

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
November 19, 2019

Present: Mike DiPietro, Vice-Chairman. Kevin Stuart & Dennis Vieira, Members of the Board. Dale Phillips & Shawn Matte, Alternate Members. Minutes prepared by Denise Royce.

Absent: Mark Wright, Chairman. Stephen Carroll, Member.

Mr. DiPietro called the meeting to order at 7:00 p.m.

Mr. DiPietro began by explaining tonight's procedures and then moved on to have the Board members introduce themselves to everyone present. Mr. DiPietro indicated that he would be Chairing tonight's hearing in the absence of the Chairman, Mark Wright. In the absence of both Mr. Wright and a member of the Board, Stephen Carroll that he would elevate both Mrs. Phillips and Mr. Matte to full voting members for tonight's meeting.

With that said, Mr. Wright asked Ms. Royce to read the first case into the minutes for the record.

Case #19-23
Alfred & Lora Cilcius
52 Chester Turnpike – Tax Map 13, Lot 23-2
Zoned Residential One

Applicant is requesting a Variance to allow the construction of a 200 square foot or less shed to be within 15 feet of the side property line in a Residential One zone. Article 4, Section 4.04(4))

Mr. DiPietro asked the applicant if she had her application with her and if not, we could supply her with a copy to read into the minutes. Mrs. Cilcius did not and therefore, Ms. Royce provided her with a copy of her application. Mr. DiPietro asked Mrs. Cilcius if she had a plot plan showing the location of the shed. Mrs. Cilcius explained the location of the proposed shed for the Board members and indicated that she also had pictures to show the Board members. Mrs. Cilcius stated that she was thinking of possibly either a 10 foot by 14 foot and no bigger than a 12 foot by 16 foot or 10 foot by 16 foot but was leaning towards a 10 foot by 14 foot shed. At this time, Mr. DiPietro asked Mrs. Cilcius to read her application into the minutes for the record. Mrs. Cilcius read her application into the minutes.

Mr. DiPietro asked Mrs. Cilcius to see the photos. Mrs. Cilcius also handed Mr. DiPietro a letter signed by two (2) abutters indicating that they do not have an issue with the placement of the shed. Mr. DiPietro read the letter into the minutes for the record. Mr. Douglas was also present and did not have an issue with the location of the shed. Mr.

DiPietro asked Mrs. Cilcius if there was another spot that she wouldn't need a Variance to put the shed in. Mrs. Cilcius commented that, the location that they would like to put it in would be convenient for them to pull the snowblower out in the winter which would be so much easier. Also, the neighbors would really like the shed in that location so that the dogs can go outside without their dogs barking at the neighbor's dogs and plus it's a nice level spot. A brief discussion ensued with the location of the shed and Mrs. Cilcius showed the Board members some photographs. Mr. Stuart asked Mrs. Cilcius how many feet would she be seeking relief for the installation of the shed. Mrs. Cilcius stated that it would be 3 feet and that the fence was already 3 feet in from the property line. At this time, the Board members wanted to know what size the shed would be. Mrs. Cilcius indicated that she was leaning on a 10 foot by 14 foot shed. Mr. DiPietro asked Mrs. Rouleau-Cote if it was 140 square feet or less. Mrs. Rouleau-Cote explained that, any shed 120 square feet or less that they don't have to worry about setbacks as the shed can be placed on the property line but that we now have in our ordinance, any shed 200 square feet or less can be placed 15 feet from the property lines. Mrs. Cilcius stated that she would go with the 10 foot by 14 foot. Mr. Stuart believed that if the Board said no closer than 6 feet that she would be fine with that. Mrs. Cilcius said yes.

At this time, Mr. DiPietro asked if the Board Members had any further questions. Mrs. Phillips believed that they were definitely voting on a 10 foot by 14 foot shed. Mr. DiPietro added to be 6 feet from the property lines. Mrs. Rouleau-Cote wanted to know if the applicant would be cutting any trees for the placement of the shed. Mrs. Cilcius said no as there were no trees to be cut. Mrs. Rouleau-Cote indicated that, the only reason she was asking was because an abutter mentioned wetlands in the back. Mr. Douglas and Mrs. Cilcius both commented that it was way in the back of the property.

Mr. DiPietro again asked if anyone else had any further questions. None were noted. Mr. DiPietro indicated that, if there were no further questions that he would entertain a motion to vote on the application.

Mr. Vieira made a motion to vote on the Variance application to have a 10 foot by 14 foot shed placed where the applicant indicated which would be 6a feet from the property lines for 52 Chester Turnpike, Tax Map 13, Lot 23-2, for Case #19-23. Seconded by Mr. Stuart. Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. Matte voted to grant, Mrs. Phillips voted to grant, Mr. Vieira voted to grant as he believed all five (5) factors have been met, and, Mr. DiPietro also voted to grant as he also believes that all five (5) factors for the Variance request have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro reiterated that there was a 30-day appeal period where interested parties could appeal the Board's decision. Mrs. Cilcius stated that she wasn't going to do anything yet and would be putting it up in the springtime. Mr. DiPietro also informed Mrs. Cilcius that she had 2 years from the date of decision to construct the shed otherwise they would have to come back before the Board. Mrs. Cilcius thanked the Board members for their time and exited the meeting.

