

**APPROVED MINUTES
Town of Auburn
Planning Board
November 18, 2015**

Present: Ron Poltak, Chairman; Alan Côté, Vice-Chairman, Paula Marzloff & Steve Grillo, Members. Dale Phillips, Selectmen's Representative. Minutes recorded by Denise Royce.

Also Present: Mrs. Rouleau-Côté, Mr. LaBranche of Stantec, Mr. Porter, Chairman of the Conservation Commission and Mr. Eric Mitchell.

Absent: Jim Tillery, Alternate Member.

Mr. Poltak called the meeting to order at 7:00 p.m. and introduced the Board members to those present. Mr. Poltak.

MINUTES

Mrs. Marzloff moved to accept the minutes of November 4th, 2015 as written; Mr. Côté seconded the motion. A vote was taken; all were in favor and the motion passed.

ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

**Informal – Strategic Consulting Company, LLC
Rob Starace/Eric Mitchell
Pingree Hill Road, Tax Map 5, Lot 19
Discuss Tax Map 5, Lot 19-2 Driveway Slope**

Mr. Mitchell presented on behalf of the applicant and passed out copies of the lot being discussed tonight. Mr. Mitchell stated that on this particular lot the location that they would like to place the driveway there is a ditch line for the water to go down the road except with the style of house that they are looking to build it is best to place the driveway further west than where it was proposed. Mr. Mitchell pointed out what was previously approved and what they are proposing to change with this lot. Mr. Mitchell further explained why they are proposing to make this change. Mr. Côté asked if it was closed drainage. Mr. Mitchell said yes but there is a ditch and the proposal is for the

driveway to go up two (2) percent as opposed to up. Mr. Poltak asked Mr. Mitchell if he had spoken to Mrs. Rouleau-Côté about this. Mrs. Rouleau-Côté stated that she had not spoken to Mr. Mitchell but with someone else in his office because Mr. Mitchell was out sick last week. Mrs. Rouleau-Côté also indicated that she had spoken with Mr. Tatem of Stantec with regard to the driveway location and there was a lot of discussion with regard to driveway placement and if there was going to be a change that they just wanted to run it by the Planning Board first. Mr. Poltak recalled making a concession once before for this development. Mr. Côté commented that when there is a closed drainage system that it wasn't a good idea to have a negative pitch from the road going into the property because the water's going to run down into the driveway. Mr. Côté did not have an issue and moved to grant the waiver and that they were looking at changing the regulations as well. Mrs. Rouleau-Côté stated that she would be issuing the driveway permit and that Mr. Tatem is aware of this as well.

Mr. Côté made a motion to grant the waiver request to allow the driveway to slope up 2% as opposed to down for Tax Map 5, Lot 19-2 in the Anderson Way Subdivision; Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

Mr. Côté suggested that if another one of these comes across the Building Inspector's desk that we delegate the authority to the Building Inspector and Stantec to determine if it makes sense so that they do not have to come back before the Planning Board. The Board members agreed. Mr. Poltak asked for a motion.

Mr. Côté made a motion to delegate the authority to the Building Inspector and Stantec to determine if it makes sense to change driveway slope so that the applicant did not have to come back before the Planning Board; Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously.

The Board members and the Building Inspector stated that this would occur until the regulations were changed.

**Informal – Crown Energy Solutions, LLC
Shawn Thrasher/Eric Mitchell
692 Londonderry Turnpike, Tax Map 1, Lot 11
Zoned Industrial
Discuss Storage of New & Clean Used Tanks**

