

TOWN OF AMHERST
Planning Board

October 2, 2019

APPROVED-AMENDED

1 In attendance: Michael Dell Orfano- Chair, John D'Angelo-Selectman Ex-Officio, Sally Wilkins,
2 Arnold Rosenblatt, Rich Hart, Brian Coogan, Cliff Harris, Christy Houpis (Alternate), and Lisa
3 Eastland (Alternate).
4 Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Minute
5 Taker.

6
7 Michael Dell Orfano called the meeting to order at 7:35 pm at Town Hall.

8
9 NEW BUSINESS:

10

- 11 **1. CASE #: PZ11605-080519 -24 Brook Road, LLC, c/o John Walsh (Owner &**
12 **Applicant), 24 Brook Road, PIN #: 010-026-000 – Submission of Application/Public**
13 **Hearing/Integrated Innovative Housing Ordinance Conditional Use Permit.**
14 **Proposed residential subdivision of Tax Map 10 Lot 26 utilizing the IIHO**
15 **(Integrated Innovative Housing Ordinance). Zoned Northern Rural. Case tabled from**
16 **September 4, 2019.**

17

18 Chairman Mike Dell Orfano stated that this application appears to be missing certain elements
19 that would make it considered complete.

20

21 Chad Branon, of Fieldstone Land Consultants, PLLC explained that, in past applications, a list of
22 permits, past variances, etc. have been generated based on the final layout of the development,
23 not during the conceptual layout. First, the plan is usually heard, then a site walk is completed,
24 and that will impact the necessary permits. He is willing to submit a list of things believed to be
25 needed, but it will not be a complete list at this time. He explained that he can speak to all of the
26 permits that will be required based on the application being submitted at this time.

27

28 Mike Dell Orfano stated that the Board will hear the application without accepting the plan, in
29 order to determine how complete it is.

30

31 *Brian Coogan will sit for Marilyn Peterman for this meeting.*

32

33 Chad Branon stated that the subject property is on the west side of Brook Road. It contains
34 126.94 acres and is bordered by other residential properties. The lot is primarily vacant and was
35 logged approximately 10-15 years ago. The property is in the Northern Rural zone and in an
36 aquifer protection area. A previous application for this property proposed 39 units and was
37 approved, but that approval lapsed in 2012 as the market was not conducive at that time. The
38 current proposal consists of a 46 unit layout in hopes to best serve the property and the
39 community. This will be an improvement over the former design. One of the goals of the project
40 is to consolidate the amount of development on the property and increase the focus on the
41 conservation of the area.

42

43 Chad Branon explained that there will be various housing types and styles proposed for this
44 development. There will be some attached duplexes, some single-floor detached units, some

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45 ADA accessible units, and some 1/2/3 bedroom houses for sale and rent. These will include
46 market rate units and some age-restricted units. There will be a main cul-de-sac road,
47 approximately 2,315ft in length. This is a significantly shorter road than the past proposal for this
48 property. There will then be five spur cul-de-sacs off the main road to create housing clusters.
49 There will be safe access through the development, for both pedestrians and traffic.

50

51 Chad Branon explained that there are a couple of proposed areas for trailhead parking on the lot.
52 There will be one proposed midway along the road, which will connect to the open space on the
53 lot and to the current nearby trails. There will be a second one proposed at the end of the main
54 spur, which will be closer to the town-owned property.

55

56 Chad Branon spoke to the significant benefits to the town and general public. He explained that
57 this proposal looks to put 80% of the land into protected open space. That is equivalent to about
58 100+ acres. The proposal also looks to give formal access to lot 8-24-1, a town-owned lot that is
59 land-locked on this property. The proposal will also provide access to the existing town land with
60 a trailhead that is open to the public. Also, the Town will be able to access the land-locked parcel
61 for forestry management purposes.

62

63 Chad Branon explained some of the design objectives of the project, including a covered bridge
64 design to enter the site, storm water management improvements, minimal wetland and wetland
65 buffer impacts, and individual septic systems. Some of the permits he believes will be necessary
66 include an AOT permit, a subsurface permit, a wetlands permit, a shoreland permit, a community
67 water systems permit, and a permit through the Army Corp of Engineers, for the bridge crossing.
68 These may be changed or be added to based on the final layout.

