

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
April 20, 2021

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Dennis Vieira, Stephen Carroll, Members of the Board. Patrick Bergeron, Shawn Matte (7:17pm) & Shannon Daoust, Alternate Members of the Board. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. .

Absent: Kevin Stuart, Member.

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 indicated that no one else was in the room with him and that he consented to this meeting being recorded. Mr. Wright also stated that, he would be elevating Mr. Bergeron to full voting status for tonight's hearing.

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

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

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

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

Mr. Wright called on Shannon Daoust. Mrs. Daoust indicated that she was alone in a room and that she 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 asked if there were any members from any other Board's present tonight. Mr. Michael Rolfe, Board of Selectmen indicated that he was in a room alone and consented to this meeting being recorded.

Mr. Wright moved on to anyone that was present for the first case which was Case #21-02, William and Lisa McCarty. Mr. Bill McCarty indicated that he was in a room with his wife Lisa and that they consented to this meeting being recorded. Mrs. Lisa McCarty also consented to this meeting being recorded. Ms. Amy Flourney indicated that she was alone and that she consented to this meeting being recorded. Mr. Jeff Porter, Conservation Commission Chair indicated that he was alone in a room and that she consented to this meeting being recorded. Mr. Kenneth McHugh, an abutter on Hook Road stated that he was alone in a room and that he consented to this meeting being recorded.

Mr. Shawn Matte joined the Zoning Board of Adjustment meeting at 7:17pm and stated that he was in a room alone and that he consented to this meeting being recorded.

Mr. Wright moved on to Case #21-07 and Case #21-08 and asked if Mr. Starace was present. Attorney Panciocco stated that, Eric Mitchell couldn't be here tonight and that she would be representing Mr. Robert Starace for tonight's hearing and indicated that, she was in a room alone and consented to this meeting being recorded. Pamela Gramatikas stated that she was with her husband Gary and that they consented to being recorded. Gary Gramatikas also consented to being recorded. Ms. Elaine Tatulis-Caldwell stated that she was alone on her back deck and that she consented to being recorded. Marc Daneau stated that he was in a car with his wife Jennifer and that they consented to being recorded. Jennifer Daneau also consented to being recorded. Paul Malandrino of Hunting Road stated that he was with his wife Karen and that they consented to being recorded. Karen Malandrino also consented to being recorded. Claudette Bolduc of Hunting Road stated that she was with her husband Richard and that they consented to being recorded. Richard Bolduc also consented to being recorded. Ryan Woodbury of Appletree Road stated that he was alone and that he consented to being recorded. Carol Peterson of Hunting Road stated that she was alone and consented to being recorded. Eric and Stacey Haddad of Hunting Road both consented to being recorded. Sue Bunnell of Hunting Road stated that she was alone and consented to being recorded. Elvira Karic of Hunting Road and Eldon Karic both consented to being recorded. Robert Starace, property owner indicated that he was in a room by himself and that he consented to being recorded.

Mr. Wright moved on to the last case which is Case #21-09. Doug MacGuire of the Dubai Group stated that he was representing Maine Drilling & Blasting and that he was in a room by himself and that he consented to being recorded. Jonathan Buck-Waldie who represents the Mill Pond HOA Board stated that he was in a room by himself and that he consented to being recorded. Steve Haradon was in a room with his wife Cindy and they both consented to being recorded. Cindy Haradon also consented to being recorded. Bob Lamontagne representing the HOA Board and he was in a room alone and consented to being recorded. Terry Bodwin who was representing the Mill Pond HOA was in a room

with her husband and consented to being recorded. Kevin Bodwin also consented to being recorded. Jim Johnston was in a room alone and consented to being recorded. Robert Lamontagne representing Governor's Hill Corp was in a room alone and consented to being recorded. Mr. Wright asked if there was anyone else that may have joined us after this process started that has not announced their name or address and stated if they were alone and consented to being recorded. There were no further announcements.

