

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
March 23, 2021**

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Kevin Stuart, Stephen Carroll, Members of the Board. Patrick Bergeron, Alternate Member of the Board. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. David & Angela McLaughlin, Stephen Estes, Karl & Jill Edelmann, Dee Cleary, Matthew & Stacey Dube.

Absent: Dennis Vieira, Member. Shawn Matte, Alternate.

Mr. Wright called the meeting to order at 7:05 p.m.

Mr. Wright began by reading the Meeting Preamble During COVID-19 Emergency which is as follows:

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Zoning Board of Adjustment, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that any public gathering of people may pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19 and is reinforced by Emergency Order #16 issued by the Governor on March 23rd. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services.

Governor Sununu issued Emergency Order #12 on March 23rd which provides local government boards the ability to conduct business using technology to hold remote meetings and not provide a public place of meeting but provide for the public's ability to listen to the meeting. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote as required by RSA 91-A:2, III (e).

At this time, I welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply.

Let us start the meeting by taking a Roll Call attendance. When each member is called please state your name, and also please state if there is anyone in the room with you during this meeting, which is required under the Right-to-Know law (RSA 91-A:2, III (c) and whether you agree to your voice being recorded.

Mr. Wright welcomed everyone to the Zoning Board of Adjustment meeting tonight and moved on to the roll call of attendees and began with the Board members as follows:

Mr. Wright called on Mr. Michael DiPietro. Mr. DiPietro indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright moved on to call on Mr. Kevin Stuart. Mr. Stuart indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Stephen Carroll. Mr. Carroll indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Dennis Vieira. Mr. Vieira was not present.

Mr. Wright called on Shawn Matte. Mr. Matte was not present.

Mr. Wright called on Patrick Bergeron. Mr. Bergeron indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright indicated that no one else was in the room with him and that he also consented to this meeting being recorded.

Mr. Wright called on Ms. Denise Royce. Ms. Royce indicated that she was in a room by herself and consented to this meeting being recorded.

Mr. Wright called on Mrs. Carrie Rouleau-Cote. Mrs. Rouleau-Cote stated that she was in a room by herself and consented to this meeting being recorded.

Mr. Wright called on Mr. Stephen Estes. Mr. Estes indicated that he was in a room alone and consented to this meeting being recorded.

Mr. Wright called on Mr. Matthew Dube. Mr. Dube indicated that he was with his wife Stacey and that he consented to being recorded. Mr. Wright asked Stacey Dube to provide her own consent. Mrs. Stacey Dube stated that she consented to being recorded.

Mr. Wright moved on to Mr. Karl Edelmann. Mr. Edelmann stated that he was with his wife Jill and that they both consented to being recorded. Mrs. Edelmann consented to being recorded.

Mr. Wright moved on to Angela and David McLaughlin. Mrs. Angela McLaughlin consented to being recorded. Mr. David McLaughlin consented to being recorded.

Mr. Wright moved on to Ms. Dee Cleary. Ms. Cleary stated that she was alone and that she consented to being recorded.

Mr. Wright asked for anyone else that he has not called upon to please state your name and whether you are alone and if you consent to being recorded. Mr. Dean Lefrancois stated that he was alone and that he consented to being recorded.

Mr. Wright asked Ms. Royce to let him know if anyone else joins the meeting so they can get their consent. Ms. Royce so noted Mr. Wright's request. Mr. Wright went on to elevate Mr. Patrick Bergeron to full voting status for all three (3) cases in the absence of Mr. Dennis Vieira so that they will have five (5) members. With that said, Mr. Wright asked Ms. Royce to read the first case into the minutes for the record. At this time, Ms. Royce read the first case.

Case #21-04
Stephen & Nicole Estes
40 Lovers Lane – Tax Map 8, Lot 5-3
Zoned Residential Two

Applicant is requesting a Variance to allow a home shop to be located within a separate detached garage in a Residential Two zone. (Article 2, Section 2.02(39))

Mr. Wright asked Mr. Estes to give a brief explanation of what he is proposing to do and then to read his application into the minutes for the record. Mr. Estes gave a brief overview and began by saying that, what he is proposing to do is build a detached shop at the house as he works on boats and he would like to keep it all contained within the building so there are not boats outside. Basically, he would like to keep things looking neat and clean by keeping everything inside. Mr. Estes also stated that, his hours of operation would be from 9:00am until 5:00pm. Mr. Estes read his application into the minutes for the record. Mr. Estes stated that, there was a temporary tent there now.

