

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
October 5, 2016

Present: Ron Poltak, Chairman; Paula Marzloff, Michael Rolfe & Steve Grillo, Members. Jeff Porter, Tom LaCroix & Jess Edwards, Alternates. 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 asked the Board members to introduce themselves to everyone present tonight.

MINUTES

Mr. Rolfe moved to approve the minutes of September 21, 2016 as written, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

Rick Eaton/Espana
Wethersfield Subdivision/Winchester Way
Discuss Surety Reduction

Mr. Eaton began by saying that he had Mr. Tatem to go out to the Wethersfield Subdivision Winchester Way in order to reduce any items that had been done and to reduce the list to only items that had not been completed. Mr. Eaton explained that the letter from Stantec dated September 23, 2016 recommended that the surety be reduced by \$22,655.00 and thereby leaving the surety in the amount of \$46,057.50. Mr. Eaton stated that they were trying to finish it up this year but were running out of time so decided to get the bond reduced. Mr. Poltak pointed out that he received the letter from Stantec and agreed to follow that recommendation and asked the Board members to do likewise.

Mrs. Marzloff made a motion to reduce the surety to \$46,057.50, Mrs. Phillips seconded the motion. A vote was taken; all were in favor with one opposed, the motion passed.

**Randy Donckers
Tye & Cher Griffin
Hooksett Road, Tax Map 10, Lot 5-4
Wetland Identification**

Mr. Donckers was not present at tonight's meeting but Tye Griffin was present to speak on his own behalf. Mr. Griffin explained that they were before the Board last year with a subdivision that was approved by the Planning Board. Mr. Griffin further explained that, at that time, there was a wetland delineation and indicated the location on the subdivision plan for the Board members. Mr. Griffin pointed out that there is a wetland that was delineated on one of the lots (10-5-4) on which they would like to dispute. Mr. Griffin stated that he had a letter from TES Environmental Consultants, LLC dated August 13, 2016 disputing the wetland delineation on the plan. Mr. Griffin went on to say that they would like to get it changed. Mr. Poltak asked Mr. Griffin to summarize what the letter was stating for the Board members because this was the first time they were seeing this. Mr. Griffin began by reading a section of the letter aloud for the Board *"The wetland identification was performed according to the methodology presented in the Corps of Engineers Wetland Delineation Manual. This methodology requires the presence of indicators for the three parameters: hydric soils, hydrophytic vegetation and evidence of hydrology at or near the surface for 14 days during the growing season."* Mr. Griffin stated that Mr. Thomas Sokoloski determined that his observations indicate that although hydric soils are present in two small areas within the area identified as wetlands by others, the large majority of the area lacks hydric soil. In addition, the dominant vegetation within the area is mostly comprised of non-hydrophytic species such as hairy crabgrass, turf grasses such as fescues, common dandelion, and other common lawn weeds." Mr. Griffin also stated that it had no water of its own and had only residual water from the runoff from the culvert and based on these findings, Mr. Sokoloski was pleased to report that he finds the area in question to not qualify as a jurisdictional wetland. Mr. Poltak commented that it has been a dry summer. A brief discussion ensued with regard to this request.

Mr. Poltak commented that, if in fact the Board were to adopt the findings of the soil scientist that Mr. Griffin has employed, what that would mean to him with regard to the use of the parcel. Mr. Griffin stated that nothing would change but the location of the home that they would likely build there. Mr. Griffin pointed out the wetlands located to the rear of the property. Mr. Poltak asked Mr. Griffin if it was his intention to build his home on this lot. Mr. Griffin indicated that his intention is to sell the property someday down the road.

