

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
June 19, 2019

Present: Ron Poltak, Chairman. Steve Grillo, Vice-Chairman. Michael Rolfe & Jeff Porter, Members. Paula Marzloff & Tom Lacroix, Alternates. Minutes recorded by Denise Royce.

Absent: Keith Leclair, Selectmen's Representative. Jesse Edwards, Alternate.

Mr. Poltak called the meeting to order at 7:00pm and moved on to approval of the June 5th meeting minutes.

MINUTES

Mr. Rolfe moved to approve the minutes for June 5th, 2019, Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak moved on to the Public Hearings and began with the first, Dale Phillips of 19 Rattlesnake Hill Road for a one-lot subdivision.

PUBLIC HEARING

Dale Phillips
19 Rattlesnake Hill Road, Tax Map 5, Lot 11
Minor Subdivision – 1 Lot

Mrs. Phillips began by saying that she does not have the mylar because there is one thing that needs to be corrected on it. At this time, each of the Board members had copies of the proposed subdivision plan in front of them. Mrs. Phillips went on to say that, she has a copy of the stamped copy from the state as well as the state subdivision approval which was approved June 11, 2019. Mr. Poltak asked Mrs. Phillips if she was subdividing one-lot off of her lot. Mrs. Phillips said yes that her grandson and his wife would be purchasing it. Mr. Poltak asked Mrs. Phillips what the purpose of going to the Zoning Board of Adjustment. Mrs. Phillips stated that she has been paying on 400 feet of frontage when she purchased the property back in 1964. Mrs. Phillips further explained that, when she went to have it surveyed that it was determined that she had 399.19 so they gave 200 feet to the existing house lot and 199.19 feet to the new lot. Mrs. Phillips added that basically the whole street is messed up. Mr. Rolfe commented that she should also change that her driveway is now paved and no longer gravel. Mrs. Phillips agreed.

With that said, Mr. Poltak asked if any of the Board members had any questions as he believed it was pretty simple. None were noted. Mr. Poltak believed that two (2) motions were in order, one to accept the application as complete and one to approve the minor one-lot subdivision.

It was also noted that, there were no abutters present and that Mr. Edwards is an abutter and sent an e-mail stating that he had no objection to what Mrs. Phillips was proposing.

Mr. Porter made a motion to accept the application for a minor one-lot subdivision as presented for 19 Rattlesnake Hill Road, Tax Map 5, Lot 11. Mr. Rolfe seconded the motion. All were in favor, and the motion passed unanimously.

Mr. Porter made a motion to approve the minor one-lot subdivision as presented for 19 Rattlesnake Hill Road, Tax Map 5, Lot 11. Mr. Grillo seconded the motion. All were in favor, and the motion passed unanimously.

Mr. Poltak stated to Mrs. Phillips that she was all set. Mrs. Phillips thanked the Board and exited the meeting.

**Myles Travel Plaza
Global Montello Group
7 Myles Drive, Tax Map 9, Lot 15-1
Amended Site Plan Review
(add proposed above-ground storage tank)**

Mr. Huseyin Sevincsil of MHF Design Consultants out of Salem, New Hampshire representing Global Montello Group passed out copies of the proposed plan to each of the Board members for review. Mr. Sevincsil began by explaining the site and location of the proposed Myles Travel Plaza as an existing gas station, convenience store and a Burger King with a drive thru window. Mr. Sevincsil went through the site plan and showed the location of the proposed 5,000 gallon above ground off-road diesel storage tank which is regulated by NH DES. Mr. Sevincsil also pointed out that, if they get approval from the Planning Board that they would also have to submit for design review from them as well. Mr. Sevincsil went on to say that, the AST would be located on a concrete pad and would have to be enclosed by a fence that has to be 10 feet away from the tank with a gate for access. Piping would be run underground and other than that, there would be no other modifications to the site. Mr. Sevincsil did say that, in order to accommodate the 10-foot fence all around the AST that they would lose one truck parking space. Mr. Sevincsil concluded that, this was pretty much it, that they would be looking at a minor site plan approval from the Board and would be happy to answer any questions that the Board may have at this time.

Mr. Porter asked Mr. Sevincsil to explain what off-road diesel means. Mr. Sevincsil explained that, low sulfur fuel but it's just dyed and was 30 cents cheaper. Mr. Porter asked about losing one truck parking spot and going underground with this and asked about containing any spillage. Mr. Sevincsil stated that, the state has regulation for a barrier around the dispenser so if the nozzle is pulled out the spill is all contain within that pad area and that there was an alarm connected to it and would go off inside the store.

Mr. Poltak asked if there were any other questions from the Board. Mr. Poltak had a few and started by asking about the new dispenser which was obviously to service the new tank. Mr. Sevincsil said yes. Mr. Poltak went on to ask, from an operational point of view, putting the new tank above ground does that save money by not having a secondary containment and two wall system. Mr. Sevincsil stated that it's still a double wall tank and it's a steel tank and will still have to comply with all the rules and regulations.

