

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
November 20, 2019

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

Absent: None.

Mr. Poltak called the meeting to order at 7:01pm. Mr. Poltak asked the Board members to introduce themselves to everyone present. Mr. Poltak informed everyone present tonight that, they had a healthy agenda of which they would get right into. At this time, Mr. Poltak moved on to approval of the October 16th meeting minutes.

MINUTES

Mr. Grillo moved to approve the minutes for November 6th, 2019 as written. Mr. Porter seconded the motion. A vote was taken; all were in favor, the motion passed.

At this time, Mr. Poltak moved on to discuss the first item on the agenda.

GENERAL BUSINESS

Road Acceptances

- **Copley Court**

Mr. Poltak began with the acceptance of Copley Court as the road has been completed. November 15th is usually the deadline for approval of roads for plowing in case of snow of which we are getting close. Mr. Poltak talked about the Stantec punch list and wanted to be sure that everything has been done and therefore asked the Board for a motion to accept the two (2) roads with one being Copley Court and the other being Nathaniel Way with the condition that the punch list be completed prior to this Board sending a letter to the Board of Selectmen for acceptance.

Mr. Grillo made a motion to accept Copley Court conditioned upon successful review and completion of Stantec's punch list. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously.

- **Nathaniel Way**

Mr. Grillo made a motion to accept Nathaniel Way conditioned upon successful review and completion of Stantec's punch list. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously.

Real Ashby

88 Priscilla Lane, Tax Map 1, Lots 16-1 & 16-2

Discuss Utility Upgrade

Mr. Poltak turned the meeting over to Real Ashby for discussion. Mr. Ashby began by saying that, what he's looking to do is, sell the two (2) units that he owns at 88 Priscilla Lane. Mr. Ashby explained that, the proposed purchaser would like to upgrade the electrical service and to run the utilities underground would be very expensive so what they would like to do is, install two above-ground poles to come off of Londonderry Turnpike and to connect on the outside of the end unit. Mr. Ashby showed the location on a proposed plan to the Board members. The Board members reviewed the plan with Mr. Ashby. Mr. Ashby stated that, the proposed occupant is a printing company who makes playing cards and that the current electrical service does not have enough power as it is. With that said, Mr. Ashby asked the Board that, if it's zoned to have underground utilities, could he run the power above ground because to run it underground gets really costly. Mr. Poltak asked how the power was run currently? Mr. Ashby stated that it was run underground. A brief discussion ensued with regard to running above ground power. Mr. Poltak commented that, this was not something that the Board looks favorably upon. Mr. Poltak asked what the cost difference was. Mr. Ashby stated that, he did not go there because when he was talking to the Co-op that they informed him that he did not want to go there because it was very expensive to go underground and that going above ground would be the cheaper way.

At this time, Mr. Michael Reed who was the realtor for Mr. Ashby explained that, to go underground would be well in excess of \$25,000 which is really the tipping point for the buyer who happens to be present tonight. In terms of the deal itself, if it goes even a penny beyond \$20,000, it's probably not going to happen and they will probably have to surrender and walk away. Mr. Reed talked about bring the power in with the two (2) overhead poles would be the only way where the economic end of the deal will work for both parties. Mr. Porter asked what the cost would be. Mr. Reed stated that, they know it's going to be \$14,000 with the proposed entrance that the Board has in front of them and then another \$5,000 to \$6,000 to bring it into the building. Mr. Reed further explained that, to bring the power underground as shown on the plan before the Board would be well in excess of \$25,000 would basically not occur between both parties. If this is not likely to occur with above ground power then the buyer would likely walk away from the deal and they would go on to market the two (2) units.

