

**APPROVED MINUTES**  
**Town of Auburn**  
**Zoning Board of Adjustment**  
**January 24, 2017**

**Present:** Jim Lagana, Vice Chairman Mike DiPietro and Jeffrey Benson, Members; Robert Beaurivage and Kevin Stuart, Alternate Members. Minutes recorded by Denise Royce.

**Also Present:** Carrie Rouleau-Cote, Building Inspector and Jeffrey Porter, Conservation Commission.

**Absent:** Mark Wright, Chairman, and Peggy Neveu, Alternate Member.

Mr. Lagana called the meeting to order at 7:06 p.m. and introduced the Board members and pointed out that no one was present for tonight's hearing. Mr. Lagana pointed out that Mark Wright, the Chairman of the Board were absent for tonight's hearing and therefore would be chairing the meeting.

At this time, Mr. Lagana again pointed out that three (3) out of the four (4) cases before the Board members tonight have asked to be continued until February 28<sup>th</sup> and that the fourth case did not show and therefore moved on with a discussion with Mrs. Rouleau-Cote, the Building Inspector for the Town of Auburn.

Mrs. Rouleau-Cote wanted to discuss the proposed zoning amendments as well as to inform the Board of a few incidents that have occurred within the Town of Auburn lately. Mrs. Rouleau-Cote first talked about a very large skating rink that was erected that is in violation. Mrs. Rouleau-Cote went on to say that they have met with the Conservation Commission regarding a 40 foot by 60 foot ice skating rink which is used for personal use. Mrs. Rouleau-Cote also informed the Board members that it was located within a 125 foot water protection buffer and also crossed over the property line into the open space of which a large portion of the ice skating rink was not located on the applicant's property. The open space is still owned by the developer of which eventually will be turned over to a Homeowners Association possibly during the summer of 2017. This was discovered just before the holidays of which was already erected and frozen. Mrs. Rouleau-Cote stated that, as Zoning Administrator and Code Enforcement Officer, both the Chairman and the Vice-Chairman of the Zoning Board are aware of what she has done which was issuing temporary relief of the zoning ordinance to allow him to keep it there until April 15<sup>th</sup> at which time all disturbance within the buffer is to be removed and no further activity is to occur. Mrs. Rouleau-Cote further stated that she has informed the owner that if an appeal were to occur during this time that she would not be fighting for his cause but would issue a formal notice of decision. In conclusion, Mrs. Rouleau-Cote stated that there was an April 15<sup>th</sup> deadline for removal. A brief discussion ensued

with regard to the skating rink. Mrs. Rouleau-Cote explained that they did go before Conservation Commission and they did not have any heartache over it although Mr. Porter was not present at that meeting. Mr. Porter stated that there were a few things that he would be talking to the Conservation Commission about, because it has encroached into the open space and he has sprinklers and further disturbed and put lighting in which becomes the taking of land and if this was the taking of land then possibly a lot line adjustment was in order. Mrs. Rouleau-Cote stated that you can't play with the open space. A brief discussion ensued with regard to this issue. Mrs. Rouleau-Cote stated that the association would have to come before the ZBA and talked about the lighting being temporary and he did this last year but last year was right on his front lawn.

Mrs. Rouleau-Cote moved on to talk about another issue that has been ongoing for over a year now which is located on Chester Road where the property owner has been parking a large RV on the site. Mrs. Rouleau-Cote indicated that it has been in non-compliance and a cease and desist was formally issued for forming a driveway without proper permits both from the Town of Auburn and the State of New Hampshire. The State of New Hampshire has actually denied them a curb cut which kind of sets the tone. He has created a parking area within a Level One wetland buffer and has also created a parking area within a designated Shoreland Protection Area. The Town of Auburn has filed a Preliminary and Permanent Injunctive Relief so he basically has until February 5, 2017 to respond. Mr. Lagana asked if he would need a Variance. Mrs. Rouleau-Cote explained that she basically cannot work with him until DOT gives him the curb cut. Mrs. Rouleau-Cote further explained that he would need to go to Conservation Commission for the parking area and file with DES for Shoreland because they actually consider gravel areas as impervious.

Mrs. Rouleau-Cote went on to the next issue was a shed that was installed without permits and has clearly been put in place within the setback. Mrs. Rouleau-Cote stated that she has sent them two (2) letters with no response and that the last one was certified so the next letter will be an actual letter that would be delivered because it was a fairly large shed that was clearly within the setback located on the corner of Pingree Hill Road and Boxwood Drive.

