

**APPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
March 28, 2017**

**Present:** Mark Wright, Chairman, Jim Lagana, Vice Chairman Mike DiPietro, Kevin Stuart & Jeffrey Benson, Member. Peggy Neveu and Stephen Carroll, Alternate Members. Minutes recorded by Denise Royce.

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

**Absent:** Robert Beaurivage, Alternate Member.

Mr. Wright called the meeting to order at 7:01 p.m. and indicated that there may be another member joining them at some point and would introduce him at that time and began introducing the Board members to everyone present tonight. Mr. Wright explained the procedure for tonight's hearing and also pointed out that Mrs. Rouleau-Cote, Building Inspector and Jeff Porter of the Conservation Commission was present for tonight's hearing. At this time, Mr. Carroll entered the meeting and Mr. Wright introduced him to everyone present and asked Ms. Royce to read the first case.

**Case #17-03**

**Alden Beachemin/Keyland Enterprises**

**On Behalf of TRW Builders**

**46 Tanglewood Drive – Tax Map 4 Lot 19-6**

**Zoned Residential Two**

**TABLED from February 28, 2017**

*Applicant is requesting a Variance to allow for a proposed driveway and yard within 55 feet of the proposed structure in the 125 foot wetland buffer in a Residential Two zone. (Article 5, Section 5.08(1)(a))*

Mr. Wright indicated that the applicant has requested to be TABLED until the next hearing scheduled for April 25, 2017 as they would like to meet further with the Conservation Commission. At this time, Mr. Wright and asked the Board members for a motion.

***Mr. Lagana made a motion to TABLE the case until April 25<sup>th</sup>, 2017 for Case #17-03, 46 Tanglewood Drive, Tax Map 4, Lot 19-6, Mr. Stuart seconded the motion. Mr. DiPietro voted to grant, Mr. Stuart voted to grant, Mr. Benson voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

Case #17-03 has been Tabled until April 25<sup>th</sup>.

**Case #17-07**  
**Martha Herrick**  
**640 Pingree Hill Road – Tax Map 2, Lot 44-3**  
**Zoned Rural**

*Applicant is requesting a Variance to allow a 16 foot by 20 foot storage shed to remain in the location it was built onsite within the side setback in a Rural zone. (Article 4, Section 4.05(4))*

Mr. Wright read a request from Mrs. Herrick to be TABLED until the next Public Hearing which is scheduled for April 25, 2017 due to family reasons and that she would be out of town. Mr. Wright asked the Board members for a motion.

***Mr. Lagana made a motion to TABLE the case until April 25<sup>th</sup>, 2017 for Case #17-07, 640 Pingree Hill Road, Tax Map 2, Lot 44-3, Mr. DiPietro seconded the motion. Mr. DiPietro voted to grant, Mr. Stuart voted to grant, Mr. Benson voted to grant, Mr. Lagana voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.***

Case #17-07 has been Tabled until April 25<sup>th</sup>.

**Case #17-08**  
**Robert & Alison Blais**  
**26 Saddle Hill Drive – Map 8, Lot 2-33**  
**Zoned Residential Two**

*Applicant is requesting a Special Exception to permit an Accessory Dwelling Unit in a Residential Two zone. (Article 2, Section 2.02(28))*

Mr. Marcy began by explaining that he would like to put an Accessory Dwelling Unit in the basement of the existing house. Mr. Marcy indicated that all the alterations would be within the existing home structure itself and should not affect the neighbors and by doing so would allow them to live with their daughter and son-in-law. At this time, Mr. Wright went through the Special Exception application which consisted of the four (4) factors for a Special Exception.

Mr. Wright asked if there were any abutters or interested parties that would like to speak. Mr. Resnick of 34 Saddle Hill Drive stated that he was concerned about blasting as the house currently sits on ledge and was happy to hear that the changes would occur within the existing building.

Mr. Wright asked Mrs. Rouleau-Cote if she had any comments. Mrs. Rouleau-Cote said no, that she has worked with the applicant and that she believed that the plan was part of the packet that the Board members received and that the plan meets all the criteria with regard to the change to the Accessory Dwelling Unit.

Mr. Wright asked the Board members if they had any questions. Mr. DiPietro believed it was pretty straight forward and the other Board members agreed.

***Mr. DiPietro made a motion to vote on the application as presented for Case #17-08, 26 Saddle Hill Drive, Tax Map 8, Lot 2-33, Mr. Benson seconded the motion. Mr. DiPietro voted to grant, Mr. Benson voted to grant, Mr. Stuart voted to grant as the applicant has met all four (4) factors, Mr. Lagana voted to grant as the applicant has met all four (4) factors, and Mr. Wright voted to grant as the applicant has met all four (4) factors for a Special Exception. All were in favor, the motion passed unanimously.***

Mr. Wright explained to the applicant that there was a 30 day appeal period at which time an abutter or interested party could appeal the ZBA decision tonight. Mr. Wright explained that after 30 days the applicant would be fine to begin work but if they were to start before that time that there was an opportunity for someone to appeal the Board's decision. The applicant understood and thanked the Board members for their time and exited the meeting.