Mr. Rolfe asked why they could not go underground from Londonderry Turnpike which is approximately 100 feet instead of going above ground. Mr. Reed indicated that, they have had multiple discussions with New England Co-op and they have submitted multiple applications that have been rejected. They have had engineers out to the site to look at all possible ways. This creates the best possible utility for the site and for all parties. A brief discussion ensued with regard to the site. The proposed buyer indicated that, they are a printing company out of New Jersey who produces playing cards and that there was not enough power going into the building right now to run the printing presses. Mr. Rolfe asked what the number of employees they would have. Three (3) were noted. Mr. Reed commented that, there would be no changes to the site other than adding more power to the building. Mr. Reed indicated that, they have looked at the zoning and it looks like it is applicable to the site. Mr. Reed stated that they are taking one step at a time and this is a critical piece and if this can be resolved this evening then they can move forward and then they will come in a talk about zoning and if it's not applicable then they will go to the Zoning Board of Adjustment for a Special Exception or a Variance. As far as this Board is concerned tonight, they are here to talk about the poles and if this is not approved this evening then they know where they stand and the deal is not going to go forward. Again, it was reiterated to the Board that it would be cost prohibitive to go underground and would be cheaper to go above ground. Mr. Poltak asked Mr. Ashby and Mr. Reed to show the Board where the poles would be installed and then they would take a consensus of the Board to see if they would allow them to go above ground. At this time, Mr. Ashby explained to the Board members where the poles would be located and where it would be hooked up to the building. Mr. Poltak pointed out the issue of parking and the number of spaces that are allotted to each unit and the fact that the property was messy. Mr. Poltak further added that, the Town of Auburn likes the utilities to be under ground for a number of reasons and suggested to Mr. Ashby to obtain the specifics on the cost of doing it both ways. Mr. Reed explained that, it does not make economic sense for this deal to pay an exorbitant amount of money to sell a unit at a loss. A brief discussion ensued with regard to cost.

In conclusion, Mr. Reed explained that, they were before the Board tonight to ask for two (2) poles above ground to bring some additional power into the building. If its going to cost a major disruption and a major diminution of value or a danger or hazard then fine, they'll except that. They do not think that, asking for two (2) poles from the By-Pass to the building at the end of the building where it's completely innocuous is going to make one iota of difference. Mr. Grillo commented that, except it's against our rules. Again, the conversation went on to discuss cost. Mr. Reed stated that, the cost is not going to be what the deal will tolerate. Mr. Leclair commented that, he has no interest to allow putting poles there. Mr. Poltak also stated that, it sets a bad precedence from his perspective because in the community they don't allow it. Mr. Poltak asked Mr. Ashby and Mr. Reed to go back and see what they could do because they are not inclined to go that route. Mr. Reed stated that, it was going to be well beyond \$20,000.

Mr. Reed thanked the Board and exited the meeting and the discussion ended.

**Maverick Homes/Steve Febonio
Haven Drive Subdivision
Request five (5) more Building Permits**

Mr. Poltak moved on to inform the Board of a request from Maverick Development for a request for five (5) more Building Permits and then he believed that development would be complete. Mr. Poltak explained to the Board members that, according to our growth ordinance that they had 65 permits and that only 20 permits have been issued so he would recommend a motion for the request for five (5) more Building Permits for Maverick Development Haven Drive.

Mr. Grillo made a motion to grant five (5) additional Building Permits for Maverick Development, Haven Drive Subdivision. Mr. Leclair seconded the motion. All were in favor, the motion passed unanimously.

**Dane Development
Mountain Road, Tax Map 9, Lot 4
Release of Remaining Surety**

Mr. Poltak moved on to a surety release for Mountain Road in the amount of \$1,000 which was being held for an area that needed to be stabilized with vegetation. Mr. Tatem of Stantec has recommended that the Planning Board approve the release of the remaining surety to the developer.

Mr. Grillo made a motion to approve the release of the remaining surety in the amount of \$1,000 to Dane Development, Mountain Road, Tax Map 9, Lot 4. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously.

PUBLIC HEARING

**Randall Sanderson
On Behalf of Dennis Demers &
Mary Alana Demers
376 Rattlesnake Hill Road, Tax Map 4, Lots 15, 16, 18 & 18-1
Zoned Residential Two
Lot Line Adjustment & Lot Consolidation**

Mr. Poltak began with the Public Hearing for Randall Sanderson on behalf of Dennis Demers and Mary Alana Demers. Mr. Poltak explained the procedure for tonight's Public Hearing to everyone present tonight.