Mr. Wright asked Mrs. Rouleau-Cote, the Code Enforcement Officer if she had any questions or comments. Mrs. Rouleau-Cote began by saying that, she would like to ask the applicant a question and asked Mr. Estes if he was currently operating his business on the property now. Mr. Estes said not to the capacity that he would be doing if he is approved. A brief discussion ensued with regard to the business now. Mr. Estes stated that, there are not a lot of boats coming and going right now and it will be similar, and everything would be contained inside the building. Mrs. Rouleau-Cote also asked Mr. Estes if he would be meeting all the other provisions of the definition for "Home Shop" meaning there would be only one other employee living outside the home. Mr. Estes said yes that is correct. With that said, Mrs. Rouleau-Cote was all set with questions at this time.

Mr. Wright opened up the questions to Board Members and began with Mr. DiPietro. Mr. DiPietro only wanted to establish the reason for the Variance and if it was because the building for the Home Shop was not going to be attached to the home. Mrs. Rouleau-Cote answered this question by saying that the definition for Home Shop is supposed to be within the single-family dwelling and in this case the structure would be detached from the single-family dwelling. Mr. DiPietro thought that was what it was and just wanted to confirm that and had no further questions.

Mr. Wright turned to Mr. Stuart. Mr. Stuart asked where the new construction would be and reviewed the plan submitted in the package and asked Mr. Estes how big the building would be. Mr. Estes stated that the building would be 30 feet by 40 feet with a 12-foot Lean to attached to the side of the building closest to the house. Mr. Stuart asked if all the boats would be kept inside the structure. Mr. Estes said yes. Mr. Stuart asked what type of work he would be doing on the boats. Mr. Estes stated that he sells and installs marine electronics on the boats. There would be no motor work or body work done on the boats that would be just the electronics. A brief discussion ensued with regard to the number of boats that Mr. Estes would have at one time. Mr. Estes stated that he would have no more than two or three at one time which are not big boats but 20-foot boats. Discussion ensued on why the structure could not be attached which was due to the location of the septic and well.

Mr. Wright turned to Mr. Carroll. Mr. Carroll asked if he only did electronic work on these boats. Mr. Estes said yes that there is no motor work as it is not part of the business that would be done at this location. Mr. Carroll asked if a bathroom would be installed in this building. Mr. Estes said no.

Mr. Wright turned to Mr. Bergeron. Mr. Bergeron asked about the plan showing a 41-foot by 42-foot structure and asked if it included the Lean to. Mr. Estes said yes it includes the 12-foot Lean to and that the building would match the house.

Mr. Wright asked if there were any abutters or interested parties and believed there were two that were present. Mr. Wright began with Mr. Lefrancois and asked if he had any questions or comments. Mr. Lefrancois had only one question and wanted to know if the

building would be going where the tent structure was currently located. Mr. Estes said yes. Mr. Lefrancois wished Mr. Estes luck with his business.

Mr. Wright moved on to Ms. Cleary. Ms. Cleary asked about the number of boats and just wanted to understand traffic count and wanted to know the number of boats at one time and believed the traffic must be coming from Bunker Hill Road because she has not seen any traffic. Mr. Estes explained that there would be two to three per week. Ms. Cleary commented that, her main concern was not what Mr. Estes was doing but the fact that someone else could come in and do another business. Mr. Wright believed that the Board would grant relief for a Variance for a Home Shop for the specific purpose that has been requested tonight and that is to conduct a Home Shop for purposes of marine electronic installation business and anything else beyond that would be in violation of our ordinance and they would have to come back before this board to request a Variance for a different use. A brief discussion ensued with regard to granting relief for a specific use and the possibility of requesting site plan review by the Planning Board. Ms. Cleary asked about a sign. Mr. Estes stated that he did not plan to put up a sign. Ms. Cleary was done with her questions.

Mr. Wright pointed out that, the Board has heard from everyone and asked if the Board had any issues with voting on this application or does anyone wish to go into deliberation. Mr. DiPietro had one question for Mrs. Rouleau-Cote and wanted to know what her take was for Site Plan Review and if she thought that was necessary. Mrs. Rouleau-Cote commented that, at this point Mr. Estes indicated that everything would be stored inside or undercover and his hours of operation in his application was noted as 9:00am to 5:00pm. Mrs. Rouleau-Cote commented that, in her opinion it's not like it's a store front or antique store with people coming and going multiple times a day. She believed that, by what the applicant had stated that, two or three boats would be coming in during the week and not like a constant thing throughout the day. Basically, the Planning Board would be dealing with hours of operation, outdoor storage and parking and believed it would be up to the Zoning Board to determine if they feel those answers have not been addressed. Mr. DiPietro thought the same thing and thanked Mrs. Rouleau-Cote for her input.

