

## LEGAL NOTICE

The Auburn Planning Board will conduct a public hearing on Monday, January 25, 2016, at 7:00 p.m., at the Auburn Town Hall, Auburn, New Hampshire.

The purpose of the public hearing is to present proposed amendments to the Town of Auburn Zoning Ordinance, and to solicit comments and discussion relative to the proposed amendments. In addition, the Planning Board will hold a hearing on a petitioned zoning amendment related to cluster development, as set forth below, and will vote on whether to recommend approval of the petitioned zoning amendment.

Amendments proposed by the Planning Board include:

**1) Amend the Auburn Zoning Ordinance to make changes to the cluster development provisions set forth in Article 7 of the Zoning Ordinance. A copy of the full text of the proposed changes is posted and available for review at the Auburn Town Offices.**

[NOTE: This amendment would affect substantive changes to the cluster development provisions of the Zoning Ordinance, including but not limited to the required minimum and maximum lot sizes permitted in a cluster development, the calculation of the maximum number of dwelling units permitted in a cluster development, open space requirements, and roadway construction within a cluster development. A copy of the text of the proposed amendment is available for review at the Auburn Town Offices and is posted with the text of the proposed amendments at the Auburn Town Offices.]

**2) Amend Article 5.10 Minor Conditional Use Permits (6) Certain Driveways to read:**

Certain Driveways: Construction of driveways with Minimum Impact Applications for access to Single family houses on lots of record as of March 10, 2009 ***or as part of Planning Board review process for subdivision approval.***

**3) Amend Article 13.08 Smoke and Fire Detectors of Auburn Zoning Ordinance to rename as Article 13.08, Smoke, Fire and Carbon Monoxide Detection and Portable Fire Extinguishers and add the following:**

All Commercial and Industrial occupancies shall have all Portable Fire Extinguishers installed, inspected, maintained and recharged in accordance with **NFPA 1 Uniform Fire Code 2009 edition, NFPA 101 Life Safety Code 2009 edition, NFPA 10 Standard for Portable Fire Extinguishers 2013 edition** and the **NH State Fire Code**. Any person performing an annual external visual examination of a portable fire extinguisher shall obtain a:

1. Certification as a Portable Fire extinguisher Technician by the National Association of Fire Equipment Distributors. (NAFED) or;

2. Certification or testing by another recognized organization as deemed appropriate and acceptable by the Authority Having Jurisdiction. (AHJ) or;
3. Current certification from the manufacturer of the portable fire extinguisher denoting the portable fire extinguisher and areas in which the applicant has successfully trained and been certified.

**4) Amend Appendix F, Fire Department Regulations to add Section E – Plan Review and Technical Assistance.**

[NOTE: A copy of the text of the proposed amendment is available for review at the Auburn Town Offices and is posted with the text of the proposed amendments at the Auburn Town Offices.]

The zoning amendment submitted by voter petition is as follows:

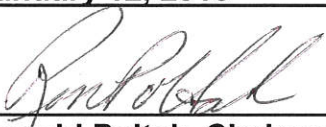
Amend the Auburn Zoning Ordinance by abolishing the cluster development provisions (Article 7) from the Ordinance, so that all residential development will be subject to the 2-acre minimum lot size requirement.

[NOTE: A full copy of the proposed zoning amendment submitted by voter petition is posted at the Auburn Town Offices and is on file and available for review at the Auburn Town Offices.]

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**A complete copy of the proposed changes to the Auburn Zoning Ordinance is available for public inspection at the Auburn Town Offices and can be found at the Town of Auburn's website [www.auburnnh.us](http://www.auburnnh.us).**

**Dated:** January 12, 2016

**Signed,**   
**Ronald Poltak, Chairman**  
**Town of Auburn Planning Board**



**Amend Article 5.10 Minor Conditional Use Permits (6) Certain Driveways to read:**

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\*\*\*\*\*

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2. Certification or testing by another recognized organization as deemed appropriate and acceptable by the Authority Having Jurisdiction. (AHJ) or;
3. Current certification from the manufacturer of the portable fire extinguisher denoting the portable fire extinguisher and areas in which the applicant has successfully trained and been certified.

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**Amend the Auburn Zoning Ordinance to include the following text to Appendix F, Fire Department Regulations as Section E – Plan Review and Technical Assistance,**

**Plan Review and Technical Assistance.**

1. The Town of Auburn shall require for new commercial construction, modification, or rehabilitation, construction documents and shop drawings shall be submitted, reviewed, and approved by the AHJ (Authority Having Jurisdiction) prior to the start of such work.
2. The applicant shall be responsible to ensure that the following conditions are met:
  - a. The construction documents include all of the fire protection requirements.
  - b. The shop drawings are correct and in compliance with all applicable codes and standards.
  - c. The contractor maintains an approved set of construction documents on site.
3. It shall be the responsibility of the AHJ (Authority Having Jurisdiction) to promulgate rules that cover the criteria to meet the New Hampshire State Fire Code and the review of documents and construction documents within established time frames for the purpose of acceptance or providing reasons for non-acceptance.
4. Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with the New Hampshire State Fire Code.