Mr. Doug McGuire of the Dubay Group presented on behalf of the applicant. Mr. McGuire began by saying that, basically what they have is a series of parcels all owned by the same owner. The parcels all amount to 84.17 acres and there are four (4) different parcels. What they are before the Board tonight is for a Lot Line Adjustment between

one of the parent lots and an existing lot that has frontage on Rattlesnake Hill Road. The purpose for doing this is because Mr. Randall Sanderson has been renting the existing home on the parcel with frontage on Rattlesnake Hill Road and is now looking to purchase it from the landowner. In the process they were doing a little housecleaning by doing a Lot Consolidation of the remaining lots. Mr. McGuire explained the location of the lots which has frontage on two (2) existing town roads which are Tanglewood Drive and Rockwood Terrace. The thought is that, they are not creating any new lots but to do a Lot Line Adjustment with the lot with frontage on Rattlesnake Hill Road and a Lot Consolidation for the remaining parcels into one parcel.

Mr. Poltak asked if there were any questions from the Board. Mr. Edwards asked what the acreage would be after the Lot Line Adjustment. Mr. McGuire stated that it would be 19.55 acres. Mr. McGuire reiterated what he stated above that they are going from 4 lots down to 2 lots. Mr. Poltak asked if the lot with frontage on Rattlesnake Hill Road was the only lot that had a house on it and if all the other lots were land only. Mr. McGuire said that was correct. Mr. Poltak asked Mr. McGuire what the intent would be relative to these lots. Mr. McGuire answered by saying that, at this stage, they do not have any design plans or anything proposed but obviously there may be potential opportunity to do a future subdivision utilizing some of the existing right of way connections to the parcel but Mr. Demers is just looking to consolidate the parcels because he owns them all anyways. Mr. Poltak stated that it makes sense and asked Mr. McGuire to share with him for the record where the access is to the non-occupied lot relative to frontage. Mr. McGuire said yes, that you basically have two (2) 50-foot right of way extensions off of Rockwood Terrace and Tanglewood Drive. Mr. McGuire indicated that, if Mr. Demers were to ever develop this portion, he would be consolidating this anyway so at that point it just makes sense to have one larger parcel of land of which he may decide to sell. Mr. Poltak asked Mr. McGuire if Rockwood Terrace and Tanglewood Drive were both cul de sacs. Mr. McGuire said yes. Mr. Poltak indicated that, that was how he remembered them and that this Board from a development point of view have not been acceptable to or ever have embraced cul de sacs in excess of roughly 2,000 feet. The longest one that this Board has accepted here in town is Liberty Woods which is the longest cul de sac. Mr. Poltak went on to say that, the concept of the future, respectful of potential development from a road construction point of view because when Tanglewood was approved that the Planning Board at the time wanted to make sure that no roads in town didn't lead to somewhere because we were not going to be looking down the road at extending cul de sac roads. With that said, Mr. Poltak asked Mr. McGuire if that property was developable from a road perspective. Mr. McGuire commented that, it was his thought that the two (2) roads would connect giving it two (2) points of access. A brief discussion ensued with regard to possible future connection between Tanglewood Drive and Rockwood Terrace but Mr. McGuire indicated that they would take a look at how best to get developable lots as well as connecting those two (2) parcels.

Mrs. Marzloff commented that, without a topo map that we don't even know if it's even feasible or not and that it could be very steep and unbuildable. Mr. Marzloff stated that she would like to see the old lot line shown and the new lot line shown. Mr. McGuire stated that, we do have that on it already and pointed out the location. Mrs. Marzloff also

stated that she would like to see a tax map Locust. Mr. Poltak asked the Board members if there were any further questions from the Board. None were noted. Mr. Poltak asked if there were any questions from abutters and that he wanted to confine the comments to the Lot Line Adjustment and Lot Consolidation only because that was why they were before this Board tonight. If it were to become a subdivision with a conceptual then they would have a non-formal discussion between the applicants and the Planning Board and following that, if the applicant was of the opinion to move forward with a project of that nature, a formal subdivision, it would require a formal application and all procedures associated therewith including all of our regulations and zoning. Mr. Poltak wanted everyone to know that, the focus on this discussion was with this proposal which is the Lot Line Adjustment and Lot Consolidation. Mr. Poltak wanted everyone to know that he took the liberty of trying to decipher where this might end in the future and that everyone got the opportunity to hear all of that but this Planning Board has no formal application in front of them for anything other than a Lot Line Adjustment and Lot Consolidation. With that said, Mr. Poltak asked if any abutters had any questions. Ms. Sharon Leblanc of Tanglewood Drive asked a few questions such as what does the Dubai Group do and are there any benefits for them to consolidate the lots. A discussion ensued with regard to these questions and was informed that the property was probably in Current Use anyways and that it was just to consolidate all the lots into one as he was the owner of all the lots. Mr. Poltak further explained that, there has to be improvements on the lot in order to be a tax increase. Mr. McGuire added that, Mr. Sanderson is the one paying him to do this and Mr. Demers commented that, while you're putting the plan together why don't we just consolidate all the lots while you're at it. Mr. McGuire added that the true purpose for this was, he's not working for Mr. Demers but is working for Mr. Sanderson because he's purchasing that house. The consolidation was just a housekeeping item. Ms. Leblanc commented that, a few of them have a concern with future development and understood that they weren't supposed to go there. A brief discussion ensued with regard to what was before the Board tonight which was the Lot Line Adjustment and Lot Consolidation and that he would have to do more research to see if they could build on it before he would know anything.