With that said, Mr. Wright thanked everyone for going through all that and pointed out that, each Board member received a package with all the information to be presented tonight weeks ago so that the Board members could review the material. Mr. Wright asked Ms. Royce to read the first case into the minutes for the record and would then ask the applicant to go through his or her application.

At this time, Ms. Royce read the first case.

Case #21-02
William & Lisa McCarty
6 Hook Road, Tax Map 12, Lot 41-1
Zoned Rural

Applicant is requesting a Variance to permit activities occurring within the 125-foot wetland and watershed protection buffer of a Level One wetland (Hook Brook) in a Rural zone. (Article 5, Section 5.08(1)(a))

Mr. Wright asked Mr. McCarty or whomever would be presenting tonight to begin by giving a brief overview of what they are proposing. Mr. McCarty began by saying that they are looking to do a landscaping project in the front of their house and include a patio area with a plunge pool. Mr. McCarty explained that, a plunge pool was a 13-foot by 7-foot pool that comes in a reinforced concrete and they were planning to put in a small patio around that. They have an existing deck that they would then step out onto the patio. At this time, Ms. Flournoy of Parker Garden Design wanted to explain things which is that the patio structure would also be a permeable paver with different layers of aggregate. So, any water that would infiltrate onto this patio would come down and be filtered through to a dry well that is located further away from the wetland. Ms. Flournoy also talked about drainage and the 2-foot-high boulder retaining wall to one side of the patio. Mr. McCarty also added that, the pool would be approximately 5 feet deep and would be heated and used year-round. At this time, Mr. McCarty read his application into the minutes for the record.

Mr. Wright asked Mrs. Rouleau-Cote if she had any comments or input on this case. Mrs. Rouleau-Cote stated that, the applicant has been working with my office and the Conservation Commission for several months on this plan and have tweaked it several times to accommodate some of the concerns that have been brought up. Mrs. Rouleau-Cote explained that, it is a plunge pool which is a fairly small swimming pool or glorified

hot-tub that is incorporated into some landscaping. They have worked very professionally with us and when you look at the information that they have presented that, she thinks that they have taken into account a lot of the concerns that have been raised being within the watershed protection buffer. Mrs. Rouleau-Cote talked about previous owners that have come before the Zoning Board in the past seeking relief which does make it a unique property. Mr. Wright thanked Mrs. Rouleau-Cote for that background which is helpful information. Mr. Wright asked Mr. Porter for his input regarding the Conservation Commission. Mr. Porter talked about when the Conservation Commission did a site walk of the property whereby the Cons Com had significant concerns especially with the steep slope that goes right down into the watershed. Mr. Porter talked about where the pool could be outside of the buffer area which would be allowable and outside of the buffer entirely. Mr. Porter talked about the concern of it being a saltwater pool and if there was ever a failure and any spill over into the buffer area. With that said, Mr. Porter stated that, because you have a pool that could be relocated the Cons Com could not support it the way it is laid out.

Mr. Wright opened up the questions to Board Members and began with Mr. DiPietro. Mr. DiPietro asked how many gallons the pool held. Ms. Flourney stated that, the total gallons in the pool is 3,200 gallons. Ms. Flourney added that, about a foot in a half was above ground and the rest is below ground. There's about 850 gallons above ground and 2,300 roughly sitting below ground. Mr. DiPietro asked about the salt concentration. Ms. Flourney did not have that information. Mr. DiPietro asked if it was as much salt as the ocean. Ms. Flourney did not have that information she would have to obtain that information from Soake Pools. Discussion ensued with regard to saltwater pools, and it would be similar to other saltwater pools.

