

**UNAPPROVED MINUTES  
Town of Auburn  
Planning Board  
May 8, 2019**

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

**Also Present:** Dan Tatem, Stantec.

**Absent:** Jesse Edwards, Alternate.

Mr. Poltak called the meeting to order at 7:00pm and had the Board members introduce themselves to everyone present. Mr. Poltak moved on to approval of the April 17<sup>th</sup> meeting minutes.

**MINUTES**

**Mr. Porter moved to approve the minutes for April 17<sup>th</sup>, 2019, Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.**

**GENERAL BUSINESS**

Mr. Poltak wanted to share with the Board members the letter that was sent to each of them from Attorney Bennett regarding the last meeting where we had an applicant come before the Board with a minor site plan revision that had a homeowner's association. Mr. Poltak pointed out that, the question was whether or not the Board could request that the applicant receive pre-approval from the homeowner's association prior to coming to the Planning Board. Mr. Poltak explained that, the interpretation from Town Counsel was such that, pre-approval is not something that the Board can request by either rule of procedure or by amending any one of our ordinances. Mr. Poltak added that the state statute states that, the homeowner's association is to be treated the same way as an abutter. Mr. Poltak further added that, they can informally suggest to a homeowner or applicant who is amending their property that they do that but they cannot require them to first go to the homeowner's association for approval prior to meeting with the Board. Mr. Leclair asked Ms. Royce if the homeowner's association was notified because the president of the homeowner's association attended that meeting. Ms. Royce said yes. A brief discussion ensued with regard to homeowner's association and covenants of which the town does not have any jurisdiction over.

**Informal – Jeff & Michelle Sullivan  
46 Ryan Road  
Discuss Liberty Woods Subdivision**

Mr. Poltak introduced Mr. and Mrs. Sullivan and asked them to begin the discussion. Mr. Sullivan began by saying that he wanted to talk about the development that was going in next to them. Mr. Sullivan stated that the Planning Board process began some time in August 2015 and that the subdivision was approved in August 2016. Mr. Sullivan pointed out that he was at the meetings and pushed for a two-acre grid and that the two-acre grid was approved. Mrs. Sullivan passed out copies of the subdivision plan showing the location of their property in proximity of the development. Mr. Sullivan stated that the subdivision is a 42-acre lot but the staging was immediately placed on lot 42-2 which is directly abutting their property. Mr. Sullivan continued to say that, they have been listening to this construction going on for 2½ years now. Mr. Sullivan indicated that the noise and view have been an ongoing issue and that they now have to put up a 75-foot fence as a sound barrier.

Mr. Sullivan explained to the Board members that, in March, they came in with the excavators and started cutting right across their property line and that's when he reached out to the Planning Board and reached out to Dan Tatem of Stantec and asked why they were cutting so close to the property line. Mr. Sullivan stated that, Mr. Tatem explained that part of the plan was to include a swale to be put in that area. Mr. Sullivan believed that the property line has been compromised and he was concerned for the safety of his family. Mr. Sullivan further stated that, he now has cameras located on his property and security and they now have to put up a fence.

Mr. Sullivan stated that he has five (5) requests that he would like the Board to consider and they are as follows:

- He would like the Planning Board to do a site walk and believed that a few of the Board members have stopped by.
- He would like the staging to be moved to another area on the property. There are other areas on the property that would be better suited for this type of activity.
- He would also like some support for a temporary sound barrier and was unsure if the Board was able to do something like that. They cannot enjoy their property at this time.
- What is the Board doing with regard in holding them for a timeline for pre-construction and completion of the construction?
- They would like to have a discussion with regard to being reimbursed for the fence they are having to put up and some sort of trees to be planted along the property line so that in 2 or 3 years when the development is done that, they will have some sort of protection or privacy from the development.

Mr. Sullivan reiterated that, this has been going on for almost 3 years now and they are looking for some sort of relief from the Board as they cannot enjoy their property. Mr. Sullivan turned the discussion over to Mrs. Sullivan.