Case #19-24
Audubon Society of New Hampshire
26 Audubon Way – Tax Map 4, Lot 5
Zoned Residential Two

Applicant is requesting a Special Exception to allow a Private Educational Facility as an accessory use to the Cultural Facility in a Residential Two zone. Article 3, Section 3.05(1)(b))

Ms. Genes introduced herself as the Director and started out by thanking the Board members for taking the time to listen to this request for a Special Exception to have a Private Educational Facility. Ms. Genes talked a bit about the Audubon Society and how they are in need of a class for 4- and 5-year old's to discover nature and to have a class to teach them about nature. At this time, Ms. Genes read the application into the minutes for the record. Each Board Member received a package prior to the meeting which included photos and a write up of the request. Ms. Genes then reiterated that they were not trying for a kindergarten class but to reach preschool age kids but to do that they would need to apply for a Special Exception to be able to do this Monday through Friday. Ms. Genes explained the area they are proposing to conduct the class in which is the all-purpose room. They are not adding on to the building at this time and all they want to do right now is to get this program up and running and show success before they would think about any changes in the future. Ms. Genes also informed the Board members that their target date is September 1st, 2020.

Mr. DiPietro asked about meeting with the Planning Board to do some site plan review. Ms. Genes again stated that, they first want to get through this part and then they want to apply to the State for State Licensing and was informed that there was only one nature preschool within a five (5) town area so they see that there's a need for it and would like to get this up and running and see how things are going and then go from there. Ms. Genes also pointed out that, the thing that would get squeezed would be staff space but all the other functions would remain and believed that later on there would be a need to increase staff space and again they want to take it slow.

Mr. DiPietro asked if there were any questions from the Board. Mrs. Phillips asked what the number of students would be per class. Ms. Genes indicated that, this class can handle up to 18 or 19 kids and after obtaining a state license they would be hiring a preschool director who would handle all of the arrangements for getting this up and running including hiring that next teacher. Ms. Genes commented that, at that age group the requirements are two (2) teachers per 12 students. A brief discussion ensued with regard to the room to be utilized.

Mr. DiPietro asked if there were any other questions. Mr. Vieira believed that this was a good plan. Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything else to add. Mrs. Rouleau-Cote stated that, with regard to the Planning Board that this would be a minor minor site plan review with the Planning Board which would be pretty much the same thing that they've explained to the ZBA Board this evening. Mrs. Rouleau-Cote did not

see the Planning Board requiring a recorded plan and believed that this would be a very minor meeting with the Planning Board.

Mr. DiPietro asked if there were any abutters present. Mr. Wilson of Audubon Way began by saying that he was not happy with what they are proposing to do because it was very busy in that area now and talked about the intersection of Audubon Way and Spofford Road being a very busy road. Mr. Wilson also mentioned that he moved in when it was a nature place and now, they have kids being dropped off all the time and they have weddings that take place until midnight with loud music and also believed that their septic system was faulty. Mr. Wilson again talked about the intersection and that you can't see around that corner at all. Mr. Wilson also stated that his house is approximately 100 feet from the back of that building and believed that they should look into the corner as he believes someone is going to get killed on that corner. Mr. DiPietro understood Mr. Wilson's comment to be that, he believes that this new use would over utilize the property. Mr. Wilson said yes and that he would not have bought the house if he knew that it was going to come to this because it was nice in the beginning.

Mr. DiPietro asked if there were any other abutters present that wished to comment. Mr. McInnis who lives right next door asked about the comment of 18 people and if that was a maximum and what would happen if they needed another building. Mr. DiPietro wanted to point out that, a lot of those questions that he is asking was the reason he asked about the Planning Board and that this would be part of the Planning Board review which would include the hours of operation, parking, number of students, septic, lighting and on and on would all be addressed at the Planning Board level. Mr. DiPietro commented that, the use to him would not be a lot different than it is now which is just his opinion. Mr. Vieira agreed with Mr. DiPietro. A brief discussion ensued with regard to the use. Mr. Wilson was not in favor of the request. Mr. Vieira commented that, we can't assume that things will never change and that expansion will always occur and believed that this would be a good thing for kids from 4 to 6 years old to learn about nature and the environment and believed that this was just a pilot program at this point and believed that if things changed from this that they would be back before the Board.

