

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
December 18, 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 7:00pm. Mr. Poltak asked the Board members to introduce themselves to everyone present at tonight's meeting. Mr. Poltak pointed out that, there were three (3) public hearings scheduled for tonight's hearing. Mr. Poltak moved on to approval of the December 4th meeting minutes.

MINUTES

Mr. Rolfe moved to approve the minutes for December 4th, 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 right into the Public Hearings.

PUBLIC HEARING

4 NH Homes, LLC
Laurel Stacy
208 Bunker Hill Road, Tax Map 8, Lot 5
Zoned Residential Two
Minor Subdivision, 1 Lot

Mr. Higginson of Higginson Land Services presented to the Board members a proposed one lot subdivision. Mr. Higginson began by informing the Board the location of the property and gave a little history of the property as well. Mr. Higginson stated that, in 1985 there was two (2) lots that was consolidated and they are proposing to unmerge them. The new lot would consist of 2.06 acres and explained that the previous lot was just under 2 acres of which they could not follow the same lot lines as the requirements now are for 2 acres and 200-feet of road frontage so they modified it a bit to make it 2 acres. The new lot would include on site water and sewer which is pretty straight forward.

Mr. Poltak asked Mr. Higginson a few questions which included the intention of the new lot. Mr. Higginson indicated that, the intention is to build a single-family home and that

Keith from 4 NH Homes, LLC was present tonight. Keith stated that, they are planning to build a spec house on the new lot. Discussion ensued with regard to the driveway and location of the house which would be in the center of the lot. The driveway would be located off of Bunker Hill Road where it would meet site distance. Mr. Higginson was informed that, within the Town of Auburn that the well radius was 125-feet from a dug well. Mr. Higginson so noted the change.

Mr. Poltak asked the abutters if they had any questions. Mr. David Nye of Bunker Hill Road asked if there was a DES letter against that property in the file for contamination. Mr. Poltak was unsure but remembered that there were some tanks near the garage that were buried there on the property. Mr. Nye indicated that one of the tanks was removed on a flatbed truck which is not legal. Discussion ensued with regard to possible contamination on the existing property due to diesel tanks buried in the ground that could be leaching into the water table. Mr. Nye believed that this should be addressed before they subdivide the property for fear that they build on the new lot and then just let the other property go then who will clean it up. Mr. Poltak stated that he would follow up on that issue. Mr. Higginson stated that he had spoken with the Building Inspector and that she indicated that there was nothing in the town file and as far as she knew there was not an issue there.

Mrs. Andrea Barnard of 223 Bunker Hill Road commented that, since they are so close to the water supply there that is a tributary that goes through town water would be a huge concern because it runs through her property.

Mr. Curtis Petri of 184 Bunker Hill Road commented that, he would be concerned with the water supply too because of the effect on people's wells. Mrs. Karen McCallister of 211 Bunker Hill Road agreed with both Mrs. Barnard and Mr. Petri as well.

Mr. Poltak asked if there were any questions from the Board members. Mr. Edwards wanted clarification from the abutters if their concern with regard to the water would be because of the demand that would be placed on well systems or were they concerned about pollution. Mr. Petri stated that he would be concerned about both. Mr. Porter asked the abutters if they had any issues of anything leaching into their wells. None of the abutters stated that they had any issues with their well at this time. A brief discussion ensued with regard to well water and the removal of one of the tanks from the area. Mr. Nye believed that it should be tested.

Mr. Poltak asked if anyone lived in the existing home. Mr. Higginson said no. Mr. Poltak commented that, with respect to the activities that have taken place on that property in the past that, they would accept the application tonight as the application is complete and then what they would do is, follow up with regard to the buried tanks. Mr. Higginson believed that they were two (2) separate issues whether there are buried tanks there or not doesn't really have anything to do with the subdivision. Mr. Poltak explained that, if there was a new home to go on the new lot and that the well on the existing home is down gradient from the home that he would like to follow up with the Building Inspector relative to the history of the property and then in regard to the former owner of the property. Mr.

Poltak would like to find out if there was any water test done on the dug well because obviously no one is living there now and believed it should be tested because of the tanks that are in the ground on that property. Mr. Poltak wants to make sure that, if a new home is going in on the new lot that the new well would not be contaminated because of this proximity of the existing home and garage. Basically, the Board would like to get this straightened out prior to approving a subdivision. Mr. Poltak asked the Board for their reaction. The Board members all agreed.