Mrs. Sullivan reiterated a lot that was said by Mr. Sullivan that this will be their 3<sup>rd</sup> summer that they have to deal with the construction and that the noise is so invasive that she can't even send out their children. Mrs. Sullivan talked about the walls of the house shaking and the noise can be heard even inside the home and it goes on sometimes 7 days a week from 7:00am in the morning for approximately 7 hours a day. Mrs. Sullivan stated that they were starting at 6:30am but have since been starting at 7:00am and thanked Mr. Tatem as she believed he must have spoken to the developer. Mrs. Sullivan commented that, the noise is their biggest complaint and that it was a major privacy issue on their property because they are all right up on the property line with all the construction and she can't let her 3 children outside to play with all this activity occurring. Mrs. Sullivan wanted to hear from the Board of when they were going to start holding the developer accountable for the guidelines and the rules in which are set by everyone. Mrs. Sullivan also wanted to know why the developer decided to place the staging area so close to the property line when he had all that other space in the subdivision where it wouldn't bother anyone. Mrs. Sullivan wanted to know when the extension date was done and when was he going to be done grinding and hauling the material off-site and when was the pre-construction going to start where he can move that staging area to another staging area.

Mr. Sullivan wanted to know if the staging area could be moved and now, they need to put up a fence as they have done a lot of work on their property to make their property look good and now, right on the other side of the property line approximately 15-feet is this staging area. This is the biggest challenge along with the sound.

At this time, discussion ensued with regard to whether or not the subdivision was in compliance. Mr. Poltak answered by saying that, he totally understands what they are saying and that they have the support of the Planning Board and turned to Mr. Tatem to comment as he has had conversations with the developer. Mr. Tatem stated that, when he first met with the abutters that the only item that Mr. Martel is out of compliance is that, in the Town of Auburn's Ordinance has a requirement that construction is completed within two years of approval. Mr. Tatem talked about active and substantial completion that he has built a few homes on Dearborn Road that is part of the subdivision. A brief discussion ensued with regard to active and substantial completion. Mr. Tatem also pointed out that, he has spoken to Mr. Martel and he stated that he will have his crushing done by the end of next week which will reduce a lot of the sound. Mr. Tatem questioned the staging area and that there isn't a single tree in along the stone wall in that area because of the swale that was designed and approved which is part of the design in order for the drainage to perform properly. Mr. Tatem thought that, possibly some sort of buffer could have been requested at the time the development was going through its approval stage and did not believe the Board could go back and now demand it. Mr. Tatem stated that they could always request it from Mr. Martel but there was no guarantee that it would be done. Mr. Tatem stated that, after the crushing is completed then there will be two houses built within about 100 feet of the stone wall. Mr. Tatem explained that once the crushing has stopped, then the house will be built and then install the drainage and shape that slope so there's still a lot of work to be done. A brief discussion ensued with regard to moving the crushing machine and the staging area.

Mr. Sullivan mentioned sometimes it's crushing stone, sometimes it hauling it off-site and then sometimes it's tree stumps of the activity is occurring right there. Mr. Sullivan understood that the crushing machine couldn't be moved easily but asked if the staging area could be moved. Mr. Sullivan believed it was a timeline issue and hoped that the only accountability they had was within the guidelines of the Planning Board and what they have going on with Liberty Woods right now. Mr. Poltak did not believe that it was a timeline issue from the perspective of state statute associated with substantial improvement to the property. Mr. Poltak wanted to point out that, the Planning Board, in terms of their authority, that in the future they would pre-approve any staging areas and the like associated therewith. Mr. Poltak again reiterated that, he was speaking for the Board that they had the support of the Board that what was occurring was inappropriate and would speak with Mr. Martel and to Mr. Tatem to see if there were other options. Mr. Sullivan liked to hear that the Board would be pre-approving the staging area in the future. A brief discussion ensued with regard to the possible quarry operation occurring on the site. Mr. Tatem stated that he did not believe that Mr. Martel needed an excavation tax because all the material was being used on-site to build the road and that he was not removing any material off-site. Mr. Rolfe commented that he can take some of the material off-site. Mr. Tatem informed everyone that, he has spent days there and did not see any material being taken off the site. Mr. Tatem did not believe it would be out of line to have Mr. Martel come in to talk about it and talking to the Board about moving the staging area. Mr. Tatem just believed that it had to make sense. Mr. Poltak again stated that he would be meeting with Mr. Martel and Mr. Tatem and any other Board members that wanted to join in. Mr. Poltak stated that his number one priority would be to get him away from the back of their property and then talk about what's been approved and what is intended to be done.

At this time, Mr. Porter talked with Mr. Sullivan about putting up a natural buffer as opposed to a fence. Mr. Sullivan thanked the Board for listening to their concerns and for the Board's support but pointed out that he already ordered the fence because he was looking at a mess. Mr. Leclair wanted to clarify that, Mr. Poltak's discussion with Mr. Martel was strictly to put the concerns before Mr. Martel and try to appeal to his common sense and it was nothing with regard to timeline because there was no timeline. Mr. Poltak agreed.