Mr. Mitchell began his presentation on behalf of the applicant and that this project was conditionally approved a few weeks ago with which a note was to be placed on the plan indicating that there would only be storage of new empty tanks stored on the property. Mr. Mitchell pointed out that they are all above ground tanks and the tanks would all be clean empty tanks and since some of these tanks may not be new but reusable that they would like to make that clarification with the Board tonight. Mr. Mitchell indicated

that Mr. Thrasher was present tonight to speak about the size of the tanks if the Board would like him too. Mr. Côté asked if the tanks were refurbished. Mr. Thrasher stated that most of the time they are maintained on site and would be painted which would be rolled and not sprayed. Mr. Poltak asked if they were steel tanks. Mr. Thrasher said yes they are steel tanks and are approximately 18,000 to 30,000 gallon tanks. Mr. Poltak pointed out that there was no state permitting at this level. Mr. Thrasher said that was correct. Mr. Poltak asked Mrs. Rouleau-Côté if we had anything in our regulations to oversee what we're talking about. Mrs. Rouleau-Côté indicated that these are empty tanks. Mr. Thrasher stated that the big tanks like for Dead River is the type of tanks that he installs. Mr. Poltak believed it was temporary storage and asked how they came up with new tanks. Mr. Mitchell believed that the Board did not want it to be a scrap yard and when he did the presentation that he said they would be new and clean tanks but in reality a lot of the tanks would be reusable tanks and not new. Mr. Côté believed that if they could put it in the record that they would be empty and flared off that he would not have an issue. Mrs. Rouleau-Côté asked Mr. Thrasher if the tanks would be refurbished on the site. Mr. Thrasher said usually not but if they would be in bad shape that he would put a coat of primer on them just to seal them so they would not rust. Mrs. Rouleau-Côté asked if he would be painting them outside. Mr. Thrasher said possibly and it would not be sprayed but would be rolled on. Discussion ensued with regard to transporting the tanks and storage. Mr. Poltak wanted it on record that the tanks would be empty before storing them on site. Mrs. Rouleau-Côté asked if they would be doing any sandblasting. Mr. Thrasher said that they would on occasion. Mr. Côté stated that sandblasting would not occur on the site. Mrs. Rouleau-Côté was concerned with the possibility of sandblasting the tanks on site. Discussion ensued with regard to sandblasting. Mr. Côté pointed out that what the Board is being told tonight is very different than what the Board was told originally because originally they were told that it was going to be storage of new tanks only. If a tank is going to be allowed to be stored on the site that is not new that there would be a note added to the plan that states that absolutely no sandblasting, no painting and no refurbishing to be done on site unless they are building a huge building to put these tanks in so that they can do the work on inside. Discussion ensued with regard to the proposed building. Mr. Thrasher stated that they would not fit in the proposed building because they would have to be craned in. Mr. Thrasher understood the reason for no sandblasting but could not understand the reason behind no painting because it would be rolled on and not sprayed on. Mr. Côté asked if it would be an oil base. Mr. Thrasher said it would be enamel.

Mr. Côté pointed out that the Board already approved a plan where the abutters were noticed and that now they are looking at modifying the plan and was not sure that the Board could make that modification without noticing the abutters again to let them know that things were changing. Mr. Thrasher stated that 96% of his business is all new tanks and that it was not cost effective to bring a tank from Kansas. It does not pay for them to store them but would like the ability to store them if they have to. That it was much more cost effective to go from point of use to point of use because the staging requires trucking and cranes at both ends. Mr. Poltak indicated that this is putting it into a different perspective. Mrs. Marzloff did not feel comfortable that they did not have the

understanding of what the difference was. Mr. Poltak indicated that he would entertain a motion on how to proceed. Mr. Côté believed that it was a substantial enough change to warrant the applicant to re-notice the abutters. Mr. Mitchell asked if it would be something that they could handle at the first hearing in December. Mr. Poltak and Mrs. Phillips did not think it would be a problem. Ms. Royce informed the Board that it would not be possible because it would require 12 days not including the date noticed in the Union Leader and not including the date of the hearing. Mr. Poltak informed Mr. Mitchell that December 2nd would not be possible and would have to make it December 16th. Mr. Côté also asked Mr. Thrasher to have an MSDF sheet available for the Board when he comes back would be a good idea. Mr. Côté also informed Mr. Thrasher that they would not be allowing him to sandblast on the site. Mr. Poltak asked for a little brief on the process and the safety process. Mr. Thrasher stated that they are sold as used tanks and not as refurbished and that any refurbishing would be done on site except for when the tank was in bad shape and was going to rust then obviously you would not want it to sit. Mr. Poltak had a problem with rusty tanks and the structural worthiness. Mr. Thrasher stated that the tanks are anywhere from three quarters of an inch thick to one inch thick and weight from 42,000 pounds up to 81,000 pounds so that surface rust has no question of their integrity. The tanks are 100% propane atmosphere.

