

**Town of Auburn
Planning Board
PUBLIC HEARING
January 22, 2014**

Present: Ron Poltak, Chairman; Alan Côté, Vice-Chairman, Paula Marzloff, Member. Steve Grillo, Alternate. Russell Sullivan, Selectmen's Representative; Minutes recorded by Denise Royce.

Absent: Karen Woods, Member. Jim Tillery, Alternate.

Mr. Poltak called the meeting to order at 7:00 p.m. Mr. Poltak explained the procedure for tonight's meeting and noted the emergency exists.

MINUTES

Mrs. Marzloff moved to accept the minutes of December 18, 2013 and January 7, 2014 as written, Mr. Sullivan seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Informal – Doug McGuire on behalf of Elie
Re: Mobil Gas Station on By Pass 28
New Sunset Realty, LLC
903 Londonderry Turnpike, Tax Map 1, Lot 36-43
Discuss Minor Site Plan**

Doug McGuire presented on behalf of Elie regarding the Mobil Gas Station on By Pass 28. Mr. McGuire began by passing out copies of a proposed plan for the Board to review. Mr. McGuire explained that they wanted to come before the Board tonight because they would like to submit a plan for the next public hearing scheduled in February. Elie was before the Board a few months ago and after reading the minutes he understood that the Board members needed a plan to see what was proposed. The plan showed the existing site conditions and the other section showed the redeveloped site layout that is being proposed that will include a drive thru Dunkin Donuts. At this time, Mr. McGuire explained the plan in detail. Mr. McGuire pointed out that the employees would be required to park in the rear of the building to allow customers to park in the front as well as the side of the building. Mr. McGuire also stated that the entrance would be moved to the center of the building in the front to allow one entrance for the store, Dunkin Donuts and the pizza place. Mr. McGuire asked the Board members if they had any questions. Mr. Poltak asked Mr. McGuire where he thought the majority of the traffic would come from. Mr. McGuire said that he wanted to keep that open but that they could restrict the

movement to be gearing towards the By Pass so they could angle the throat of the entrance. Mr. McGuire said that they had a full protected nine (9) car cue which is six (6) to the message board and an additional three (3) behind the message board. There is additional room on-site to have additional cueing that would not impact traffic operations on parking spaces on that side of the building up to the stop condition. Mr. Poltak was still concerned on how this would all work and believed that it would impact traffic flow on the pizza place side of the building. Discussion ensued with regard to the direction of the arrows on the plan. Mr. McGuire stated that the arrows were just for the Board's use and obviously they would not stripe it that way.

At this time, Mr. Poltak turned the discussion over to the Board members. Mr. Côté stated that Mr. McGuire answered his question regarding cueing of cars and does see concerns with regard to the number of cars that are cued. The other question Mr. Côté wanted answered next time they come before the Board was to make sure they have the answer to whether or not they had enough parking spaces for the square footage for this facility with the spaces they removed because they had five (5) less spaces. Mr. McGuire stated that he could answer that question tonight that basically what they are anticipating is a required parking demand of 32 spaces. The existing had 41 standard spaces and 10 pump spaces and 4 truck spaces for a total of 55 spaces on-site. They are only losing 6 of the parking spaces which 5 were on the left side of the building and one in the rear of the building. They have a total of 48 spaces which is still much more than the parking demand for this use. They will have it all laid out on the site plan and calculated.

Mr. Sullivan believed that what they were asking for with regard to the site had some merit for the town but thought they needed to figure out how to make the back of the building user friendly so that people will park back there and walk in that door. Mr. Sullivan did not think that people would park in the rear of the building and did not believe there were enough parking spaces in the front of the building and therefore would be parking at the pumps and going into the building.

Mrs. Marzloff asked about the loss of two (2) handicap spaces and what was the requirement for handicap parking for the use. Mr. McGuire stated that it was 5% of the total parking which would put it at two (2) spaces so that's why he eliminated two (2) of the handicap parking spaces to try to maximize parking availability for all users. Mrs. Marzloff did not agree with that. Also, Mrs. Marzloff pointed out that there was a drainage problem at the entrance off of Wilson's Crossing because most mornings it's iced over. Discussion ensued with regard to the drainage problem. Mr. McGuire said that they would take care of it.

Mr. McGuire also stated that they would also place a door on the left side of the building so the employees could take the trash to the dumpster at the rear of the property. It was noted that there was already a door utilized by employees currently.