Mr. Wright turned to Mr. Vieira. Mr. Vieira asked why the plunge pool could not be moved away from the buffer area for the wetland. Ms. Flourney commented that, this was a concern of the Conservation Commission and basically the location that was proposed to be outside of the 125-foot wetland buffer would end up being very close to the road which would end up being an undesirable location for a backyard outdoor living space and pool location. This is a very expensive project that the McCarty's would like to do and have a great location in mind and unfortunately if it can't be in that location that, it would probably be a no go for them but would let Mr. McCarty speak to that. Mr. McCarty commented that, it was more of a hot-tub and more of an extension of the living space into the outdoors and it's not like a large built-in pool. They are not really looking to increase their footprint but basically looking for a small extension of our living space. Ms. Flourney added that, the location that they put it in now has changed a little bit from the beginning and has a lot of good input from the Conservation Commission and they basically do not want to pass the footprint of the existing house as it exists currently. They are just trying to keep it as condensed as possible to the existing house and garage footprint. Mr. Vieira's concern was the same as Mr. Porter with regard to salt spillover and the like. Mr. Porter again talked about the salt water from the pool going straight into the watershed and the fact that there was no real runoff that could absorb easily or any type of salt infiltration.

Mr. Matte commented that, he looked up how much salt was in a saltwater pool and that a saltwater pool contains 10 times less salt than the ocean. There is about 3,000 parts per million in a saltwater pool and there is 35,000 parts per million in the ocean. Mr. Wright noted that, that was very helpful and thanked Mr. Matte. Mr. McCarty wanted to add that, they have worked with the Conservation Commission and especially at the site walk if they made some adjustments to the property of which they are adding a dry well to the pool in case of a failure of which they have incorporated them into the plan. They are also adding some gutters to areas that they currently do not have gutters on the house and including dry wells for those as well. Mr. McCarty also added that, it was a suggestion to not mow down to the brook any longer of which they are planning to do. A brief discussion ensued with regard to the different species they intend to plant to let them grow wild to help to prevent any type of runoff.

Mr. Wright turned to Mr. Carroll. Mr. Carroll noted that the Conservation Commission was hoping to have them move the pool somewhere else but noted the location of the leachfield and the septic tank and pointed out the retaining wall which would be 2-feet high that would have drainage in there and paver blocks and if there were any spill over that it would be caught correct. Both Mr. McCarty and Ms. Flourney said yes. Mr. McCarty commented that, that was why they went with Parker Gardens on this project. Mr. Carroll did not have any further questions.

Mr. Wright turned to Mr. Bergeron. Mr. Bergeron asked what size the dry well would be. Ms. Flourney did not know as they have not calculated that yet. Mr. Bergeron noted that, if there was a failure that the dry well would catch it. Ms. Flourney stated that, with regard to a failure, that it was very unlikely to occur as it would have to be a catastrophic event. Mr. Bergeron thanked Ms. Flourney for her comments.

Mr. Wright asked Mr. Matte. Mr. Matte asked what the pool would be constructed of. Mr. McCarty commented that, it was all one unit, and it was built of reinforced concrete and would be delivered by a tractor trailer with a crane that would be dropping it in and that the inside would be constructed of pool tiles. Mr. Matte asked if anyone did a test of what the salt content was coming off the road in the wintertime compared to what would happen if there was a catastrophe with the pool. Mr. Wright asked Mr. Rolfe if he had any thoughts or comments on the concerns of the town plowing, salting all of the roads in Auburn. Mr. Rolfe stated that, it's never been raised and that they use it for de-icing all the time and that was his thought as well in listening to this. Mr. Rolfe indicated that, there was probably more salt on that road than there is going to be in this plunge pool. A brief discussion ensued with salt on the road and runoff. In conclusion, Mr. Matte believed that, the likelihood of this concrete soaking pool failing is low compared to the salt going on the road every winter. Mr. Rolfe agreed with Mr. Matte with that comment. Mr. Wright asked Mr. Porter if he had anything to add to that. Mr. Porter stated that, the salt infiltration off the road is filtered by the drain area and filtered naturally. Mr. DiPietro commented that, the amount of salt in that pool is insignificant.

Mr. Wright asked if there were any abutters that were present that wanted to comment. Mr. McHugh of Hook Road asked if the location was closer to Chester Turnpike. Mr.

McCarty pointed out where the swing set was and that it was much closer to Chester Turnpike and Hook Road. Mr. McHugh believed that there was a lot of traffic there and wanted to state that, he was in support of the proposed project. Mr. Wright asked if there were any other abutters. None were noted.

