

**UNAPPROVED MINUTES**  
**Town of Auburn**  
**Planning Board**  
**PUBLIC HEARING**  
**December 16, 2015**

**Present:** Ron Poltak, Chairman; Alan Côté, Vice-Chairman, Paula Marzloff & Steve Grillo, Member. Dale Phillips, Selectmen's Representative (6:18p.m.). Minutes recorded by Denise Royce.

**Also Present:** Mrs. Rouleau-Côté, Building Inspector. Mr. Tatem of Stantec, Mr. Porter, Chairman of the Conservation Commission and Mr. Richard Eaton.

**Absent:** Jim Tillery, Alternate Member.

**PLANNING BOARD WORKSHOP – 6:00 P.M.**  
**CIP UPDATE**  
**CLUSTER ORDINANCE**  
**SUBDIVISION & SITE PLAN REGULATIONS**

Mr. Poltak began the Planning Board Workshop at 6:04 p.m. and turned the meeting over to Mr. Tatem of Stantec and asked him to explain what occurred two (2) weeks ago because it was his hope that after tonight's hearing that they could move forward with a January 6, 2016 hearing date on that subject matter. Mr. Tatem began by saying that these were all the revisions that they made at the last hearing which were incorporated into this handout. Mr. Tatem passed out copies to all the Board members and a few were handed out to the public. Mr. Tatem indicated that there were not a whole lot of changes made. Mr. Tatem, at the request from Mr. Poltak gave a synopsis of what had transpired at the last meeting. Mr. Tatem basically indicated that the Board talked about the cluster ordinance versus the traditional two (2) acre subdivisions. The big changes they made were not allowing the maximum or the significant amount of lots that are currently allowed by the regulations. Mr. Tatem talked about the yield plan which limits the lot count to the same as conventional. Mr. Tatem went on to talk about the buffer around the cluster being a no cut buffer because right now it can be cut right down to the grass. They would also be setting the houses back about 250 feet so that when you're driving down the road you won't see a house until you enter into the subdivision. Mr. Tatem talked about the open space and being used as passive recreation only.

Mr. Poltak talked about the Environmental Assessment where it is at the discretion of the Planning Board and can be applied for the purposes that the regulation defines and the impact that may be imposed by the development. Mr. Tatem talked about habitat and plant species.

Ms. Cleary stated that the town voters were not going to know if this was going to be a good thing and did not know how the Board would specify that this was going to be a good thing so that the voters would understand what they were voting for. Mr. Côté explained that the Zoning Ordinance was the only thing that the voters will be voting on because the subdivision regulations are adopted by the Planning Board and not voted on by the voters. Mr. Côté further pointed out that what they would see in the ordinance was things like they would be requiring a minimum of one acre lots and a maximum of 2 acres on the cluster lots. The fact that they would be doing a yield plan that they would have to show the number of lots they can get in a conventional plan without any waivers to wetland setbacks. Mr. Côté also stated that they would be requiring 100 foot by 100 foot building footprint for people to work with and that this would be placed in the subdivision regulations and the Planning Board would actually be working on this and voting on it. Mr. Côté reiterated what he said previously with regard what would be voted upon by the voters which pertains to the Zoning Regulations and the Planning Board would be the ones to adopt the Subdivision Regulations. Mrs. Marzloff explained that the ordinance is what gives the Planning Board the authority to develop the regulations.

Mr. Dandrade asked where anyone could get a copy and was the recommended changes posted to the website. Mr. Poltak answered by saying that it will be but currently it is in the works of being rewritten. Once the recommended changes are complete it will be available to the public to review and presuming that the language is correct and that his hope is to be able to schedule the first hearing on it because the clock is ticking relative to town meeting process. Mr. Dandrade stated that the no cut buffer is something that was very important to him and asked if wells and septic's would be allowed within the buffer and if this would be placed in the ordinance. Mr. Côté said no and stated that this would be in the subdivision regulations. Mr. Dandrade asked why it would not be placed in the ordinance and that they have seen a lot of the history repeating itself. Mr. Poltak stated that the cluster ordinance is a part of the Zoning Ordinance and that the administration of that ordinance was in the Subdivision Regulations.

