

**Town of Auburn
Planning Board
PUBLIC HEARING
February 19, 2014**

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

Absent: Karen Woods, Member.

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 January 21, 2014 and January 22, 2014 with one addition to the minutes of January 22nd, page 3 at the bottom to add cubic yards to 54,000, Mr. Côté seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak noted that Ms. Woods was not present at tonight's meeting and therefore elevated Mr. Grillo to a full voting member for tonight's hearing.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Keith Martel/Summit View Development, LLC
Tilton Place Subdivision
Chester Road, Tax Map 5, Lot 104
Request 7 additional Building Permits**

Mr. Martel asked the Board members to grant him 7 additional Building Permits because he has used up all his permits at this time. Discussion ensued with regard to if Mr. Martel would be able to get 7 foundations in within 21 days. Mr. Martel believed he could weather permitting. The Board reviewed the Building Inspector's total of new home permits to show that 59 permits were available and 24 permits have been issued since March 2013 Town Meeting. Mr. Poltak asked the Board members what they would like to do. Mr. Sullivan believed that the Board should grant Mr. Martel 7 additional Building Permits as they were available.

Mrs. Marzloff recused herself from voting on this request.

Mr. Sullivan made a motion to grant Mr. Martel an additional 7 Building Permits provided that they are acted upon prior to the March 11, 2014 Town Meeting. Mr. Côté

seconded the motion. All were in favor, the motion passed unanimously.

PUBLIC HEARING

**- Alfred Sanborn
Excavation Pit
Chester Turnpike, Tax Map 11, Lot 19
Discussion regarding Excavation Pit Restoration
Continued from January 22, 2014**

- Attorney Forbes sent a letter requesting a continuance of this hearing until March 19, 2014. The Board did not have any issues regarding this request as Attorney Roy was in agreement with the continuance and no one was present at tonight's meeting to contest this request.

Mr. Côté made a motion to grant the request to Continue the Public Hearing until the next Public Hearing which will be held on March 19, 2014. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak informed everyone that this would be the only notice as there would be no further notices sent out and did not believe anyone was present at tonight's hearing.

**Kendra Lees, LLC
c/o Steven Padfield
7 Myles Drive, Tax Map 9, Lot 15-1
Minor Subdivision (1 Lot)**

Mr. Mitchell presented on behalf of Mr. Padfield. Mr. Mitchell indicated that the property is located on Myles Drive and contained 9.7 acres total of which they are proposing to subdivide off the Myles Travel Plaza which would contain 5.3 acres and the remainder which would be vacant would contain 4.4 acres. Mr. Mitchell indicated that the Myles Travel Plaza lot complies with zoning and meets lot coverage.

Mr. Mitchell talked about the new lot which contains wetlands and submitted a copy of a wetlands assessment from Schauer Environmental Consultants, LLC to the Board members for review and comment. Mr. Mitchell also passed out a copy of a plan showing the 125 foot wetland buffer to a Level One wetland as well as a 75 foot wetland buffer to a Level Two wetland. Mr. Mitchell indicated that they had gone before the Conservation Commission a few weeks ago and scheduled a site walk of the property on Sunday, February 16th which did not go too well. The hope was to get another February thaw so they could see things but that did not happen. Mr. Mitchell indicated that Schauer had gone out there and had done a thorough study and they believe that it is considered a Level Two wetland which would give a sufficient buildable envelope. There is nothing planned for the lot at the moment and they understand that they would have to come back before the Planning Board for site plan approval for anything as it is a Commercial Two zone.

Further discussion ensued with regard to the subdivided lot and Mr. Mitchell stated that they would possibly be putting a four (4) bedroom home with a home office in it and believes it is a use that is permitted in the zone. Mr. Mitchell indicated that what they were looking for tonight was approval of the subdivision and if it needs to be conditioned they would not obtain a building permit until they obtain site plan approval. That would occur when the Conservation

Commission could go out there and do a site plan which would probably occur a few months from now. Discussion ensued with regard to single family residential is not permitted in the Commercial Two zone. Mr. Mitchell pointed out and asked how you can have a home office without a home. Mr. Sullivan stated that it was put in there for the home's that are currently in existence in the Commercial Two zone. Mr. Poltak believed that they would have to go before the Zoning Board of Adjustment in order to have a single family home in the Commercial Two zone.

Discussion ensued between Board members regarding that they could not give Planning Board approval as they do not have Conservation Commission input yet. Mr. Côté pointed out that the plat would have to be recorded and without Conservation Commission's input it was a concern that he was not comfortable voting on at this time.

