

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
June 26, 2018

Present: Mark Wright, Chairman. Mike DiPietro, Peggy Neveu, Stephen Carroll and Kevin Stuart, Members; Dennis Vieira, Dale Phillips and Stoney Worster, Alternate Members of the Board. Minutes recorded by Denise Royce.

Also, Present: Jeffrey Porter, Conservation Commission.

Absent: Robert Beaurivage, Alternate Member.

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

Mr. Wright noted that there were three (3) cases on the agenda for tonight and introduced the Board members to everyone present at tonight's meeting. Mr. Wright explained the procedure for tonight's hearing and asked Ms. Royce to read the first case into the minutes.

Case #18-08
David Erwin
254 Rockingham Road – Tax Map 25, Lot 45
Zoned Industrial

Applicant is requesting a Variance to allow a building, parking, grading and drainage improvements within the Level 2 WWPA in an Industrial zone. (Article 5, Section 5.08(1)(b))

Mr. Wichert presented on behalf of the applicant, David Erwin, who was present for tonight's hearing. Mr. Wichert began by saying that, the reason they were before the Board tonight was that, Mr. Erwin purchased this lot which currently has a dilapidated house on it of which the property is zoned industrial. Mr. Erwin currently has his business in Manchester and he would like to relocate his business to Auburn and what they are proposing is a 6,000 square foot building with 6 parking spaces which would consist of 4 or 5 employees. Their problem is that, there are some wetlands on the property and pointed to one wetland in particular which is situated on the abutting property that runs along the property line. Mr. Wichert further added that they would be seeking a 75-foot setback from that wetland. Mr. Wichert pointed out that although the lot consists of 2.5 acres it's kind of a long skinny bowling alley. Mr. Wichert stated that at one part it was approximately 85 feet wide and at the widest point it was about 131 feet wide. Mr. Wichert commented that they have met with the Planning Board and they've met with the Conservation Commission and what they are looking for is about 12,000 square feet of relief of the wetland buffer. Mr. Wichert talked about the Zoning Ordinance and drainage inside the setback so their intention is to ask for relief of the entire buffer under the thought

process that if the ZBA approves the Variance they're going to end up going back to the Conservation Commission before they go back to the Planning Board. Then they would have more detail with regard to drainage and so what they are looking for is relief from Article 5.

At this time, Mr. Wichert read the application into the minutes for the record. Mr. Wichert asked the Board if they had any questions as he would be happy to answer any questions at this time.

Mr. Wright asked if there were any abutters present. Mr. Lacey of Rockingham Road asked what the size of the building would be. Mr. Erwin answered by saying that it would be a 6,000 square foot building. Mr. Lacey commented that he did not have any issues with what they were proposing.

Mr. Wright asked Mr. Wichert if the reason to not move the building further into the lot was cost prohibitive. Mr. Wichert said yes because it would be costly to move it back because of the topography and with moving the building back there would be more impact to the wetlands as well.

Mr. Wright asked Mr. Porter if he had any comments on behalf of the Conservation Commission and stated that the Conservation Commission would have the opportunity to see this in finer detail if the Variance was granted by this Board and appreciated why the applicant was before the ZBA Board tonight. Mr. Wright believed that the analogy of it being a skinny bowling alley was correct. Mr. Porter said that he did not have a problem with this proposal.

Mr. Stuart asked if they were intending to stick with the plan shown tonight. Mr. Wichert answered by saying yes, that is their intention but if the plan does change then they would have to come back before the ZBA. A brief discussion ensued with regard to the building being 40 feet off of the wetlands and they have the pavement and also there would be grading and drainage improvements but it's possible that they could do it through a Conditional Use Permit. What they don't want happening is that, they are before the Planning Board and they find out that they should have gone before the ZBA so that is why they are before the ZBA for the Variance. Mr. Stuart asked if they would be amendable to keeping the building 40 feet from the wetland. Mr. Wichert said yes.

Mr. Carroll asked about the 12,000 square foot wetland impact. Mr. Wichert answered by saying that, the line shown on the plan is 75 feet off the wetland but that there would be parts of that, that would not be used but without knowing the details of the engineering, they went forward with the request.

Mr. Wright commented that it was certainly an improvement than what was existing and not just visually but for safety as well and he appreciated the challenge and willingness to come before the Board. Mr. Wright asked that unless anyone had any issues that he did not see a need to go into deliberation and asked if there were any more questions for the applicant as his questions have been answered. Mr. Wright believed that it was a

thorough presentation and would entertain a motion to vote on the application as presented.