Discussion ensued with regard to substantial completion and the fact that Mr. Martel has the road laid out and has built two homes located on Dearborn Road that was part of the Liberty Woods Subdivision approval. Mr. Sullivan wanted to mentioned that, they very much appreciate anything that the Board can do and if there was anything that they could do and if the Board needed access to the property that they were in support of that because they just want it done.

Mr. Grillo wanted to point out that, the Board would be talking to Mr. Martel and right now the crushing is supposed to be complete in two weeks and it may be two more weeks or two months that they still do not have any power over that because he is within the ordinance that was set forth in everything that was approved and as long as he is operating within the guidelines that the Planning Board approved or agreed to that there

was nothing that the Planning Board could do except speak to Mr. Martel. Mr. Grillo also mentioned that, when he went to the 2-acre grid subdivision that all the things that he couldn't do within the cluster buffer went away.

Mr. Russell Sullivan commented that, when there's a noise issue that, there are temporary sound barriers that are 30 feet and believed that this could be something that Mr. Martel could do in this area. Mr. Porter thought that 30 feet would be a great idea. Mr. Sullivan also talked about the fact that, abutters have the right to peaceful enjoyment of their property and the fact that Mr. Martel is not doing that there has to be a way to make it work. Mr. Poltak commented that, he did not take exception to what he was saying but that normal construction in the Town of Auburn and every community in the state, this is subdivision that is going in and the road is being constructed. Mr. Martel relative to where he is staging is where he is taking umbrage with. Mr. Sullivan and Mr. Poltak both agreed that, that was the problem and where Mr. Poltak would be dealing with head-on. Mr. Poltak asked Mr. Sullivan, who had been a Planning Board Chairman for a number of years where the Board could request a 30-foot sound barrier. Mr. Sullivan indicated that there wasn't one. Mr. Poltak agreed that, that was exactly the case and that he could make that request and that request only. Mr. Leclair agreed that it could not be in any form of demand but only a request to Mr. Martel.

In conclusion, Mr. Poltak wanted to inform the Sullivan's that, they have the Planning Board's support. Both Mr. and Mrs. Sullivan thanked the Board for their time and support. Mr. Poltak reiterated that, he will talk with Mr. Martel and get back to them. Mr. Sullivan wanted to also mention that Mr. Martel has dropped trees onto their stone wall and has left them there and that he has had to remove them himself. The Board all agreed that, that was a problem and that would be something that they could do something about.

## **PUBLIC HEARING**

**254 Real Estate Holdings, LLC**  
**254 Rockingham Road, Tax Map 25, Lot 45**  
**Major Site Plan Review (6,000 sq. ft. industrial building**  
***With two (2) stories of 3,000 sq. ft. each*)**

Mr. Poltak moved on to say that they would be moving into a Public Hearing and read the applicant's name and address of the site plan review for 254 Rockingham Road. Mr. Poltak also pointed out that, the Board should still be familiar with this property as it was before the Board approximately 8 months ago relative to a proposal that did not take place and now, we have an alternative proposal that is similar for the same site. At this time, Mr. Poltak turned the discussion over to Jennifer McCourt.

Ms. McCourt began her presentation by introducing Mr. Gilbert, who will be purchasing the property. Ms. McCourt stated that, what was proposed was a 6,000 square foot building with a one-story footprint. Ms. McCourt went on to say that, what they are proposing is a 3,000 square foot two-story building. The drainage is all in the same place

as before and they have not increased the impervious on the site or changed the detention ponds or anything else. At this time, the Board reviewed the plan that was submitted before them. Ms. McCourt said that, with regard to the landscaping that she had added another tree to the left of the entrance to have the appropriate number of trees for the parking area. Ms. McCourt talked about the parking spaces for contractors and the first floor will have some warehouse and the second floor will be basically administration for contractors. There will be no public or clients coming here as it basically will be used for contractors to do their paperwork. Ms. McCourt pointed out the doors to the building and the area that they removed the sidewalk on the right side of the building so it actually decreases the amount of impervious they had before. What they are looking at is, 12 employees and you need one and a half spaces per employee so 18 spaces are required and they are providing 19 spaces with one handicap space. Normal hours of operation will be 7:00am until 5:00pm, Monday through Friday and that doesn't mean that someone might stay late one night or have to come in on a Saturday to do some work but those are the normal hours of operation. Ms. McCourt talked about the fact that they added another light on the building.