Mr. Côté did not believe that a motion was required because this would have to be re-noticed for a public hearing. Mr. Poltak agreed and stated that he would see them on the 16th of December. Mr. Mitchell thanked the Board.

**PLANNING BOARD WORKSHOP REGARDING
MASTER PLAN
CIP UPDATE
ROAD RECONSTRUCTION DETAILS
CLUSTER ORDINANCE
SUBDIVISION & SITE PLAN REGULATIONS**

Mr. Poltak went over a few things and started with the road reconstruction details and asked Mr. LaBranche to go through the topic. Mr. LaBranche passed out copies to the Board with regard to the changes that he made to the road reconstruction details. Mr. Côté informed Mr. Poltak that this was not something that needed to go before the voters. Mr. Poltak understood but wanted to go through the details. At this time, Mr. LaBranche went through only the changes in red with the Board members. On #11, the Board agreed to go with the typical NHDOT Type B frame and grate. On #14, the Board and Mr. LaBranche decided to remove "stop bar" and changed "MUTDC" to "MUTCD". With regard to #16, the Board

Mr. Poltak asked if the Board needed to take any action at this time with regard to the road reconstruction standards. Mr. Côté explained that they would do it when they did the public hearing to get feedback but felt that they were ready to go before the public for a public hearing.

Mr. Poltak moved on to discuss the CIP update and turned the discussion over to Mr. LaBranche. Mr. LaBranche indicated that he and Mrs. Marzloff had put a letter together to go to all the various departments and wanted to make sure all the departments were correct. A change was made to the "Cemetery Committee" which should be "Cemetery Trustees" and added "Library Trustees" and "Parks and Recreation" and "School Board" as opposed to "School Department." Road Agent and Conservation Commission were also added to the list of departments. The revised list is as follows:

Planning & Zoning Department
School Board
Town Administration
Parks & Recreation Department
Police Department
Fire Department
Cemetery Trustees
Library Trustees
Road Agent
Conservation Commission

The Board went through the process that Ms. Royce would be sent the document to put on town letterhead to be sent to all the departments and then each department would meet with the Planning Board for approximately 15 minutes each to go over their future expenditures.

Mr. Poltak moved on to the next discussion which was regarding updating the Zoning Regulations, Subdivision Regulations and Site Plan Regulations. Mr. Poltak also asked Mrs. Rouleau-Côté with regard to speaking with Attorney St. Hilaire with regard to any state statute changes needing to be made. Mrs. Rouleau-Côté stated that she and Ms. Royce will be speaking with Attorney St. Hilaire with regard to anything that would need to be changed with the Zoning Ordinance but the timeframe for the Zoning Ordinance changes in which we need legal counsel assistance is with any changes to the Zoning Ordinance right now. When it comes to the changes to the Subdivision Regulations and Site Plan Regulations that Stantec would be assisting the Board with these changes which is a simple process which would include public comment and then at a public meeting the Board would choose to adopt new subdivision or site plan regulations. Only the Zoning Ordinance needs town counsel input and then has to go before the town voters in March. Mr. Poltak wanted to concentrate on the Subdivision and Site Plan Regulations right now. Mrs. Rouleau-Côté pointed out to Mr. Poltak that the Subdivision and Site Plan Regulations was something that the Board could do anytime during the winter. Mr. Poltak wanted to do it prior to town meeting. Mrs. Rouleau-Côté explained that it could be done during February but believed that, right now, the Board needed to focus on the items of the Zoning Ordinance and any parts of the cluster subdivision regulations that the Board did not like in the Zoning Ordinance that they want to address now because the Board needed to get that language drafted and get it to Attorney St. Hilaire because the Public Hearing will be taking place in January. A brief discussion ensued with regard to items that needed to be discussed now with regard to