In closing, Mr. Poltak wanted Mr. McGuire to be conscious of the signs as he liked minimal signage and light and lighting scheme to be environmentally friendly. Lastly, be prepared to address what will happen with the physical facility itself. Mr. Poltak was aware of the front entrance change but also stated that there may be some changes to walking patterns and hours of operation and any other changes that go with the site plan.

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

PUBLIC HEARING

**Alfred Sanborn
Excavation Pit
Chester Turnpike, Tax Map 11, Lot 19
Discussion regarding Excavation Pit Restoration**

Mr. Poltak wanted Attorney Forbes to know that he had read her letter and agreed with all of it. Mr. Poltak also pointed out that he did research the history as well and went back to 1998 and what the agreement was with the Planning Board and looked at the plan itself and the restoration narrative. Attorney Forbes began by saying that they were before the Board back in November and had done some work on the plan but the plan was not completed. Attorney Forbes showed an overlay of the property and what the existing plans are now. Attorney Forbes indicated that they had Duval survey determine where it had been reclaimed. Attorney Forbes explained the plan to the Planning Board and stated what they wanted to do was that one of the issues was whether or not they had exceeded what had been permitted. Attorney Forbes stated that she had given the Board some numbers back in November which indicated that Mr. Sanborn would be excavation approximately 50,000 cubic yards. Mr. Rolfe has been the primary excavator there but not the exclusive one but his numbers show that 54,000 cubic yards had been excavated. What they have done was prepare an overlay plan of the area to show where the permitted area if they put the sketch and super imposed it on top of the existing conditions plan, Mr. Duval located the permitted area based exclusively and solely by placing it 200 feet from Mrs. Silva's property. If you look at what was permitted and what has been done it has just been shifted. Further discussion ensued with regard to the plan. The plan also tells you that .95 acres had already been excavated in 1998 and there was an additional 1.87 acres to be excavated so the total area is roughly the same as what was permitted. What their proposal will do is to comply with the restoration plan that was adopted in 1998 which required the owner to pile up loam and use the existing loam to put clover vetch mixture to prevent erosion of which Mr. Rolfe has done and to replant it or spread it. They're proposal is to go forward and comply with the restoration plan and it has never exceeded five (5) acre's. He has already gone through and reclaimed portions of it. At this time, Attorney Forbes asked the Board if they had any questions. Mr. Sullivan asked Mr. Poltak if the plan showed planting of pine seedlings at eight (8) foot centers. Mr. Poltak said yes and Attorney Forbes agreed. Mr. Poltak read a portion of Attorney Forbes' letter which states that "White pine seedlings would be set out in accordance with accepted horticultural practice at eight (8) foot spacing in total directions." Mr. Côté talked about restoring the buffer between Mrs. Silva's property and Mr. Sanborn's property. Mr. Côté believed it would have to be at a minimum of 50 feet. Mr. Sullivan agreed with Mr. Côté that it would have to be at least 50 feet at a minimum. Attorney Forbes stated that they could come back with something but wanted to present this to the Board members.

The other thing that Mr. Côté wanted them to keep in mind was that when the wall was disturbed there were points on that wall that actually had drill holes in it that were legal property markers measured to the nearest hundredth of a foot. Attorney Forbes said that they could talk to Mr. Duval about that and they can come back with a more detailed plan. Mr. Côté also believed that if the abutter was in agreement with the restoration plan that it would make it easier for them to accept some sort of restoration plan as proposed. Mrs. Marzloff asked Attorney Forbes if they utilized the Silva plan to determine where that line is. Attorney Forbes said that she did not know what the surveyor did but would talk with the surveyor.

In conclusion, Mr. Poltak stated that this was consistent with what was agreed to way back

when and did not have a problem with that and looked forward to seeing the final touches being put to this and especially wanted to see what would be put to hay.

Attorney Forbes asked if they could come back next month. Mr. Côté asked if this was a public hearing. Ms. Royce indicated that it was.

Mr. Côté made a motion to Continue the Public Hearing until the next Public Hearing scheduled for February 19, 2014. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak informed everyone present that this would be their only notice as there would be no further notices sent out.

**Patty & Sheila, LLC
346 Hooksett Road, Tax Map 31, Lot 11
Major Site Plan Review – Medical Office Building
Auburn Family Medical Center
Continued from December 18, 2013**

Mr. Poltak informed the Board that the Board was in receipt of a letter from Stantec and that they had 53 items back on November 17, 2013 and there is none noted today.

