

**UNAPPROVED MINUTES  
Town of Auburn  
Planning Board  
PUBLIC HEARING  
October 17, 2018**

**Present:** Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Michael Rolfe & Jeff Porter, Members. Paula Marzloff, Alternate. Keith Leclair, Selectmen's Representative. Minutes recorded by Denise Royce.

**Absent:** Tom LaCroix & Jess Edwards, Alternate Members.

Mr. Poltak called the meeting to order at 7:00 p.m. and asked the Board members to introduce themselves to everyone present tonight. Mr. Poltak pointed out that the Board had one informal and that Mr. Kenney was not going to make it so that the Board could cross that one off their agenda. Mr. Poltak moved on to the minutes and explained why they would not be approving the minutes tonight.

**MINUTES**

The Board did not approve the minutes of October 3<sup>rd</sup>, 2018 due to a request to review the minutes regarding 254 Rockingham Road pertaining to the willow tree on Mr. Lacey's property.

**GENERAL BUSINESS**

**Informal – Global partners/Dan Berry  
Alltown Fresh  
7 Myles Drive, Tax Map 9, Lot 15-1  
Discuss Signage (Burger King & Alltown)**

Mr. Berry presented and began by passing out copies of the proposed sign package they would like to have at 7 Myles Drive and stated that he was here tonight with Heather. Mr. Berry indicated that they did receive a permit to place the Alltown Fresh signs. Mr. Berry explained that before Burger King came in that Dunkin Donuts was there and had a 40 square foot sign and now Burger King has a 40 square foot sign. At this time, Heather began explaining about the sign which would be internally lit while the Board members reviewed the sign package before them. Heather also pointed out the menu boards as well that would be remaining.

Mr. Poltak stated that he anticipated more signage than what is being presented and pointed out that he liked it. Mr. Poltak turned to the Board members for questions. Mr. Porter commented that it looked pretty good to him. Mr. Grillo wanted to point out that he thought it looked great and wanted to point out that, our zoning ordinance also takes into

consideration any signage in the windows as part of the signs and wanted to make sure that the applicant was aware of that. Heather understood. Mr. Poltak stated that it looked good. Heather commented that they would be coming back November 7<sup>th</sup> for final approval. Mr. Poltak asked when they would be opening up. Heather did not know as she was only dealing with the sign.

Mr. Porter thanked Mr. Berry and Heather for their presentation and the discussion ended.

**Informal – Wayne Kenney**  
**11 Rockingham Road, Tax Map 31, Lot 19**  
**Discuss Landscaping**

Mr. Poltak explained earlier that Mr. Kenney had cancelled the informal scheduled for tonight due to the fact that his attorney was called out of town and therefore would contact the Board to be placed on the agenda at another date.

**PUBLIC HEARING**

***David & Laurie Mercier***  
***David & Laura Lambert***  
***42 & 56 Rockingham Road, Tax Map 9, Lots 14-3 & 14-8***  
***Zoned Commercial Two***  
***Lot Line Adjustment – Subdivision – (relocation of lot line***  
***Exceeds 25% and no new lots are being created)***

Mr. Franklin, land surveyor that prepared the work began his presentation regarding the lot line adjustment and went through how each surrounding lot was created and when it was created. Mr. Franklin explained that, what they are proposing is to do a lot line adjustment between Lots 14-3 and 14-8. Mr. Franklin stated that, Lot 14-8 currently has 7.775 acres and after the lot line adjustment will have 2.444 acres. Lot 14-3 currently has 2.001 acres and after the lot line adjustment will have 7.332 acres. Mr. Franklin stated that they did receive subdivision approval for the reduction in Lot 14-8. Mr. Poltak asked if when he stated state subdivision approval that he meant subject to onsite. Mr. Franklin said yes. Mr. Franklin also pointed out that they did test pits on Lot 14-8 as a requirement of state subdivision to show that they would be able to put in a system. At this time, Mr. Franklin asked for questions from the Board.

Mr. Porter asked Mr. Franklin to explain what the intent of the lot line adjustment. Mr. Franklin stated that it was just to reduce the size of Lot 14-8 and increase the lot size for Lot 14-3.