Mr. DiPietro asked Mrs. Rouleau-Cote to comment. Mrs. Rouleau-Cote commented that, she just wanted to point out for the Board that, if at some point that they need to come back to ask for an expansion of the building then they would have to come back to this Board to request an expansion of the building and that you are allowed to grant them up to a certain percentage of the expansion of that building and they would also be subject to site plan review with the Planning Board. Mrs. Rouleau-Cote went on to say that the use is allowed by Special Exception and in that same section of conforming and non-conforming uses it does give the applicant and the Zoning Board of Adjustment the opportunity to allow up to 10 percent expansion of the building should they want to move forward if they exceed the students. Mr. Wilson asked if it stated a number of students and what is the zoning in that area because you are changing the zoning. Mr. DiPietro explained that the use is allowed by Special Exception in a Residential zone which is a Private Educational Facility if you come to the Zoning Board of Adjustment. A brief discussion ensued with regard to the capacity of the building and that it would be 12 to

18 students. Mrs. Rouleau-Cote pointed out that, they currently have permission to run a Cultural Facility there with the occupancy based on the building size and what they are proposing is to have in addition to the Cultural Facility the concept of having a Private Educational Facility which is also a permitted use by Special Exception in conjunction with the Cultural Facility. Mrs. Rouleau-Cote went on to explain that, when you read the definitions of the two that, the Cultural Facility does allow them to have science education. However, this does go one step further because it does involve the state board of education.

Mr. DiPietro asked if there were any other questions. None were noted. Mr. DiPietro stated that, if there were no further questions that he would entertain a motion to vote on the application.

Mr. Stuart made a motion to vote on the Special Exception application as presented for the Audubon Society of New Hampshire, 26 Audubon Way, Tax Map 4, Lot 5, for Case #19-24. Seconded by Mr. Vieira. Mr. Matte voted to grant, Mrs. Phillips voted to grant, Mr. Vieira voted to grant as he believed all factors have been met, Mr. Stuart voted to grant as he believed all factors have been met, and, Mr. DiPietro also voted to grant as he also believes that all factors for the Special Exception request have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro reiterated there was a 30-day appeal period and that they probably would have to go to the Planning Board. Mr. DiPietro suggested to the neighbor that he attend the Planning Board Public Hearing and air his concerns about the level of capacities. Mr. Wilson asked if they would be looking at the road to make sure it's safe. Mr. DiPietro stated that, he could suggest that at the Planning Board level because all this Board deals with is the use.

Ms. Genes thanked the Board for their time and exited the meeting. Mr. DiPietro asked to move on to the next case. Ms. Royce read the next case into the record for the minutes.

**Case #19-25
John & Joan Marcotte, Trustees
54 Pasture Road – Tax Map 8, Lot 13-15
Zoned Residential One**

Applicant is requesting a Variance to allow the construction of a 14 foot by 24 foot (336 Square foot) shed to be within the side setback in a Residential One zone. Article 4, Section 4.06(6))

Mr. Marcotte began by explaining to the Board where the property was located. Mr. Marcotte moved on to explain where he would like to place the shed to be located easily accessible for lawn and garden equipment and the snowblower. Mr. Marcotte commented that, basically, he was looking for the Board to grant the placement of the

shed that would straddle the setback which would not be totally in the setback. At this time, Mr. Marcotte read his application into the minutes for the record. A brief discussion ensued with regard to the location of the proposed shed. Mr. Marcotte stated that no trees would have to be removed and that the shed would be 500 feet from the street.

Mr. DiPietro asked if it would be approximately 20 feet from the property line. Mrs. Marcotte said yes it would be 20 feet away from the property line. Mr. Marcotte said that this would be the best place to put the shed and if they were to put the shed out of the setback that it would place it on the slope which wouldn't work.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had any questions or input. Mrs. Rouleau-Cote did not have anything to add. Mr. DiPietro commented that, if there were no further questions that he would entertain a motion to vote on the Variance application.

Mr. Stuart made a motion to vote on the Variance application as submitted with the proviso that the 14-foot by 24-foot shed be no closer than 20 feet from the property line for 54 Pasture Road, Tax Map 8, Lot 13-15, for Case #19-25. Seconded by Mr. Vieira. Mr. Matte voted to grant as he believed all five (5) factors have been met, Mrs. Phillips voted to grant, Mr. Vieira voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, and, Mr. DiPietro also voted to grant as he also believes that all five (5) factors for the Variance request have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro stated that they would get a notice from Ms. Royce and that they could obtain a Building Permit. Mrs. Marcotte stated that she had the permit all filled out. Mr. DiPietro also mentioned the 30-day appeal period. Mr. and Mrs. Marcotte thanked the Board members and exited the meeting.

Minutes

Mr. Vieira made a motion to accept the minutes of October 22, 2019 as written, seconded by Mr. Stuart. All were in favor, and the motion passed.

Other Business

Mr. DiPietro asked if there were any applications for December. Both Ms. Royce and Mrs. Rouleau-Cote said no but they thought one would be coming in. Ms. Royce also pointed out that the deadline for the application is Monday, November 25th.

Mr. DiPietro asked if there was any new business. None were noted.

Mr. DiPietro thanked the Board and asked for a motion to adjourn.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mr. Vieira. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7.52 p.m.

The Zoning Board of Adjustment is scheduled for Tuesday, December 17, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.