In conclusion, Mr. McGuire commented that by doing this it becomes a lot cleaner with Mr. Demers saying that he has 65 acres as opposed to a 20-acre parcel, a 28-acre parcel, an 8-acre parcel and a 7-acre parcel.

Mr. Demers was present tonight and commented that Mr. McGuire was doing some housekeeping items and thought this was a good time to do it. Mr. Milne added that, Parker Farms is an abutter and that they have no problem with the lot consolidation happening. Mr. Poltak also wanted to add that, he saw a few comments on social media about an additional 91 acres which has nothing to do with this parcel today and that the 91 acres is under agreement and will never become a part of this property because the potential buyers have decided to keep it as is.

Mr. Menken of 60 Rockwood Terrace commented that his utility lines are pretty low to have passing traffic and have been clipped in the past. Ms. Manning of 40 Rockwood Terrace commented that, they are at the end of the road and did have a problem if they

were going through but if they were leaving it alone then they did not have a problem. Ms. Krygeris of 99 Hooksett Road asked if the permits issued each year were 3%. Mr. Poltak had the list from Mrs. Rouleau-Cote, Building Inspector that listed it as 3%. Ms. Krygeris was concerned because the town has grown a lot and the school has just been redone and it's already overcrowded. Ms. Krygeris asked the Board if they thought about stopping building within the Town of Auburn. The Board informed Ms. Krygeris that they can't stop building. Mr. Poltak explained that, you can't prohibit building within the community and a public right to own is a public right to develop according to the rules and regulations of the Town of Auburn and State Statute. Mr. Poltak went on to say that, you can put a control on the number of permits you can issue on an annual basis which is what the Town of Auburn already has of 3%. Mr. Poltak stated that, the Town of Auburn has a 3% growth rate and that we don't even come close to the number of permits available. We had 65 permits and only 20 new building permits were issued in 2019. In conclusion, Mr. Poltak stated that, we don't have the ability to prohibit growth and development but we do have the ability to control growth of which the Town of Auburn already has in place and the only way that you can control what happens on a piece of land is to own it.

Ms. Leblanc asked if the town has thought to purchase land and put it into conservation. Mrs. Marzloff commented that, the Town of Auburn already does this and suggested that they take a look at the Conservation Commission. A brief discussion ensued with the Board with regard to the growth ordinance.

Mr. Poltak asked if anyone else had any further questions. None were noted. Mr. Poltak asked Mrs. Marzloff what she wanted to incorporate into their motion. Mrs. Marzloff did not believe it needed to be put into a motion that it just needed to find a place to fit it in on the front page. Mrs. Marzloff continued to say, to add a tax map locust onto the plan for recording purposes. A brief discussion ensued with regard to the size of the tax map locust. Mr. McGuire stated that he understood what was being requested.

Mr. Grillo made a motion to accept the application as complete for Lot Line Adjustment & Lot Consolidation for Tax Map 4, Lots 15, 16, 18 & 18-1. Mr. Leclair seconded the motion. All were in favor, the motion passed unanimously.

Mr. Grillo made a motion to approve the Lot Line Adjustment and Lot Consolidation for Tax Map 4, Lots 15, 16, 18 & 18-1 as presented tonight and conditioned upon including a tax map locust on the plan. Mr. Leclair seconded the motion. All were in favor, the motion passed unanimously.

Mr. McGuire thanked the Board members for their time and exited the meeting. The Board took some time for the meeting to continue on.