Mr. Porter explained his concerns with regard to spillage. Mr. Sevincsil understood there was an aquafer and reiterated that the tank was a double wall steel tank and that might be something that the state might require additional items considering there is an aquafer. A brief discussion ensued with regard to the aquafer and the possibility of a spill. This could be something that they could place a condition on when approved by the state. Mr. Poltak mentioned that it would have to go through state approval with its own set of rules and regulations up in Concord.

Mr. Porter talked about possibly putting up a taller fence for screening. Mr. Poltak pointed out that from an operation, health and safety point of view that, all of the standards in terms of its operation is pretty much accommodated under a set of rules and regulations that is already enforced by both the states and the feds. Mr. Porter did mention that they have not put anything in for design and aesthetics but we have some ideas behind it but nothing yet.

Mr. Poltak asked if there was anyone else with questions or concerns. Mr. Poltak asked the applicant how he would respond to the concept of a higher fence. It was noted that it would not be a problem. A brief discussion ensued with regard to the height of the fence. Mr. Sevincsil commented that they could put an 8-foot high fence and put some sort of gap at the bottom. It was noted that, the tank would be sitting on a concrete pad that would be six (6) inches above the pavement. Mr. Grillo mentioned the possibility of putting some tall trees as opposed to a higher fence. Mr. Porter was fine with either one and commented that it was certainly not a deal breaker but was more concerned about the containment of the spillage and the screening was secondary. Mr. Porter's concern was in regard to any spillage. Mr. Poltak reminded Mr. Porter that, he did not know how we can deal with that because it was not within their authority as it was all regulated by the state.

In conclusion, Mr. Poltak stated that he was unsure as a Planning Board would look to require something when they don't know what there requiring. Mr. Sevincsil added that, in this case, the state would review and regulate this but that in other states they don't have a review process. Mr. Sevincsil pointed out that, it has been done in the past that

the Planning Board would call the state and say, this plan is coming forward and that his client is willing to accommodate whatever the state or the town would require. This is the first step and then they would prepare a plan to submit to the state. Mr. Poltak stated to the Board that he could call the state and tell them their concerns and that he would be glad to do that. Mr. Porter said okay. With that said, Mr. Poltak stated that he would entertain a motion to accept and then a motion to approve would be in order.

Mr. Porter made a motion to accept the application for an amended site plan for 7 Myles Drive, Tax Map 9, Lot 15-1. Mr. Rolfe seconded the motion. All were in favor, and the motion passed unanimously.

Mr. Poltak reiterated that he would contact the state with the Planning Board's concerns and wanted to move on to approval of the amended site plan.

Mr. Grillo made a motion to accept the application for an amended site plan conditioned upon the review and approval by the state for 7 Myles Drive, Tax Map 9, Lot 15-1. Mr. Rolfe seconded the motion. All were in favor, and the motion passed unanimously.

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

**George Chadwick
22 Dartmouth Drive, LLC
266 Rockingham Road, Tax Map 25, Lot 44
Minor Site Plan Review
(34,920 sq. ft. warehouse building)**

Mr. Chadwick passed out copies of the proposed site plan to each of the Board members for review. Mr. Chadwick began by introducing himself and saying that he was before the Board tonight representing Mr. Danais of Danais Realty regarding the final plans for an amended site plan located at 266 Rockingham Road. Mr. Chadwick stated that, they have reduced the building size to 34,920 square feet and if the Board recalls that in 2017, the Board approved a 40,180 square foot warehouse building. After the Planning Board approval that, Mr. Danais lost his tenant and that's why they are here today to try to get this thing re-approved and the mylar was never recorded so therefore the approval has lapsed. Mr. Chadwick went on to say that, they are before the Board tonight to get the approval for a 34,920 square foot warehouse building where 32,400 square feet is warehouse and 2,520 square feet would be office in front.

At this time, Mr. Chadwick went on to say that, although the building is smaller is still in the same configuration and the parking, grading, utilities, landscaping and the lighting has not changed. The only thing they have done is shrink the building down and extended the loading docks up to the face of the building. They did have the lighting engineer redo the lighting plan to accommodate the shrinkage of the building which is included in the

package tonight. The building is serviced by Manchester Water Works and is on an individual septic system which is approved by the town and the state. The gas and telephone lines would come off of Dartmouth Drive into the site. The hours of construction would be 7:00am until 5:00pm. The plan has gone to Stantec for review of which he believed the town had a copy of Stantec's review letter dated June 18, 2019. Mr. Chadwick pointed out that, in the letter dated June 18th that, Stantec had no comments and recommended that the Chairman sign the plans.

As far as the 2017 approval through the Planning Board, Mr. Chadwick talked about the Conditional Use Permit to get reapproved for 38,100 square feet of wetland buffer which was around the exterior of the parking lot and the drainage structure only of a Level Two wetland that the Board approved in 2017.

Mr. Chadwick went on to discuss the three (3) waivers that were granted in 2017 which are as follows:

- Section 10.07.6(k) Parking, to allow 49 parking spaces versus 70 spaces required.
- Section 10.08.3 Driveway, to allow 2% for 20 feet down and 2% for 50 feet up versus 2% down for 70 feet required.
- Section 10.13.4.A.iii(c) Light Pole Height, to allow light pole to be 18 feet tall where 12 feet is required.