#### **Case #17-09**

**Herb Tardiff**

**49 Shore Drive – Tax Map 21, Lot 11**

**Zoned Residential One**

*Applicant is requesting a Variance to permit Solar Panels within the side setback in a Residential One zone. (Article 4, Section 4.06(6))*

Mr. Tardiff began by saying that his plan was to generate enough electricity to be self-sufficient most of the time. Mr. Tardiff explained that, where the array would be located that the nearest house would be approximately 250 to 300 feet away. Mr. Tardiff also stated that there were a lot of trees and that the panels would not be seen from the main road or from other homes. Mr. Tardiff believed it would be a good asset for the home as well.

Mr. Wright indicated that there were five (5) factors and went through the five (5) factors with Mr. Tardiff at this time.

Mr. Wright indicated that there were no abutters or interested parties present as Mr. Tardiff was the only one seated in the audience.

Mrs. Rouleau-Cote made a correction that Mr. Tardiff would be seeking relief from all setbacks and not only the side setback as well as lot coverage as he exceeds lot coverage as well. Mr. Stuart asked what the height of the structure would be. Mr. Tardiff stated that it would be 15 feet. Mrs. Rouleau-Cote indicated that he was allowed 35 feet so that was not an issue. Discussion ensued with regard to Mr. Tardiff exceeding lot coverage. Mr. Stuart asked if it was raised off the ground. Mr. Tardiff

said that it was on pillars and the actual panels would be off the ground. Discussion ensued with regard to the energy and net metering. Mr. Tardiff believed it would cut his energy cost by 80%.

Mr. DiPietro brought up the letter that the Board received from Manchester Water Works and asked that it be incorporated in the minutes. Mr. Wright asked that it be read into the minutes. At this time, Mr. Stuart read the letter into the minutes as follows (a copy of which can be found in the file):

***Dear Denise,***

***The Manchester Water Works would like to submit the following comments to be shared with the Zoning Board in reference to their consideration of a variance to allow solar panels to be installed at 49 Shore Drive:***

- 1) The Manchester Water Works common property line is very close to the western property line of 49 Shore Drive. The access road and driveway for 49 Shore Drive is owned by Manchester Water Works. There should be no vehicles, equipment, or items stored or kept at any time on Manchester Water Works Property. This includes but is not limited to any and all vehicles should be parked on the property of 49 or 51 Shore Drive at all times. There should not be any tree cutting, large or small of any kind, being done on Manchester Water Works Property except by designees of the Manchester Water Works. There should also not be any site disturbance or grading done on Manchester Water Works Property.***
- 2) The Manchester Water Works would also like to request that all State of New Hampshire permits and approvals be sought for this project including but not limited to Shoreland Protection and/or Environmental Protection.***

***Please see attached map. (A copy of which can be found in the file)***

***Thanks for your time and attention in these matters.***

***John O'Neil***

Mr. Tardiff understood the e-mail to indicate that Manchester Water Works had no objections to the solar panels but that he just could not go onto their property. Mr. Stuart asked Mr. Tardiff why this location was chosen. Mr. Tardiff stated that it was the only area available as the lot was very small. Mrs. Rouleau-Cote commented that she had spoken with Mr. O'Neil today and informed the Board that this project needed to get a Shoreland Protection permit because it is located within 250 feet of Lake Massabesic which is under the Shoreland Protection Act. Mrs. Rouleau-Cote also talked about Mr. O'Neil's other comment which was regarding the parking of vehicles because Mr. Tardiff's driveway is actually on Manchester Water Works land and believed that Mr. O'Neil brought it up because he wanted to make sure that the vehicles have enough room to park on the property and not park on Manchester Water Works property. Mr. Stuart asked if it was just regarding during construction of the solar panels. Mrs. Rouleau-Cote said that it would be regarding anytime. Discussion ensued with regard to parking of vehicles on Manchester Water Works property and Mrs. Rouleau-Cote pointed out that Mr. O'Neil wanted to be sure that if Manchester Water Works said

tomorrow that, we no longer want you parking on our land does Mr. Tardiff have adequate space to park on his own property. Mr. Tardiff stated that he had a problem with that because the road and the property has been in existence for 100 years and mentioned adverse possession. Mrs. Rouleau-Cote pointed out that it does not work with municipal entities. Mr. Tardiff could not understand why Manchester Water Works would suddenly say that he would now have to use his driveway. Mrs. Neveu presented Mr. Tardiff with a copy of the e-mail and explained what was stated in the letter of which Mr. Tardiff accepted. Mrs. Neveu believed that Mr. Tardiff could use the driveway but that he just couldn't park on Manchester Water Works property. A brief discussion ensued with regard to Mr. O'Neil's letter.