**Jake Alex Realty, LLC
c/o Olaf Zwickau
40 King Street, Tax Map 25, Lot 47-2
Zoned Commercial Two
Minor Change of Use/Renovation to Unit #2**

At this time, Ms. Marie Beaulier presented on behalf of Mr. Zwickau who is the owner of the building. Ms. Beaulier presented the Board members with a letter authorizing Ms. Beaulier to present on his behalf. Ms. Beaulier began explaining to the Board what they are proposing to do at 40 King Street. Ms. Beaulier stated that, they would like to talk about Unit #2 where the tenant has moved out and there are two (2) service bays and offices. The property is zoned Commercial Two and that she has spoken with Mrs. Rouleau-Cote and Ms. Royce about wanting to take over the tenant space and close up the service bays and put windows so it will no longer be garage bays. They would also like to have an open area to make it office space. Ms. Beaulier added that they would like to shift 8 people from Unit #1 to Unit #2. Ms. Beaulier also added that, Sandford Surveying who originally did the septic prepared a letter to inform the Planning Board what the septic capacity would be. Ms. Beaulier presented the Board members a copy of that letter which will be placed in the file. Ms. Beaulier indicated that, what they are asking for with regard to the use of 14 people originally and now to have 7 to 8 people in Unit #1 and have up to 8 people in Unit #2 and Unit #3 does not change at all. Ms. Beaulier also informed the Board that there would be no new construction as the units will stay as is.

In conclusion, Ms. Beaulier stated to the Board members was that, what they were before the Board to get approval on is for the minor use space change for more office space and no service space and the septic currently supports that as well as the parking. Ms. Beaulier pointed out that Mr. Zwickau owns the whole building and he has it under Jake Alex Realty, LLC and he also owns the business that is here as well called Air Solutions & Balancing, LLC and he has two (2) more businesses that he owns and they've gone national but headquartered in Auburn New Hampshire.

Mr. Poltak only had one question which they've had a reassessment of the septic which it passes and stated that all of this would go by the Fire Department and Building Department. Mr. Poltak asked how many more people would they have. Ms. Beaulier said only two (2) more people and what they are looking for is approval to seal up those service bays to make it into office space. Ms. Beaulier explained to the Board members by showing them on a plan of the building.

Mr. Poltak commented to the Board members that, all they have to do is pass a motion to approve the Minor Site Plan change and require coordination with Mrs. Rouleau-Cote and the Fire Department. Mr. Poltak asked the Board members if they understood what was going on. The Board members understood. Mr. Poltak stated to Ms. Beaulier that, she did a good job at presenting this.

Mr. Grillo made a motion to approve the Minor Site Plan for a Change of Use/Renovation to Unit #2, Olaf Zwickau, 40 King Street, Tax Map 25, Lot 47-2. Mr. Porter seconded the motion. All were in favor, the motion passed unanimously.

Ms. Beaulier thanked the Board members for their time and exited the meeting.

OTHER BUSINESS

Discuss Zoning Ordinance Changes

- **Senior Housing**
- **Lighting**

Mr. Poltak began by saying that, the Senior Housing Ordinance of which everyone should have received a second draft in an e-mail and everyone is getting a hard copy tonight. Mr. Poltak went on to say that, Mr. Tatem is away and would be back on the 25th which is a Monday. Mr. Poltak believed that they could finalize it at their next meeting which is scheduled for Wednesday, December 4th. Mr. Poltak asked the Board to get any comments or changes to him by Monday the 25th so they can get this to Town Counsel for review. Mr. Poltak moved on to inform the Board members that, the last day that they can post notice of the first Public Hearing for their changes is January 3rd. Mr. Poltak commented that, he still needed to get this revision to Town Counsel for review. Mr. Poltak also stated that they would have the Lighting Ordinance as well at that time as well.

Mr. Edwards asked Mr. Poltak about the age restriction and if someone younger were to marry someone older or if a grandparent ended up taking in their grandkids. Mr. Poltak commented that there was some forgiveness provisions in federal law so there is flexibility there and the child thing is addressed mainly in the condominium rules and regulations which is overseen by the developer until such time as the development is completed and reviewed by our legal counsel and then translated into regulation from the local level. A brief discussion ensued in this regard.

Mr. Poltak moved on to ask for a motion to adjourn.

ADJOURN

Mr. Rolfe moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:45p.m.

The next Planning Board meeting will be held on Wednesday, December 4th, 2019 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.