Mr. Dandrade asked about shifting the 150 foot buffer from a regulation into an ordinance because its dimensionally related and requiring proof from the applicant why they need to impact that area. Mr. Grillo did not believe we should be moving where things are because we're unhappy with the members of the Board. Mr. Poltak further pointed out that the Planning Board has nothing to do with hardship. Mrs. Marzloff did not believe that the Zoning Board was as strict as the Planning Board is. Mr. Poltak read a section of the Subdivision Regulation aloud for everyone which reads as follows *"Cluster developments shall, at a minimum, have a natural, "No-Disturb" buffer suitably located to provide an adequate division or transition between abutting land uses. The buffer shall have a minimum width of 150 feet and shall extend around the entire perimeter of the parcel. In cases where the existing vegetation is not adequate to provide the intended, year round visual screening of the project, the Planning Board shall request that landscaping be provided to ensure visual screening."* Mr. Poltak did not believe there was much discretion in there. Mr. Dandrade liked the word "Shall." A

brief discussion ensued with regard to the cluster buffer and where it would best be placed. Mr. Poltak believed it should remain in the Subdivision Regulations which allows the Planning Board to have the authority.

The Board and Ms. Remillard talked about maintaining the rural character of Auburn and how the Town of Auburn has changed. Ms. Cleary asked about the calculations to figure out the open space and has it changed. Mr. Poltak did not believe it had changed. Mr. Tatem stated that the open space calculation has not changed. Ms. Cleary asked about the discussion with regard to trails within the open space. Mr. Côté explained to Ms. Cleary that the open space is private property and that it is owned by the association and that they were not going there. Mr. Poltak pointed out that there is a provision within the Subdivision Regulations that reads *“Establishment of an owner’s association having title to the open space, or establishment of some similar form of common ownership, with the membership and obligation of the residents of the cluster development in the association or such other ownership to be automatic upon conveyance of title or lease to individual dwelling units.”* Mr. Poltak added that, we did not want as a community to assume ownership of that property for a whole host of reasons such as the taxing structure changes and the liability structure changes. Mr. Poltak stated that in order to provide trails throughout the area that you have to assume ownership of it which requires a major commitment of financial resources such as design it, create it, maintain it and to operate it and said that it was not going to change. Mr. Poltak did not feel it was feasible.

At this time, Mr. Poltak asked Mr. Tatem to go through the revisions that were made respectful of what was agreed to at the last meeting and then would be scheduling a Public Hearing on those changes before it goes to town meeting. Mrs. Rouleau-Côté just wanted to clarify that after the two (2) workshops that we will need the language in order to get it drafted by town counsel. It will be posted in the Union Leader and at town hall as well as the website. Mr. Tatem began by going through Article 7 which is the zoning article first and started with “Authority and Purpose” 7.01(3) where the word “encourage” was replaced with “require” and “grid” was replaced with “conventional.” Mr. Tatem moved on to 7.02 (5) was replaced with “The minimum lot size shall be 1 acre.” 7.02 (6) “The maximum lot size shall be 2 acres.” 7.02 (7) added the word “homeowner’s”. 7.03 under “Specific Design Requirements” they added to the end “specifically Section 9.18 of the most recent edition of the Subdivision Regulations.” 7.04 (2) was the biggest change to the ordinance. First they removed the word “computed” with “determined” and removed the definition and replaced that with “A yield plan shall be provided for review, showing the maximum number of potential conventional dwelling units possible in the underlying zone.” “The total number of dwelling units demonstrated by the yield plan shall be the maximum number of dwelling units permissible under Clustered Development Zoning.” “Refer to the Subdivision Regulations for the criteria governing the requirements of the yield plan.” Mr. Côté thought there was supposed to be something that says that “the yield plan would be calculated with the words saying, no waivers or reductions in wetland setbacks. Mr. Tatem believed it was noted in the Subdivision Regulations. Mr. Poltak read the section in the Subdivision Regulations where it says “Each proposed residential lot shall contain