Mr. Heavisides began the presentation by saying that they were hoping to get conditional approval or final approval on the project and indicated that they have addressed all of Stantec's comments. Mr. Heavisides noted that he has placed all of the waivers granted on the plan and wanted to check with Ms. Royce to make sure that it matched her list. Mr. Heavisides went through the plan and all the notes that included everything that the Board wanted included on the recording sheet.

Mrs. Marzloff asked what the correct spelling was because the deed reference spells it "Sheila" and the title block spells it differently. Mr. Heavisides believed that the deed reference was incorrect. Discussion ensued with regard to the correct spelling. Mr. Heavisides stated that he would check on the spelling and that he would correct it. Mr. Côté commented that, given that they have addressed the 53 items from Stantec and that all the waivers are noted on the plan that he would make a motion but that they could still discuss it after.

Mr. Côté made a motion to approve the major site plan for 346 Hooksett Road, Tax Map 31, Lot 11, subject to 1) appropriate escrow to be established to ensure the completion of the work and escrow for compliance of the work, 2) no building permit until such time that escrow is established; 3) adjust the title, and; 4) that all conditions are to be met within 180 days. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Heavisides asked if escrow had to be established now or when construction commences. Mr. Côté and Mr. Poltak stated once construction commences. Mr. Côté informed Mr. Heavisides that no building permit would be issued until escrow was in place. Mr. Heavisides understood. Mrs. Marzloff asked if they needed a building permit to demolish the building. Mr. Côté stated that legally anyone can tear down a building they own. Ms. Royce added that they would have to speak with Mrs. Rouleau-Côté regarding the demolition permit anyways.

Mr. Côté pointed out that there was an abutter present. Mr. Lafave stated that he was all set. Mr. Heavisides thanked the Board members and exited the meeting.

**American Medical Response of MA., Inc.
Jay Nixon/TMT Real Estate Dev., LLC
790 Londonderry Turnpike, Tax Map 1, Lot 19
Minor Site Plan Review**

Chris Stawasz introduced himself to the Board members and indicated that he was before the board informally to discuss the proposed use for the building which is a repair facility for their ambulance vehicles. Mr. Stawasz stated that they only change they would like to make to the building is to fence in the existing paved area behind the building. Mr. Côté asked if they were going to remove the bunkers. Mr. Stawasz said no. Mr. Stawasz passed out copies of the proposed plan where he is proposing to do ambulance maintenance at this location. Mr. Stawasz also indicated that he put the hours of operation to be 6:00am to 4:00pm, Monday through Friday. Mr. Stawasz indicated that there would be no siren's coming from that site as it would strictly be a drop off and pick up site for maintenance of emergency vehicles. Mrs. Marzloff asked if the Fire Department received a copy of this plan. Ms. Royce said yes, the Fire Department is aware of what Mr. Stawasz is proposing. They would also have to speak with the Building Inspector.

Mr. Côté stated that he did not have any issues with what Mr. Stawasz was proposing as this was a much lesser impact on the site as previously proposed. Mr. Sullivan also agreed with Mr. Côté. Mr. Poltak asked Mr. Villeneuve if he had any comments. Mr. Villeneuve pointed out that this property was under review a few months back with something that was more serious than this and believed that the only issue they had previously was if there were going to be any vehicles inside would there be any drains inside. Mr. Villeneuve believed they asked for a Spill Prevention Control Containment Plan previously and would like to see a plan in place. Mr. Côté stated that they could make it a condition for approval. Mrs. Marzloff asked if the previous plan that was approved prior to this was recorded. The Board noted that it had not been recorded. A brief discussion ensued with regard to this proposal as opposed to the previous proposal.

Mr. Côté made a motion to accept the application for Tax Map 1, Lot 19, 790 Londonderry Turnpike for minor site plan review. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté made a motion to approve the minor site plan for Tax Map 1, Lot 19, 790 Londonderry Turnpike subject to the tenant providing a Spill Prevention Control and Containment Plan; and meeting the requirements of the Building Department and the Fire Department as far as the interior renovations. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

OTHER

- Mr. Poltak asked the Board members if there was any new business to discuss. None was noted.

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ADJOURN

Mrs. Marzloff moved to adjourn the Hearing. Mr. Côté seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:45 p.m.

The Planning Board will not be meeting next week. The next Planning Board meeting will take place on Wednesday, February 5, 2014 and will be held at the Town Hall, 47 Chester Road.