

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
April 20, 2016

Present: Ron Poltak, Chairman; Paula Marzloff, Michael Rolfe & Steve Grillo, Members. Alan Côté & Jeff Porter, Alternates. Minutes recorded by Denise Royce.

Absent: Dale Phillips, Selectmen's Representative.

Mr. Poltak called the meeting to order at 7:04 p.m. and introduced the Board members and Alternate members to everyone present tonight. Mr. Poltak informed everyone that he had a full agenda and thanked Mrs. Marzloff for doing a tremendous job chairing the last meeting held on April 6th.

MINUTES

Mr. Rolfe moved to approve the minutes of April 6, 2016 as written, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Tenn & Tenn/Village at Mt. Miner
Harvard Ave, Tax Map 9, Lot 28-1
Request Surety Reduction**

Mr. Poltak stated that he was in receipt of a request for a surety reduction and has received approval from Stantec and asked Mr. Tatem to speak on behalf of this request. Mr. Tatem began by saying that the first phase of the project that they are looking to pull permits so they are looking at removing the reclamation surety and replace it with the remaining work surety. They are also starting a little portion of Phase II and that would be just reclamation surety. Then on the second portion of Phase I, there is about 300 feet on one of the roads that he was unable to get far enough to with the winter last year of which he has decided not to do that portion so that would also be part of the reclamation surety which is all spelled out in the letter. At this time, Mr. Poltak read a portion of the recommendation letter from Stantec as follows:

Phase I and II Reclamation Surety

“We understand that the Town is currently holding reclamation surety in the amount of \$181,830.00. As noted above, and as shown in the attached Reclamation Surety Estimate for Phase II, we recommend that the current reclamation surety be reduced to \$14,410.00.”

Phase I and II Remaining Work Items Surety

“As shown in the attached Roadway Improvements Remaining Work Items Surety Estimate for Phase I and II, we recommend that the Developer provide surety in the amount of \$406,646.90 for the remaining roadway, sewer, and septic work that is to be completed in those two phases, not including the portion of Harvard Avenue, within the limits of Phase II.”

Mr. Poltak asked Mr. Tatem if this was something new. Mr. Tatem said no, that it was part of Phase II and is an extension and in the letter he recommends that two (2) building permits are not issued because that couple hundred feet of road would allow two (2) more building units to be built and without that it cannot. Mr. Tatem also indicated that Mrs. Rouleau-Cote is aware of that as well.

Phase III Reclamation Surety

“It is our understanding that the applicant intends to utilize a portion of the Phase III roadway area to stockpile and process ledge, and fill materials. This area is located on Treeline Drive, starting at Station 17+85, extending to Station 13+50. Considering the intended use of this area, we recommend that a separate and additional reclamation surety in the amount of \$25,575, as shown in the attached Reclamation Surety Estimate for Phase III, be provided to the Town prior to the issuance of building permits for Phases I & II.”

Mr. Poltak asked if this needed to be three (3) separate motions or could it all be done in one motion. Mr. Tatem believed it could be done in one motion.

Mrs. Marzloff made a motion to approve the surety requests pursuant to Stantec’s letter dated February 3, 2016, Village at Mt. Miner Subdivision, Tax Map 9, Lot 28-1, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Daniels Equipment 45 Priscilla Lane, Tax Map 1, Lot 16-18 Request Surety Reduction

Mr. Poltak moved on to the request for surety reduction regarding Daniels Equipment and read a portion of the letter aloud to everyone present which stated “The Town is

currently holding cash surety in the amount of \$21,747.00. After the above noted comments are addressed and the as-built plan is approved, we recommend that the existing surety be reduced to \$2,500 for relocation of the buffer plantings and for the areas that have not been fully stabilized with vegetation.

Mrs. Marzloff believed that part of their approval that they were supposed to remove existing structures, sheds and temporary storage and they are still there. Mr. Tatem stated that there was one shed that was supposed to be relocated onto his property which has been moved and did not recall any other structures that were supposed to be removed as it was not shown on his plan but would check on that. A brief discussion ensued with what was approved on the plan. Mr. Tatem was unaware of the removal of sheds. Mr. Poltak recalled that there was one shed that was too close to the abutter's property and needed to be relocated but other than that did not believe there were any more structures to be moved. Mr. Tatem suggested that the Board condition it upon review from Stantec and that he would then e-mail the town and say that it was okay.