Mr. Côté pointed out that the plan would need to have 125 foot wetland setback. Mr. Mitchell stated that he did not have a problem with putting a 125 foot wetland setback with a note on the plan that the wetland setback could be modified once Conservation Commission had an opportunity to conduct a site walk. Mr. Côté was comfortable with what Mr. Mitchell was proposing and stated that if they put the more stringent wetland setback and say "upon confirmation by the Conservation Commission that it is a Level Two wetland".

Mr. Sullivan asked Mr. Mitchell what the urgency to subdivide the lot at this time. Mr. Mitchell indicated that at one point it was going to be leased but now the potential buyer wants to have ownership of Myles Travel Plaza which is in the process of being sold. With this in mind, the Board understood the reason behind the urgency to subdivide at this time.

Mr. Poltak asked if there were any questions for Mr. Mitchell. Mr. Tatem of Stantec pointed out to the Board members to request that the applicant return to the Planning Board after meeting with the Conservation Commission. Discussion ensued with regard to having the applicant come back before the Planning Board. Mr. Mitchell believed that the plan would need to be signed and recorded. Mr. Côté believed that they were actually approving a subdivision with a 125 foot wetland setback and allowing them to put a note on the plan that they will need to come back before the Planning Board in order to reduce that setback after meeting with Conservation Commission. Mr. Poltak also indicated that he did not have a problem with that request and asked the Board members to make a motion in that regard.

Mrs. Marzloff made a motion to accept the application for Tax Map 9, Lot 15-1, 7 Myles Drive for minor subdivision. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

Mrs. Marzloff asked which plan they would be working from. It was discussed and Mr. Mitchell indicated that they would be using the plan previously submitted with the wetland setback shown as 125 feet. Mr. Poltak asked if there were any further questions or comments from the Board. None were noted.

Mr. Côté made a motion to approve the minor subdivision plan for Tax Map 9, Lot 15-1, 7 Myles Drive provided that the plan shows a 125 foot wetland setback for Tax Map 9, Lot 15-1-1 and that it be noted on the plan that prior to any reduction in the wetland setback from 125 feet down to a lower number that they would need to meet with the Conservation Commission and return to the Planning Board for the approval of the new wetland setback. Mrs. Marzloff seconded the motion. All were in favor, the motion

passed unanimously.

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

Doug MacGuire presented on behalf of Elie regarding the Mobil Gas Station on By Pass 28. Mr. MacGuire began by saying that they were before the Board last month to conceptually discuss this plan and they are now before the Board with a redevelopment plan and wanted to go over some of the issues that came across at the last meeting. First off, Mr. MacGuire wanted to discuss parking calculations which are completed on Sheet #4 of the plan set which totaled 48 parking spaces which were in excess of what was required.

Secondly, there was some discussion regarding the limited connectivity for parking and discussed the safety hazards and that they extended the sidewalk to address the safety issues and hopefully makes it more accessibly friendly.

Thirdly, Mr. MacGuire talked about the drainage which was shown on Sheet #5 and proposed to address the grading issue and address the snow removal and the accumulation of sediment.

Mr. MacGuire passed out a list of waiver requests that he wanted to address with the Board members and began with Section 11.00 – Stormwater Management and Erosion and Sedimentation Control Regulations, and pointed out that this is a pre-existing site and that they are only proposing the addition of a drive thru lane and with this in mind they would like to request a waiver from Section 11.00.

Mr. Côté made a motion to grant a waiver from Section 11.00 – Stormwater Management and Erosion and Sedimentation Control Regulations for Tax Map 1, Lot 46-43, 903 Londonderry Turnpike for minor site plan. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. MacGuire also indicated that they were also looking for a waiver from Section 10.13 – Lighting, which all site improvements are proposed within the limits of the existing developed area and therefore are requesting a waiver from Section 10.13 – Lighting.

Mr. Poltak asked Mr. MacGuire if there would be no change to the lighting. Mr. MacGuire said no as it is an existing site. Mr. Tatem talked about the Town of Auburn's Lighting and how it has changed significantly from the past and did not know if additional lighting would be required as he has not gone by at night. Mr. Sullivan did not believe that the lighting plan ever changed and thought it would be appropriate to have a lighting plan that meets the regulations and depicts what is currently in place. Mr. Côté agreed and pointed out that there will be parking spaces in the rear that will be utilized now. A brief discussion ensued with regard to the lighting requirements. Mr. MacGuire did not believe they needed to do a full blown site assessment with regard to lighting but would like to check some of the areas where they are proposing to change only and to basically do a lighting confirmatory of the site. Mr. Poltak would like to see that the lighting not be overly bright and that he believed that Mr. MacGuire and Mr. Tatem could work it through with regard to safety. Mr. Tatem agreed. Mr. Sullivan added that he would like them to make sure that it is less noxious to passersby. Mr. MacGuire withdrew the

waiver at this time.