With that said, Mr. Chadwick stated that he would be happy to answer any questions that the Board may have. A brief discussion ensued with regard to no changes from previous approval of the waivers and that there would be no spillage of lights. Mr. Poltak commented that they would need to reapprove the Conditional Use Permit. Mr. Porter asked about restoring the driveway located on Rockingham Road. Mr. Chadwick stated that, there should be a note on the plan that this is their intention as they would re-establish vegetation in that area to discontinue the current driveway and that the driveway would be moved to Dartmouth Drive.

Mr. Poltak asked if there were any further comments or questions. None were noted. Mr. Willenbacher of Rockingham Road stated that he had no qualms regarding the hours of operation as he already checked on that and asked about the lighting impact on the surrounding residences. Mr. Chadwick stated that the town requirements are that there is not spillage onto abutting properties so between Mr. Willenbacher's property and this property that there is no lights between the two (2) properties. Mr. Villeneuve also had a question regard lighting and wall packs. Mr. Chadwick reiterated that there would be no light spillage onto Rockingham Road and that the driveway would be off Dartmouth Drive. A brief discussion ensued with regard to wall pack lighting on the property and the affect it would have on abutting property and that there would be approximately 300 feet from the building to Rockingham Road. With that said, Mr. Willenbacher reiterated that he had no issue with what is being proposed.

In conclusion, Mr. Poltak stated that he would ask Mr. Grillo to make the required motions for approval of the amended site plan for 266 Rockingham Road.

Mr. Grillo made a motion to accept the application for amended site plan for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo made a motion to approve the Conditional Use Permit for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak indicated that, the next thing to do is to take up the waivers.

Mr. Grillo made a motion to approve the waiver request from Section 10.07(6) Site Plan Regulations – Parking for reduction to 49 parking spaces where 70 parking spaces is required for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo made a motion to approve the waiver request from Section 10.13.4.A.iii(c) Site Plan Regulations – Lighting to allow a 16-foot pole on a 2-foot base where 12 feet is required for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo made a motion to approve the waiver request from Section 10.08.3 Site Plan Regulations – Driveway to allow the driveway to slope away from Dartmouth Drive for 20 feet at 2% then up at 2% for 50 feet totaling 70 feet, where the requirement is 2% for 70 feet away from Dartmouth Drive for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak informed the Board that it would be now for the approval of the amended site plan.

Mr. Grillo made a motion to approve the amended site plan as submitted for 266 Rockingham Road, Tax Map 25, Lot 44. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak asked Mr. Danaïs that, now that this plan is approved, when would the Board see something happen on the site. Mr. Danaïs stated that, now that it's approved that he would be putting it out to bid and hopefully they will have a bulldozer there this summer. Mr. Chadwick thanked the Board members for their time and exited the meeting.

At this time, Mr. Poltak informed the Board that they had two (2) surety reductions to deal with and the Board moved on to review the requests.

GENERAL BUSINESS

Ambulatory Surgery Center Dartmouth Drive, Tax Map 6, Lot 18-4 Final Surety Release Recommendation

Mr. Poltak began with the Ambulatory Surgery Center on Dartmouth Drive and read from the letter from Stantec dated June 14, 2019 recommending the release of the remaining surety in the amount of \$7,500 currently held by the Town of Auburn.

Mr. Porter made a motion to release the remaining surety in the amount of \$7,500 currently being held by the Town of Auburn for the Ambulatory Surgery Center, 45 Dartmouth Drive, Tax Map 6, Lot 18-4. Mr. Rolfe seconded the motion. A vote was taken; all were in favor, the motion passed.

Hills Road Extension Road Acceptance & Surety Reduction

Mr. Poltak moved on to Hills Road Extension request from Stantec and read the letter dated May 17, 2019 (a copy of which can be found in the road file with the Selectmen) to the Board recommending that the current surety in the amount of \$67,383.75 being held by the Town of Auburn be reduced to \$6,738.38 for the 2-year maintenance surety period, which will be completed on November 17, 2020.

Mr. Grillo made a motion to reduce the maintenance surety amount of \$67,383.75 currently being held by the Town of Auburn down to \$6,738.38 for the 2-year maintenance surety period, which will be completed on November 17, 2020 for Hills Road Extension and to have the Selectmen accept the portion of Hills Road Extension (Stantec letter dated May 17, 2019). Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

OTHER BUSINESS

Mr. Poltak explained that, he had intended to have a couple of developers attend the Planning Board meeting tonight and they could not make tonight's meeting. Mr. Poltak talked about the e-mail sent to the Board members regarding different town's ordinances with regard to elderly. A brief discussion ensued with regard to 62 and older and the elderly provision and Mr. Poltak asked the Board members to review what he had sent to each of the Board members regarding the elderly housing provision. With that said, Mr. Poltak pointed out that, they have rescheduled the meeting with the developers to Wednesday, August 7th due to the fact that the Board will not be meeting during the month of July.

Mr. Poltak stated that, that was all he had to discuss tonight and asked the Board 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 7:47p.m.

The Planning Board will not be meeting during the month of July. The next Planning Board meeting will be held on Wednesday, August 7th, 2019 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.