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 did anyone wish to go into deliberation.

Mr. DiPietro made a motion to vote on the application as presented for 6 Hook Road, Tax Map 12, Lot 41-1. 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 he believes all five factors have been met, Mr. Vieira voted to Deny, Mr. Carroll 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, the Variance has been Granted by a vote of 4 to 1. Therefore, the motion passed.

Mr. Wright informed the applicant that the Variance has been granted by a vote of 4 to 1 and wanted to commend the applicant for going back and including the Conservation Commission in this project. Mr. Wright talked about granting minimal relief and this was not a huge swimming pool, and that the applicant has met all the factors. Mr. Wright further informed the applicant about the 30-day appeal period. Mr. McCarty thanked the Board for their time. Mr. Wright also thanked Mr. McCarty and the Conservation Commission as well. With that said, the discussion ended, and the Board moved on to the next case.

**Case #21-07
Eric Mitchell
Robert Starace Homes, LLC
Hunting Road, Tax Map 18, Lot 52-1
Zoned Residential One**

Applicant is requesting a Variance to allow the construction of a new home and Accessory Structure on a non-conforming lot which will exceed the 5% maximum lot coverage in a Residential One zone. (Article 4, Section 4.06(6))

Ms. Royce read the case into the minutes for the Board. Mr. Wright asked Attorney Panciocco to begin her presentation. Attorney Panciocco stated that, she would read the same presentation twice which is one for each particular site. Mr. Wright agreed. Attorney Panciocco began by saying that, she was present tonight on behalf of Mr. Mitchell for an application submitted for Robert Starace Homes, LLC. Attorney Panciocco

went on to say that, Tax Map 18, Lot 52-1 was an individual lot with approximately .56 acres. Attorney Panciocco pointed out to the Board members that; the lots were unmerged under the new statute RSA 674:39-aa Restoration of Involuntarily Merged Lots. Attorney Panciocco gave a brief overview of how the lots were involuntarily merged by the town and now there are 2 lots. Attorney Panciocco stated that, both lots are non-conforming lots with a little more than a half-acre with 162 feet of frontage on Hunting Road. Attorney Panciocco commented that, the lots were unmerged by the Zoning Board of Adjustment in October of 2020 and in December of 2020 the former owners sold the lots to Robert Starace Homes, LLC. The applicant is proposing to construct a modest 3-bedroom starter home with approximately 1,800 square feet with an attached two-car garage. He is also including in his relief this evening in anticipation of this happening a future shed in the rear that he is not going to construct but looking for the future. Attorney Panciocco went through the size of homes in the past and now in the present. Attorney Panciocco went through the plan and noted that, the septic systems will be located in the front of the property and that all building setbacks will comply with current zoning. The only relief they are seeking is with regard to building coverage by 2.9% and that's why they are before the Board tonight is to seek relief to exceed lot coverage to 7.9% where 5% is the maximum lot coverage. Attorney Panciocco pointed out to the Board that, there were at least a dozen other properties in this neighborhood where the building coverage exceeds the 5% requirement. They are proposing two (2) new starter homes which are hard to find today in today's real estate market. They will have 3 bedrooms with approximately 1,800 square feet and will blend into the neighborhood. Attorney Panciocco reiterated that; the lots were created before zoning was adopted. The 5% lot coverage limitation to this lot would be especially burdensome because it will limit what can be built there and would have a harmful impact on the use of the property and there really is no gain to the public by doing that. In conclusion, Attorney Panciocco stated that they are requesting a Variance to allow them the 7.9% building coverage to build the home and its size on the plan they submitted. Attorney Panciocco thanked the Board and ended her presentation.