Mrs. Marzloff asked about the encroachment on the lot line for Lot 14-8 and asked if it was a structure. Mr. Franklin stated that it was a small shed and that they were all family members. A brief discussion ensued with regard to the small structures that exists on the

lot. Mrs. Marzloff believed that it was possible that this would need to be remedied if they were going to approve anything. Mrs. Marzloff also asked where the existing septic system was located on this property Lot 14-8. Mr. Franklin believed it was located in the front. Mr. Mercier indicated that it was located at the northeast side of the home.

Mr. Poltak asked the other Board members if they had anything else to add. None were noted. Mr. Poltak asked Mr. Franklin if Lot 14-3 would be 7.3 acres with the lot line adjustment. Mr. Franklin said yes. Mr. Grillo asked what the acreage would be on Lot 14-8 after the lot line adjustment. Mr. Franklin indicated that it would be 2.444 acres.

Mr. Poltak asked for abutters who wanted to speak. Mr. Mercier of 42 Rockingham Road wanted to point out that in the notice that the Lambert's name was noted as Mercier and wanted to correct it. So, noted.

Mr. Poltak explained that the reason that it would be dealt with as a subdivision was because there was more than 25% of land being transferred so that is why it can't be done as a simple lot line adjustment. Mr. Poltak further explained that they would have to accept the plan and then have a final vote on the lot line adjustment.

Mr. Porter asked Mrs. Marzloff what her concern was. Mrs. Marzloff stated that it was regarding the structure right on the lot line. Mr. Poltak asked Mr. Franklin how this could occur. Mr. Franklin explained that they are all family and that nobody cared where the structure was placed. Mr. Mercier stated that they are his structures and that one this lot line adjustment has occurred that his house would be put up for sale and then he's purchasing his mother's house and would be moving that shed to that property. Mr. Poltak believed it would be a non-issue in the future and with that said asked the Board to make a motion to accept the proposal but use the term application and then a motion to approve the lot line adjustment.

**Mr. Grillo made a motion to accept the application for lot line adjustment/subdivision for 42 and 56 Rockingham Road, Tax Map 9, Lots 14-3 and 14-8. Mr. Leclair seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

**Mr. Grillo made a motion to approve the lot line adjustment/subdivision for 42 and 56 Rockingham Road, Tax Map 9, Lots 14-3 and 14-8. Mr. Porter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

Mr. Franklin thanked the Board and the discussion ended. Mr. Poltak moved on to the next item on the agenda.

**John S. Dolan  
Robert F. & Deborah L. Tuite  
42 & 50 Cricket Lane, Tax Map 11, Lot 18-12 & 18-13  
Zoned Rural  
Lot Line Adjustment**

Rob Degan of S&H Land Services presented on behalf of Mr. Dolan and Mr. and Mrs. Tuite. Mr. Degan began by saying that the Dolan's are preparing to sell their property and that somehow the builder of 50 Cricket Lane placed the house too close to the lot line and the existing the driveway is in fact over the lot line. Mr. Degan went on to say that, they are proposing a lot line adjustment to remedy that situation and explained it to the Board members by showing them on the plan. Mr. Degan stated that they are proposing an equal swap of land so each lot will remain the same size. Mr. Degan basically stated that there was not much more to add other than nothing will change and will continue as it is now.

Mr. Poltak believed it was pretty straight forward. Mr. Poltak asked the Board if they had any questions. Mrs. Marzloff commented that, if the property is about to be conveyed that they should be sure to get the right descriptions in the deeds. It was so noted by Mr. Degan and the applicants.

Mr. Poltak asked the Board if there was any further discussion. None was noted. With that said, Mr. Poltak believed that a motion to approve would be in order.

**Mr. Grillo made a motion to approve the lot line adjustment for 42 and 50 Cricket Lane, Tax Map 11, Lot 18-12 and 18-13. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

Mr. Degan thanked the Board and the discussion ended.

**269 Rockingham Road, LLC  
269 Rockingham Road, Tax Map 25, Lot 40  
Zoned Commercial Two  
Amend Approved Site Plan  
(Waiver Request – Utilities – Section 10.09(1))**

Mr. Villeneuve began by saying that he had contacted Mr. Poltak about the one waiver that they were denied. At this time, Mr. Poltak explained to the Board what had transpired which was that, Mr. Villeneuve contacted him and asked if he could re-request the waiver to place the utilities above ground as apposed to underground and he said yes. Mr. Poltak indicated that he had gone out there and understood that the water line was on the same side as this property and that it did not make sense for them to dig up the road to have the utilities go underground and turned the discussion over to Mr. Hickey.