Mr. Stuart made a motion to vote on the Variance application as presented tonight with the stipulation that the proposed building be no closer than 40 feet from the wetlands and this will need to go before the Planning Board, for Case #18-08, 254 Rockingham Road, Tax Map 25, Lot 45. Seconded by Mr. DiPietro. Mrs. Neveu voted to Grant, Mr. DiPietro voted to Grant as he believed that all five (5) factors have been met, Mr. Carroll voted to Grant as all five (5) factors have been met, Mr. Stuart voted to grant as he believed that all five (5) factors have been met and that this was a unique property with the shape of the lot, and Mr. Wright also voted to Grant as he believed all five (5) factors have been met and agreed that the lot was unique with the shape of the lot. All were in favor and the motion passed.

Mr. Wright explained that the motion passed and further explained that there was a 30-day appeal period where someone could appeal the Board's decision and if there were an appeal filed that they would be notified.

At this time, Mr. Wichert and Mr. Erwin thanked the Board members and exited the meeting.

Case #18-09

David Bernaiche

45 No. Reading Street – Tax Map 24, Lot 12

Zoned Industrial

Applicant is requesting a Variance from Article 3, Section 3.05(d) to allow the replacement of an 8ft x 12ft pool shed with an 8ft by 16ft pool shed that collapsed over the winter in an Industrial zone.

Mr. Bernaiche explained that what he would like to do is what Ms. Royce stated and what he would like to do is replace the 8ft by 12ft pool shed with a little larger one being 8ft by 16ft pool shed. Mr. Bernaiche read his application into the minutes for the record.

Mr. Wright asked Mr. Bernaiche if part of his property was located in Hooksett. Mr. Bernaiche said yes. Mr. DiPietro asked if he would be keeping the shed in the same spot as the last shed. Mr. Bernaiche said yes but that it would be 4ft bigger. Mrs. Neveu asked if there was a plot plan available showing the other two (2) sheds that he stated he had. Ms. Royce went to get the file at which time the Board reviewed the zoning determination provided by Mrs. Rouleau-Cote that showed an aerial view of Mr. Bernaiche's property. Mr. Wright commented that Mrs. Rouleau-Cote's zoning determination was very helpful with the aerial view as well.

Mr. Wright asked if there were any abutters present. Ms. Amber Olson who lives two (2) houses from Mr. Bernaiche stated that she had no problem with him putting the shed back up in the same spot.

Mr. Wright commented that the property was located in the Industrial zone and that the setbacks noted in our ordinance which states that they're to be done by site plan review because of the industrial zoning. Mr. Wright noted that, the issue for the Board in addition to extending or expanding the non-conforming use on a non-conforming lot is to waive or accept what they have seen this evening as satisfaction and to not require a site plan review to determine setbacks in the Industrial zone. Mr. Wright further added that, he did not see the need to send the applicant to the Auburn Planning Board for site plan review given that it was going in the same place as it was previously. With this said, Mr. Wright felt comfortable with the representation and the placement of the shed and asked if anyone had any thoughts or comments.

Mr. Carroll asked if he was putting up another 8ft by 12ft shed would there be any question other than the need for a permit. Mr. Wright said probably not and if he was simply replacing the shed that he would not need a variance but he would still need a permit and believed that Mr. Carroll was correct. By placing an 8ft by 16ft shed that he was now increasing a non-conforming use on a non-conforming lot and believed that Mr. Bernaiche was before the Board tonight because he was increasing the non-conformity. Mrs. Neveu suggested including the aerial photo that Mr. Bernaiche drew in the extra four (4) feet for the shed on. Mr. Wright agreed and asked the Board members that if there were no further questions or comments that he would entertain a motion to vote on the application as submitted.

Mr. Stuart made a motion to vote on the Variance application as presented tonight to increase the pool shed to expand a non-conforming use on a non-conforming lot going from an 8ft x 12ft to an 8ft x 16ft (increasing by 4 feet) as referenced by the applicant on the aerial map attached to Mrs. Rouleau-Cote's zoning determination, for Case #18-09, 45 No. Reading Street, Tax Map 24, Lot 12. Seconded by Mr. DiPietro. Mrs. Neveu voted to Grant, Mr. DiPietro voted to Grant, Mr. Carroll voted to Grant, Mr. Stuart voted to grant as he believed that 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 and the motion passed.