Mr. Nye again commented that, whatever happens on that property that the contamination should at least be rectified or at least checked out because the extent of the contamination is unknown. Mr. Higginson asked the Board members what the course of action would be to satisfy the Board. Mr. Poltak stated that, he would like to find out specifically and that he understands that the Building Inspector is aware of the buried tanks. Mr. Poltak also would like to determine that if there is a possibility of soil contamination who would be responsible for getting the test done. Mr. Poltak was unsure of the possibility of the current owners to take care of this issue. Discussion ensued with regard to the tanks buried on the property. Mr. Nye believed there were two (2) 1,000-gallon tanks and a 500 gallon above ground tank which is still there today.

In conclusion, Mr. Poltak indicated that, what they would do is accept the application and he would have to do some investigation and then try to figure out how they would approach this and make a site assessment. Mr. Poltak believed that, to start, they could do a test on the existing dug well water quality and see what happens with that and go from there.

Mr. Poltak asked what the intent would be for the original property. The applicant indicated that, someone other than them would renovate it and sell it and that they would build a new house on the new lot. Mr. Poltak believed that would be an issue and whether or not it would be on the new owners to be responsible for the clean-up for the potential for soil contamination. A brief discussion ensued with regard to getting a water test done on the existing dug well.

At this time, Mr. Poltak thanked the applicant for their presentation and asked for a motion to accept the application.

Mr. Grillo made a motion to accept the application as complete for 208 Bunker Hill Road. Mr. Porter seconded the motion. A vote was taken; all were in favor and the motion passed.

Mr. Grillo made a motion to continue the Public Hearing until January 22, 2020 for 208 Bunker Hill Road. Mr. Porter seconded the motion. A vote was taken; all were in favor and the motion passed.

Mr. Poltak informed everyone that they would be returning on Wednesday, January 22nd for further discussion. Mr. Higginson thanked the Board members and exited the meeting.

**NH Audubon Society
Audubon Society of NH
26 Audubon Way, Tax Map 4, Lot 5
Zoned Residential Two
Minor Site Plan Review
(Additional Use of Existing Structure)**

Mr. Jonathan Saulmon began his presentation to the Board with regard to NH Audubon Society proposal to begin a nature pre-school. Mr. Saulmon stated that there was a high demand for a nature base pre-school. At this time, Mr. Saulmon passed out a packet of material to each Board member for review. Mr. Saulmon went on to talk about the need for a pre-school at the Massabesic Audubon.

Mr. Saulmon explained that, they were before the Zoning Board of Adjustment in November and received a Special Exception to allow the pre-school within the building conditioned upon site plan approval from the Planning Board. Mr. Saulmon pointed out that, the calendar year would be early September to early June. Mr. Saulmon also explained the other programs that they offer at the Audubon. There would be 12 to 18 students and there would be two (2) teachers.

Mr. Saulmon went on to address some of the concerns that were noted at the ZBA which included traffic flow. Mr. Saulmon directed the Board members to the page which showed the traffic flow on the road and in the parking lot. Mr. Saulmon brought up another concern that was mentioned with regard to the intersection of Audubon Way and Spofford Road and stated that he had spoken with the Auburn Police Department and that within the last five (5) years there have been only two (2) accidents that were during their regular business hours of which one of them was during their summer camp which is their highest volume of traffic.

Mr. Saulmon commented on another concern which was their septic system and he mentioned that the alarms were going off constantly due to flooding and since they installed risers in April 2019, they have not had any issues. Mr. Saulmon talked about the question with regard to capacity of the septic system and if the system can handle it and stated that it would only be 12 to 18 students per day. At this time, Mr. Saulmon went through the list of current activity and capacity listed in the package of materials presented to the Board members of which a copy can be found in the file.

Mr. Saulmon brought up the concern with regard to weddings and indicated that there was an event contract included in the packet which states that they are all done at 9:00pm and to be gone by 10:00pm. With that said, Mr. Saulmon stated that, this was all that he had for his presentation and that he would be happy to answer any additional questions that the Board may have.

