further added that the building would be lit up like a Christmas tree. A brief discussion ensued with regard to lighting of which Mr. Chadwick had no issues with what Mr. Tatem was suggesting.

Mr. Poltak asked about the Conservation Commission minutes regarding the retention pond location and asked Mr. Chadwick where that stood currently. Mr. Chadwick commented that by moving the driveway closer to the building enabled them to move the detention pond on the opposite side so that the detention pond is in the wetland buffer versus having the driveway in the wetland buffer. Mr. Porter informed the Board members that they did a nice job putting it together. Mr. Tatem pointed out that the existing driveway was previously filled and what they are going to do is provide mitigation and they will be removing the gravel driveway and reseeded it so that it will regenerate within the next 10 to 15 years.

Mr. Porter asked if they would be redoing their wetland permit. Mr. Chadwick and Mr. Tatem stated that they would be redoing the wetland permit.

Mr. Poltak asked the Board if there were any further questions. Mr. Grillo asked about the snow storage located within the driveway and asked if there was a heavy snow year would it impact visibility for trucks entering and exiting the property. Mr. Chadwick explained the snow storage area and the driveway and would work it out.

Mr. Rolfe asked about the retaining wall. Mr. Chadwick stated that there was a lot of ledge and that it would be some sort of rock wall and that this was a comment of Mr. Tatem's and would address that with him as well. Mr. Tatem asked how far the offset was for the guardrail. Mr. Chadwick indicated that it was about 5 feet. Mr. Tatem asked Mr. Chadwick to double check that to make sure that he had enough room for snow storage.

Mr. Poltak believed that they could accept the plan as complete tonight and also believed that there was only one waiver request which was for the driveway. Mr. Chadwick informed Mr. Poltak that there were two waiver requests and the second one was for the parking spaces. Mr. Poltak believed that they could accept the application and that he would look to the Board relative to the two (2) waivers pertaining to the 2% for 20 feet and the waiver for parking. Mr. Poltak further stated that he would have no difficulty accepting a motion for the parking waiver with the condition that the language associated therewith, in perpetuity be adequately addressed that they take it up with the conditional use approval at the next meeting after Mr. Chadwick works through all the other issues. Mr. Chadwick indicated that they could agree to the waiver issue and was also trying to do this tonight because the Board was not meeting again until August. The Board believed that there were a lot of things that needed to be addressed prior to granting conditional approval. Mr. Danais stated that he would lose a year because if he could get a conditional approval tonight he could start his site work but if he has to wait until August that he would lose a year. With this in mind, Mr. Poltak wanted to turn to Mr. Tatem for comment in this regard and asked if he saw anything that would prevent them from being receptive. Mr. Tatem said that this has been done before and there are a lot of outstanding items but did not see any issues and has worked with Mr. Chadwick before and the fact that he has gone through two (2) reviews and is basically a lot better off than a lot of other people that come in. Mr. Tatem recommended to the Board that if they are comfortable with a conditional approval and rather than just saying here is your conditional approval and address everything that they still need to come back in August so they can start on the financing and get his stuff lined up but that he would still be required to come back at the August meeting to make sure that everyone is happy. Mr. Tatem further stated that, normally when conditional approval is granted that the applicant does not come back before the Board. Mr. Poltak could agree to all of that and turned to the Board members for their response and all the Board members were also in agreement with what Mr. Tatem had proposed.

Mr. Poltak reiterated to the Board members that they would first need to accept the application and then deal with the two (2) waivers and then lastly deal with the conditional use permit and then a conditional approval. Mrs. Marzloff asked if the waiver requests were in writing. Mr. Chadwick indicated that it was submitted in the last package.

Mrs. Marzloff moved to accept the application for 266 Rockingham Road, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Mrs. Phillips seconded the motion. A vote was taken; all were in favor, the motion passed.