Mrs. Marzloff made a motion to approve the surety reduction from \$21,747.00 down to \$2,500.00 as recommended by Stantec in a letter dated February 8, 2016, with the condition that the plan be in full compliance with the structures on the plan for Daniels Equipment, Tax Map 1, Lot 16-18, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

PUBLIC HEARING

**PD Associates, LLC
Deborah R. Richards Living Trust
Raymond Road, Tax Map 11, Lot 11-1
Major Subdivision – 3 new lots with road
Continued from March 16, 2016**

Mr. Pease presented on behalf of the applicant Deborah R. Richards with a proposal to subdivide three (3) new lots and the existing mother lot that holds the applicants home and horse farm. Mr. Pease passed out copies of the proposed subdivision plan for the Board members to review. Mr. Pease pointed out the location of the property and stated that the cul de sac length would be 250 feet to the end. Mr. Pease stated that they received the comment letter from Stantec and that they have addressed most of the comments and received the comment letter today. Mr. Pease talked about the photo that showed standing water of which they will have to have their wetland scientist take a look at. Also, there was some drainage damage along Raymond Road and asked Mr. Tatem to indicate where it was located. Mr. Tatem commented that there was one wetland on the property which was right up against the road and overflows onto the road. Mr. Tatem informed the Board members that he had spoken to Mr. Dross, Road Agent and that Mr. Dross stated that he has had problems with that for years and asked as a very minor offsite improvement that the ditch line be created to keep the water out of the gravel road. Discussion ensued with regard to the water issue

and that it would remain on this property. At this time, Mr. Pease asked if the Board had any questions.

Mr. Rokeh of Rokeh Consulting, LLC stated that they had received comments in a letter dated March 4, 2016 from Stantec and that Don Duval and he had gone through the 70 items and addressed everything that they could. Mr. Rokeh further added that they received the second comment letter from Stantec yesterday and that there are still a few comments that need to be addressed along with comments to the issues that he had addressed and that Mr. Tatem wanted more done on. Mr. Rokeh indicated that it would be something that he could work directly with Mr. Tatem on.

At this time, Mr. Pease pointed out his letter requesting three (3) waivers. Mr. Poltak indicated that the Board received this letter today. Mr. Pease said yes and that it could be something that could be addressed at the next Public Hearing.

Mr. Poltak asked if there were any abutters present tonight and there were three (3) abutters noted. An abutter asked to see the plan. Mr. Poltak handed his copy of the plan for the abutter to review. At this time, Mr. Poltak pointed out that there were still several comments that needed to be addressed and explained that he would like to see a number of those comments addressed prior to the Planning Board's next Public Hearing. Mr. Poltak also wanted to comment on the letter that the Board received today with regard to the three (3) waivers and wanted to speak on each of the waiver request and indicated that these waivers would not be taken up tonight. Mr. Poltak began with the first waiver which was the waiver for the need for a cistern and asked Mr. Pease if he has had any discussion with the Fire Chief. Mr. Pease stated that they plan on having a discussion with the Fire Chief prior to the next hearing and that they knew that they would have to do so and also knew that the Board would not take up these waivers until the Board had time to review them. Mr. Poltak wanted to clarify with Mr. Pease that he would be taking up this discussion with the Fire Chief because they would not be taking any action without the discussion with the Fire Chief as well as with the town Engineer.

Mr. Poltak took up the third request for a waiver which was regarding the chord length of at least 200 feet frontage in a residential area and explained that he would be speaking with legal counsel with regard to this because he was unsure whether or not it required action by the Zoning Board of Adjustment as opposed to the Planning Board. Mr. Tatem commented that the lot does have 200 feet of frontage so it would not need a variance and the article that he referenced is within the subdivision regulations and it states that if the lots frontage is on a curve and it is less than the 200 foot radius then it would need to have a chord length between the two points of the two frontages of the lot that has to be 200 feet. Mr. Tatem added that he had spoken with Mrs. Rouleau-Côté and that they both agree that the regulation should be written that either it does not apply to cul de sac situations or that it is removed from the regulations. Discussion ensued with regard to this being in the subdivision regulations and not in the zoning ordinance and Mr. Tatem did not believe this would require a variance.

At this time, Mr. Poltak read the second waiver request which was from Section 3.03-2(A)(xiv)(xv) topography, wetlands and soils information on the remaining land not being developed. Mr. Poltak indicated that this would be something that the Board would be speaking with the town engineer about respectful of any activity before they would issue a waiver in that regard. With this in mind, Mr. Poltak turned to the Board members first and then would turn it to abutters.

Mrs. Marzloff began by saying that there were two (2) issues and pointed out the 30 foot access way from the parent tract to the cul de sac and asked how it would be treated and it would be graded. Mr. Pease stated that it would probably be for access to the backland. The other question Mrs. Marzloff had was that she did not see Deborah Richards signature on anything and understood that Ms. Richards was present tonight but that she would like to see her signature somewhere that she consents to this subdivision. At this time, Ms. Richards signed Mrs. Marzloff's copy of the application.