Mr. Wright moved on to the second Variance from Article 4.09(4) that requires minimum dimensions and setbacks to be determined by site plan review and believed that they would need to vote to waive that condition under 4.09 and not require site plan review.

Mr. Carroll made a motion to vote on the requirement to waive the requirements of site plan review under Section 4.09(4) for the proposed structure, for Case #18-09, 45 No. Reading Street, Tax Map 24, Lot 12. Seconded by Mrs. Neveu. Mrs. Neveu voted to Grant, Mr. DiPietro voted to Grant, Mr. Carroll voted to Grant, Mr. Stuart voted to grant, and Mr. Wright also voted to Grant. All were in favor and the motion passed.

Mr. Wright informed Mr. Bernaiche that he was all set and explained the 30-day appeal period as well. Mr. Bernaiche understood and thanked the Board for their time and exited the meeting.

Case #18-10
Daniel & Jennifer McCusker
3 Donald Drive – Tax Map 8, Lot 53-3
Zoned Residential Two

Applicant is requesting a Variance to allow a building, parking, grading and drainage improvements within the Level 2 WHPA in an Industrial zone. (Article 5, Section 5.08(1)(b))

Mr. McCusker read his application into the minutes for the record. Mr. Wright asked if there were any abutters. Mr. Michael Rolfe of Bunker Hill Road commented that he had no problem or issues with Mr. McCusker extending his shed/barn.

Mr. Carroll asked Mr. McCusker if he was going to expand the structure or build a new one. Mr. McCusker said that he was going from an 10ft x 12ft to 20ft x 24ft. At this time, the Board members reviewed the plot plan showing the location of the existing shed to be expanded. Mr. Wright asked if it would be 18 feet from the property line. Mr. McCusker said yes. Mr. Stuart asked if it would remain within the same area on the property. Mr. McCusker said yes, to expand it in the same area it is location now. The Board understood what Mr. McCusker wanted to do. Mr. Wright pointed out to the Board that the expansion would be going into the property and not into the setbacks.

Mr. Wright asked if there were any further questions for the applicant. None were noted. Mr. Wright explained that it was increasing the existing structure and there were slope issues and that it really seems to be the most logical place to keep it. Mr. McCusker said yes. With that said, Mr. Wright went on to say that if there were no further questions for the applicant that he would entertain a motion to vote on the application as presented.

Mr. DiPietro made a motion to vote on the application as presented tonight, for Case #18-10, 3 Donald Drive, Tax Map 8, Lot 53-3. Seconded by Mrs. Neveu. Mrs. Neveu voted to Grant, Mr. DiPietro voted to Grant as all the factors have been met, Mr. Carroll voted to Grant as all the factors have been met, Mr. Stuart voted to grant as all the five (5) factors have been met, and Mr. Wright also voted to Grant as all five (5) factors have been met. All were in favor and the motion passed.

Mr. Wright reiterated what he had stated earlier with regard to the 30-day appeal period. Mr. McCusker understood what was being said and thanked the Board members for their time and exited the meeting.

Minutes

Mr. DiPietro made a motion to accept the minutes of May 22, 2018 as written, seconded by Mr. Stuart. All were in favor, and the motion passed.

Other Business

Mr. Wright asked Ms. Royce if there were any cases for July and Ms. Royce indicated that there was one case for July. Mr. Wright asked when that meeting would be held and Ms. Royce stated that it is scheduled for Tuesday, July 24th. Mr. Wright said that he would be available but would not be available the following Tuesday.

The Board moved on to the election of officers. At this time, Mrs. Neveu nominated Mark Wright for Chairman for which Mr. Carroll second the motion.

Mrs. Neveu made a motion to nominate Mark Wright for Chairman, seconded by Mr. Carroll. All were in favor, and the motion passed.

Mr. Carroll nominated Mike DiPietro as Vice-Chairman for which Mr. Stuart second the motion.

Mr. Carroll made a motion to nominate Mike DiPietro for Vice-Chairman, seconded by Mr. Stuart. All were in favor, and the motion passed.

Mr. Wright thanked the Board members for their nominations and also thanked them for their input and attendance at each meeting which makes this Board what it is.

Mr. Wright noted that there was nothing left to discuss and asked for a motion to adjourn.

Adjourn

Mr. Worster made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:50 p.m.

The next ZBA Hearing is scheduled for July 24, 2018 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.