The next one was located at 6 Country Circle where the Fire Department responded there for a sick person and found an occupant living in a camper. Mrs. Rouleau-Cote again stated that she has sent them a certified letter as well with no response to date but they have picked up the certified letter and that this one may involve the Health Officer as well but it was definitely a concern with the Fire Department. A brief discussion ensued with regard to the tiny homes movement of which would be an ongoing struggle. Mr. Lagana talked about the tiny homes and the fact that they are in somebodies backyard. Mrs. Rouleau-Cote further pointed out that at some point State Legislation will probably coming through with some kind of language that we will probably have to deal with.

Mrs. Rouleau-Cote moved on to the last issue which was with the former Fire Station/Police Station on Raymond Road of which there is a new owner that transferred back in October. Mrs. Rouleau-Cote stated that he has still failed to come in for site plan review and to give her a set of plans showing what he is proposing to do with the building. She added that they have met on site with the Fire Inspector and have had phone conversations and e-mails and has still not come through with anything yet and added that he will probably be getting a formal notice of violation because he is using the property because there are cars there. The Board members all recognized that there have been cars and trucks there. Mrs. Rouleau-Cote pointed out that that it was also located within the Village District. A brief discussion ensued with regard to the building and what the proposed use would be. Mr. DiPietro added that they have gutted the building. Mrs. Rouleau-Cote explained that they did demolition without giving her the proper abatement paperwork for asbestos. Mrs. Rouleau-Cote further added that he is using the building for storage and that he does have electricity and running water.

Mrs. Rouleau-Cote moved on to discuss the zoning amendments for the Board and passed out copies of the amendments for the Board to review. Mrs. Rouleau-Cote began with the amendment regarding the Accessory Dwelling Unit and pointed out the changes that would occur with the new language pertaining to Accessory Dwelling Units which would include that Accessory Dwelling Units will require a Special Exception. The Board discussed the size going from 950 square feet down to 750 square feet with 2 bedrooms as opposed to one bedroom so that it does not become a duplex. Mr. Lagana asked if they wanted to exceed the 750 square feet would they need a Variance. Mrs. Rouleau-Cote pointed out that they would need a Variance to exceed the 750 square feet and a Special Exception for the use (Accessory Dwelling Unit). Mrs. Rouleau-Cote also mentioned the fact about the septic systems and how a four (4) bedroom home had a 1,500 gallon tank and that they dropped it down to 1,250 and that they will probably bump it back up to 1,500 gallons.

Mrs. Rouleau-Cote went on to talk about Page 2 and how it showed all of the changes to most of the zoning districts. Mrs. Rouleau-Cote moved on to discuss the change to "Agriculture" and how it's being changed to go along with State Statute and the addition of "Agritourism". Mrs. Rouleau-Cote mentioned the fact that, with one of the changes being made within the Industrial Zone that we actually had to notify all of the property owners because there were less than 100 property owners. When there are less than 100 property owners within a zoning district then we must notify all the property owners to notify them of this change. Mr. Lagana talked about farms opening up for weddings and parking and tents being erected. A brief discussion ensued with regard to farms and the like.

Mrs. Rouleau-Cote moved on to talk about Building Permit Fees and pointed out that currently the only way to amend the fee schedule is at town meeting on the ballot so they have referred to State Statute which allows the Selectmen to set the fees through the proper Public Hearing process. Mrs. Rouleau-Cote explained that it would be a

Public Notice and a Public Hearing and public comment before those were enacted but this allows her to do it without having to wait for town meeting process and that she has requested that change. Mrs. Rouleau-Cote indicated that she is trying to implement more of the online permitting and want to be able to adjust her permit fee as necessary.

Lastly, Mrs. Rouleau-Cote talked about the change to Pool Barriers and how currently the regulations just talk about inground pools requiring a four (4) foot fence and how she wanted to modernize the ordinance to reflect the State Building Code and to call it Pool Barrier Requirements. Mrs. Rouleau-Cote explained to the Board members what the change would entail and how she also put in a provision that the pool barrier shall be installed within a timely manner because several pools have been installed and then they don't realize how expensive the fence was. Mrs. Rouleau-Cote stated that she believed she covered everything and the discussion with regard to zoning amendments ended.