Mr. Poltak asked the Board members if they had any questions. Mr. Porter asked Mr. Saulmon if they would still be holding their daily programs. Mr. Saulmon said yes. Mr. Porter asked Mr. Saulmon if he knew what the septic size was. Mr. Saulmon did not know

off the top of his head but would check on that. Mr. Porter believed that it should be checked to make sure that the septic system was sized appropriately for the activities held at the Audubon Center. A brief discussion ensued and it was noted that the Audubon Center was built approximately in 1999. Mrs. Marzloff asked about the handicap accessibility and whether it was paved or gravel. It was noted that it was gravel and Mrs. Marzloff believed it would have to be paved in order to be able to bring a wheelchair through there. Mr. Saulmon stated that he would have to check with the State with what the ADA requirements are. Mrs. Marzloff also brought up the fact that she believed the parking lot would need to be paved.

Mr. Poltak asked if it would be half-day or full day pre-school. Mr. Saulmon said that they were looking at full day pre-school with before and after school programs available. Mr. Poltak also asked if, the pre-school would be owned and operated by Audubon. Mr. Saulmon said yes, that it would be their nature-based pre-school and they would hire a director and a lead teacher which would be owned and operated by Audubon.

Brief discussion ensued with how the kids would be dropped off and picked up on a daily basis. Mr. Saulmon explained how the process would work in which the parents would park and walk the student into the building and that one side of the parking lot is labeled entrance and the other side is labeled exit. Mr. Poltak asked when they would anticipate beginning this pre-school program and if they were thinking 2020. Mr. Saulmon stated that, their initial intent was 2020 but believe that would be a little fast and want to make sure that they get everything right so it's possible that it would not be until the fall of 2021.

At this time, Mr. Poltak mentioned two (2) issues which was paving of which he believed the parking lot was adequate now but his main concern was safety. Mr. Porter brought up the septic review and Mr. Poltak agreed. Mr. Saulmon believed he knew where to get that information. Mr. Poltak asked what the pleasure of the Board would be after they get the answer to these questions. Mr. Poltak also commented that the Board would put them on the agenda for the second meeting in January and there were no abutters present at tonight's meeting.

Mr. Grillo made a motion to accept the application as complete for NH Audubon Society, 26 Audubon Way, Tax Map 4, Lot 5, minor site plan review. Mr. Rolfe seconded the motion. A vote was taken; all were in favor with Mr. Porter abstaining, the motion passed.

Mr. Grillo made a motion to continue the Public Hearing until January 22, 2020 for NH Audubon Society, 26 Audubon Way, Tax Map 4, Lot 5. Mr. Porter seconded the motion. A vote was taken; all were in favor with Mr. Porter abstaining, the motion passed.

Mr. Saulmon thanked the Board for their time and exited the meeting.

At this time, Mr. Poltak informed the Board that, on the first meeting in January which is scheduled for Wednesday, January 8th that he has utilized that meeting to hold a Public Hearing pertaining to the change in the Town of Auburn's Zoning Ordinance to include "55 and Older Housing Ordinance" and if they are required to hold a second meeting then they would utilize the second meeting in January which is January 22nd.

Mr. Poltak moved on to the last thing on the agenda for tonight's hearing which is Dr. Smiley, 9 Auburndale Lane, Tax Map 10, Lot 24.

David & Elizabeth Smiley
9 Auburndale Lane, Tax Map 10, Lot 24
Minor Site Plan Review
(Small Pet Boarding Facility)

Ms. Royce passed out copies of the proposed minor site plan amendment to each of the Board members for their review. Dr. Smiley began his presentation by stating that they received relief from the Zoning Board of Adjustment whereby they granted them a Variance to utilize the property currently being used as a Veterinary clinic to be now used as a small pet boarding facility for dogs, cats and small animals. Dr. Smiley indicated that the Veterinary Clinic will cease to exist at that location as they will be moving their practice to Londonderry. Dr. Smiley pointed out that, according to the state regulations with regard to the septic it has been determined that they would be allowed to have 9 dogs or cats at one time on the property. Dr. Smiley moved on to discuss the site plan to the Board members and pointed out that, the new portion is shown in red and the existing information is in black. Dr. Smiley stated that there was basically really only one abutter as the other side is Manchester Water Works and then Route 101 is basically across the street. Dr. Smiley did state that, in speaking with John O'Neill of Manchester Water Works that they would like them to take down the portion of the Lean To which is basically on Water Works property and that they would take out the rather large dead pine tree.

