

TOWN OF AMHERST
Planning Board

October 16, 2019

APPROVED-AMENDED

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

Michael Dell Orfano called the meeting to order at 7:33 pm at the Souhegan High School.

COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF
APPLICATION IS ACCEPTED AS COMPLETE:

- 1. CASE #: PZ11604-080519 -Robert H. Jacobson Revocable Trust, Laurie Stevens Trustee (Owner) & TransFarmations, Inc. (Applicant), 17 Christian Hill Road, PIN #s: 005-148-000 & 005-100-000 – Submission of Application/Public Hearing/Conditional Use Permit. To depict a Planned Residential Development per the Integrated Innovative Housing Ordinance (IIHO) *Zoned Residential/Rural*.**

Chairman Dell Orfano noted that the Planning Board will first determine if the application is complete. If it is, then the applicant will make a presentation to the Board regarding the project. The hope is to get this information to the public as well. At the end of the meeting a site walk will be scheduled, which the public is invited to.

Sally Wilkins recused herself.
Brian Coogan sat for Sally Wilkins.

Mike Dell Orfano moved to accept the application as complete. Marilyn Peterman seconded.
All in favor.

Ken Clinton, of Meridian Land Services, stated that he is representing the land owner and Carter Scott, owner of TransFarmations. This is a CUP application for a PRD (Planned Residential Development) under the IIHO, which will be called the Jacobson Farm Agrihood. This is likely the first of a couple of CUP hearings. At this time a presentation will be made and comments will be received from the Board and the public. There will then be a site walk and a second CUP hearing.

This application deals with two lots off Christian Hill Road. Lot 5-148 is on the north/easterly side and lot 5-100 is on the south/westerly side of the road. There is an old farmhouse structure on the property and one last agricultural field which is still being maintained and fertilized.

Carter Scott explained that the Jacobson Farm Agrihood is slated to be a net positive energy efficient development. He has met previously with four abutters to the property and is happy to meet with more. The development will feature:

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1) Net + Homes: these homes produce more energy than they consume over a year's time. Energy needs will be reduced by minimizing high density foam use, using Energy Star windows, Energy Star appliances, roof or field solar arrays, and no fossil fuels;

2) Resiliency: these homes will have options in case the grid goes down such as, battery back-up systems, pellet stoves, food production on site, and possible rainwater collection systems;

3) Diversified Housing: the homes in this development will range from tiny homes to four bedroom homes. The units will be built to look like historic homes.

4) Carbon Storing Farming & House: carbon storage in the fields can be increased using low till and adding amendments, such as biochar. Carbon storage in the housing units can come through minimizing the use of high density foam and minimizing the amount of concrete used.

Ken Clinton showed the Board and distributed a rendering of the site.

Carter Scott described the rendering and the various areas and types of housing shown. He stated that the plan is to preserve the first 25' off the road throughout the development. There will be a parking area for trail access, space for annual crops, and solar arrays.

Ken Clinton shared the existing condition information. The boundaries for both lots have been determined, wetlands have been identified and delineated, and setbacks, SCS soils, flood zones, and aquifer zones have all been surveyed and noted. There are no plans to alter the most northwest corner of the land; it will remain in its wooded state. Lot 5-148 is about 36.2 acres of land. This is where the old farmhouse currently exists, along with the one cultivated field. The topography of this lot slopes gently from the street down towards the wetlands and Great Meadow. Area on this lot that is subject to the 100-year-flood is collocated within the wetland area. This lot was used as fields and farming land about 20 years ago. Lot 5-100 is about 83.7 acres. There is no evidence of any structures, foundation holes, etc. on this lot. This area has a fairly steep section and contains wetland pockets, and a seasonal stream. There are stone walls in this area, signifying former farm use and portions were used as a cow farm.

Ken Clinton explained that Lot 5-100 has a gross area of 83.7 acres; this amount less the wetlands, flood zone, and slopes greater than 20%, leads to a net area of 48.4 acres. The IIHO allows for the net area divided by the minimum zoning lot area (2 acres) to create a base density on this lot of 24.2 units. Lot 5-148 has a gross area of 36.2 acres; a net area of 13.4 acres, leading to a base density of 6.7 units. The two lots combined have a total base density of 30.9 units.

Ken Clinton suggested that, going forward, this be looked at as a singular project, even though it is comprised of two tax map lots. The project could be considered as self-contained on each side of the street.

Ken Clinton explained that lot 5-148 is proposed to have a variety of units and homes. It will have four open space lots (A, B, C, and D). Some of these open space lots will be permitted for more passive means of use, such as footpaths or agricultural components, while others may have more intensive usages. There are single family lots located off and accessed from Christian Hill

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Road. The barn structure will be utilized for community space, with two apartments above, and there will be a one way gravel aisle to be used for parking near it.

Carter Scott ran through a variety of types of housing proposed to be found on this lot including: a 796ft² 2 bedroom ranch, a one floor 2-bedroom unit, a 3-bedroom cottage with an optional greenhouse attached, a 1,720ft² 3-bedroom unit with the option of a 4th bedroom above the garage, and some units with a first floor master bedroom. The attached duplex style units will have different porch options.

Ken Clinton stated that the access to the unit on lot 5-148 will be private through private roads. There is a cul-de-sac proposed on lot 5-100 that is 1,200 linear feet and the only proposed public road. The lot configuration will depend on the septic sizing.