Mr. Côté commented on the waiver request for the cistern and the fact that they are saying that it is only three (3) lots but pointed out that they have already subdivided lots off this parent tract and should be noted as being a six (6) lot subdivision. The other thing that Mr. Côté wanted to point out that originally when the Board had taken a site walk when they had cut off one of the lots that there were extremely steep slopes and that Ms. Richards had stated at the time that she did not intend to develop this land and that now she is finishing developing the land. Mr. Côté believed that the Board should do a site walk to take a look at the slopes out there before they have a residential subdivision going into a gravel pit they should know what's going to happen with the steep slopes. Mr. Côté believed this should have been restored back when the lot was subdivided previously because this should be a stable site as there will be kids going into the back woods and did not want to see kids getting hurt out there.

Mr. Poltak asked if there were any other questions from the Board members. None were noted. Mr. Poltak wanted to reinforce Mr. Côté's concern that there are a number of people who have a history relative to the site that reflects an understanding that there was a sand pit out there and there were steep slopes and then Ms. Richards purchased the site and asked Ms. Richards to clarify for the Board members. Ms. Richards began by saying that the area that the three (3) lots are on are nowhere near the area that used to be the sand pit. Mr. Côté pointed out that it was still part of the parent tract. Ms. Richards also indicated that no one is allowed on her property as well as no one should be on someone else's property. Ms. Richards also stated that there are no steep slopes on the site but that there will always be a bowl there as it was previously a sand pit but that everything has reclaimed itself and that there's trees on it and that they use the slopes to run the horses up and down. Ms. Richards said that it was not so steep that they could not run horses up and down it. Again, Mr. Côté believed that a site walk needed to be done in order for the Board to have a better idea of what they are dealing with. At this time, Ms. Richards explained to the Board members the reason behind why she was looking to do the subdivision. She indicated that she would be holding onto the lots until her grandchildren needed money for college. Mr. Poltak thanked Ms. Richards for her presentation.

Mr. Poltak asked if the abutters wished to speak. Ms. Spencer of Chester Turnpike was interested in what the cul de sac looked like because she could not see it on the plan she had. At this time, Ms. Spencer reviewed the plan that was before the Board members and wanted to know where the location was in relation to her property. Mr. Rokeh and Mr. Pease pointed out Ms. Spencer's property location as well as the cul de sac location. Ms. Spencer asked if the lots would have two (2) acres. Mr. Pease stated that it would be two (2) plus acres each.

Ms. Lambert of Raymond Road asked where the buildings would be located. Mr. Rokeh stated that they would be located on the upper flat part. Ms. Lambert indicated that she had geo thermal heating system and wanted to know what the impact would be to her well. Mr. Rokeh could not answer that question at this time. Mr. Poltak so noted Ms. Lambert's concern.

Mr. Poltak asked Mr. Tatem if he had anything else to add at this time. Mr. Tatem talked about Raymond Road being a 66 foot wide right-of-way and that Mr. Duval, the surveyor for this plan noted that already. Mr. Tatem believed that a note should be put on the plan indicating this. The Board so noted the request.

Mrs. Marzloff asked Mr. Pease to show the buildable areas for each of the lots. A brief discussion ensued with regard to Mrs. Marzloff's question. Mr. Poltak wanted it understood that this discussion would be continued and that nothing would be decided tonight.

Mr. Tatem asked what the intent of the frontage left on Raymond Road to the parent tract. Ms. Richards answered by saying that she gets about 600 bales of hay delivered every year and that the trucks use that particular access once a year and that she uses it to also ride her horses out that way. Discussion ensued with regard to placing a gate. Mrs. Marzloff had a concern that they are leaving a strip of land as possible access to a parcel of land that is 15.61 acres. Mrs. Marzloff did not want to see a future subdivision plan coming off of Raymond Road at that point. Mrs. Marzloff pointed out that she would like to see that Lot #5 has an access easement over it but that it is owned as part of Lot #5 and it cannot be re-subdivided. Mr. Rokeh understood what Mrs. Marzloff was saying. Mr. Poltak commented that it was obvious that if in fact you do at some point subdivide within that context, that the subject of a cul de sac versus having access directly to it now should be taken up now because it did not make a lot of sense to have that tiny cul de sac which he did not really favor respectful of squeezing three (3) lots off of Raymond Road with no future opportunity to expand the length of that cul de sac. Mr. Poltak further talked about the trucks going in and out through the access way even if it's only once or twice a year that will allow the back parcel to be accessed in the future and renders this concept questionable. Ms. Richards asked what the width of a normal road that would allow it to become a subdivision. Mr. Côté stated that it would be a 50 foot right-of-way. Ms. Richards suggested that they make it less than 50 feet so that it could never become a road. Mrs. Marzloff pointed out that by doing that, then the owner could go to the Zoning Board of Adjustment to get a variance because it was done before.

Mr. Tatem talked about the problem with leaving the right-of-way and the options available to change that. Mrs. Marzloff talked about having it an easement. Mr. Tatem suggested putting a restrictive covenant on the land that it can never be further developed. Mr. Pease indicated that he actually offered this in his letter. Mr. Poltak pointed out the concern with this and suggested to Mr. Pease and Ms. Richards to work it out and come back before the Board with a solution that is agreeable to Ms. Richards as the landowner in terms to what they suggested.