Mr. Wright thanked Attorney Panciocco for her presentation. 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 Board in the past has granted relief for lot coverage and the only uniqueness of this property is that we are starting on a vacant lot and there is some ability to adjust what you are putting on it. Mrs. Rouleau-Cote had one question but did not know if it was a question, she could answer or if it was something that she would have to wait and ask Mr. Mitchell. Mrs. Rouleau-Cote asked about the well radius easement that crosses over the property line and wanted to know what restrictions would be included in this easement. Attorney Panciocco stated that it is recorded and that it is incorporated in the deed as a benefit to the lots shown on the plan. Attorney Panciocco indicated that they overlap because of the placement of the leach field and was uncertain as to why and that she may want to ask Mr. Mitchell. Mrs. Rouleau-Cote understood and thanked Attorney Panciocco for her comment. Mr. Wright thanked Mrs. Rouleau-Cote for her comment.

Mr. Wright turned to the Zoning Board Members and began with Mr. DiPietro. Mr. DiPietro did not have any questions. Mr. Wright turned to Mr. Carroll. Mr. Carroll stated that, it was very well presented and that he did not have any questions. Attorney Panciocco thanked Mr. Carroll for his comment. Mr. Wright asked Mr. Vieira. Mr. Vieira did not have any questions. Mr. Wright asked Mr. Bergeron. Mr. Bergeron commented that, he was looking at all the tax records for all the houses on Hunting Road and it looks like only one piece of property that was under an acre lot and that the house was 1,700 square feet on a .57-acre lot and all the others were over an acre. Mr. Wright thanked Mr. Bergeron for that information. Mr. Wright asked Mr. Matte. Mr. Matte asked if the Board could approve a future shed that is not going to be built for some time. Mr. Wright pointed out that, should be grant relief that substantial completion needs to occur within 2 years of the Board granting the Variance. Mrs. Rouleau-Cote wanted to point out that, she did ask the applicant, Mr. Starace that if he was going to be seeking relief to add a 12 by 10 shed just because knowing how new property owners are that they would be requesting a shed permit and that they would then have to go back before the ZBA for another Variance. Mrs. Rouleau-Cote believed that, the property owner would most likely have a shed prior to the 2-year period. Mrs. Rouleau-Cote did point out that, if the property owner wanted a bigger shed that, they would have to come back before the Board to seek relief for the bigger shed. Mr. Wright thanked Mrs. Rouleau-Cote for her input. A brief discussion ensued with regard to the request for relief to include the shed and lot coverage and the 2-year completion. Mr. Wright believed they went through all of the Zoning Board members for questions or comments.

Mr. Wright moved on to the abutters and began with Mr. and Mrs. Gramatikas. Mr. and Mrs. Gramatikas did not have any questions. Mr. Wright moved on to ask Ms. Elaine Tatulis-Caldwell. Ms. Tatulis-Caldwell was no longer on the line. Mr. Wright asked Mr. Marc Daneau and Jennifer Daneau. Mr. Daneau commented that, there is an issue with wells running dry in the area and was concerned about the well water. Mr. Wright asked Claudette Bolduc. Ms. Bolduc indicated that, she is all set. Mr. Wright asked Mr. Ryan Woodbury. Mr. Woodbury asked how close the homes would be to his property as he was unaware of this for a long time. Mr. Woodbury's property backs up to Tax Map 18, Lot 52-2. Attorney Panciocco explained that, the property is 150 feet deep, and that Mr. Woodbury's property backs up to this property and that they meet all the setbacks on this plan. A brief discussion ensued with regard to the properties in the area as the Board Members and Attorney Panciocco review the plan. Mr. Wright asked Carol Peterson. Ms. Peterson had a few questions regarding the term "modest starter homes" and asked what style homes they would be. Attorney Panciocco stated that, they were talking about 2-story colonials with 3-Bedrooms and 900 square feet on the first level and 900 square feet on the second floor. There would be 2 or 2½-bathrooms. Discussion ensued with regard to the leach field and if there would be a raised bed. Attorney Panciocco was unsure of the water level but that all that information would be available at the town hall. In conclusion, the homes would have basements and that the soils were good and that there were no wetlands in the area and that everything would be reviewed by the state before any building can begin. Mr. Wright asked Mr. Eric Haddad. Mr. Haddad had concerns with the wells running dry in the area and concerns with the size of the homes as well and asked that the Board consider the size of the homes in the area. Attorney