Mrs. Marzloff moved to approve the waiver request from Section 10.08.3 Site Plan Regulations – Driveway for 266 Rockingham Road, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mrs. Marzloff moved to approve the waiver request from Section 10.07(6)(K) Site Plan Regulations – Parking - regarding the number of parking spaces by granting 33 spaces where 54 spaces are required with the condition that the appropriate notes is added to the plan specifying the allowable spaces for 266 Rockingham Road, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Discussion ensued with regard to what the next approval would be. Mr. Tatem suggested that the Board take up the Conditional Use Permit first and then the Conditional Approval of the plan. Mr. Tatem suggested that Mr. Chadwick take up a few issues prior to the Board taking action.

Mr. Chadwick talked about the request for Conditional Use Permit to allow the driveway and detention basins to be within the 75 foot wetland setback to a Level Two wetland. Mr. Chadwick went on to talk about minimizing the wetland impact by the use curbing and moving the driveway as far out of the buffer as possible they meet the intent of that section which is to minimize the impact. Mr. Chadwick talked about providing 3:1 side slopes to the roadway and to provide drainage which constitutes best management practices which allows them to treat the runoff prior to discharge into the wetlands. In conclusion, Mr. Chadwick pointed out that the property was located in an Industrial zone and that warehouse was a permitted use within that zone. A brief discussion ensued with regard to a warehouse use.

Mr. Poltak asked the Board members if they had any questions or comments. None were noted. Mr. Poltak believed that they could work this through and with Mr. Chadwick working with Mr. Tatem and agreed that they could place some language that was specific to the future. Mr. Poltak asked the Board to make a motion with regard to the request for Conditional Use Permit.

Mr. Grillo moved to grant the request for Conditional Use Permit for 266 Rockingham Road, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak explained to Mr. Chadwick and Mr. Tatem about trying to resolve all the outstanding items that need to be addressed. Mr. Chadwick and Mr. Tatem understood and indicated that there would not be a problem in resolving all the outstanding items currently in place. Mr. Poltak further informed everyone that the Board would not be meeting in July and that the next Planning Board hearing would be August 3rd and then August 17th and asked Mr. Chadwick and Mr. Tatem when they would be looking at coming back. Mr. Chadwick said August 3rd and Mr. Tatem stated that he would not be here on August 3rd but that Mr. LaBranche could attend the meeting in his absence. Mr. Chadwick did not have a problem with Mr. LaBranche attending the meeting on August 3rd.

Mr. Poltak explained that the Board has granted the Conditional Use Permit and what they were trying to do now is send them back to work with an understanding and

appreciation of a couple of issues that he believes they've all agreed to their issues. Mr. Poltak stated that he wrote down what he would like to have on the record and began by saying that this site plan is specific to a storage and distribution facility and any future use of the property that requires more intensive truck traffic relative to the driveways and/or more intensive use of office space will require a full site plan review approval process again. Mr. Poltak wanted it noted that what they would be approving here would be for the particular purposes to which the request is being made and to which the permit is being granted. With that said, Mr. Poltak wanted to be sure that with Mr. Chadwick and Mr. Tatem working together that they would be ready to meet with the Board members again on August 3rd. Mr. Chadwick asked who would be the one to determine what the more intensive use would be. Mr. Poltak stated that it would be the Planning Board and what he wants on the plan relative to notes as the specificity to the fact that this is a storage facility and that it was not going to be a retail space. The approval is for what it is a warehouse/distribution space.

Mr. Rolfe moved to grant conditional approval for Major Site Plan Review subject to the agreement of the terms and rescheduled for August 3, 2016 for 266 Rockingham Road, LLC, 266 Rockingham Road, Tax Map 25, Lot 44, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak stated to Mr. Chadwick and Mr. Danais that the Board would see them August 3rd. Mr. Chadwick thanked the Board members for their time. Mr. Poltak wanted to thank the Board members for being so receptive.

OTHER

Mr. Poltak asked the Board if there was any other business. None were noted.

ADJOURN

Mrs. Marzloff moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:17 p.m.

The Planning Board will not be meeting during the month of July so the next Planning Board meeting will be held on Wednesday, August 3, 2016 at 7:00pm at the Town Hall, 47 Chester Road unless otherwise noted.