A brief discussion ensued with regard to the location of the property and the fact that there were no abutters present. Mr. Poltak asked the Board members if they had any questions. Mr. Poltak informed Dr. Smiley that he has read all the ZBA minutes and has reviewed the maps that were provided. Mr. Poltak understood that, Dr. Smiley and his son would be opening a Veterinary Clinic in Londonderry. Dr. Smiley stated that, they would be opening the new clinic this weekend.

The Board members and Dr. Smiley talked about the paved driveway and the gravel driveway. Mrs. Smiley indicated that they do not use the gravel driveway. Mr. Poltak indicated that he was going to request that they cease the use of that driveway. Dr. Smiley and Mrs. Smiley were both in agreement with the request and again reiterated that they do not use it now as it's almost overgrown.

Mr. Poltak asked Mrs. Smiley if this was going to be her business. Mrs. Smiley stated that, that was correct. Mr. Poltak asked if they set a limit to the number of dogs they would be kenneling at this property. Mrs. Smiley stated that it would be 9 animals. Mr.

Poltak asked where the dogs would be boarded. Dr. Smiley stated that it would all be done within the existing home. A brief discussion ensued with regard to how the dogs would be kenneled. Mrs. Smiley stated that they would have kennels inside and then they would have runs outside so they would be able to go out and come in. Discussion moved on to the fenced in area in the field. Mr. Poltak asked what the number of people that would be working at the kennel. Mrs. Smiley believed that it would only be one person but maybe two (2) people. A brief discussion ensued with regard to staffing, lighting, parking and noise. Basically, it would be one to two people staffing wise and no extra lighting would be installed and the parking now is adequate for the Veterinary Clinic. With regard to hours of operation, that is listed on the plan as 8:00am to 5:00pm. Mrs. Smiley pointed out to the Board members that, people coming and going would do exactly the same as what is being done now with the Veterinary Clinic. They would be entering on the side and exiting the same way. Mr. Poltak asked about the noise with regard to dogs barking. Mrs. Smiley reiterated that, basically, there is one abutter and the fenced in area was far enough away from them and that they would not be just leaving the dogs outside by themselves. Again, Mr. Poltak indicated that they were in a great location with no subdivision around them. A brief discussion ensued with dogs barking and the Board was informed that the dogs would be inside at night. Mrs. Smiley stated that, she is anticipating that the hours would be 8:00am to 5:00pm or 5:30pm the latest which would be your typical business day and they certainly would not be outside at 9:00pm at night. Someone would be outside with them when they are outside running and playing. Mr. Grillo believed that, if everything was on the site plan that it would help in the event that the property was ever sold then it would be noted on the plan.

Mr. Rolfe asked about signage. Mrs. Smiley stated that it would be at the road where the sign is now for the Veterinary Clinic which is also shown on the plan as well.

Mr. Poltak commented that, there is no definition for kennel in our zoning ordinance and that, this Board will be preparing a kennel ordinance for our zoning ordinance. Mr. Poltak asked if there was any type of license for this kennel. Mrs. Smiley was not aware of any license required. Mr. Poltak asked what the timing for completing this and getting it up and running. Dr. Smiley indicated as soon as possible. Dr. Smiley stated that, the outside stuff wouldn't be able to get done until the Spring about April or May but they could accommodate small dogs and cats right now and they just wouldn't be outside.

Discussion ensued with regard to requirements for boarding dogs and cats which would require proof of vaccination and whether spade or neutered from the veterinarian which is usually presented at time of boarding and kept in the system.

Mr. Rolfe asked about waste disposal. Dr. Smiley stated that they would place it in a bin and have it removed. Mr. Rolfe believed that it should be shown on the site plan. Dr. Smiley added that, it would be contained inside the external garage. Mr. Rolfe also asked to have the snow storage area shown on the site plan as well.

A brief discussion ensued with regard to why they needed a site plan done. Mrs. Marzloff explained that its basically to protect their interest so that, once it's accepted by the Board

and someone comes in to question what they are doing then we can pull out the plan and explain to them that it was approved by the Planning Board. With regard to snow storage, Mr. Poltak did not believe it would be any different than what they are doing now. Dr. Smiley indicated that he pushes it off to the side of the garage.