Panciocco talked a little bit about the homes that were built back in 1970 and 1980 which were smaller homes and that many of the homes today are a bit larger and that many of the homes built back then had put on additions and the like. Attorney Panciocco also commented that, you will have a very reputable builder that would be building these homes and that nobody owns the water under the ground. Mr. Wright moved on to Sue Bunnell. Ms. Bunnell was confused and wanted to know if it would be more than two (2) homes. Mr. Wright explained that, when they previously met, they agreed that the lots should be unmerged so that there would be two (2) separate lots. Ms. Bunnell asked why the abutters weren't notified that the lots were unmerged. Mr. Wright stated that, all the abutters were notified about the unmerger and as a result of the hearing the lots were unmerged. A brief discussion ensued with regard to abutter notification. It was determined that, there are two (2) lots and only one home can be built on each individual lot for a total of two (2) homes. At this time, Mr. Wright asked Attorney Panciocco to further explain. Attorney Panciocco explained that, they applied to the Selectmen to unmerge the lots and they were denied. They then appealed the Board of Selectmen decision to the ZBA, and it was Granted. They now have two (2) building lots that front on Hunting Road.

Mr. Wright asked if there were any further questions. Mr. Malandrino reiterated the concern of less water and wells running dry. Mr. Malandrino also wanted to know if it would be setting a precedence in the town by granting the increase in lot coverage to 7.9%. Mr. Wright explained that each case is treated differently and looked upon their uniqueness and that's how the Board looks at each case and that our Zoning Ordinance is voted on by the Town. Mr. Wright also pointed out that, it was not in the Board's purview to look at what is underground. A brief discussion ensued with regard to the neighborhood receiving a letter from DES regarding uranium in the water.

Mr. Wright asked Mr. Rolfe if he had any concerns. Mr. Rolfe's only concern was regarding lot coverage and increasing the lot coverage from 5% maximum to 7.9% but have not heard anything about the water issue. Mrs. Rouleau-Cote commented that the Town of Auburn received a postcard because we own the Appletree Park and even though we don't have a well there we did get a postcard.

Mr. Wright stated that, these are all good comments and not sure what will happen with the aquifer. Mr. Wright asked if there was anyone else from Hunting Road that had any comments. Mr. Karic of 83 Hunting Road had a question and asked how far from the street will these houses be from the road. Attorney Panciocco commented that, they would be at least 50-feet from the road if not a little bit more and that it will comply with the setback requirements. There will be a total of two (2) lots and only two (2) homes with one home on each lot. A brief discussion ensued with regard to the lots being non-conforming.

Mr. Wright asked if there were any other abutters or interested parties. Ms. Peterson did not agree with the request to exceed lot coverage and believed the Board should take that into consideration. Mr. Wright noted that everyone has been able to comment and therefore would entertain a motion to vote on the application as presented.

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

Mr. DiPietro made a motion to vote on the Variance as presented tonight for Tax Map 18, Lot 52-1, Hunting Road to increase lot coverage to 7.9%. Seconded by Mr. Vieira.

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 Deny as it has not met #2 which would be contrary to public interest, Mr. Vieira voted to Deny for the same reason, Mr. Carroll 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 the Variance have been met. A vote was taken and, the motion passed with a vote of 3 to Grant and 2 to deny.

During the vote, an abutter made a disrespectful comment and was informed that Mr. Wright could have Ms. Royce remove him from the call if need be. Mr. Wright noted that, the Variance was Granted with a 3 to 2 decision and moved on to the second Variance request for Case #21-08, Tax Map 18, Lot 52-2.

Case #21-08

Eric Mitchell

Robert Starace Homes, LLC

Hunting Road, Tax Map 18, Lot 52-2

Zoned Residential One

Applicant is requesting a Variance to allow the construction of a new home and Accessory Structure on a non-conforming lot which will exceed the 5% maximum lot coverage in a Residential One zone. (Article 4, Section 4.06(6))

Mr. Wright so noted the discussion previously conducted for Tax Map 18, Lot 52-1 which was Case #21-07 and asked the Board to vote on the Variance for Case #21-08, Tax Map 18, Lot 52-2.