Ms. McCourt moved on to talk about Stantec's letter that was received today and asked the Board if they wanted her to go through them. Mr. Poltak asked the Board if they received the letter from Stantec. The Board members all received the letter from Stantec. Mr. Poltak asked Ms. McCourt to summarize the comments in the letter and indicated that, what they have before them is a site plan that was approved previously and the difference was the footprint of the initial building from 6,000 square feet on one floor with a 3,000 square foot two-story building. With that said, Mr. Poltak asked Ms. McCourt to summarize Mr. Tatem's comments. Ms. McCourt began by saying that the Board should have the letter of compliance from the Fire Department and they are working with Manchester Water Works on getting their approval and would ask the Board to make that a condition. Ms. McCourt went on to talk about the dumpster location as they are not proposing a dumpster location because they are proposing curbside pick-up by a private entity so Mr. Tatem asked for that to be placed in a note on the plan. Ms. McCourt believed those were the three (3) things that she saw. Ms. McCourt noted that, since they put the pass door in this area that they added another light on that would meet their lighting standards.

Mr. Poltak noted that this was a Public Hearing and therefore moved on to ask if there were any abutters present but first asked the Board if they had any questions. Mr. Poltak had one other question regarding the detention basin moving further west and has it all been agreed too. Ms. McCourt said yes, since the edge of pavement moved further north that Mr. Tatem wanted her to shift the detention pond the same amount which wasn't a problem. A brief discussion ensued with regard to moving the detention pond.

Mr. Tatem commented that, since the new water supply design requires the road to be cut and he spoke with Mr. Dross and the road has been paved within the last few years so they put a rather extensive comment on #12 about treating that road patch so that it's of quality so there is no speed bump next year and they are all set with that so that was the only change that make a difference.



Mr. Poltak asked the Board members if there were any questions for Ms. McCourt. Mr. Porter commented that his only concern would be regarding the substantial icing in that area. Mr. Poltak noted that Mr. Lacey was an abutter and asked if there were any other abutters present that would like to speak. Mr. Scott who owns the bus terminal and the dome that is there on King Street and was glad that the Board mentioned the ice because the water just runs off of there. Mr. Scott also asked if the owner was going to be the tenant as it was mentioned that it was contractor based. Mr. Gilbert stated that it would be owner occupied as he owns a union drywall company currently out of Boston. Mr. Gilbert added that, nobody ever comes to the office and that it was basically estimators and secretary and three (3) accounts which is owner occupied and will be quiet. Mr. Gilbert indicated that he had spoken with Mr. Lacey and that Mr. Lacey was happy to hear that there would not be a machine shop making noise as there would be no noise. Mr. Gilbert further indicated that they would be putting up a good-looking building that would fit in with the atmosphere and would look sort of like By-pass 28 which is the Regency Mortgage building. They basically want to do something like that but he didn't want to spend a ton of money on blueprints until they were approved. Mr. Lacey asked about the tree closest to his house and if it would affect him seeing down the road. Ms. McCourt stated that when they move the detention pond back that they will also be moving the tree back as well. Mr. Lacey asked about the lighting in one area and if it would be shining down and not at his house. Ms. McCourt answered by saying that they would be LED lights which would be night sky compliant and would shine down. A brief discussion ensued with regard to timing of lights being on. Mr. Tatem indicated that one hour after closing. Mr. Lacey was happy with that. Mr. Lacey asked what type of business would be going in there. Mr. Gilbert answered by saying that it would be his business which is a drywall business and on the first floor he has 2,000 square feet that he would like to rent to a similar business. Mr. Scott commented that, he first heard owner occupied and now he's hearing owner occupied with a rental so is it both or is it owner occupied. Mr. Gilbert said it's owner occupied but it's both as he has some extra space that he would like to rent.

At this time, Mr. Poltak asked if there were any other abutters or otherwise present that would like to speak. None were noted. Mr. Poltak asked Mr. Tatem if there was anything else that he would like to add. Mr. Tatem stated that, the only thing that he would recommend is putting in the one light that is right up against his property is to drop in an opaque shield so none of the lighting will spill over. Mr. Poltak stated that the record will show that that what mentioned and that Mr. Gilbert had no problem with doing that. Mr. Poltak asked if there were any further questions from the Board.

With that said, Mr. Poltak believed that they should take this up in two (2) motions which one would be to accept the application and the second to vote up or down with regard to a minor site plan.