Mr. Lagana asked Mr. Tardiff that if during construction of the solar panels could the vehicles be parked on his property. Mr. Tardiff said yes, there was no reason why they could not. Mr. Carroll asked Mr. Tardiff how many vehicles he had. Mr. Tardiff indicated that he had two (2) vehicles and one that he was in the process of selling. Mr. Stuart and Mr. Carroll asked if he had a garage that he parked in and if it was on his property. Mr. Tardiff said yes, the garage was on his property and that he could start parking his vehicle in the garage if he had to. Mr. Tardiff could not understand why the change at this point from Manchester Water Works. Mr. Wright believed it was a civil matter between Mr. Tardiff and Manchester Water Works. Mr. Wright explained that he believed that Manchester Water Works recognizes that a portion of the land will now be occupied by something and should, in the future, something occur that results and then deciding that the cars cannot travel on Water Works property or park on it that he believed their concern was that this does not take away the opportunity for Mr. Tardiff to use other parts of his property to do what he's doing now. Mr. Wright did not believe they were saying they were against it but believed that they were saying that these are the things that they don't want to occur which would be like any other property owner that says as long as they're not on my property then they can do what they're doing. Mr. Wright believed it was up to the applicant to comply and not trespass or continue trespassing but did not hear that Manchester Water Works objects with what Mr. Tardiff is proposing. Mrs. Rouleau-Cote explained that they are not objecting but they are simply stating that they as property owners reserve the right at any time to say that if he does have anything located on their property that they want it removed because it sounded like there are things and also believed that it was a civil issue between Mr. Tardiff and Manchester Water Works.

Mr. Wright believed that if they were to grant this that they might want to condition the approval on whatever necessary permits from any state or local agency that is required to do whatever he is doing. Mr. Lagana stated that was why he brought up the construction vehicles earlier on and believed that Manchester Water Works concern was with regard to Manchester Redimix trucks and imagined there would be a dump truck down there with a backhoe and suggested to Mr. Tardiff to be certain that construction and related vehicles were not parked on Manchester Water Works property. Mr. Lagana pointed out that there would be five (5) sonatubes. Mr. Tardiff said yes and that they would be in and out in one day.

Mr. Wright asked if there were any further questions or comments. None were noted. Mr. Wright asked if the Board needed to enter into deliberations. The Board members all indicated that they were all set.

Mr. Carroll did ask Mr. Tardiff that he was asking for the Variance but that he still had to go through Shoreland Protection to obtain a permit because he was within 250 feet from Lake Massabesic. Mr. Tardiff said yes but this would allow him to move forward.

Mr. Wright indicated that the Board could move forward with this application with the dimensions of the solar array that are presented that they would need a Variance for the side setbacks and lot coverage based on what has been depicted on the plan. Mr. Lagana asked if it was two (2) Variances or one. Mr. Wright believed it was two (2) Variances. Mrs. Rouleau-Cote pointed out that it was two (2) Variances but that they were both under the same article and explained that one was for all setbacks and the other one was to increase the lot coverage.

***Mr. DiPietro made a motion to vote on the Variance for the setbacks as depicted on the plans with the condition of obtaining the appropriate environmental permitting for Case #17-09, 49 Shore Road, Tax Map 21, Lot 11, Mr. Lagana seconded the motion. Mr. DiPietro voted to grant as he believed all five (5) factors have been met, Mr. Benson 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, Mr. Lagana voted to grant as he believed all five (5) factors have been met and Mr. Wright also voted to grant as he believed all five (5) factors have been met. All were in favor, the motion passed unanimously.***

***Mr. DiPietro made a motion to vote on the Variance for increasing lot coverage by the size of the solar array as shown on the plan presented tonight with the condition of obtaining the appropriate environmental permitting for Case #17-09, 49 Shore Road, Tax Map 21, Lot 11, Mr. Lagana seconded the motion. Mr. DiPietro voted to grant as he believed all five (5) factors have been met, Mr. Benson 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, Mr. Lagana voted to grant as he believed all five (5) factors have been met and Mr. Wright also voted to grant as he believed all five (5) factors have been met. All were in favor, the motion passed unanimously.***

Mr. Tardiff thanked the Board members and Mr. Wright reiterated what was previously stated with regard to the 30 day appeal period and Mr. Tardiff exited the meeting.

## **Other Business**

Mr. Wright talked about moving the May and June Zoning Board of Adjustment meetings up a week because he will be unavailable for the May and June hearings as currently scheduled and asked the Board members if they would be agreeable for

moving the Public Hearing dates for both May and June. The new dates for the Zoning Board of Adjustment Public Hearings would be as follows:

**May 23 would now be changed to May 16  
June 27 would now be changed to June 20**

## **Minutes**

***Mr. Lagana made a motion to accept the minutes of January 24, 2017 as written, seconded by Mr. Benson. All were in favor, and the motion passed with Mr. Wright abstaining.***

***Mr. Lagana made a motion to accept the minutes of February 28, 2017 as written, seconded by Mr. DiPietro. All were in favor, and the motion passed.***

## **Adjourn**

***Mr. Lagana made a motion to adjourn, seconded by Mr. DiPietro. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:43 p.m.***

**The next ZBA Hearing is scheduled for April 25, 2017 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.**