69

70 Chad Branon went through the density worksheet with the Board. He stated that, of the 126.94
71 acres on the property, 44.824 acres are wetlands or in the floodplain. This leaves 82.12 acres of
72 useable land. This zone requires a 5 acre minimum lot size, which yields a base density of 16
73 lots.

74

75 In response to a question from Mike Dell Orfano, Chad Branon stated that the land could hold 16
76 large estate lots, but that would mean more impacts to the property and less land conserved. It is
77 feasible for the plan to show 16 lots, but he doesn't believe this would encompass the goals and
78 objectives of the ordinance.

79

80 Mike Dell Orfano expressed concern over the proposed road being able to stay within the 8%
81 grade to access the 16 lots. Chad Branon stated that the road for the previous proposal in 2006
82 was designed to the same parameters.

83

84 Chad Branon explained that for the bonus density category of Demographics, 16 of the units will
85 be age-restricted to 65+; this will lead to a 30% bonus. For the category of Housing Type, there
86 will be 12 duplexes, and for the category of Unit Type there are 16 ADA accessible units
87 proposed.

88

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89 In response to a question from Cliff Harris, Chad Branon stated that there may be units proposed
90 that are 65+ and also ADA compliant. The regulation doesn't speak to not doing that.

91
92 Cliff Harris stated that ADA compliant units usually have a wider design than a typical 65+ unit.
93 He hopes that the final design will show 16 ADA units, not all of which will also be 65+ as well.

94
95 Chad Branon stated that for the category of Unit Size, 16 of the units will be 2 bedrooms. There
96 will also be some 3 bedroom units. For the category of Proposed Amenities, both walkability and
97 improved access to public places will be sought for bonuses. Walkability will be spoken to with
98 proposed trails, sidewalks, and the preservation of over 80% of the land area. The improved
99 access to public places will be sought by allowing for improved access to the land-locked parcel
100 of town-owned land, trailhead parking, access to 100 acres of open space, and by allowing the
101 town to access their property for forestry management. The design elements of this property
102 clearly address extraordinary circumstances and thus allow both parts of the bonus density
103 category to be sought.

104
105 Chad Branon continued with the category of Community Space, by explaining that the common
106 areas of the development will be open to the public. The public will also be able to utilize the
107 trailhead parking and hike on the open space of the property. For the category of Open Space,
108 there will be both open space under restrictive covenant, and open space improved and open to
109 the public. He explained that there should be some advantage to this development proposing to
110 preserve 80% of its land, when there is only a 40% requirement for planned residential housing.

111
112 In response to a question from Mike Dell Orfano, Chad Branon stated that, of the 127 acres, 82
113 acres are not steep, not wet, and not in the floodplain, so otherwise developable. The plan is to
114 consolidate the amount of land being developed onto only 20 acres, and leave the rest as open
115 space.

116
117 Chad Branon continued with the category of Type of Ownership by explaining that there will be
118 6 deed restricted rental units. For the category of Redevelopment of Existing Structures, the
119 existing log home on the property is being offered to either the Conservation Commission (ACC)
120 or the Heritage Commission. The ACC is not interested, but the Heritage Commission is going to
121 evaluate the structure.

122
123 In response to a question from Mike Dell Orfano, Chad Branon stated that the cabin is about
124 900ft². It has not been occupied for some time. He believes the structure might be of importance
125 to the Heritage Commission, which would allow for a bonus of an additional 4 units.

126
127 Sally Wilkins stated that this bonus is for the redevelopment of an existing structure. This
128 generally speaks to using the structure as part of the proposed housing. She doesn't believe the
129 bonus has ever been given for converting a shed. She believes the redevelopment of a structure
130 would need to show usefulness and value.