Mr. Hickey began by saying that they had originally asked for a waiver to have utilities aboveground of which was denied because at that time they thought they were going to

have to dig up the road to put the water line and they found out that the water line was in fact on their side of the road. Mr. Hickey stated that the pipe was sufficient for what they would be using it for that there was no reason to dig up the road if they didn't have to. Mr. Hickey pointed out that Mr. Villeneuve submitted some photos of overhead utility lines so one more won't change anything. Mr. Hickey believed it seemed like a reasonable request. A brief discussion ensued with regard to the photos.

Mr. Poltak asked the Board members if they had any questions or comments. None were noted. Mr. Poltak informed the Board that this could be dealt with a simple motion to grant the waiver.

**Mr. Grillo made a motion to grant the waiver request to not require underground utilities, Site Plan Regulations, Section 10, 10.09(1) Utilities for 269 Rockingham Road, Tax Map 25, Lot 40. Mr. Porter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

Mr. Hickey wanted to clarify that this waiver is to be placed on the plan. Mr. Poltak said yes. Both Mr. Villeneuve and Mr. Hickey thanked the Board for their time and the discussion ended.

## **OTHER BUSINESS**

Mr. Poltak began by saying that he had a couple of items to discuss with the Board tonight in order to get them before town meeting. Mr. Poltak stated that the budget was approved for \$12,500. Mr. Poltak went on to talk about lighting, signage and 55+ housing.

### **223 Bunker Hill Road, Tax Map 8, Lot 12 Septic Replacement – Waivers Requested**

Ms. Royce submitted the memorandum from Mrs. Rouleau-Cote, Building Inspector explaining that a septic design has been submitted for the above-mentioned property. Mr. Poltak went on to read the memorandum to the Board members which points out that, this septic replacement is to replace an existing failed system on the property. The design meets all State of New Hampshire Subsurface regulations for the design. Mr. Poltak stated that, a waiver from the Town of Auburn Zoning Ordinance Article, 3.06 Sanitary Protection was requested to allow the effluent Disposal Area, (leach field) to be placed 75 feet from very poorly drained/wetland.

A brief discussion ensued with the Board members as they reviewed the plan. Mr. Porter commented that they've been mowing into the buffer. Mr. Porter stated that, if they are looking to encroach into the wetlands that he wanted some recovery on the buffer that they've been mowing against. Mr. Porter further stated that they should come before the Conservation Commission so they can negotiate this out. Mr. Poltak pointed out that they cannot say you can't fix your septic system until you fix your buffer because it doesn't work that way. Mr. Porter believed they should be coming before the Conservation

Commission for a review of this anyways. Ms. Royce commented that, Mrs. Rouleau-Cote did not say that this had to go to Conservation Commission prior to approval from the Planning Board. Mr. Porter commented that they've already breached the buffer area. Mr. Poltak explained to Mr. Porter that if this had to go before the Cons Com that Mrs. Rouleau-Cote would have sent them that way. Mrs. Marzloff did not believe that Mrs. Rouleau-Cote would not address a violation of the buffer until there's an action pending. Mr. Poltak asked for a motion and he will entertain it. Mr. Poltak believed that it was not a septic encroachment but in fact was two (2) separate issues but they did not have the background if this request was going to further abuse an already existing problem. Mr. Poltak further added that this should have been consulted with the Conservation Commission before coming before the Planning Board and if the Conservation Commission has an issue with the abuse in the future that they should file a complaint about it. Mr. Porter asked Ms. Royce if Mrs. Rouleau-Cote ever cited them for the encroachment. Ms. Royce did not believe that the applicant was ever cited.

**Mr. Porter made a motion to TABLE the waiver request for septic replacement until such time as the Conservation Commission can review this waiver request with a recommendation to be brought forward to the Planning Board relative to the approval of this application for 223 Bunker Hill Road, Tax Map 8, Lot 12. Mr. Grillo seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

Mr. Poltak asked the Board members if there was any other business. None was noted. With that said, Mr. Poltak asked for a motion to adjourn.

## **ADJOURN**

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

***The next Planning Board meeting will be held on Wednesday, November 7<sup>th</sup>, 2018 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.***