the cluster subdivision as well as a few wetland issues. Mr. Poltak wanted the record to show that all of these things would be happening in a functioning manner and wanted to spend the rest of the discussion tonight talking about the zoning changes and the cluster side of it. Mr. Côté believed that they needed to go through the changes with regard to the cluster regulation. Mr. LaBranche believed that anything pertaining to the cluster should be done simultaneously with the Zoning Ordinance and Subdivision Regulations. Mr. Côté wanted to be careful not to add things to the Zoning Regulations that would take control away from the Planning Board and put it in the hands of the Zoning Board when in reality it should be a planning function and not a Zoning Board function. Mr. LaBranche agreed. Mr. Poltak explained that Mr. Grillo and Mr. LaBranche have spoken with regard to the suggested cluster development regulation changes. At this time, the Board went through the list of suggested changes explained by Mr. Grillo as follows:

Lot Creation – which would require developers to show a 75 foot x 100 foot buildable envelope on the plan

Cluster Buffer – which would lower the cluster buffer requirement to 150 foot no disturbance buffer.

Open Space – require an Environmental Impact Assessment for all cluster projects.

Discussion ensued with regard to trail systems and the cost to maintain in perpetuity. Mr. LaBranche pointed out that these were discussion points. Mrs. Rouleau-Côté further pointed out that the Board needed to now decide what they wanted to put in the Zoning Ordinance and what they wanted to put in the Subdivision Regulations and come back with some ideas and looking at the Zoning Ordinance because anything put into the Zoning Ordinance would need to show hardship.

Discussion ensued with regard to cluster development. Mr. Côté pointed out the reason for cluster development was not to give developers an opportunity to make more money but was to find the best use of the land and to minimize impact to the environment and get the best end product for the town. Mrs. Rouleau-Côté also added that it was to preserve the rural character of the town. Mrs. Rouleau-Côté also pointed out that Mr. Grillo pointed out a lot of things that needs to be addressed with regard to the buffers, open space and placement of the houses. The Board members all agreed. Mr. Grillo added that it was also to preserve wetlands as well. Mrs. Phillips agreed that the decision needs to remain with the Planning Board as opposed to the Zoning Board of Adjustment. Mr. Côté liked the idea of having a minimum 75 foot x 100 foot building envelope that is outside all the wetland setbacks.

In Conclusion, the Board decided to review what was presented tonight and do some homework and decide what should be placed in the Zoning Ordinance or placed within the Subdivision Regulations. Mr. Poltak reiterated what the community does not like with regard to the cluster regulation which is lot sizes in a cluster subdivision where a potential homeowner is unable to grow within the lot because they need to seek relief in order to do anything such as putting in a pool or a shed or anything else that they may want to do.

Mr. LaBranche asked the Board how they would go about asking a developer to show two (2) different plans being a grid plan and a cluster plan. Mr. Côté further added that the developer would be required to show all wetland setbacks as well as all buffers and building setbacks and show a true footprint of where the houses would go. A brief discussion ensued with regard to the size of the lots.

Mr. Poltak pointed out that there are cluster ordinances that are working in this state and that ours was not. Mr. Poltak stated that when he drives through Willow Court that it was like driving through a school yard and that it was instant blight with basketball courts in the street and things going on and that there is no room. Mr. Poltak further added that there is just not enough adequate space and room with these quarter acre lots for normalcy. Mr. Grillo indicated that they looked at both Hooksett and Chester's ordinance.