Mr. Wright asked if there was anyone else that wanted to comment. Mr. Bergeron wanted to clarify that, if the Board approved this Variance for his business that, anyone else that moves there would have to come back before the Board to seek a Variance for their business correct. Mr. Wright said yes, typically they would be specific to grant with regard to a home shop and base it on a marine electronic installation and anyone else would have to come back before the Board. With that said, Mr. Wright did not sense a lot of concern or disagreement so in turn would ask for a motion to vote on this application as submitted limiting the Variance to the specific business requested is important and hopefully would be included in the motion.

Mr. DiPietro made a motion to vote on the application as presented to allow a Home Business of a marine electronics installation. Seconded by Mr. Bergeron.

Mrs. Rouleau-Cote wanted to interject and wanted to clarify that it was for a Home Shop and not a Home Business and Mr. DiPietro mentioned a Home Business and asked if the Board would amend it to say, "to be conducted within a detached structure from the single-family home". Mr. DiPietro stated that he would agree to that and amended his motion as follows:

Mr. DiPietro made a motion to vote on the application as presented to allow a Home Shop to be conducted within a detached structure from the single-family home for the installation of marine electronics. Seconded by Mr. Bergeron. Mr. Bergeron voted to Grant as he believes all five factors have been met, Mr. Carroll voted to Grant as he believes all five factors have been met, Mr. Stuart voted to Grant finding all five factors have been met, Mr. DiPietro voted to Grant finding all the factors have been met, and Mr. Wright also voted to Grant finding all five (5) factors of the Variance have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed the applicant that the Variance has been granted and further informed the applicant about the 30-day appeal period. Mr. Estes asked if he had to wait the 30-days before pouring a slab. Mr. Wright said no. With that said, the discussion ended, and the Board moved on to the next case.

**Case #21-05
Matthew & Stacey Dube
16 Parker Way, Tax Map 4, Lot 2-3
Zoned Residential Two**

Applicant is requesting a Special Exception to allow the construction of a duplex unit to be attached to the existing single-family home; and a Variance to allow the addition for new duplex unit to be within the side setback in a Residential zone. (Article 4, Section 4.06(5)(h) and Article 4, Section 4.06(6))

Ms. Royce read the case into the minutes for the Board. Mr. Wright asked Mr. Dube to go through his case. Mr. Dube began by saying that, what they are proposing to do is install an Accessory Dwelling Unit as an in-law for an elderly family member. The plans as submitted represent about a 750 square foot living area which would be handicap accessible above some garage units and the nature of the Variance and the Special Exception is due to the way the property is currently set up today. The main residence is pushed up to the right-hand corner of the lot and the other areas are utilized by the well, septic and an inground swimming pool in the backyard. The only place to put this Accessory Dwelling Unit is to the right-hand side. A copy of the plan was submitted to the Board members in their package. At this time, Mr. Dube read his application into the minutes for the record. Mr. Dube pointed out that, they went with the Duplex as opposed to the Accessory Dwelling Unit as they have 6.851 acres. Mr. Dube also stated that, the structure would not be seen from the road.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add or questions or comments or input. Mrs. Rouleau-Cote began by saying that, the plan that was submitted to her showed the living space above the garage did exceed the 750 square feet and it also did not share a habitable wall with the primary home so based on those two issues which in her interpretation of the Zoning Ordinance were going to require a Variance in addition to the Special Exception for the Accessory Dwelling Unit that she actually suggested to the applicant to apply for a Duplex Unit because that would not be restricted to the square footage size and nor would it have to share a habitable wall. By going this way, the second unit could be above the garage and technically not have to communicate with the primary residence by a habitable wall. Mrs. Rouleau-Cote mentioned that, the applicant did state that he had the acreage to comply with the 2 acre per unit requirement in that zone it made it a little less complicated in her opinion if he went for the Duplex Unit as a Special Exception as opposed to the Accessory Dwelling Unit. Mrs. Rouleau-Cote commented that, his application kind of blends the two together and believed that Ms. Royce noticed it as a creation of a Duplex Unit so again, that was her suggestion and that is how it was noticed and believes that would be a cleaner more direct point of relief for the applicant given the renditions that she has seen that he has presented relative to the use. In conclusion, Mrs. Rouleau-Cote pointed out that, the plan in the Board's packet shows it as 936 square foot living area. So, when you're looking at the packet, it exceeds the 750 square feet and it does not share a habitable wall in the rendition that she was shown and again stated that, she suggested that they amend their application that they were seeking the creation of a duplex as opposed to an Accessory Dwelling Unit. Mr. Wright thanked Mrs. Rouleau-Cote for her input and stated that, that explains a lot.