### **Technical Assistance**

1. Construction documents or shop drawings shall be prepared and or reviewed by an approved independent third party with expertise in the matter to be reviewed at the submitter's expense.
2. The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the AHJ.
3. The AHJ shall be authorized to require the design submittals to bear the stamp of a registered design professional.
4. The AHJ shall make the final determination as to whether the provisions of The New Hampshire State Fire Code have been met.

**A complete copy of the proposed change to the Auburn Zoning Ordinance, is available for public inspection at the Auburn Town Offices and can be found at the Town of Auburn's website [www.auburnnh.us](http://www.auburnnh.us).**

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**Dated:**

**January 12, 2016**

**Signed,**

  
**Ronald Poltak, Chairman**  
**Town of Auburn Planning Board**



## ARTICLE 7 – CLUSTERED DEVELOPMENT

### 7.01 Authority and Purpose

This section is adopted pursuant to the authority set forth in N.H. R.S.A. 674:16 and 674:21. Cluster developments must adhere to the following purposes:

- (1). To promote the conservation of the natural environment and the development of community uses in harmony with the natural features of the land;
- (2). To establish living areas within the Town that provide for a balance of community needs, such as a diversity of housing opportunities, including workforce housing as defined by N.H. R.S.A. 674:58, IV, to provide adequate recreation and open space areas, easy accessibility to these and other community facilities, and pedestrian and vehicular safety;
- (3). To ~~encourage~~ require the use of the land in such a manner that open spaces, wetlands, topographical extremes and other considerations can be addressed with a view to preserving and protecting the natural attributes of the area, which sometimes suffer as a result of the allowed "grid" conventional concept;
- (4). To provide for an efficient use of land, streets, and utility systems; and
- (5). To stimulate innovative approaches to land and community development.

### 7.02 General Requirements

All cluster developments must meet the following requirements to be considered for acceptance of the cluster development concept.

- (1). The tract of land in a single or consolidated ownership at the time of application shall be at least twenty (20) acres in size for a residential development, and must be a conforming lot for commercial/industrial development.
- (2). The proposed project shall be subject to approval by the Auburn Planning Board under the Town of Auburn Subdivision Regulations and Site Plan Review Regulations.
- (3). Minimum frontage of the clustered development shall be one hundred (100') feet on a Class V or better town road, which may consist of two (2) separate fifty (50') foot private right-of-ways into an existing public street(s).
- (4). The tract of land must be located entirely within the permitted district.
- (5). ~~The tract of land shall have a minimum of twenty (20%) percent of its area consisting of wetlands, class V and VI soils, bodies of water and/or slopes of greater than twenty (20%) percent for a residential development.~~
- (5). The minimum lot size shall be 1 acre.
- (6). The maximum lot size shall be 2 acres.
- (6). ~~The tract may be accepted for cluster development if, although not meeting the~~

~~preceding paragraph 7.02(5) of this Section, in the opinion of the Planning Board, the tract contains some geological, environmental, historical, or agricultural properties or formations which would be prudent to protect from conventional grid-type development.~~

- (7). A copy of the condominium / homeowner's association documents, if any, as filed with the New Hampshire Attorney General's office, shall be filed with the Town of Auburn.

### 7.03 Specific Design Requirements

A site plan of the entire tract shall be presented to the Planning Board and shall conform to all the Town's Regulations and Ordinances in effect at the time of submittal, specifically Section 9.18 of the most recent edition of the Subdivision Regulations.

### 7.04 Determination of Minimum Open Space Required and Maximum Number of Dwelling Units Permitted

- (1) The minimum amount of Open Space required in a cluster development shall be determined as follows:

Deduct the areas of water bodies, wetlands, class V and VI soils and twenty (20%) percent and greater slopes from the total acreage of the tract if it is essential for the applicant to file for a State of New Hampshire Dredge and Fill Permit in order to complete the project. If no State of New Hampshire Dredge and Fill Permit is required, deduct one-half of the total area of water bodies, wetlands, class V and VI soils, and twenty (20%) percent and greater slopes from the total acreage of the tract.

The remaining acreage is divided in half, and then combined with the areas of wetlands, class V and VI soils and twenty (20%) percent and greater slopes to determine the minimum Open Space required.