Mr. Poltak asked if there were any questions from the members of the Board. Mr. Grillo asked if the question was to completely eliminate the whole wetland. Mr. Griffin said yes to completely eliminate that area as the soil scientist found to evidence of it being a wetland. Mr. Edwards explained that on page 53 of the Town of Auburn's Zoning Ordinance that "if warranted, a revised wetland map of the area in question, along with a written report of the results of the investigation, together with any data forms completed." It does state that a majority of the area lacks the qualifications to be a wetland but that implies that there's a minority of it that still may be a wetland and his question was that, is this a scenario in which there should be a proposed remapping as opposed to an elimination of a wetland designation. Mrs. Marzloff stated that, that would be her thought because this was a recorded plan that shows that wetland defined on a recorded plan so that in order to make that wetland go away you would have to put a revised plan on record. Mr. Poltak added that, his response was going to be that prior to the Board embracing the report from the wetland scientist that Mr. Griffin consulted with that he would like to have the Conservation Commission to take a look at this and give the Board their recommendation respectful thereof given their role and responsibility within the community. Mr. Griffin asked what the Conservation Commission's role was. Mr. Poltak answered by saying that the Conservation Commission has by statute has the charge and responsibility in reviewing from an environmental impact point of view growth and development in the community respectful of wetlands and other natural features of the community. While their role is advisory in the majority of instances but what he would like to do is to have continuity and consistency between this Board and their Board from a land use management perspective. Mr. Poltak also wondered how this got designated in the first place and believed that at one time it had the three parameters of hydric soils, hydrophytic vegetation and evidence of hydrology. Mr. Poltak also pointed out that we have had an extremely dry summer this year and would like the Conservation Commission to take a look at it from their role and added that the Chairman of the Conservation Commission was just arriving.

Mr. Porter arrived at 7:13 p.m.

Mr. Poltak explained to Mr. Porter that they had a situation where they have a re-delineation by a wetland soil scientist of a pre-approved plan on Hooksett Road respectful of the status of the wetland area designated originally. Mr. Poltak stated that, what he would recommend to the Board is to ask Mr. Griffin to go to the Conservation Commission and have them take a look at this at which time Mr. Griffin can share with the Conservation Commission what he shared with the Planning Board and then accordingly they could sit down at another meeting and decide precisely based on their recommendation and expertise on how they could move forward with this. Mr. Porter asked what the classification was now as far as being a Level One, Level 2 or Level 3. Mr. Griffin stated that it was classified as a Level 3. Mr. Porter asked what they were looking to do. Mr. Grillo answered by saying that they are looking at eliminating the wetland altogether. Mr. Porter indicated that it was the soils that determine whether or not it was a wetland and would love to hear from Mr. Griffin's wetland scientist and then they can come to a conclusion. Mr. Porter informed Mr. Griffin that the Conservation

Commission would be meeting on the first Tuesday of November which would be November 1st. Mr. Porter further added that if they decide to do a site walk then they would schedule it accordingly. In conclusion, Mr. Poltak believed this was the best way to handle this and then they could move forward. The discussion ended.

Rough Hill Estates/Louis Pichette
Boxwood Dr, Tax Map 2, Lots 42 & 44
Discuss Completion of Road Improvements

Mr. Poltak asked if there was anyone present for Rough Hill Estates. No one was present. With that in mind, Mr. Poltak began explaining what was going on with this development and started by saying that this development was sold and that shortly after being sold that the new owner of the development went in and began to do some work relative to road extension. Mr. Poltak went on to say that they blasted as there was more ledge than they anticipated and then they decided that it was too much for them to handle and walked away from the project. At the moment, they have been left with a situation where things were left just as they ceased and stopped. It's not necessarily a safe situation but it's a situation where on September 26th, the Building Inspector sent a letter to Mr. Pichette who is the current owner of the property and suggested that some responsive reaction needed to be taken on his behalf in correcting the situation that exists on the ground and there has been no response to date. Mr. Poltak recalled this was Mr. Babb's property of which a few Board members recall. Mr. Poltak went on to say that there was a bond in place regarding improvements to the property should that bond from the bank be employed. Mr. Poltak wished it were that simple but the letter from the bank talks about site improvements but is not specific to road improvements. Mr. Poltak stated that Mrs. Rouleau-Cote was spot on had concerns that the bank was going to give the town a hard time in respect to taking action with regard to moving on that bond for the purposes to which they want to employ it which is related specifically to vacating the road construction because the bond is not specific to road construction. Mr. Poltak stated that where the Board needs to activate attention is in regards to garnering town legal counsel review of the letter from the bank which was accepted by a previous board associated with this piece of property and determining whether or not the Board has authority to move forward and further than that, if it's determined that we do, that action will have to take a certain form of what they should do next. Mr. Poltak wondered if they put the contract out to bid and at who's direction and believed it would probably be the Building Inspector. Mr. Poltak stated that this was not something the Board did often. Mr. Poltak further stated that we will need some legal help in interpretation of the Board's authority and whether or not the letter from the bank is adequate to allow us to apply the funds to the particular need in question as opposed to general improvements on the property and then be able to move forward. Mrs. Phillips asked what happens if they do go that route to do whatever is necessary to get this done because it's private property but there is still two (2) building lots there and we get things done and he still has building lots. Mr. Poltak explained that it would be part of the legal question and what would occur is that, we would go in and clean up the property. Mr. Rolfe asked how much work was needed. Mr. Poltak did not know as he

did not have an estimate on it yet but before he did anything, he wanted to inform the Board of where they stood.