The Board discussed the possibility of eliminating the cluster ordinance all together to allow the Board time to think about a better way to write the cluster ordinance. Mr. LaBranche believed they could take the ordinances from other towns and take the best of all of them to address all the issues. Mr. LaBranche also believed that they needed to put specific requests in a list with regard to lot creation, cluster buffer and open space. Mr. Poltak commented that the Board needs to be very cautious with regard to the number of lots. Mr. Côté moved on to discuss the 75 x 100 foot building envelope which he believed was a great idea and would have to be free from all buffers and restrictions. Mr. Poltak talked about developers who shoehorn houses in a small area and then look for relief afterwards. Mr. Côté went on to the last item under lot creation and instead of having developers discouraged from creating lots with wetlands that it should say "lots will not contain wetlands" so all wetlands will be excluded from lots. It was discussed that this would not include the buffer.

The Board members and Mr. LaBranche discussed the side setbacks and Mr. LaBranche stated that they want the side setbacks to be able to control the minimum. Mr. Côté stated that we already have it stated that buildings shall be 60 feet apart in a cluster subdivision. Mr. Poltak stated that they would take a look at this further.

Discussion ensued with regard to lowering the cluster buffer requirement down to 100-150 feet and have it stated that it would be a no disturb buffer with minimum vegetation. The Board liked the concept of having an absolute buffer at 150 feet.

Mr. Côté moved on to discuss the suggestion to require an Environmental Impact Assessment for all cluster projects exceeding a certain number of lots. Mr. Poltak believed that this was a tough one because you would have to put a well-defined parameter around what is an Environmental Impact Statement. A brief discussion ensued with regard to this suggestion and Mr. Côté did not believe that they were necessary. Mr. Poltak did not know what an Environmental Impact would be. Mr. Porter pointed out that Mark West was hired to put together a wetlands map and then was hired by a developer to refute it so what was the purpose in that. Everyone agreed. Mr. Poltak believed that they needed to find what would trigger the necessity for an

Environmental Impact Study. The Board talked about the wildlife corridor and the like. Mr. Poltak reiterated that they would have to figure out what would trigger the need. Mr. LaBranche suggested getting something from the experts to see what they think about the Environmental Impact Study.

Mr. Côté went on to talk about requiring a conservation easement for open space where the homeowners association would be responsible for all associated fees and had concerns with taxes. Mr. Côté did not believe that this would work and stated that he had concerns on whether homeowners associations would be sustainable to afford maintaining them. Mr. Côté wondered who would go after the homeowners to pay their dues. A brief discussion ensued with regard to conservation easements and homeowners associations. In conclusion, the Board did not believe this would work. Mr. Poltak stated that it ends up being wild land. The Board and Mrs. Rouleau-Côté named a few subdivisions where there was a conservation easement which included Willow Court and Hawthorne Drive.

Mr. Poltak asked the Board if they believed it was a problem with a developer having two (2) homes on the main road and a new road with a cluster development in the back. Mrs. Marzloff believed it should be part of the cluster subdivision. Mr. Côté did not believe there was an issue and did not see a problem with a developer building three (3) houses on a main road that meet the zoning requirements. Mr. Côté gave a scenario that if a developer came before the Board and subdivided the three (3) lots and then later came back to do the cluster subdivision in the back would be no different than doing it all together. Mr. Côté further pointed out that Wildwood Drive was a horrible idea and that it should have been four (4) driveways off of Spofford Road that would have had less of an impact.

This concluded the first discussion of the Planning Board with suggested changes. Mr. Poltak asked Mr. LaBranche if he could get something to the Board in two (2) weeks. Mr. LaBranche stated that he first needed to take a look at the other two (2) towns and pull out the best information. Mr. Poltak indicated that the Board intends to improve our ordinance and to try and fix it.

OTHER

ADJOURN

Mr. Côté moved to adjourn the Hearing. Mrs. Phillips seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:25 p.m.

The next Planning Board meeting will take place on Wednesday, December 2nd, 2015 and will be held at the Safety Complex, 55 Eaton Hill Road.