**Mr. Grillo made a motion to accept the application for 254 Rockingham Road, Tax Map 25, Lot 45. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.**

**Mr. Grillo made a motion to approve 254 Rockingham Road, Tax Map 25, Lot 45 with approved waivers from the prior approved site plan recorded on 10/26/18 D-41127 subject to completion of items identified in Stantec's letter dated 5/8/19 and adding an additional opaque shield to a parking lot light shown on the plan. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.**

Mr. Gilbert thanked the Board members for their time and exited the meeting. At this time, the Board took a 5-minute recess at 8:10pm.

The Board members reconvened at 8:18pm and moved on to the discussion of elderly housing.

## **OTHER BUSINESS**

### **Senior Housing Proposal**

Mr. Poltak began by saying that he has asked Mr. Tatem to attend tonight's meeting as he had some comments to present to the Board members. At this time, Mr. Poltak turned the discussion over to Mr. Tatem.

Mr. Tatem began by saying that the committee has met and talked about 30 different bullets. Mr. Tatem indicated that he has been researching other towns and has actually driven around looking at some subdivisions or elderly developments in those towns. Mr. Tatem also stated that he has also spoken with a few developers. Mr. Tatem pointed out that the point of this rewrite is to make an ordinance that works for the town and also is financially feasible for developers. Mr. Tatem stated that he had spoken with Mr. Febonio and thought it would be a great idea to invite him to a meeting to bounce some ideas off of to get some input. At this time, Mr. Tatem showed the Board members a map of the Town of Auburn that showed the lots which were 10 acres or greater of which Mrs. Marzloff spent some time at the town hall doing some research. A brief discussion ensued with regard to the map showing all parcels within the Town of Auburn that have 10 plus acres. Mr. Tatem pointed out that, most of the towns he was looking at allowed them in all zones and asked the Board if they would want it allowed in all zones because right now, the Town of Auburn pretty much allows them in all zones. Mr. Tatem went on to inform the Board members that, Fremont has a 25-acre minimum, both Windham and Hooksett are a 4-acre minimum. Mr. Tatem asked if the 10-acre minimum a good idea. This is something that the Board should think about. Discussion ensued with regard to the number of acres. They could also write the ordinance as such if they have a sewer system and not individual wells and septic. Another thing to think about is the open space requirement.

In conclusion, Mr. Poltak pointed out that, he believed they wanted to do one ordinance which deals with elderly housing. Basically, the things they need to consider is what zones that we will allow elderly housing, the minimum lot size, setbacks and types of elderly housing. Mr. Tatem also mentioned that a lot of these types of developments want



the roads to be built to town standards and did not recommend the Board do that and that they allow lower speeds because they are private roads so you could post it for 15 mph. Mr. Tatem also believed that it should be run by the Fire Department and the Police Department. A brief discussion ensued with regard to 10-acre lots which was a work in progress. Lastly, the discussion continued with regard to the size of each elderly housing unit. Mr. Tatem talked about parking within these developments regarding parking must be covered. Discussion ensued with regard to age limitation as well which is a restrictive covenant on the deed when you purchase.

The Board talked about the committee meeting again to go over all the points discussed tonight. Mr. Tatem also mentioned the landscaping standards because right now the ordinance does not call back to landscaping. Mr. Tatem went on to talk about landscaping on individual buildings. Mr. Tatem talked about restrictive cutting so that you can't clear cut to the end of the road. Mr. Villeneuve suggested that the buildings be sprinkled as well. Mr. Tatem also noted that Mrs. Marzloff did not show all the 10 plus acre parcels and maybe we could think about things and at the next meeting they could discuss it. Mr. Tatem stated that he needed some sort of direction in order to prepare for the next time we get together. Mr. Tatem pointed out that, he could get the Board some aesthetic and architecture standards and what he will do is send those out to the whole Board. Discussion ensued with regard to inviting a few developers to join in on the discussion to give the Board some insight with regard to elderly housing developments and believed that Mr. Tatem should choose. Mr. Poltak also mentioned Mr. Lamontagne as well who was before the Board approximately 6 months ago. The Board all agreed.

Finally, it was decided that the next meeting for discussion of elderly housing would take place on Wednesday, June 19<sup>th</sup>.

## **MISCELLANEOUS**

Mr. Poltak wanted to inform the Board of a letter sent from the Building Inspector, Mrs. Rouleau-Cote to ODA Auto Precision, LLC. Mr. Poltak summarized the letter to the Board members and they will wait to hear what the next step would be.

## **ADJOURN**

**Mr. Rolfe moved to adjourn the Hearing. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:32p.m.**

***The next Planning Board meeting will be held on Wednesday, June 5<sup>th</sup>, 2019 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.***