The Open Space shall be regulated in accord with Section 7.05, below, and shall not be used to calculate density for future development.

The following examples illustrate the method of calculation described in this paragraph:

(a) Total lot size: 110 acres (Dredge and Fill Permit Required)

Consisting of: 20 acres wetlands  
10 acres twenty (20%) or greater slopes

Subtract all 30 acres = \_\_\_\_\_

Remaining acreage: 80 acres

Divided by 2:  
40 acres

Add water bodies, wetlands, class V and VI soils and twenty (20%) percent and greater slopes:

+ 30 acres

Open Space: 70 acres

Consisting of:

30 acres of water bodies, wetlands, class V and VI soils  
and steep slopes

+

40 acres undeveloped land.

(b) Total lot size: 110 acres (Dredge and Fill Permit Not Required)

Consisting of: 20 acres wetlands  
10 acres twenty (20%) or greater slopes

Subtract one-half of the 30 acres (15 acres) =

Remaining acreage: 95 acres

Divided by 2:  
47.5 acres

Add one-half of water bodies, wetlands, class V and VI soils and twenty  
(20%) percent and greater slopes:

+ 15 acres

Open Space: 62.5 acres

Consisting of:

15 acres of water bodies, wetlands, class V and VI soils  
and steep slopes

+

47.5 acres undeveloped land.

(2) The maximum number of dwellings permitted in a clustered development shall be computed-determined as follows:

~~The areas of water bodies, wetlands, class V and VI soils and twenty (20%) percent and greater slopes shall be subtracted from the total acreage of the tract if it is essential for the applicant to file for a State of New Hampshire Dredge and Fill Permit in order to complete the project. If no State of New Hampshire Dredge and Fill Permit is required, one-half of the total area of water bodies, wetlands, class V and VI soils, and twenty (20%) percent and greater slopes shall be subtracted from the total acreage of the tract. The remaining acreage shall be divided by the minimum lot size allowed in the district in which the cluster development is located in order to determine the maximum number of dwelling units permitted.~~

~~The following examples illustrate the method of calculation described in this paragraph:~~



(a) Total lot size: — 110 acres (Dredge and Fill Permit Required)

— Consisting of: — 20 acres wetlands  
— 10 acres twenty (20%) or greater slopes

— Subtract all 30 acres —

— Remaining acreage: — 80 acres

— Divided by 2 acre minimum (e.g., Residential District):

— — 40 maximum dwelling units

(b) Total lot size: — 110 acres (Dredge and Fill Permit Not Required)

— Consisting of: — 20 acres wetlands  
— 10 acres twenty (20%) or greater slopes

— Subtract one half of the 30 acres (15 acres) —

— Remaining acreage: — 95 acres

— Divided by 2 acre minimum (e.g., Residential District):

— — 47 maximum dwelling units.

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.

#### 7.05 — Open Space

~~Open space within a cluster development shall be protected by recreation and conservation easements and shall be conveyed to the property owners to be maintained as permanent open space, or shall be permanently protected in other suitable ways such as by a Conservation Easement to the Town, so as to guarantee the following:~~

- ~~(1). — The continued use of such land for the intended purposes;~~
- ~~(2). — Continuity of proper maintenance for those portions of the open space land requiring maintenance;~~
- ~~(3). — The availability of funds required for such maintenance;~~
- ~~(4). — Recovery for loss sustained as a result of casualty, condemnation or otherwise;~~



- (5). ~~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. The declaration of the homeowner's association or such other form of ownership shall provide for assessment of liens to ensure payment of maintenance costs by the residents. The declaration establishing the homeowners' association or such other form of ownership shall be subject to the review and approval of the Planning Board;~~
- (6). ~~Such open space shall be restricted to recreational uses such as tot lot, park, swimming pool, tennis court, playground, play field, golf course and/or conservation area; and~~
- (7). ~~Open space shall have suitable access to a street, given the nature of the intended use of the open space.~~

#### 7.06 Roadways

~~All cluster roadways, whether private or public, shall be constructed to the Town of Auburn's Road Design Standards. Cluster roadways may be of private ownership with the following additional provisions:~~

- (1). ~~The ownership of the roadway, and the responsibility of the owners as to maintenance, plowing, repairing and replacement, when necessary, are to be specifically stated in all ownership documents;~~
- (2). ~~The owners recognize in such documents that they assume all liability for said roads; and~~
- (3). ~~The owners recognize that the roadways shall be open and accessible at all times to emergency and police vehicles, and town officials, in order to promote and maintain health and safety for all the occupants of the development.~~

#### 7.07 Conflict

In the event of any conflict between other requirements of this Ordinance and this Section, the requirements of this Section prevail. In the event of any conflict between this Section and the provisions of the Town of Auburn's Subdivision Regulations, the cluster development sections of this Ordinance prevail. All other provisions of this Ordinance apply unless specifically modified by this Section.