#### **Case #16-13**

**Mirela & Muhamed Durakovic**

**111 Steam Mill Road – Tax Map 2, Lot 9-31**

**Zoned Rural**

**TABLED from December 13, 2016**

*Applicant is requesting a Variance to seek a reduction of the 125 foot wetland buffer as shown on the subdivision plan to expand and square off backyard for future kids to play in a Rural zone. (Article 5, Section 5.06(1))*

Mr. Lagana informed the Board members that the applicant has requested a continuance until February 28th and asked the Board for a motion.

***Mr. Stuart made a motion to TABLE the case until the next ZBA Hearing currently scheduled for Tuesday, February 28, 2017 for Case #16-13, 111 Steam Mill Road, Tax Map 2, Lot 9-31, Mr. Beaurivage seconded the motion. Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant, Mr. Beaurivage voted to grant and Mr. Lagana also voted to grant. All were in favor, the motion passed unanimously.***

#### **Case #16-14**

**Luis Arteaga**

**10 Anderson Way – Tax Map 5, Lot 19-7**

**Zoned Residential One**

**TABLED from December 13, 2016**

*Applicant is requesting a Variance to request a reduction of the 125 foot wetland buffer to 85 feet to permit lawn and pool area in the side and backyard of an existing house in a Residential one zone. (Article 5, Section 5.04(1)(a))*

Mr. Lagana informed the Board members that the applicant has requested a continuance until February 28th and asked the Board for a motion.

***Mr. Stuart made a motion to TABLE the case until the next ZBA Hearing currently scheduled for Tuesday, February 28, 2017 for Case #16-14, 10 Anderson Way, Tax Map 5, Lot 19-7, Mr. Beaurivage seconded the motion. Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant, Mr. Beaurivage voted to grant and Mr. Lagana also voted to grant. All were in favor, the motion passed unanimously.***

**Case #17-01**

**Strategic Contracting Company, LLC  
53 Anderson Way, Tax Map 5, Lot 19-4  
Zoned Residential One**

*Applicant is requesting a Variance to allow the construction of an Accessory Dwelling Unit totaling 1,152 square feet where 750 is required (928 square feet of 1 bedroom & living area and 224 square feet of three season porch) in a Residential One zone. (Article 2, Section 2.02(28)(a))*

Mr. Lagana informed the Board members that the applicant has requested a continuance until February 28th and asked the Board for a motion.

***Mr. Stuart made a motion to TABLE the case until the next ZBA Hearing currently scheduled for Tuesday, February 28, 2017 for Case #17-01, 53 Anderson Way, Tax Map 5, Lot 19-4, Mr. Beaurivage seconded the motion. Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant, Mr. Beaurivage voted to grant and Mr. Lagana also voted to grant. All were in favor, the motion passed unanimously.***

**Case #17-02**

**Brian & Elizabeth Michaud  
63 Pasture Road – Tax Map 8, Lot 13-9  
Zoned Residential Two**

*Applicant is requesting a Variance to allow a 10 foot by 16 foot shed to remain within the 30 foot side setback in a Residential Two zone. (Article 4, Section 4.06(6))*

Mr. Lagana pointed out that the fact that the applicant was not present for tonight's hearing and therefore asked the Board members to Table the case until the next ZBA Hearing.

***Mr. Stuart made a motion to TABLE the case until the next ZBA Hearing currently scheduled for Tuesday, February 28, 2017 for Case #17-02, 63 Pasture Road, Tax Map 8, Lot 13-9, Mr. Beaurivage seconded the motion. Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant, Mr. Beaurivage voted to grant and Mr. Lagana also voted to grant. All were in favor, the motion passed unanimously.***

## **Other Business**

Mrs. Rouleau-Cote updated the Board members on all the developments and how each development is moving forward. Mr. Lagana thanked Mrs. Rouleau-Cote for her presentation and moved on to new business and acceptance of the minutes.

Mr. Lagana asked the Board if there was any new business. None were noted.

## **Minutes**

***Mr. DiPietro made a motion to accept the minutes of December 13, 2016 as written, seconded by Mr. Benson. All were in favor, and the motion passed.***

## **Adjourn**

***Mr. Beaurivage made a motion to adjourn, seconded by Mr. DiPietro. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:53 p.m.***

The next ZBA Hearing is scheduled for February 28, 2017 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.