131

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132 Chad Branon continued with the final bonus category of Voluntary Public Infrastructure. Under
133 this category they will seek bonuses for public way betterments, as they will agree to work with
134 the town to provide access to the landlocked property in order to do maintenance and manage it.
135

136 **Discussion:**

137
138 In response to a question from Rich Hart, Chad Branon explained that there may be some one
139 bedroom units built, but there won't be any incentives sought from these.
140

141 In response to a question from Rich Hart, Chad Branon stated the comments from the ACC are
142 appreciated and that they are sensitive to the impacts to the water supply and to Joe English
143 Brook. They will address any concerns and meet them within the necessary parameters, but
144 would not be willing to go to a 200' buffer.
145

146 In response to a question from Rich Hart, Chad Branon stated that he has never tested the ground
147 or surface water before, during, or after construction on any other residential project.
148

149 John D'Angelo stated that he has concerns with this project and double-dipping for bonus
150 purposes. The proposal uses 16 units as a base for the 65+ bonus, and then again as the base for
151 the 2-bedroom bonus, and then again for the ADA compliant bonus. He believes this could lead
152 to 16 units that are 2-bedroom, and ADA compliant in order to double-dip on the bonuses. He
153 would like to see more clarity on exactly how many of each type of unit there will be.
154

155 Chad Branon explained that there will be some amount of double counting, but they are not
156 addressing this as a negative, but instead incorporating different elements that will lead to a
157 diversity of housing stock and styles. He believes that the density bonus worksheet is a dynamic
158 one, where there can be overlap between categories in order to create diversity.
159

160 Brian Coogan stated that he would like to see some transparency as to what will actually be built.
161 The plan is not clearly laying out which units will be at which locations to meet the tighter
162 density being proposed.
163

164 John D'Angelo agreed that he isn't sure that the number of proposed units can fit onto 20 acres
165 of land.
166

167 Sally Wilkins explained that the whole design of the ordinance is that this level of specificity
168 isn't yet complete at this time in the proposal. The developer will get a maximum number of
169 units from the Board during the CUP process. They will then take this number, see how it fits on
170 the land itself, and come back to the Board for a non-residential site review.
171

172 Sally Wilkins addressed the issue of possible double-dipping. She stated that there are certain
173 bonus density categories that will be considered double-dipping and not allowed. However, she
174 believes that walkability and improved access to public spaces bonuses should both be allowed

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175 because there will be two totally different amenities proposed (sidewalks, and access to the
176 landlocked property and existing trails).

177

178 In response to a question from Sally Wilkins, Chad Branon stated that there may be one short
179 section of the road that will have a 9% road grade in order to reduce impacts, but there are still a
180 couple of different options being run through.

181

182 Arnold Rosenblatt stated that needing to complete a site walk is evident. He also stated that, in
183 respect to the ordinance, the burden is on the applicant to show why each bonus on this land is
184 deserved. It is at the Board's discretion to determine if the town will benefit from this plan. The
185 Board needs to be persuaded that the developer is entitled to any bonuses at all because of how
186 the ordinance is drafted.

187

188 Brian Coogan agreed that the land owner has rights to develop the land, but, as a steward of the
189 Board, there is a right to keep the integrity of the town intact as well. While he applauds the
190 proposed amount of open space, he is not clear on the overall objective of this project. The
191 property density has been crammed in to maximize the yield and the profit, but there is a need to
192 do this within the well-being of the town.

193

194 In response to a question from Mike Dell Orfano, a member of the public stated that there are 33
195 existing units on Brook Road. Mike Dell Orfano stated that he would like the applicant to look at
196 how the proposed additional 46 units would impact this area with its existing conditions. The
197 proposed development will more than double the current use of that road.

198

199 Cliff Harris suggested that residents of Brook Road have their water tested before and after any
200 proposed development, as any issue with it afterwards would be a civil one.

201

202 In response to a question from Mike Dell Orfano, Chad Branon stated that the project would
203 likely be constructed in phases.

204

205 Brian Farmer, 20 Brook Road, stated that he owns a small footbridge that crosses the Brook onto
206 the property. The Board may use the bridge to access the land to do a site walk, as long as they
207 notify him first.

208

209 Rob Clemens, Chairman of the Amherst Conservation Commission, emphasized that the open
210 space being offered has been an interest of the ACC for a long time. This property connects the
211 Joe English, Lorden, and isolated Reutsch properties and offers the town real open space and
212 public access. However, the proposed density of this plan will put pressure on the wetlands. It
213 will also impact the storm water flows, ground water aquifer, and Joe English Brook. He urged
214 the Board to look carefully at the associated ordinances to protect this area.