Mrs. Marzloff asked if it had to do with conditions of approval. Mr. Poltak stated that he had the letter before him but that Stantec believes that their original letter which is referenced in the bank letter supports the purpose to which we would be utilizing the bond money relative to improving the road which has been vacated and cleaning it up. Mr. Poltak indicated that Mrs. Rouleau-Cote was unsure but wanted to talk to legal counsel to obtain what level of authority that the Board had in this regard. Mr. Porter asked if the taxes were current. Mr. Poltak did not know but wanted to get all those questions answered in order to move forward.

Mr. Edwards asked who currently owns the property and did it belong to the Town of Auburn. Mr. Poltak said no, that it belongs to an applicant who was not the original applicant to which the subdivision was approved. The prime applicant to whom the subdivision was approved sold the property to Mr. Louis Pichette who now owns the property. Mr. Pichette came in and initiated further construction on the property with the intent of finishing the subdivision and selling the lots in question that were approved in the initial application and all construction has ceased. Mr. Edwards asked why it was an issue before the Board tonight. Mr. Poltak stated that it was a public, health and safety issue in the way it was left. Mr. Poltak added that he was not looking for any action tonight but wanted to share this information with the Board members. Mr. Poltak stated that he would give town counsel a call tomorrow and have Ms. Royce share the background information, documentation and the letters and see what the Board's authority is. Once that is known, Mr. Poltak informed the Board that he would get back to them for a formal vote if in fact the Board will be taking action in pursuit of that bond money to rectify the situation that exists up there. Mr. Grillo asked what the timeline on the plan. Mr. Poltak stated under state statute associated with approval and substantial completion within five (5) years. Mr. Grillo asked if we were still within that timeline. Mr. Poltak said yes.

Mr. Poltak asked if there were any further questions. Mr. Edwards began by saying that it sounds like the bond belongs to somebodies private property and the Board is looking to take action to remediate a public safety issue and to obligate funds within that bond and it sounds like were getting ready to obligate an individual to owe on that bond for the amount of work we ordered to be done out there. Mr. Poltak said that the bond has been issued by The Bank of New England in the name of Louis Pichette. The bond letter is associated for a period of application is one year. This letter from the bank was accepted by the town on May 6, 2016 so relative to any legal action associated with pursuit of the bond money would have to be all done and in place and activated my May 2017. A brief discussion ensued with regard to completion and the public safety issue.

Mr. Poltak asked if there were any further questions. None were noted and Mr. Poltak moved on to the next discussion.

Michael & Live Hall
Raymond Road, Tax Map 11, Lot 32
Discuss Property Development