With regard to licensing, Mr. Edwards pointed out that there was an RSA pertaining to fees and licensing of individuals that are keeping more than 5 dogs which is RSA 466 to 470 and suggested that they take a look at this. Dr. Smiley and Mrs. Smiley stated that they would take a look at it but was told that there was nothing with regard to licensing to have a kennel.

Mr. Poltak asked what the Board's pleasure would be. Mr. Franklin talked about the requirement based upon the number of bedrooms to allow up to 9 dogs and the Town of Auburn has it listed as a three (3) bedroom home so therefore they can have up to 9 dogs. Discussion ensued with regard to the number of dogs allowed and if they weren't going to use the septic system and were going to remove the waste could they go up to 12 dogs. This would be something that Mr. Franklin would review and get back to the Board members at the next meeting.

Mr. Poltak asked the Board members how they would like to handle this. Mr. Rolfe pointed out that, there were a few things that they had to do first with regard to including the snow storage, the area that will hold the waste and the outside dog runs to be shown on the plan. Mr. Grillo stated that, the biggest concern that he had was the licensing and suggested that they check on the requirements. Mr. Poltak indicated that, if the ZBA granted the Special Exception for 9 then they are limited to 9 dogs. Mr. Franklin stated that, the ZBA limited to 7 to 12 dogs. Mr. Poltak agreed as he reviewed those minutes prior to the meeting tonight.

In conclusion, Mr. Poltak wanted to sum up what were doing here as it relates to the site plan and what the Board is requesting is, the runs have to be delineated, the hours of operation need to be thought out, indicate where the snow storage will be, check on the licensing and also Manchester Water Works made a formal request that a condition of approval be on record that the lean to come off and they are willing to obligate that the tree would come down. Dr. Smiley said yes, it was on Manchester Water Works list of things to do. Mr. Poltak also added that, the waste disposal would be another thing to add. A brief discussion ensued with regard to waste disposal. This would be something that they would need to review with regard to options.

Mr. Poltak stated that, the Board would be working on a Kennel Ordinance next year. Mr. Poltak asked for a motion.

Mr. Grillo made a motion to continue the Public Hearing until January 22nd, 2020 for a minor site plan review for 9 Auburndale Lane, Tax Map 10, Lot 24. Mr. Rolfe seconded the motion. A vote was taken; all were in favor and the motion passed.

Mr. Poltak thanked Dr. Smiley and Mrs. Smiley for their presentation and they exited the meeting. Mr. Poltak went on to remind the Board that, the first meeting in January which is scheduled for January 8th they have reserved for the Public Hearing for the Zoning Ordinance for the “55 and Older Zoning Ordinance” that will replace the Elderly Ordinance.

Mr. Poltak moved on to the reduction in surety for both Illsley Hill (Copley Court) and Tilton Place (Nathaniel Way).

GENERAL BUSINESS

Illsley Hill Subdivision – Copley Court Surety Reduction

Mr. Poltak handed the letter over to Mr. Grillo for a motion to reduce the surety for the above referenced subdivision.

Mr. Grillo made a motion to reduce the surety being held for Illsley Hill Subdivision – Copley Court from \$474,206.25 to \$9,484.13 to be held for the 2-year maintenance surety period. Mr. Rolfe seconded the motion. A vote was taken; all were in favor and the motion passed.

Tilton Place Subdivision – Nathaniel Way Surety Reduction

Mr. Poltak handed the letter over to Mr. Grillo for a motion to reduce the surety for the above referenced subdivision.

Mr. Grillo made a motion to reduce the surety being held for Tilton Place Subdivision – Nathaniel Way from \$997,420.30 to \$19,948.41 to be held for the 2-year maintenance surety period. Mr. Porter seconded the motion. A vote was taken; all were in favor and the motion passed.

Mr. Poltak wanted to update the Board with regard to these two actions above which the Planning Board has approved the roads and that the roads have also been accepted by the Board of Selectmen. The reduction now will be held for the 2-years.

OTHER BUSINESS

Mr. Poltak asked if there was any new business to take care of. None were noted. At this time, Mr. Poltak moved on to ask for a motion to adjourn.

ADJOURN

Mr. Grillo moved to adjourn the Hearing. Mr. Rolfe seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:52p.m.

The next Planning Board meeting will be held on Wednesday, January 8th, 2020 at 7:00 p.m. at the Town Hall, 47 Chester Road unless otherwise noted.