Mr. Wright turned to the Zoning Board members and began with Mr. DiPietro. Mr. DiPietro did not have any questions and understood that the Variance is to be within the setback. Mr. Wright turned to Mr. Stuart. Mr. Stuart asked if the garage would be built and then living space above the garage. Mr. Dube stated that, that was correct with garage units below and living space above which is shown on the plan showing approximately 936 square feet. Mr. Stuart asked about the little causeway connecting the two. Mr. Dube said yes, it is approximately 15-feet by 12-feet that would connect the garage structure with the existing house with two interior doors. Mr. Stuart did not have any further questions. Mr. Wright moved on to Mr. Carroll. Mr. Carroll asked if the current garage would remain a garage. Mr. Dube said yes, it will stay as is. Mr. Carroll understood why they would be doing a duplex as opposed to an ADU and had a question regarding the septic and asked if that would all be upgraded. Mr. Dube explained that he had the engineer, T.F. Moran look at it and they created a back pocket plan, and the current septic can handle the new unit but should there ever be a need to do anything with the plan with regard to failure then we would have one on file. Mr. Carroll thanked Mr. Dube for his answers. Mr. Wright asked Mr. Bergeron if he had any questions. Mr. Bergeron indicated that, he did not have any questions that all his questions have been answered.

Mr. Wright moved on to the abutters, Mr. and Mrs. McLaughlin. Mrs. McLaughlin stated that, she has spoken with Mr. Dube and he has showed them the plan and she does not have a problem with what they are proposing to do. Mrs. McLaughlin did state that, her only concern was if the day does come when it sells will it be sold as a two-family or would

it be sold as a duplex or will it be a single with an in-law. Mrs. McLaughlin had a concern with the term duplex in that she was worried there would be transient renters in the future and not with the current owners but only if they were to sell. Mrs. Rouleau-Cote wanted to answer this question and began by saying that, currently under the state law, the property owners are allowed to rent either the Accessory Dwelling Unit or the family home and stay in the ADU. Basically, state law allows anyone to rent it either way whether it is a duplex or an Accessory Dwelling Unit. It still remains under single ownership as this is not being condoized or anything like that as that would be another process. Mrs. McLaughlin asked how the town would label this property. Mrs. Rouleau-Cote believed it would be labeled as a duplex and under one ownership. It would not be allowed to be sold as two different units. A brief discussion ensued with regard to the duplex. In conclusion, Mrs. McLaughlin stated that they were all for it and knows that there would not be a bunch of cars parked on the street. Mrs. McLaughlin thanked the Board and Mrs. Rouleau-Cote for her comments.

Mr. Wright asked if there were any other abutters. None were noted. Mr. Carroll did have one more question and asked that, could they go with the 936 square feet being a duplex. Mrs. Rouleau-Cote said yes.

Mr. Wright did not sense a lot of concern and if he did not hear a motion to enter into deliberation that he would assume that they would vote on the application as submitted taking each request separately and voting on them separately. First taking the Special Exception and then the Variance.

Mr. Stuart made a motion to vote on the application as submitted for the Special Exception for a duplex unit to be attached to the existing single-family home for 16 Parker Way, Tax Map 4, Lot 2-3. Seconded by Mr. DiPietro.

Mr. Wright asked if there was any discussion. None was noted. Hearing none, Mr. Wright moved to a roll call vote.

Mr. Bergeron voted to Grant as it has met all four (4) factors, Mr. Carroll voted to Grant as he believes all four (4) factors have been met, Mr. Stuart voted to Grant finding all four (4) factors have been met, Mr. DiPietro voted to Grant finding all factors have been met, and Mr. Wright also voted to Grant finding all four (4) factors for a Special Exception have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright moved on entertain a motion to vote on the Variance.

Mr. Stuart made a motion to vote on the Variance as presented tonight for 16 Parker Way, Tax Map 4, Lot 2-3. Seconded by Mr. Bergeron.

Mr. Wright asked if there was any discussion. None was noted. Hearing none, Mr. Wright moved to a roll call vote.

Mr. Bergeron voted to Grant as it has met all five (5) factors, Mr. Carroll voted to Grant as he believes all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. DiPietro voted to Grant finding all five (5) factors have been met, and Mr. Wright also voted to Grant finding all five (5) factors for a Special Exception have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed Mr. Dube about the 30-day appeal period and stated that he was all set that both the Special Exception and the Variance were granted. Mr. Dube thanked the Board members for their time and appreciated the support. Discussion ended and the Board moved on to the last case.