215

216 In response to a question from Mike Dell Orfano, Rob Clemens stated that the ACC would prefer
217 an easement to the land with defined access, and the ability for forestry machinery and
218 recreational use on it.

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219 Dan Burns, 18 Brook Road, explained that this proposed development would leave him with five
220 homes across from his property. He understands the value of the conservation land but questions
221 if it is in the best interest to cluster all of the proposed units near the four abutters. He is
222 interested to see if the densities and layout prove out. The question of well quality and the water
223 quality of the Brook are also important issues.

224

225 Tom Quinn, 30 Christian Hill Road, asked if the Board would consider imposing impact fees, as
226 per Section 4.19, for this new development.

227

228 Mike Dell Orfano replied that that question is better suited for the Board of Selectmen. He did
229 explain that there are time limits on impact fees that the town must match. The fees also can only
230 apply to new impacts, not pre-existing conditions. An impact fee standard has not been adopted
231 by the town.

232

233 Bill Rapf, 43 Brook Road, stated that the Northern Rural zone is unique with its 5 acre zoning
234 because of its topography. Septic systems in this area need space. 46 units in a 5 acre zoning area
235 doesn't make sense. The excess number of houses is not proportional to what the land can put up
236 with.

237

238 Mike Dell Orfano replied that the State doesn't say that 5 acres are required anywhere in the
239 state for septic system use. That amount of land is nice to have, but the technology has advanced
240 since the ordinance for it was made. The Board will do what it can to make sure that the water
241 quality and safety of the neighborhood are preserved.

242

243 Sally Wilkins stated that there is language in the ordinance regarding that the impact to
244 neighbors not be more egregious than what is allowed by right.

245

246 Arnold Rosenblatt stated that the way the standard is articulated shapes the way a project is
247 approached and he doesn't agree with posing the question in that way.

248

249 The Board set the site walk for this project on Saturday, October 19th at 11am.

250

251 Nic Strong, Community Development Director, reminded the Board that it must determine
252 completeness of an application within 45 days of it being delivered and should accept it as
253 complete prior to holding a site walk. She noted that if the Board was not going to accept the
254 application the applicant should state for the record that they were okay with it. The applicant's
255 attorney, Gerry Prunier agreed that his client would consent to this application being tabled for
256 completeness, while being aware of the rules of the regulation.

257

258 **Sally Wilkins moved to table this hearing to the evening of November 20, 2019. Cliff**
259 **Harris seconded.**

260

All in favor.

261

262 *Arnold Rosenblatt exited the meeting.*

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263 *Christy Houpis sat for Arnold Rosenblatt for the remainder of the meeting.*
264

265

2. CASE #: PZ11724-091019 -

266

The Board cleared up an issue regarding the application. There was an abutter listed who shouldn't have been on the list in the first place, as it is not a direct abutter to the applicant.

267

268

269

270

- **Friends of Young Judaea (Owner & Applicant), 9 Camp Road, PIN #: 008-059-000 – Submission of Application/Public Hearing/Wetland and Watershed Conservation District Conditional Use Permit. 1,551 square foot impact to 50' buffer area adjacent to jurisdictional wetland. Zoned Residential/Rural.**

271

272

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275

Marcy Kornreich, a director of the Camp, explained that the boys bunk area has not changed since it was originally built in the 1940's. Parents would like their children to be in bunks with bathrooms and showers. This application is to redo the bunks to add these items.

276

277

278

279

Paul Finger, of the Camp's Board of Directors, stated that the girl's bunks were replaced and refitted with bathrooms and showers in 2016. The plan is to work with Paul Chisholm, of Keach-Nordstrom Associates, to do a five year, phased development of the boy's area. One bunk will be done this year, and the remainder will be done over time, as fundraising occurs. There are a number of hurdles for this plan to overcome. It is expected to fail receiving its building permit, as it doesn't comply with the building code set for it. This will need to have relief sought from the Board of Appeals. The whole project will be filed for with the building inspector. There will be no parking lots or paved roads involved in this project.

280

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287

Sally Wilkins moved to open both hearings for this project. Cliff Harris seconded. All in favor.