Mr. Grillo talked about future development with the proposed parcel and the need for a cistern. Mr. Pease took it under advisement. Mr. Pease informed the Board that they would come back before the Board with something better and that Mr. Rokeh would be in contact with Mr. Tatem.

Ms. Lambert asked if the town had any restrictions on what time someone can start work during development and what time they stop working and can they do it on the weekends. Mr. Poltak stated that the Town of Auburn does not have any restrictions but would talk to the developer to be considerate. Mr. Côté added that the construction season is very short and that the earlier they start the quicker they get done. Ms. Lambert asked what they could do because she did not want to spend her weekends or her evenings listening to construction. Mr. Poltak reiterated that we do not have an ordinance and would presume that people would be reasonable during that regard. Mr. Rokeh stated that once the road is done then it's done. Mr. Côté believed that they could regulate it on the site plan with hours of operation.

At this time, Mr. Poltak wanted to ask the Board to continue this hearing until the next Public Hearing scheduled for May 18th and then moved on to summarize and began by saying that they have a Stantec review with a number of items that have to be dealt with and addressed. Mr. Poltak went on to say that the Board has talked today about building envelopes, right-of-way, site walk and a cistern. Mr. Poltak asked the applicant to bring in a plan that they can put on the board so that everyone could see and speak from it. Mr. Poltak further indicated that he wanted to see the building envelopes on it and wanted to be able to understand completely how this is being approved and where the site locations will be for the homes and all the other aspects outlined to them so that the Board can address it. At this time, Mr. Poltak asked the Board what their feeling was with regard to a site walk. Mrs. Marzloff said yes and the rest of the Board members agreed. Mr. Poltak asked Mr. Pease or Ms. Richards to be available for the site walk. The Board reviewed what time to conduct the site walk. Mr. Porter believed the Conservation Commission and the Planning Board could conduct the site walk at the same time and that it would be discussed at the next Conservation Commission meeting scheduled for Tuesday, May 3rd. It was decided that the Board would schedule the site walk for Wednesday, May 11th at 5:30pm and that everyone would meet on site on Raymond Road.

Mr. Poltak asked for a motion to continue the hearing.

Mrs. Marzloff made a motion to continue the Public Hearing for Deborah R. Richards Living Trust, Raymond Road, Tax Map 11, Lot 11-1 until May 18th, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Poltak informed everyone present tonight that this would be their only notice that the hearing has been continued until May 18th.

**New Sunset Realty, LLC
Mega X/Elie Elchalfoun
903 Londonderry Turnpike, Tax Map 1, Lot 36-43
Minor Site Plan Amendment
Continued from March 16, 2016**

Mr. MacGuire began by saying that Mr. Elchalfoun was before the Board members to discuss the addition of some seats within his convenience store and that there were questions with regard to septic load and how it would be affected. Mr. MacGuire stated that he believed he could answer those questions and passed out a copy of the existing septic plan that was done in 2007 by Keach Nordstrom to each Board member to review. Mr. MacGuire added that there is a total gallons per day of 1,065 and what it is approved for is a convenience store with gasoline service. At the time the convenience store was only 1,970 square feet and that it has now been expanded. It was also approved for a restaurant with paper service with 16 seats which is the pizza restaurant and also approved for future dry goods, first floor unit which was the aerobic studio which received a flat 100 gallons per day because it was a dry goods retail which potentially been understaffed for the use. There was also another dry goods second floor unit with another 100 gallons per day. What Mr. Elchalfoun has done is consolidated the middle unit to expand his convenience store. Now there are basically two (2) uses of which one being the convenience store and the other being the pizza restaurant. The convenience store now totals 3,400 square feet and the pizza shop staying at the original 1,300 square feet. Mr. MacGuire pointed out to the Board members that the only improvements made to the site were to the interior of the building and some of the outside of the building facade and some of the stripping in the parking lot. Mr. MacGuire stated that with everything that is going on in the building totals 965 gallons per day leaving approximately 100 gallons per day short of the original design intent was. Mr. MacGuire commented that, in his opinion, the additional seats added in the convenience store does not change the septic loading and explained in detail for the Board members. It's only to provide a level of convenience within the convenience store. Mr. MacGuire indicated that they do have the capacity for five (5) additional seats and that there is no food prep here because there is no area to prepare food which eliminates the need for grease traps. The septic does show the three (3) tank locations, which has a primary tank, a grease trap for the pizza restaurant and there is a pump chamber that pumps to the existing field. Mr. MacGuire reiterated that the additional seats is basically more of a convenience item.