Mr. DiPietro made a motion to vote on the Variance as presented tonight for Tax Map 18, Lot 52-2, Hunting Road to increase lot coverage to 7.7% as previously discussed above. 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 Deny as it has not met #2 which would be contrary to public interest, Mr. Vieira voted to Deny for the same reason, Mr. Carroll 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 the Variance have been met. A vote was taken and, the motion passed with a vote of 3 to Grant and 2 to deny.

Mr. Wright informed the applicant that the Variance has been granted by a vote of 3 to Grant and 2 to Deny and further explained to the applicant about the 30-day appeal period. Attorney Panciocco thanked the Board and the discussion ended.

**Case #21-09
Maine Drilling & Blasting
Rattlesnake Hill, LLC
Gold Ledge Avenue, Tax Map 1, Lots 4 & 5
Zoned Industrial & Residential Two**

Applicant is requesting a Variance from Article 3, Section 3.05(2)(d) to allow expansion on non-conforming use (commercial storage pad on lot within 2 zoning districts) on a non-conforming lot (no frontage), a Variance from Article 4, Section 4.09(4) to allow gravel service area within 50-feet of property line, and; a Variance from Article 5, Section 5.08(1)(a) to allow grading disturbance within 125-foot Level One wetland and Watershed Protection Buffer to allow construction of 1.7 acre gravel service area on Map 1, Lot 4 in an Industrial and Residential Two zone.

Mr. Wright asked Ms. Royce to read the case into the minutes for the record. Ms. Royce read the case before the Board. Mr. Wright asked if the applicant was present. Mr. MacGuire began by saying that he was with the Dubay Group. Mr. MacGuire started by giving an overview of the proposed project and believed that the Board members received copies of the plan being presented tonight. Mr. Wright so noted that the Board did receive copies of the site plan. Mr. MacGuire stated that, Maine Drilling & Blasting has been at this location for many years, and they are using this site not only as office area at the end of Gold Ledge Ave but also for storage of materials which consist of a couple of different things. Mr. MacGuire talked about gravel areas that are regulated by ATF. What they are before the Board tonight is an expansion of a gravel pad area which is not for explosive storage. Mr. MacGuire stated that, what they are looking to do because their business has expanded, and they do some shoring up of existing foundations within buildings and they drill existing pylons into the basement to shore up of which has become a larger part of their business. What they are proposing to do is that they would like to expand the gravel pad to house some additional materials. Mr. MacGuire stated that, it sounds like there's a number of Variances that were being required for this expansion but wanted to clarify that a number of these Variances are due to the fact that there is an

existing non-conforming use by zone and one lot does not have frontage. The other unique criteria that this lot is subjected to is that Map 1, Lot 4 is bisected into two different zones. Mr. MacGuire pointed out sheet #4 of the plan set, there is an existing gravel pad area that is already established and already being used, and this expansion of that gravel pad area is proposed right off of that pad. Mr. MacGuire stated that, the existing gravel pad area already encroaches into the 125-foot wetland setback. Mr. MacGuire commented that, they were only encroaching into the wetland setback into an area that was already previously disturbed as part of the original pad development. That is basically the overview and began going through the application. Mr. MacGuire stated that he would turn it back to the Board and would be happy to answer any questions that the Board may have. Mr. Wright thanked Mr. MacGuire for his presentation and asked Mrs. Rouleau-Cote if she had any comments or thoughts. Mrs. Rouleau-Cote started by saying that, as it was pointed out in the presentation that, this is a unique property in the sense that it does consist of several lots and unfortunately the way the zoning boundaries fall they bisect the lots so in interpreting the ordinance it stipulates that you are to do the more stringent of the zoning requirements even though the activities are occurring within the industrial zone of the properties. Mrs. Rouleau-Cote also added that, this will be going before the Planning Board for a minor site plan amendment to their existing site plan and wanted to make sure that any zoning items were brought to the table and addressed before they went to the Planning Board for a minor site plan amendment. It is noted that, Map 1, Lot 23 which is the abutting lot in Auburn which is closest to that property line where it is going to have the activities. The lot does fall within the industrial zone but there is one house out there at this time. Mr. Wright thanked Mrs. Rouleau-Cote and stated that, that was helpful.