Mrs. Hall began by saying that they are under contract to purchase the property and would like to build a single family home. Mr. Poltak asked what the plan was and that the property is located on a Class VI road. Mrs. Hall stated that they had Eric from Environmental Services who was a wetland scientist go out because there was a conceptual plan which shows a five (5) lot subdivision that was done back in 2014/2015 and there was no wetland scientist sent out there to actually see if this could be built. With that said, Mrs. Hall informed the Board that they had a wetland scientist go out there and this was very rough and was meant for the surveyor because they wanted to come before the Board for an informal meeting so she wanted to give the Board something and so where the red lines are is where the wet areas are which is quite a bit. Mrs. Hall further informed the Board members that they were not looking to subdivide but were actually looking at it to be used as a single family lot but it's located on a Class VI road and it's approximately a mile in a half in from either side. You are unable to travel on the Class VI road on a regular basis and building up front is not an option either because of all the wetlands so essentially there are three (3) issues that they are looking to obtain from the Board and how they can go about it doing it. First of all, access which they are looking to go through Sagharbor Drive and extend it. It's about 35 or 40 feet from the end of Sagharbor to the beginning of Raymond Road so they are looking to see if they can extend that 35 to 40 feet to town standards and then be able to build their driveway off of Raymond Road and then we would need a variance to build on a Class VI road. Mrs. Marzloff added that they would have inadequate frontage because basically you are looking to access it through the existing right of way which gives you only 50 feet of access. Mr. Porter commented that he runs up there all the time and that there is more than substantial wetlands and that the access road from Raymond Road would be spotty. Mr. Hall believed Mr. Porter was talking about coming in off of Raymond Road which would not be an option and believed that the only way to go would be to come off of Sagharbor Drive. Mr. Rolfe and Mr. Porter both informed Mr. and Mrs. Hall that there was an elevation problem going from Sagharbor to Raymond Road. Mr. Hall understood and believed it was a good 20% grade there and did not know what would be needed to meet it to town standards. Mr. Hall stated that he had horses and the goal was to put a house on top of the hill and put a barn there and to have 4 or 5 horses in order to do the pasture there's 12 acres in the back that is useable. The front 12 acres is pretty much not useable and in order to get to the back useable land that they would need to put in at least two (2) culverts. Also, they would have to find out what the liability would be because it was on a Class VI road. Mrs. Hall commented that if they were required to do 300 feet of frontage on Raymond Road that it would be \$1,000 per linear foot which would not be feasible to do so that would put it into a non-buildable perspective. Mrs. Hall commented that if the Board does not believe it can be done then they would walk away from the deal and that would be it. Mrs. Hall further stated that they were not looking to subdivide but to only find a way to make it work and were looking to build their permanent residence there. Mrs. Hall further added that before they went too far that there were about 200 wetland flags out

there and the surveyor said that if he had to go pick them out that right now that it would cost over \$6,000 because he would have to do it off the lot line so he wanted to wait until the leaves fell but they are looking at if the Board says that these things are going to happen then why spend the \$6,000 to have him go pick up the flags at this point.

At this time, Mr. Poltak stated that he was in total agreement with what Mrs. Rouleau-Cote, Building Inspector has said with respect to what the process would be of which you are following the first step and began to read the letter from the Building Inspector. Mr. Poltak read the letter aloud to everyone present tonight and began by reading, "your first step will be to meet with the Auburn Planning Board to discuss how you will gain access to the Class VI portion of Raymond Road. It is my opinion (and this is Carrie speaking) that your "driveway" cannot simply come directly off Sagharbor Drive because it is a paper street. Right now the extension of Sagharbor has no designated road classification and is just a dedicated right of way (paper street). You will need to show how you plan to reach the Class VI portion of Raymond Road. To utilize the right of way off Sagharbor you will need to work with a design engineer and the Planning Board to bring the extension off Sagharbor up to Town road standards (Class V, paved), and address termination on Raymond Road. This portion on the dedicated right of way off Sagharbor would then be classified (Class V) and accepted by the Town of Auburn potentially. It is my understand that you would then request a hearing with the Board of Selectmen to request a building permit to be issued for the frontage on Raymond Road, a Class VI road under NH RSA 674:41. If the BOS does grant permission to seek a building permit on a Class VI Road, the BOS will then require documents be prepared in accordance with NH RSA 674:41 and NH RSA 231:93 addressing limits of maintenance and liability of damages." Mr. Poltak believed that they would have a long expensive process ahead of them to get this done and was unsure what their cutoff point was respectful to investment in obtaining a permit but believed it would be expensive. Mrs. Hall asked Mr. Poltak what he meant by expensive. Mr. Poltak stated that there were steep slopes, wetland issues and they would not be able to get a preliminary proposal together without garnering those answers.

An few abutters at the end of Sagharbor Drive commented that they did not want Sagharbor Drive extended because they bought their property because of the way it was and have been there for a long time. Mr. Poltak understood what they were saying and informed them that this was an informal discussion. Mr. Rolfe added that he has walked that area and it is approximately 6 to 8 feet from Raymond Road to Sagharbor Drive which would be 20% slope of which the Town requirement is 8%. Mr. Poltak agreed and also commented that the Town's requirement is to not exceed 8% grade.