Mr. MacGuire further indicated that if they wanted to that there was the capacity to add five (5) additional seats to the pizza restaurant which would make it 21 seats as opposed to 16 seats that they would have the ability to do so. Mr. MacGuire hoped that this clarified the Board's questions with regard to septic load and stated that the applicants intentions are good and that he is just trying to provide a level of convenience and that there would be prepackaged food so that if someone wanted to sit there and have their coffee and have their prepackaged donut that they would be able to do that and that is basically what the applicant is trying to do.

At this time, Mr. MacGuire asked the Board if they had any questions. Mr. Poltak turned it over to the Board members for questions. Mr. Porter asked about the 125 foot setback from watershed protection on the backside of the lot and that the septic puts them within the 125 foot setback and wanted to know if there was any thought to moving it. Mr. MacGuire and Mr. Porter talked about the septic if it were to fail. Mr. MacGuire indicated that there was no intention of moving the septic at this time and believed it was grandfathered at this time. Mr. Porter asked about containment in the event of a failure. Mr. MacGuire stated that if there was ever a failure that the owner would definitely know it. A brief discussion ensued with regard to the existing septic. Mr. Poltak understood Mr. Porter's concern but pointed out that the Board did not have the authority at this time associated with the request. Mr. Côté stated that he was a licensed septic designer and that he has never seen a secondary containment on a leach field and has only seen containment on oil tanks or hazardous materials.

Mr. Poltak moved on to talk about the issue regarding signage and asked Mr. MacGuire to reflect on that. Mr. MacGuire stated that Mr. Elchalfoun would like to call it "Black Fox Café" is what he'd like to call it of which it also says "coffee and more." Mr. MacGuire passed out copies of what the proposed sign would look like and also pointed out that the applicant has done a great job upgrading the outside of the building. Mr. Grillo reiterated that his prior comment was that he had no problem with the sign but the fact that it states "coffee and more" indicates that there is food and granted that it's prepackaged do we have the septic load to handle this. Mr. MacGuire reiterated that if he hadn't made it clear before that the septic can handle the additional five (5) seats added to the convenience store. Mr. Côté commented that with the sign indicating "Black Fox Café – Coffee and More" that he would like to make sure that it is prepackaged foods only and that there will be no preparation of foods, no kitchen, no microwaves and no means of cooking whatsoever. Mr. MacGuire believed it was appropriate to add a note to the plan that this is not a restaurant and that this would be a standard convenience store and the seats would be utilized for the prepackaged items that come with the convenient store.

Mr. Poltak indicated that this was a minor site plan proposal and believed that the Board could move forward with this and asked the Board members if they would like to make a motion. Mr. Poltak believed that the Mega X was a huge improvement from what was there before and that it was in a good location that is used by a lot of people and that the use is minor proportion.

Mrs. Marzloff asked if they had accepted the application yet. Ms. Royce said no. Mrs. Marzloff wanted it clarified who was the owner of the property. Mr. Elchalfoun stated that it was New Sunset Realty, LLC.

Mrs. Marzloff moved to accept the application for New Sunset Realty, LLC, 903 Londonderry Turnpike, Tax Map 1, Lot 36-43, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo moved to accept the amended site plan for New Sunset Realty, LLC, 903 Londonderry Turnpike, Tax Map 1, Lot 36-43 with the condition that the note will be placed on the plan as presented tonight, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. MacGuire thanked the Board members and exited the meeting.

**George Chadwick
On Behalf of NH Sign
NCAL, LLC
66 Gold Ledge Avenue, Tax Map 1, Lot 18-5
Minor Site Plan Review (NH Sign Company)**

Mr. Chadwick presented on behalf of Peter March, President and Owner of NH Signs and informed the Board that Nick Cricenti, owner of the property was also present tonight. Mr. Chadwick began by saying that on March 16th, the applicant was before the Board and that the applicant was asked to put together a site plan and bring it back before the Board. Mr. Chadwick pointed out that the proposal is for a change of use from the old SFC building who has moved out of the building and that NH Signs would like to occupy the building. Mr. Chadwick further indicated that they are proposing two (2) carports and that they would be starting out with one at first and then when they needed the second one they would do the second one. Mr. Chadwick also stated that they are proposing pallet racks that they would like to add to the side and rear of the building. Mr. Chadwick added that the site is an existing lot of record and that there are 15 existing parking spaces there now. They are also showing the location of a couple of dumpsters as well. At this time, Mr. Chadwick asked the Board members if they had any questions. Mr. Poltak did not believe there were any issues other than the location of the dumpsters and snow storage areas and believed that they could move forward and that it looked good but turned to the Board for questions. Mrs. Marzloff asked about the owner of record because the owner of record should be put into the title block. Mr. Chadwick stated that it would be NH Signs.

Mrs. Marzloff asked Mr. Porter what the regulations were for permanent carport storage units. Mr. Poltak stated that what is being proposed tonight was not contrary to anything in our regulations. Mrs. Marzloff asked Mr. Chadwick what the carports were made out of. Mr. March stated that they would be all metal.