**Case #21-06
Karl & Jillian Edelmann
52 Olde Towne Road, Tax Map 11, Lot 37-39
Zoned Residential Two**

Applicant is requesting a Variance to allow a proposed 50-foot by 40-foot garage structure to exceed the 5% maximum lot coverage to be approximately 6.6% in a Residential Two zone. (Article 4, Section 4.06(6))

Mr. Wright asked Mr. or Mrs. Edelmann to give a brief explanation of what they are proposing to do and then to read through their application. Mrs. Edelmann began by saying that they would like to build a garage that could house all their stuff so that it's all over their property or on her mother-in-laws property so that it's all in just one place. It would be just a personal garage for all their stuff which is basically their car collection. At this time, Mrs. Edelmann read their application into the minutes for the record. Mrs. Edelmann reiterated that, it was for her husband's car collection and would keep the property neat and orderly.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything to add. Mrs. Rouleau-Cote stated that it was pretty straight-forward, and it was a well put together application and there should be a plot plan in their package showing where they propose to put the garage and it meets all setbacks in that zone.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright stated hearing none moved on to Mr. DiPietro. Mr. DiPietro did not have any questions or comments. Mr. Wright moved on to Mr. Stuart. Mr. Stuart asked if the garage was visible from the street. Mr. Edelmann stated that, it would be to the left of the driveway as you drive in but that the property is surrounded by trees. Mr. Stuart did not have any further questions. Mr. Wright asked Mr. Carroll. Mr. Carroll did not have any questions or comments. Mr. Wright asked Mr. Bergeron. Mr. Bergeron asked if any trees would need to be taken down. Mr. Edelmann stated that he may have a couple small trees which are four (4) 10-inch pines that may be taken down, otherwise it is open.

With that said, Mr. Wright asked for a motion to vote on this application.

Mr. DiPietro made a motion to vote on this application as presented for a Variance to increase lot coverage to 6.6% where 5% lot coverage is the maximum. Seconded by Mr. Carroll.

Mr. Wright asked if there was any discussion. None was noted. Hearing none, Mr. Wright moved to a roll call vote.

Mr. Bergeron voted to Grant as it has met all five (5) factors, Mr. Carroll voted to Grant as he believes all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. DiPietro voted to Grant finding all five (5) factors have been met, and Mr. Wright also voted to Grant finding all five (5) factors for a Special Exception have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed the applicant that the Variance has been granted and further informed the applicant about the 30-day appeal period. With that said, Mr. Wright informed Mr. and Mrs. Edelman that he believed they were all set. Mr. and Mrs. Edelman thanked the Board for their time and the discussion ended.

Mr. Wright indicated that, that concluded this case and that everyone was welcome to remain on the line and asked the Board Members to remain on the line while they conducted further business and began by approval of the last meeting minutes.

Minutes

Mr. Wright moved on to the approval of the minutes of February 23, 2021.

Mr. Bergeron made a motion to approve the minutes of February 23, 2021, seconded by Mr. Carroll.

Mr. Wright conducted a roll call vote to approve the meeting minutes for February 23, 2021.

Mr. Bergeron voted to approve the minutes, Mr. Carroll voted to approve the minutes, Mr. Stuart voted to approve the minutes, Mr. DiPietro voted to approve the minutes, and Mr. Wright also voted to approve the minutes. A vote was taken and, all were in favor and the motion passed.

New Business/Other Business

Mr. Wright asked Ms. Royce and Mrs. Rouleau-Cote if there was anything new as we head into April. Ms. Royce pointed out that, as far as cases for April, we have two cases so far and the deadline for submission is Monday, March 29th. A brief discussion ensued with regard to the Zoning Board of Adjustment's next meeting has been moved up a week to April 20th. Mr. Wright informed the Board members to make a note that the meeting in April has been moved up a week. The Board so noted the change.

Mr. Wright asked if anyone had anything else to discuss. Everyone was all set. With that, Mr. Wright thanked everyone and stated that, he would entertain a motion to adjourn.

Adjourn

Mr. Carroll made a motion to adjourn, seconded by Mr. Bergeron.

Mr. Bergeron voted to adjourn, Mr. Stuart voted to adjourn, Mr. Carroll voted to adjourn, Mr. DiPietro voted to adjourn, and Mr. Wright also voted to adjourn. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8.27 p.m.

Mr. Wright again thanked everyone, and the meeting stood adjourned.

The Zoning Board of Adjustment next scheduled meeting has been moved up a week and would be held on Tuesday, April 20, 2021 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23rd, all meetings will be held via teleconference until further notice.