Mr. Wright moved on to ask Board members for questions and began with Mr. DiPietro. Mr. DiPietro did not have any questions at this time. Mr. Wright asked Mr. Carroll. Mr. Carroll did not have any questions at this time. Mr. Wright asked Mr. Vieira. Mr. Vieira had one concern regarding the grading disturbance within the 125-foot Level One wetland buffer. Mr. Wright asked Mr. Porter of the Conservation Commission for any thoughts or comments on what Mr. Vieira stated. Mr. Porter explained that, they have had some great discussions with the Conservation Commission, and they will actually be improving the drainage areas so they are actually flattening the slope out and actually will prevent the runoff. A brief discussion ensued with regard to the encroachment into the wetland buffer. In conclusion, Mr. Porter stated that, they did not have a problem with what they were proposing because it would be beneficial for that whole area. Mr. Wright thanked Mr. Porter for his comments and stated that, the few times that Maine Drilling & Blasting has come before them they have been way ahead of the curve and remembers when they brought the Army Corp of Engineers in to figure out how to minimize the impact on wetlands and has been a very good ambassador of a business that is trying to do the right thing. Mr. Wright moved on to ask Mr. Bergeron if he had any questions or comments. Mr. Bergeron did not have any questions and stated that it was very well presented.

Mr. Wright opened it up to abutters or interested parties. Mr. Jim Johnston wanted to know a little more of where this would be placed as he is an abutter located on Map 1,

Lot 3 and wanted to know how close it would be to that lot line. In reviewing the map, it was noted that, the property was located off of Rattlesnake Hill Road and was north of the property and was closer to the blasting storage than he would be to this expansion location.

Mr. Wright indicated that, everyone has commented and that he would entertain a motion to vote on the application as submitted.

Mr. Vieira made a motion to vote on the application as presented tonight for Tax Map 1, Lots 4 & 5, Gold Ledge Avenue. 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 finding all five (5) factors have been met, Mr. Vieira voted to Grant finding all five (5) factors have been met, Mr. Carroll 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 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 that there was a 30-day appeal period. Mr. MacGuire thanked the Board for their time and praised the ZBA for the way they handled the Public Hearing remotely. With that said, the discussion ended, and the Board moved on to approval of the minutes.

Minutes

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

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

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

Mr. Bergeron voted to approve the minutes, Mr. Carroll voted to approve the minutes, Mr. Vieira 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 praised the Board for a job well done and commended the Board for making themselves available for these remote meetings and thanked all of the Board members and alternates. Mr. Wright asked Ms. Royce if there were any cases scheduled for May. Ms. Royce indicated that, the deadline was May 3 and that we have not received any applications to date.

Mr. Wright asked if anyone had any thoughts or comments. Mr. Vieira commended Mr. Wright for doing a great job. Mr. Carroll also agreed with Mr. Vieira. Mr. Wright stated that, if he did not have a thoughtful Board and if he did not have Ms. Royce, who is incredible and Mrs. Rouleau-Cote showing up and involved and contributing to every single case that is before the ZBA he would not know what to do. Mr. Wright wanted to give a huge thanks to everyone. Mr. Wright also wanted to mention the newest member of the Zoning Board of Adjustment, Shannon Daoust who hung on tonight and will be sworn in this week. Mr. Wright also talked about Patrick Bergeron who is also a new member that has just taken off and has added to this Board. With that, Mr. Wright thanked everyone and stated that, he would entertain a motion to adjourn.

Adjourn

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| <i>Mr. Vieira made a motion to adjourn, seconded by Mr. DiPietro.</i> |
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| <i>Mr. Bergeron voted to adjourn, Mr. Vieira 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 9.58 p.m.</i> |
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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, May 25, 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.