Mr. Poltak asked the Board members if there were any further questions as he believed the applicant has answered all the questions that needed to be answered from our concerns at the last meeting.

Mr. Rolfe asked about a sign. Mr. Chadwick stated that there would be a sign located at the entrance where the existing sign is now and that it would be to code. Mr. Côté asked if it would be a paved surface under the carports. Mr. Chadwick stated that it would be gravel. Mr. Côté asked what they would be storing out there. Mr. March indicated that they would be storing signs and that there would be two (2) cranes. Mr. Côté stated that it should be a paved surface because if there was a fluid leak and it is stated in our regulations. Mr. Chadwick understood the Board's concern. Mr. Poltak believed that the vehicles would be moved often and would not remain there. Mr. Rolfe asked if it would be cold storage. Mr. March said yes. Mr. Poltak believed that gravel could be allowed as the vehicles would not be worked on in there. Mr. Porter asked if there was any concern to setbacks to property lines. Mr. Chadwick pointed out that there are no setbacks in the Industrial zone as it is determined by site plan review.

Mr. Poltak asked if there were any abutters that wanted to speak. None were noted. With that in mind, Mr. Poltak believed they needed to accept the application and then move it forward as this is a minor site plan review.

Mrs. Marzloff moved to accept the application for NCAL, LLC on behalf of NH Signs, LLC, 66 Gold Ledge Avenue, Tax Map 1, Lot 18-5, Mr. Grillo seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Grillo moved to approve the minor site plan application on behalf of NH Signs, LLC, 66 Gold Ledge Avenue, Tax Map 1, Lot 18-5, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

Mr. Chadwick and Mr. March thanked the Board for their time and exited the hearing.

At this time, the Board took a five (5) minute break.

**Strategic Consulting Company, LLC
Anderson Way, Tax Map 5, Lot 19-3, 19-4 & 19-6
Zoned Residential One
Request to Re-classify the wetlands adjacent to
Lots 19-3, 19-4 & 19-6 from a Level One to a Level 2**

Mr. Mitchell presented on behalf of the applicant and began by saying that the subdivision itself was approved last year and that they are not changing anything with the lot size. Mr. Mitchell stated that they were before the Board earlier this year to request a change to reclassify a portion of the wetland from a Level One to a Level Two wetland which was on the original plan. Mr. Mitchell pointed out on the plan before the Board tonight the location that they would like to have reclassified. Mr. Mitchell talked

about having Stantec go out there to review it and they did review it and concurred with them that it should be a Level Two and not a Level one wetland and therefore the setback should be 75 feet. Mr. Mitchell pointed out to the Board that they were asked to bring this forward for a Public Hearing and that is why they are before the Board tonight. Mr. Mitchell talked about placing a berm at the 75 foot setback. Mr. Mitchell explained that they were asked to go before the Conservation Commission of which they did and that the Chairman of the Conservation Commission was present tonight and could speak on behalf of the Conservation Commission. Mr. Mitchell pointed out that the Conservation Commission is not in favor of the reduction and that in his opinion that a lot had to do with setting a precedence. Mr. Mitchell commented that when you have a wetland that is attached to a Level One then the feeling was that it probably should be a Level One if it is attached to it. However, the work that Tom Sokoloski, a wetland scientist who was present tonight with the report that was passed out at the last meeting which shows the portion of the wetland being a Level Two. Mr. Mitchell reiterated that Stantec reviewed the report and the findings and concurred that it was a Level Two and with that they would like to ask the Board to consider the setbacks to be 75 feet which is the setback to a Level Two.

Mr. Poltak asked if there were any questions or comments from the Board as he will be looking for a vote tonight. Mrs. Marzloff had two problems and the first one was that the ultimate purchaser of this property should be the applicant in this case and did not see the reason to reduce the buffer that it should be the homeowner. Mrs. Marzloff stated that it all flows into the same body of water and did not see how they could establish that in one area it would need to be protected and that the other area it did not matter. Mr. Mitchell wanted to answer with regard to the homeowner coming before the Board and that it may happen but did not believe it should be put off to the homeowner because if it is a Level Two then it's a Level Two and the setback should be 75 feet regardless of who is asking. Mr. Mitchell explained how the study was done and the methodology. A discussion ensued with regard to the flows and the soils being very poorly drained and the different types of wetlands.