288

289

290

291

[Also involved: CASE #: PZ11723-091019 – Friends of Young Judaea (Owner & Applicant), 9 Camp Road, PIN #: 008-059-000 – Submission of Application/Public Hearing/Non-Residential Site Plan review. Replacement of existing dorms in the Boy's area of the camp. Zoned Residential/Rural.]

292

293

294

295

296

Paul Chisholm reviewed the site plan with the Board. The cabins will be reconstructed with bathrooms and showers added. Sewer and electric will be brought to each. The rubble paths to each will also be re-laid; the same gravel material will be used. The applicant is requesting three waivers: 1) to locate all trees of a 5' or greater caliber within the site area, 2) relief from landscaping standards, 3) lighting around the structures themselves.

297

298

299

300

301

302

Paul Finger explained that they are hoping to locate the major trees within the area, but will leave the area mostly wooded. He also explained that the camp is only open in the summer time. All of the lighting will be turned off in the off-season.

303

304

305

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306 **Sally Wilkins moved to accept both plans, the CUP and the NSRP, for review as**
307 **complete. Cliff Harris seconded.**
308 **All in favor.**
309

310 Paul Chisholm explained that there has been a revision to the original drainage plan. This will
311 allow for more runoff from cabin 4A and will allow for more room for activities to the side of
312 the cabin. This will cause an additional 997ft² wetland buffer impact. This is believed to be a
313 reasonable modification.
314

315 **Discussion:**
316

317 Sally Wilkins stated that the ACC advises the Planning Board and the Board will wait to hear
318 from them on some of these items.
319

320 In response to a question from Rich Hart, Paul Finger explained that the new bunks will be larger
321 because the standards from the American Camping Association have changed.
322

323 Mike Dell Orfano reviewed the plan checklist.
324

325 **Cliff Harris moved no regional impact. Brian Coogan seconded.**
326 **All in favor.**
327

328 **Sally Wilkins moved to approve all three waivers. Cliff Harris seconded.**
329 **All in favor.**
330

331 **Sally Wilkins moved to table the final vote on this application to October 23rd. Cliff**
332 **Harris seconded.**
333 **All in favor.**
334

335 **3. CASE # PZ11721-091019 – Judith A. Imperato Trust (Owner) & Fieldstone Land**
336 **Consultants, PLLC (Applicant) – 100 Baboosic Lake Road, PIN #: 006-006-000 –**
337 **Submission of Application/Public Hearing/Final Subdivision. Subdivide existing Tax**
338 **Map 6, Lot 6 into two residential lots. The new proposed lot will be 3.057 acres and**
339 **the remaining lot will contain 12.995 acres. *Zoned Residential/Rural.***
340

341 Mike Ploof, of Fieldstone Land Consultants, PLLC, explained that this proposal is to subdivide
342 Map 6, Lot 6 into two residential building lots. The total area of the lot is 16.05 acres, with 771
343 feet of frontage. The proposed new lot would be 6-6-5. There are at least two waivers being
344 requested: 1) topography on the remainder lot, because there will be no improvements or
345 changes made to it, 2) building setbacks on the remaining lot, for the same reason. Additional
346 waivers could include: fiscal, environmental, traffic, drainage, hydrology, etc. studies because
347 this is a minor subdivision with no intent to develop the remainder lot.
348

349 **Discussion:**

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350 In response to a question from John D'Angelo, Mike Ploof stated that the purpose of the
351 application is to develop the new lot.

352
353 The Board discussed the location of a stump dump on the property and that its location was
354 noted on the plans and should be included in the deeds.

355
356 **Cliff Harris moved no regional impact. John D'Angelo seconded.**
357 **All in favor.**

358
359 **Sally Wilkins moved to waive all of the impact studies because this is a single lot**
360 **subdivision. Cliff Harris seconded.**
361 **All in favor.**

362
363 **Sally Wilkins moved to accept the plan for review as complete. Cliff Harris**
364 **seconded.**
365 **All in favor.**

366
367 **John D'Angelo moved to approve the waiver requests [topography, building**
368 **setbacks on the remaining lot]. Cliff Harris seconded.**
369 **All in favor.**

370
371 The Board discussed the threshold levels of work, per RSA 674:39 for active and substantial
372 development. They decided that the first threshold will be recording the plan. The second
373 threshold will be getting a driveway permit.