Mr. MacGuire was looking for a waiver from Section 9.00 – Specific Plan Submission Requirements, which he did not believe was required as all site improvements are proposed within the limits of the existing developed area and therefore would request a waiver from Section 9.00 – Specific Plan Submission Requirements.

Mr. Côté did not have an issue with granting this waiver with the exception of the snow storage area.

Mr. Côté made a motion to grant a waiver to Section 9.00 – Specific Plan Submission Requirements with the exception that they add snow storage for Tax Map 1, Lot 36-43, 903 Londonderry Turnpike for minor site plan. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Finally, they would like to request a waiver from Section 10.08(7) – Driveway Site Distance as they are not proposing any new driveways as part of the proposed site development and therefore would like to request a waiver from Section 10.08(7) – Driveway Site Distance.

Mrs. Marzloff had an issue with a shrub that was located at the northerly exit of the property that obstructs the line of sight looking north and believed it was in the right of way. Mr. MacGuire indicated that they would check it out. Mr. Tatem did not have a problem with the waiver request

Mr. Côté made a motion to grant a waiver to Section 10.08(7) – Driveway Site Distance for Tax Map 1, Lot 36-43, 903 Londonderry Turnpike for minor site plan. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

Mrs. Marzloff suggested to Mr. MacGuire that he remove the last car out of the queue because or you have to move the drive thru lettering or the registry will reject it and make sure there are no lines through lettering.

Mr. Sullivan discussed walking through traffic. Mr. MacGuire did not believe a rear entrance would be attractive and a brief discussion ensued with regard to a rear entrance and pedestrians walking through traffic. Mr. MacGuire pointed out that there were 20 spaces that were easily accessible to the store. Mr. MacGuire also pointed out that they added crosswalks placed. Mr. Côté suggested adding a second crosswalk in the rear to indicate where to cross. Mr. Tatem recommended that no crosswalks be placed on the property unless there are crosswalks on both sides and that they are handicap approved. The Board agreed with Mr. Tatem.

Mr. MacGuire wanted to now discuss two issues that were brought up and noted in Stantec's letter dated February 14, 2014. The first issue was a bypass lane for the drive thru lane and did not believe it was warranted. Mr. MacGuire instead recommended an exit area if someone wanted to exit the drive thru lane after reaching the order window. Mr. Côté agreed with Mr. MacGuire and liked the idea of the striped section to exit the drive thru lane and the rest of the Board agreed as well.

The second issue was the circulation on site and had a handout showing the circulation paths and asked the Board members for feedback. Mr. MacGuire indicated that the plan showed an

AASHTO car which is a large car that is over 19 feet long and 7 feet wide which is more of an F350 type car than a Kia. Mr. MacGuire explained the circulation on the plan and showed the second plan that showed a tractor trailer entering the site. Mr. MacGuire did not understand why the entrance/exit onto Wilson's Crossing was restricted for truck vehicles. Mr. Sullivan believed it should be open to truck traffic. A brief discussion ensued with regard to the restriction on truck vehicles.

Discussion ensued with regard to the use of the site and Mr. MacGuire did not believe that this site was truck intensive as the applicant indicated that he only sells about 400 gallons of diesel fuel a day and believed it was more pickup trucks and box trucks or landscape trucks.

At this point, Mr. MacGuire stated that this was all he had. Mr. Poltak asked if there were any further questions or comments from the Board. Mr. Côté asked if it was the consensus of the Board members to allow truck traffic onto Wilson's Crossing Road. The Board all agreed. Mr. Côté pointed out that now Mr. MacGuire could change it on the plan. Mr. Poltak briefly talked about parking in the front and if cars are parked at the pumps that it was difficult to back out. Mr. Poltak agreed that it would be a good idea to allow truck traffic onto Wilson's Crossing Road. Discussion ensued with regard to removing the bump stops.

Mr. Côté made a motion to continue the Public Hearing until March 19, 2014. 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.

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 8:22 p.m.