Mr. Poltak asked if there were any abutters present. There were a number of abutters present that wanted to speak. At this time, Mr. Poltak wanted to first ask the Board members if they had any questions or comments. Mr. Côté commented that he felt as though the Town of Auburn's Ordinance was very clearly written and that a scientific method was used to determine what wetlands were Level One versus Level Two versus Level Three. Mr. Côté believed that we should be following that science because there was a reason behind it and pointed out to Mrs. Marzloff that somewhere there is going to be a line where something goes from a Level One to a Level Two. Mr. Côté gave an example that when he's mapping wetlands for septic systems that he has to determine where a poorly drained soil versus a very poorly drained soil. Mr. Côté further stated that there was a science behind how they come up with these determinations and if you're expecting the homeowner to come before the Board when it should have been 75 feet and we make it 125 feet then we're going to burden the Conservation Commission and we're going to burden the Zoning Board as well as the homeowner because it's going to cost them money to do these things. Mr. Côté explained that if it's

a Level Two in the first place why should the Conservation Commission, the Zoning Board and the homeowner have to deal with something that should be dealt with right here and right now and draw the lines where they should belong.

Mr. Grillo added that his feeling was that the Board has heard from the Conservation Commission and we've heard from the wetland scientist for the developer and that it was the Conservation Commission that disagreed with that. Mr. Grillo further added that the Board did its due diligence and had the Town's Engineer, Stantec of which Stantec agreed with the developer's wetland scientist. With that in mind, Mr. Grillo stated that, to now say that were going to now disagree with what our Town Engineer has said almost is a statement of why did we have the Town Engineer go out there if were saying were not going to go with what they are saying which is it's not what it's currently labeled to be.

Mr. Poltak asked for abutters comments. Mr. Davis of Pingree Hill Road stated that he has gone there today and there was water running everywhere and that they have been before the Board several times and to change it now would be wrong and that we should hold the line.

Ms. Cornett commented that she is aggravated and that there was a lot of wetlands out there and that the building envelope on a two acre lot was about a third of an acre. Ms. Cornett also stated that the first wetland scientist stated that it was a Level One and explained that this was a continuous running brook. Ms. Cornett stated that she took some pictures and did not know if Ms. Royce showed them to the Planning Board. Mr. Poltak stated that the Board has seen the photos. Ms. Cornett went on to say that the Board needs to go by the rules. Ms. Cornett talked about the site walk done on the Maverick lot on Haven Drive where she was right next to Mr. Côté and Mr. Côté called it a Level One and that it should be 125 feet and believed that this wetland being discussed tonight was bigger than that one. Mr. Mitchell wanted to respond to Ms. Cornett's comment and explained that the same wetland scientist, Peter Shauers did the original mapping and Tom Sokoloski was an employee of Peter Shauers and he was the one that was out there the very first time. Mr. Mitchell went on to say that, when they brought a concept plan to the Board to talk about cluster that all of the wetlands on the plan were labeled a Level One. That is when he talked to Mr. Shauers about the different setbacks to wetlands for a Level One, Level Two and Level Three that they wanted him to go out and review all the wetlands based on the ordinance to be sure that anything that was a Level Two would be labeled as such. Mr. Mitchell explained that they did not want to wait for the snow to melt and they did not want to wait to have the plan approved so the client decided to not have Stantec not look at it because they wanted to get building with the project. The channel that they saw is where the trail goes from one field to the next where vehicles have crossed that have created the channel. The culvert area that they have is for storm drainage and it's not to handle the flood waters if they get a lot of rain. They looked at the science and Stantec concurred with their findings and this is the results that they have and as such believe it should be a Level Two.

Mr. Poltak asked if there were any other questions. None were noted. At this time, Mr. Poltak talked about the sciences behind the wetland classification and with regard to Mr. Côté's comments that the science on wetlands is enormously in depth and that the rules and regulations based on that science is what were really talking about tonight. Mr. Poltak pointed out that emotions cannot get into this discussion because you have to believe in whatever the science is and with that said would ask the Board to vote.

Mrs. Marzloff moved to accept the application to amend the subdivision plan for Anderson Way for Strategic Contracting Company, LLC, Anderson Way, Tax Map 5, Lots 19-3, 19-4 & 19-6, Mr. Grillo seconded the motion.

Mr. Grillo reiterated what he stated earlier that they sent the Town Engineer out to review this and that Stantec agreed with their wetland scientist because this Board is not an expert. Mr. Rolfe stated that he was new and asked what was above this area and showed the area being questioned on the plan. Mr. Côté explained that it could be a Level One above it but couldn't tell from the plan but you have to look at the science because wetlands do change from section to section.

Mr. Starace asked the Board members if they read the Conservation Commission meeting minutes and Mr. Poltak said that he read every word. Mr. Starace pointed out that Mr. Porter stated in the minutes that it was a Level Two and they know it's a Level Two but they want to err on the side of caution and that he's always agreed on the hydrology. Mrs. Marzloff noted the comment in the minutes. Mr. Starace further added that if the Conservation Commission knows it's a Level Two and the Town Engineer is calling it a Level Two and wants to err on the side of caution it should be a Level Two. Mrs. Marzloff wanted to read the rest of the comment made from the Conservation Commission meeting minutes of February 2, 2016 for everyone present tonight. Mrs. Marzloff read the following, "...they tend to err on the side of caution by saying that anything that is contiguous needs to be treated with a higher value." Mr. Starace stated that he was treating it with a higher value because along those sides of those lots affected that it would be bermed so any runoff will not go into the wetland.