a 100 foot by 100 foot rectangular or a 100 foot circular buildable envelope, free of wetlands, wetland buffers, building setbacks, steep slopes, drainage easements, and any other non-buildable area.” Discussion ensued with regard to holding the applicant to the 1200 foot cul de sac length. Mrs. Rouleau-Côté did not believe this was what the yield plan was supposed to be and also did not think it was realistic. The Board believed they would have to rethink this through before making any changes. Mr. Côté thought maybe they would have to review the cul de sac length in the Subdivision Regulations to make it more realistic for the parcels. Mr. Tatem indicated that the yield plan will go with the Subdivision Regulations. Mr. Tatem stated that 7.05 regarding the Open Space was removed and would be placed in the Subdivision Regulations. 7.06 was removed and placed in the Subdivision Regulations and with 7.07 there were no not changes.

In conclusion, Mr. Tatem indicated that the Zoning Ordinance changes are minor changes and that with the requirement of a yield plan and minimum lots sizes were the significant changes. Mr. Poltak asked how we would share the support subdivision regulatory changes with the public and believed that they should make the changes available as well. Mrs. Rouleau-Côté believed that we could make a note that the Zoning Ordinance would be supplemented with proposed changes to the Subdivision Regulations. They won’t be posted like the Zoning Ordinance will be but they would be taken up at some point. Mr. Poltak believed that they would take this up at the next meeting.

Mr. Poltak asked Mrs. Marzloff about the CIP and asked if the letters went out. Mrs. Marzloff indicated that the letters did go out to all the department heads and that the date was changed to February 4, 2016. The letter went out asking all the department heads to fill out the form and then would be reviewed with Stantec. The Capital Improvement is defined as being a capital cost of more than \$10,000 with a useful line of a minimum of three (3) years. So something that is \$8,000 will not qualify but something bigger than \$10,000 would. This is part of our growth control ordinance.

Mr. Poltak believed that the road reconstruction standards were done and would be going before the Planning Board for approval. Mrs. Rouleau-Côté pointed out to the Board that they would want to keep all the proposed adoption changes together. Mr. Poltak wanted to take up the Cluster Zoning Ordinance with the supporting Subdivision Regulation. Mrs. Rouleau-Côté believed that was very aggressive and in January the Board should be dealing with only the Zoning Ordinance changes and should then take up the Subdivision Regulations after. Mrs. Rouleau-Côté asked what if the Zoning Ordinance does not pass then the Board has adopted a Subdivision Regulation that does not mean anything. Mr. Poltak wanted the public to understand both the Zoning Ordinance as well as the Subdivision Regulations. Discussion ensued with regard to the Zoning Amendment process.

Mr. Poltak informed everyone that the next Planning Board hearing would be held on January 6<sup>th</sup>, 2016 at 7:00pm and the Zoning Ordinance Public Hearing will be held on January 11<sup>th</sup>, 2016 at 7:00pm.

The Workshop concluded at 7:18 p.m. and the Public Hearing began.

## **MINUTES**

***Mr. Côté moved to accept the minutes of December 2<sup>nd</sup>, 2015 as written; Mr. Grillo seconded the motion. A vote was taken; all were in favor and the motion passed.***

## **GENERAL BUSINESS**

**Richard Eaton/Espana  
Wethersfield Subdivision  
Discuss Pond Issue**

Mr. Eaton talked about a proposed pond that was constructed and that it does not hold any water and is not going to work as it has been there for three (3) years. Discussion ensued with the Board members and they reviewed the plan submitted by Mr. Eaton. Mr. Poltak asked Mr. Eaton what he was asking of the Board. Mr. Eaton indicated that he needed the approval from the Board to remove it from the plan. Mr. Côté did not believe it needed to go for a Public Hearing.