December 9, 2015

Town of Auburn  
Zoning Board of Adjustment  
47 Chester Road  
Auburn, NH 03032

DEC - 9 2015

To Whom It May Concern:

Please find attached a Petition for a Warrant Article to abolish Cluster Developments from the Auburn Master Plan, Town Planning and Zoning Ordinances.

The majority of current cluster developments are not in favor with many residents, have proven problematic with the various Boards, and have greatly affected the rural character of our town.

Respectfully submitted,

Dorine Remillard  
18 Haven Drive

November 28, 2015

# Petition to Abolish Cluster Developments In The Town of Auburn, NH

<b>Reason for Petition:</b>	The Cluster Development has not yielded a favorable outcome either to its citizens or the rural character of the town.
<b>Action Petitioned for:</b>	We, the undersigned, as registered voters of Auburn, NH, seek a Warrant Article to abolish Cluster Developments from the Auburn Master Plan, Town Planning and Zoning Ordinances, and return to the required 2-acre minimum building lots for all future developments.

Printed Name	Signature	Address	Date	
DORINE Remillard	Dorine Remillard	18 Haven Dr.	11/28/15	✓
RICHARD MOITER	RW Moiter	17 HAVEN DR.	11/29/15	✓
X SYLVIA HLOHER	Sylvia Hloher	17 Haven Dr	11/29/15	✓
KATHERINE KATHN	Katherine KATHN	27 Haven Dr	11/29/15	✓
DANIEL BOLLOE	Dan Bolloe	37 Haven Dr.	11/29/15	✓
RICHARD COTE	Richard A. Cote	42 Haven Dr.	11/29/15	✓
RAYMOND PHILLIPS	Raymond Phillips	12 HIGHWOOD DR	11/29/15	✓
Phyllis J. Gallina	Phyllis J Gallina	13 Highwood Dr.	11-29-15	✓
Nancy Hammersten	Nancy Hammersten	43 Highwood Dr	11/29/15	✓
Nancy Smith	Nancy Smith	32 Haven Dr	11-30-15	✓
CAROL GAGNON	Carol Gagnon	54 HAVEN DR	11/30/15	✓
Doreen Haines	Doreen Haines	19 Highwood Dr	11/30/15	✓
Michael Sapienza	Michael Sapienza	28 Highwood Dr	11/30/15	✓
<del>Muriel A. Tracy</del>	<del>Muriel A. Tracy</del>	<del>30 Highwood DR</del>	<del>11/30/15</del>	<del>✓</del>
CATHLEEN CHAREST	CATHLEEN CHAREST	29 Highwood Dr	11/30/15	✓
<del>MIKE NAVARRO</del>	<del>Mike Navarro</del>	<del>44 Highwood DR</del>	<del>11/30/15</del>	<del>✓</del>
LYDIA ADAMS	Lydia Adams	81 Rattlesnake	12/2/15	✓

it's up Checklist -  
2/9 Susan Dentino Margo L. Cox

Hill Rd.



November 28, 2015

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Printed Name	Signature	Address	Date	
LEONARD WILLET	<i>Leon Willett</i>	231 Pingree Hill Rd.	11/29/15	✓
Shirley M. Smith	<i>Shirley M. Smith</i>	263 Pingree Hill Rd	11/29/15	✓
Jylie Nadeau	<i>Jylie Nadeau</i>	265 Pingree Hill Rd	11/29/15	✓
Gary Dodd	<i>Gary Dodd</i>	194 Pingree Hill Rd	11/29/15	✓
Joseph Nadeau	<i>Joseph Nadeau</i>	181 Pingree Hill Rd	11-29-15	✗
DONAT LESSARD	<i>Donat Lessard</i>	186 Pingree Hill Rd	11-30-15	✓
MICHAEL ARMSTRONG	<i>Michael Armstrong</i>	230 Pingree Hill Rd	11-30-15	✓
Feria Hanscomb	<i>Feria Hanscomb</i>	44 Maple Farm Rd	12-7-15	✓
Marie Sullivan	<i>Marie Sullivan</i>	282 Old Candia Rd	12-7-15	✓
Pat Clement	<i>Pat Clement</i>	10 Eaton Hill Rd	12-7-15	✓
Ann Robinson	<i>Ann Robinson</i>	40 Bunker Hill Rd	12-7-15	✓
Liz Michaud	<i>Liz Michaud</i>	155 Spruce Lane	12-7-15	✓

Cert. Sup. Checklist  
12/4 Susan Foxton Margo S. Cox