Ms. Cornett asked the Board members if Ms. Royce showed the Board the photos taken in January. Mr. Poltak and Mr. Côté both said yes. Ms. Cornett pointed out that it was a contiguous running flowing stream in January. Mr. Starace stated that it was intermittent. Mr. Côté explained to Mr. Rolfe that when they are doing a functional analysis on this they're not just looking at one season but look at the soils, the vegetation and you do that by digging holes.

Mr. Starace added that if Stantec had said it wasn't a Level Two then he would not be before the Board tonight but Stantec agreed with Mr. Sokoloski's determination.

Mr. Poltak moved on to the vote.

A vote was taken; Mr. Grillo voted to grant, Mr. Rolfe and Mrs. Marzloff voted to deny and the motion did not pass by a vote of two against and one in favor.

At this time, Mr. Mitchell and Mr. Starace thanked the Board for their time and exited the hearing.

**Kenneth & Lucille Geddes
15 Harvard Avenue, Tax Map 9, Lot 28-5-2
Conditional Use Permit
(To Install 2 – 427 sq. ft. Solar Panels)**

Mr. Grillo recused himself with regard to this case as he is an abutter and would be sitting in the audience. With this in mind, Mr. Poltak elevated Mr. Côté to full voting status for this case.

Mike Seraikas presented on behalf of the applicant and began by explaining the location of the proposed solar panels. They had a solar company go out to determine the optimum location would be and that he went out to flag the wetlands and they have developed a plot plan showing the existing lawn and existing tree line. Mr. Seraikas also showed the 100 foot setback along with a 75 foot setback. The solar panels would be 90 feet and 115 feet from the edge of wetland. Mr. Seraikas stated that they did cut some trees in order to be able to install the two (2) solar panels. Mr. Seraikas also pointed out that there were three (3) culverts. At this time, Mr. Seraikas asked the Board for questions.

Mr. Poltak commented that he has read the Conservation Commission meeting minutes and that they were in favor of this and that they went through everything and asked Mr. Porter for his input. Mr. Porter stated that they have gone through everything with Mr. Seraikas and Mr. Geddes when they were before the Conservation Commission. Mr. Poltak asked how big the solar panels would be. Mr. Geddes stated that they would each be 423 square feet. Mr. Poltak stated that he was a huge advocate for alternative energy sources and asked if it would operate similar to the one on Hooksett Road. Mr. Geddes said that it has a GPS and would continuously track the sun. Mr. Poltak did not have any issues on whether or not this could be done or whether it would benefit society as a whole. Mr. Poltak wanted to make a comment that the eventuality would be that we could have these all over town and that they were not aesthetically pleasing but they are functional. Mr. Geddes explained that this was basically they only alternative because the ridge line was wrong and that his neighbor had big tall pines that shaded that side so this was it.

Mr. Côté pointed out that a lot of trees were cut in order to get sun out there and wanted to know what the plan was to stop it from growing back. Mr. Seraikas stated that it really did not matter because that was not the way the solar panels would go. Mr. Poltak explained to Mr. Côté that the Conservation Commission had already discussed the plantings and were satisfied with what they are proposing. Mr. Côté added that if the Conservation Commission was satisfied with what they were proposing then he was satisfied. Mr. Porter talked about ground cover that they would be placing near the towers and went through the discussion of blueberry bushes and viburnums.

Mr. Rolfe asked about covenants. Mr. Côté informed Mr. Rolfe that the Board does not enforce covenants. At this time, Mrs. Mayland, who is an abutter wanted to see the plan and reviewed the plan with the Board. In discussing the plan it was noted that the north arrow is wrong and needed to be corrected.

Mr. Côté moved to approve the Conditional Use Permit for, Tax Map 9, Lot 28-5-2, 15 Harvard Avenue, to allow two (2) solar arrays to be installed as proposed on the plan presented tonight and reviewed by the Conservation Commission prior and that the work shall be adhered to the Conservation Commission recommendations dated February 2, 2016 (meeting minutes) and that the north arrow to be corrected, Mrs. Marzloff seconded the motion. A vote was taken; all were in favor, the motion passed.

At this time, Mr. Seraikas and Mr. Geddes thanked the Board for their time and exited the hearing.

OTHER

Mr. Poltak asked the Board if they had anything else they wanted to add. None were noted.

ADJOURN

Mrs. Marzloff moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:27 p.m.

The next Planning Board meeting will be held on Wednesday, May 4, 2016 at 7:00pm at the Town Hall, 47 Chester Road unless otherwise noted.