***Mr. Côté moved to grant the modification to the original approved site plan to allow for the pond to not be constructed, Tax Map 2, Lot 3, Wethersfield Subdivision; Mr. Grillo seconded the motion. A vote was taken; all were in favor and the motion passed.***

**Richard Eaton/Espana  
Wethersfield Subdivision  
Steam Mill Rd & Wellesley Circle  
Bond Release & 2 Year Maintenance Bond**

Mr. Eaton moved on to talk about the storage area off of Steam Mill Road and the corner of Nutt Road. Lot #59 on Steam Mill Road has not been constructed and every other lot on Steam Mill Road has already been constructed. Mr. Eaton explained that they were just about done down there and have about half of the area reclaimed and ready for topsoil. They have plenty of loam down there. Mr. Eaton talked about a little drainage easement that flows to the wetlands and after talking to Mr. Tatem that he suggested bonding approximately \$1,500 to construct the swale. Mr. Poltak asked if the storage area would be no more. Mr. Eaton said correct. Mr. Tatem stated that Mr. Eaton is looking to get Steam Mill and Wellesley Circle accepted by the town. Mr. Tatem pointed out that they have walked the road yesterday and pointed out that he would recommend that the Board accept the road as long as the Board understands that all the items are not completed yet and would hold a surety amount for two (2) years for maintenance. The Board discussed holding a two (2) year Maintenance Bond



for the storage area. Mrs. Phillips thought surety should be held for a small amount to assure that restoration is completed. Mr. Côté also believed there should be some sort of surety in place. Mr. Tatem commented that he can figure an amount and get it to the Board. Mr. Dandrade asked if there would be anymore material removed from the storage area. Mr. Eaton stated that the sand is used within the development. Ms. Cleary talked about the storage area and stated that it was a pit that was about 20 feet deep. Mr. Tatem stated that all of the slopes have to be 3 to 1 or flatter and need to have 4 inches of loam and seeded. Mr. Tatem believed it would be a beautiful field with a lot of songbirds and have no issues with what Mr. Eaton is doing and believes it is a good thing for the project. Mr. Côté reiterated that he would recommend that a surety be put in place. Mr. Tatem stated that he will be writing a letter stating that the Board accept the road because the road is done and Mr. Eaton meets all the requirements. Mr. Tatem added that he will write a letter with the condition that Mr. Eaton provides the appropriate bonds and that he would get those numbers. Mr. Tatem that the Board could make a motion to recommend to the Selectmen to accept the road with the condition that we provide the surety amounts. The Board believed it sounded reasonable. Mr. Grillo asked Mr. Eaton that when it came before the Board originally if the Board asked for surety to be put in place. Mr. Eaton said no and that it was back in 2002. Mr. Grillo believed it would impact his vote.

***Mr. Côté moved to recommend to the BOS to accept Steam Mill Road and Wellesley Circle subject to appropriate surety be put in place to ensure that the storage area be restored and that all outstanding items be completed and the standard 2% maintenance bond be held for 2 years, Tax Map 2, Wethersfield Subdivision; Mrs. Phillips seconded the motion. A vote was taken; The motion passed by a vote of 3 in favor and 2 opposed.***

Mr. Eaton explained to the Board members that for the next two (2) years that he would like to keep the delineators that he has placed on Steam Mill Road to keep the plow trucks and the buses on the road. Mr. Eaton further explained that he will remove the delineators once the Bond is released. Mr. Côté indicated that after two (2) years the vegetation should have grown and it will be easier for them to see the road and that he did not have a problem with Mr. Eaton placing delineators on the road. Mr. Eaton stated if after two (2) years he will remove the delineators if the town requests that he remove them.

**JMJ Properties, LLC  
Lovers Lane, Tax Map 8, Lot 2  
Request One Additional Permit for  
30 Saddle Hill Drive**

Mr. Poltak stated that JMJ Properties is requesting one additional permit to complete 30 Saddle Hill Drive. Mr. Poltak indicated that he did not know the numbers and asked Mrs. Rouleau-Côté if they were fine and she stated that it was fine.