374
375 **Sally Wilkins moved to approve the plan as presented, with the precedent conditions**
376 **of the changes before the creation of the mylar that were previously discussed, with**
377 **the paying of any necessary fees and, subsequent to conditions that the bounds being**
378 **set as a precedent condition that they wind up on the mylar and the subsequent**
379 **condition that the applicant has to comply with the subdivision regulations and the**
380 **land is going to be developed as detailed on the plat. John D'Angelo seconded.**
381 **All in favor.**

382
383 **4. CASE #: PZ11722-091019 -TransFarmations, Inc. – Carter Scott, President**
384 **(Applicant), Robert H. Jacobson Revocable Trust (Owner) & Edward M.P. Smith**
385 **(Owner) - 17 Christian Hill Road, PIN #: 005-100-000 & 3 Stonewall Crossing, PIN**
386 **#:005-088-001 – Submission of Application/Public Hearing/Lot Line Adjustment. To**
387 **depict a Lot Line Adjustment between parcels 005-100-000 & 005-088-001. Zoned**
388 **Residential/Rural.**

389
390 *Sally Wilkins recused herself.*

391
392 Ken Clinton, of Meridian Land Services, Inc., explained that this lot line adjustment is between
393 the Jacobson property, about 90.4 acres of vacant land, and the Smith property, about 6.6 acres

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394 of a house lot. The intent is to create Parcel A, which is part of the Jacobson lot, 6.7 acres, part
395 woodland and wetlands. This is located in the southerly corner of the lot. It will be conveyed
396 from the Jacobson lot to the Smith lot. The remaining Jacobson lot will be 83.7 acres, and the
397 resulting Smith lot will be 13.3 acres. This is simply a transaction between two private land
398 owners.

399
400 Ken Clinton reviewed the staff comments on the application.

401
402 **Discussion:**

403
404 Bill Stoughton, 11 Pinetop Road and ACC member, explained that the abutting lot 5-89, called
405 the Rough Diamond Lot, is managed by the ACC. There is an easement on Lot 5-88-1 to provide
406 access to the Rough Diamond Lot from Lyndeborough Road. The corridor is on the eastern
407 boundary and is about 10' wide. The ACC would like for this easement corridor to be depicted
408 on the plan, so as not to be lost.

409
410 Ken Clinton stated that he didn't find a recorded plan for this easement, but will depict it if one is
411 found.

412
413 Bill Stoughton supplied Ken Clinton with a recorded deed of the easement that provides the
414 boundaries.

415
416 In response to a question from Richard Hills, 8 Winding Hollow Road, Ken Clinton explained
417 that this lot line adjustment would not allow for the lot to be further subdivided. This is a private
418 matter with an adjacent land owner.

419
420 **Cliff Harris moved to accept the plan as complete. Christy Houpis seconded.**
421 **All in favor.**

422
423 **Cliff Harris moved to approve the plan subject to adding the easement information**
424 **to the record and the other items that will be changed as noted by Ken Clinton.**

425 **Brian Coogan seconded.**
426 **All in favor.**

427
428 OTHER BUSINESS:

429
430 **5. Minutes: September 4, 2019 & September 18, 2019**

431
432 **Sally Wilkins moved to approve the minutes of September 4, 2019 as amended [Line**
433 **20, 'planned' changed to 'anticipated;'** Line 147, 'Legal counsel has stated' changed
434 **to 'Attorney Muller claimed'].** John D'Angelo seconded.

435 **All in favor.**

436

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437 **John D'Angelo moved to approve the minutes of September 18, 2019 as amended**
438 **[Line 243 'said' added after 'Mike Akillian']. Cliff Harris seconded.**
439 **All in favor.**

440
441 **John D'Angelo moved to adjourn at 11:12pm. Cliff Harris seconded.**
442 **All in favor.**

443
444
445
446
447
448
449
450

451 Respectfully submitted,
452 Kristan Patenaude

453
454 Minutes approved as amended: October 23, 2019