Mr. Porter talked about possible properties at the end of Birch Road which was a paved road because there were challenges on any property off of Raymond Road. Mrs. Hall talked about the informal discussion with the Planning Board that took place back in 2014 where it seemed that the Board did not have issues with it connecting through Sagharbor Drive. Mr. Poltak answered by saying that there were issues with it and there remain issues with it as the town road agent does not look upon it favorably from the perspective of the slope and road issues. Mrs. Hall has the minutes of that meeting

where the Board stated that, if it was done to town standards that the town did not have an issue with them extending it and that was to do a five (5) lot subdivision and they were proposing doing only one house on the lot at the end of the road and extending the road 35 feet. Mr. Rolfe pointed out that it would get into engineering because there was a serious issue of going from Sagharbor Drive to Raymond Road. Mrs. Hall believed that the owner was stuck with a piece of land that cannot be built on. Mr. Grillo commented that it could be done but it was just that the Town of Auburn has ordinances in place that would have to be met in order to get there. A brief discussion ensued with regard to building on this piece of property and the wetlands. Mr. Grillo believed no one was saying it couldn't be done but was just informing them that it would be expensive and a lot of work to be done in order to accomplish what they were proposing to do but that the Board would work with any applicant. Mrs. Hall stated that they have driven on Raymond Road with their four wheel drive vehicle and that there was no way that they would be able to access the property that way on a daily basis so that Sagharbor Drive would be the only way to access the property. Mrs. Hall further commented that, besides liking their dead end road that there has to be a reason that it would hurt them to build one more house on that property and did not believe that should be a reason to not allow them to build off of Sagharbor Drive and if it doesn't meet the grade and if they're going to have to bring in 30 feet of fill to be able to make it and they're spending \$200,000 to extend that 40 feet does not make sense to them. Mr. Poltak believed they were giving themselves their own answer. Mrs. Hall reiterated that the owner is stuck with a piece of land that he can't sell. Mr. Rolfe also asked if they looked into getting utilities out there. Mrs. Hall said yes they did. Mrs. Marzloff pointed out that, the basic premise to a Class VI road is that without specific permission under NH RSA 674:41 that it was not a buildable lot and that none of the lots adjacent are as well and that until they talk to an engineer and have an engineer take a look at the property. Mrs. Marzloff did not believe it would be a problem with the driveway but that the road itself would be the problem in order to get it to town standards. Mr. Hall asked how he could get a copy of NH RSA 674:41. Mrs. Marzloff informed Mr. Hall that it was a state statute and that the Building Inspector would have that.

Mr. Poltak pointed out that, the way it was left way back when it was possible but it's not feasible and from your preliminary thoughts yourselves as well as your investigative pursuits that they know what the cost would be here and believes it would be expensive but for the sake of this discussion if they decide to go forward and get some professional advice and assistance that the Board would be available to review what they present and propose from the applicability and town statutes and state statutes as well. In conclusion, Mr. Poltak informed Mr. and Mrs. Hall that there was no quick and easy answer to this one. Mrs. Hall commented that this tells them what they need to know.

Mr. Poltak asked if anyone else had anything to add. None were noted. Mr. Poltak thanked Mr. and Mrs. Hall and Mr. and Mrs. Hall exited the meeting and the discussion ended.

OTHER

Discuss Potential Zoning Amendments

Master Plan/CIP

Dates

Mr. Poltak wanted to share with the Board that he has spoken with Stantec and that Stantec will be prepared to come in within a month with the finality of the CIP and will likewise be talking about an approach to moving forward as a Board in updating the Master Plan of which they will be scheduling some public meetings. Mr. Poltak talked about dates and that the only date that he could share with the Board now is that he will be going before the Budget Committee on the budget process in the community to obtain the monies for the Master Plan. Mr. Poltak informed the Board that they do have a contract with Stantec which will help and that within a month they will be in here.

With that said, Mr. Poltak asked if there were any other discussions. None were noted. Mr. Poltak informed the Board members that Ms. Royce had given him a copy of the previously approved budget and that there were no significant changes to it and that he was prepared to go before the Budget Committee.

ADJOURN

<p>Mrs. Marzloff moved to adjourn the Hearing. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:53p.m.</p>

The Planning Board will NOT be meeting on October 19, 2016. The next Planning Board meeting will be held on Wednesday, November 2, 2016 at 7:00pm at the Town Hall, 47 Chester Road unless otherwise noted.