***Mr. Côté moved to grant one more permit for 30 Saddle Hill Drive for JMJ Properties, LLC, Tax Map 8, Lot 2, Lovers Lane Subdivision; Mr. Grillo seconded the motion. A vote was taken; all were in favor and the motion passed.***

**Matam/Ara Tamzarian**

**Tanglewood Drive, Tax Map 4, Lot 19**

**Discuss Road Acceptance & 2 Year Maintenance Bond**

Mr. Tatem spoke on behalf of Mr. Tamzarian and stated that they walked that road yesterday and that the road was completed last year. Mr. Tatem informed the Board that he struggled to get one item completed and that item was completed this year. There is one hang up with this and that is he still has 4 houses to build out of 9 and typically the Board does not accept the road until there is one or two (2) lots remaining. Mr. Tatem stated that while they were walking the road that he did bring that up and that Mr. Tamzarian agreed with the idea he had that in order to accept the road that the 2% maintenance surety which is already in the letter is established. Mr. Tatem recommends that the Planning Board reserves the right to extend the 2% maintenance surety for another 2 years to protect the roadway if he is slow in building these houses. Mr. Tatem did not think this should be something to stop the Board from accepting the road. Mr. Tatem reiterated that he would recommend to the BOS that they accept the road with the condition that the Planning Board reserves the right to extend that surety for another 2 years or if all the houses are built to release it. Mr. Tatem stated that the surety amount is approximately \$13,000.

***Mr. Côté moved to recommend to the BOS to accept Tanglewood Drive with the conditions depicted in Stantec's letter dated December 16, 2015 and with the recommendation that the Planning Board reserves the right to request the Bond be held for an additional 2 years if the subdivision is not completely built out, Tax Map 4, Lot 19, Tanglewood Subdivision; Mrs. Phillips seconded the motion. A vote was taken; The motion passed by a vote of 3 in favor and 2 opposed.***

## **PUBLIC HEARING**

**Crown Energy Solutions, LLC**

**Shawn Thrasher**

**692 Londonderry Turnpike, Tax Map 1, Lot 11**

**Zoned Industrial**

**Minor Site Plan Review (To amend the conditional site plan approval on October 21, 2015, condition #1 – to permit storage of new or reusable empty tanks)**

Mr. Thrasher passed out photos of what the proposed tanks looked like to the Board members. Mr. Mitchell presented on behalf of the applicant and began by saying that they were before the Board about a month in a half ago and are now back before the Board at a Public Hearing to amend one of the conditions of approval of the original

plan. Mr. Mitchell indicated that the way the minutes are worded as saying the storage of new empty tanks only, they would like to amend that wording to say "new or reusable empty tanks." When they were back before the Board in November the discussion was based on the fact that the tanks could be new but a lot of the tanks that are taken out of service and brought to the site that are usually resold and that is what the storage area would be used for. They don't really have a lot of brand new tanks onsite. The tanks are not little tanks but are big tanks. Mr. Mitchell mentioned painting of the tanks and pointed out that Mr. Thrasher could talk about that as they are usually just touched up and would be using rollers and would not be spraying the tanks. In conclusion, Mr. Mitchell stated that they were before the Board tonight because of the change in one of the conditions imposed upon them.

Mr. Poltak asked if there were any questions from the Board members. Mrs. Marzloff stated that at the last meeting the Board members understood the discussion but that it needed to go for a Public Hearing where abutters would be re-noticed because the Board's approval was for new tanks.

Mr. Tatem asked if there was any change of a hazardous spill that would seep into the ground. Mr. Thrasher said no that there was no oil or gas and it was propane tanks only which would be emptied prior to coming onto the site. Mr. Tatem talked about oils being released. Mr. Côté explained that the tanks were LPG tanks only. Mr. Tatem suggested to the Board that they specify that the tanks would only be LPG tanks only and not just the word tanks. Mr. Tatem went on to also suggest that there be best management practices done with the painting of these tanks. Mr. Thrasher stated that the tanks would be rolled only and not sprayed. Mr. Tatem suggested that the Board specify painting to be done by rollers only and that no spraying be allowed.

Mrs. Rouleau-Côté asked the Board members if they ever limited the number of tanks they could have on the property or the length of time they can be on the property. The Board members said no. Mrs. Marzloff asked Mr. Thrasher what the number of tanks he would have on the property. Mr. Thrasher said that based on the size that 50 was a lot and if he had 10 on the lot that he was doing something wrong. Mr. Côté asked if 10 would be enough if they limit the number of tanks to 10 at a time. Mrs. Rouleau-Côté pointed out that a new tank would have more value than a used tank and that a used tank just gets older and older. Mr. Thrasher explained that propane was non-corrosive and that a tank that is kept in service would have just as much value as a new tank.

Mr. Poltak asked if there were any questions from abutters. Mr. Beaulieu of 357 Rattlesnake Hill Road stated that this was the first he's heard of this when he received a notice in the mail that he did not receive the first notice where this was approved. Mr. Poltak asked Ms. Royce why Mr. Beaulieu was not notified the first time. Ms. Royce believed that Mr. Beaulieu was not a direct abutter and was most likely over the 200 foot mark but would check on it when she got back to the office. *(Ms. Royce, when returned back to the office checked the tax map and the abutters list and that Mr. Beaulieu who is located at 357 Rattlesnake Hill Road was over 300 feet (where any abutter within 200 feet should be notified) from 692 Londonderry Turnpike and therefore did not legally*



*have to be notified*). Mr. Beaulieu asked questions concerning the traffic on Londonderry Turnpike and was concerned for the security of the tanks. Mr. Mitchell pointed out that they did receive DOT approval for a curb cut for this property. At this time, the abutters reviewed the site plan for 692 Londonderry Turnpike. Mr. Goodwin of 355 Rattlesnake Hill Road (not an abutter) had a question with regard to the largest and smallest tanks that they would have on the site. Mr. Thrasher stated that the largest tank would be 30,000 gallon tanks which are 47 feet long and the smallest is 18,000 gallon tanks and is about 9 feet in diameter and 38 feet. Discussion ensued with regard to propane and the possibility of getting into the wells. Mr. Thrasher stated that propane facilities are not required to be grounded and as far as paint that they don't use lead paint and that dry paint chips don't leach. The tanks would be sitting on wood cribbing.

Mr. Mitchell and Mr. Thrasher talked about the berm that would be placed around the property with landscaping on top to buffer it from the road.

Mr. Poltak did not understand why abutters were not notified but informed Mr. Beaulieu and Mr. Goodwin that they would check on why they were not notified the first time.

Mr. Poltak addressed the Board and suggested the Board make a motion to amend the approval to provide for the permitted storage of new or reused tanks and limit the number of tanks to a maximum of 10 tanks.

***Mr. Côté moved to grant approval of the modified site plan for Tax Map 1, Lot 11, amending the conditional site plan to allow for the storage of new and used tanks with the following conditions; 1) that all tanks that are on site are empty prior to entering the site; 2) that any painting to be done on the site is done with a roller and not a sprayer; 3) that no sandblasting is allowed on the site; 4) that the tanks are to remain onsite for up to 5 years only and dated in paint with the date that the tanks are brought onto the site; and, 5) that there is a limit of up to 10 new or used tanks to be stored on site; 6) that the tanks be LPG tanks only (no oil tanks) to be stored on site; Mrs. Marzloff seconded the motion. A vote was taken; all were in favor and the motion passed.***

**Planning Board Workshop Regarding  
Master Plan  
CIP Update  
Road Reconstruction Details  
Cluster Ordinance  
Subdivision & Site Plan Regulations**

Mr. Poltak wanted to remind everyone that the next Public Hearing would be held at the Town Hall and is scheduled for Wednesday, January 6, 2016 and is open to the public and that January 11, 2016 would be the Public Hearing for the Zoning Ordinance changes.

## OTHER

## ADJOURN

***Mrs. Phillips moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 8:10 p.m.***

*The next Planning Board meeting will take place on Wednesday, January 6, 2016 and will be held at the Town Hall, 47 Chester Road.*