Ken Clinton explained that lot 5-100 will be a mix of single family, multi-family, and senior housing. There will be individual leach fields considered on a per building basis and storm water treatment filtration areas scattered throughout. It is believed that Pennichuck Water will be extended to the lots. They have requested a flow test and will continue to perfect the water design.

Ken Clinton stated that the regulations in a PRD require 40% of the gross area be set aside as open space. Open space does not necessarily mean natural, unused land; numerous uses are allowed. Of the 120 gross acres of land on these two lots a vast majority, 80% of the two parcels, is being proposed for open space in one form or another. Open space A is about 23.7 acres and will possibly be pastureland. Open spaces B, C, and D may have solar panels on parts of them. Open space E is about 63.5 acres. Open space F is about 2.5 acres. According to the PRD regulations there can be no structures in open space land and so some of the area surrounding the solar panels may have to be removed from the total area and thus not qualify as open space. Even with these areas removed, the development will still double the amount of required open space per the regulations.

Carter Scott mentioned that the first floor of the barn will be proposed as community space – open for workshops, CSA pick-up, or usage by the schools.

Carter Scott explained that proposed on lot 5-148 are 10 attached units, 2 single-floor units, 4 studios/tiny houses, 5 2-bedroom units, and 6 rental/deed-restricted units. Proposed on lot 5-100 are 12 senior units, 4 affordable units (for which Amherst falls under the Nashua HUD area), 14 attached units, 18 single-floor units, and 25 2-bedroom units. Ken Clinton noted that the income-restricted housing was not using the workforce housing ordinance but used the HUD income limits in the calculation.

Ken Clinton reviewed the amenities of the proposed development:

- 1) Walkability: there will be internal footpaths, and improvements made to existing trails
- 2) Community Space open to public: open space for the public on both lots, and barn access

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- 131 3) Open Space under Restrictive Covenant
- 132 4) Rental (deed restricted)
- 133 5) Redevelopment of existing structures: the existing farm house will be reconstructed.
- 134 Slides were shown from the Historical Society of the farm house as it once existed as
- 135 the Hudson Stock Farm.
- 136 6) Voluntary Public Infrastructure: extending Pennichuck water.
- 137

138 Looking at the baseline calculations for each lot and adding in each of these bonuses leads to a
139 yield of 47.43 units (lot 5-100) and 18.96 units (lot 5-148), for a total of 64 units.

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141 Ken Clinton explained that the proposed development design originally connected through to
142 Brimstone Hill as a point of egress. However, it was ultimately decided that this is not necessary.
143 A substitute change of 1,200 linear feet of public road was proposed. There will possibly be
144 waivers requested for road design standards. Also, while Christian Hill Road is classified for
145 scenic setbacks, it is not actually a scenic road. The plan will be to limit curb cuts along the road,
146 and group access to units 1-5 and 8-11.

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148 The proposal plans to leave as much natural vegetation at the site as possible. They will also try
149 to keep as many stone walls intact as possible. No new structures in this development will be
150 closer than 50' from the setbacks. Ken Clinton noted that the Planning Board has the authority to
151 determine different setbacks. There will possibly be some wetland buffer waivers requested.
152 These requests will be justified due to the additional methods for collection of storm water and
153 other types of environmental mitigation.

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155 Chairman Dell Orfano raised the question of regional impact. With input being called out from
156 the public, Arnold Rosenblatt suggested that the public be able to comment on this item.

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158 **John D'Angelo moved no regional impact. Cliff Harris seconded.**
159 **Voting: all aye.**

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161 **Discussion:**

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163 The Board agreed that there will be a site walk of this location on October 26, 2019, at 11am. It
164 should take about 1.5 hours. The site walk is open to the public, but no discussions regarding the
165 proposal will take place during it.

166
167 Cliff Harris questioned if the applicant is double-dipping for bonuses. Brian Coogan agreed that
168 the number of attached units proposed are already counted in other restrictions, as are the 2-
169 bedroom units. Mike Dell Orfano questioned if units are of a specific type and of a specific size,
170 if that is truly double-dipping.

171
172 Ken Clinton stated that this way of pursuing development bonuses has never historically been
173 called double-dipping. There is no prohibition to apply multiple incentive bonuses to certain
174 units.

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In response to a question from Brian Coogan, Ken Clinton explained that the PRD is designed in a way to maximize open space, such as leaving 80% open space and developing on only ~24 acres as in this proposal.

Arnold Rosenblatt stated that the ordinance and regulations outline that the applicant must persuade the Board within each bonus as to the need for it in town and that the proposal will satisfy that need. The burden is on the applicant to demonstrate this with respect to each bonus unit.

In response to a question from Marilyn Peterman, Carter Scott explained that the baseline of energy efficiency for these homes will be zero energy, or HERS 0. There is the option in these units to lease or own the solar generation. Once a reasonable base price is determined, the owner will then be able to add energy efficient items à la carte, such as raingardens or pellet stoves.

Marilyn Peterman commented that developing homes that are more energy efficient lends to the overall energy saving for all. She also agreed that it would be a benefit to the development and town if Pennichuck Water can be extended to it.

Ken Clinton explained that there will be different types of ownership throughout the development. There will be a master condo agreement document for the development, but might be additional covenants and restrictions under it for smaller pockets of group homes.

In response to a question from Rich Hart, Ken Clinton explained that, under the IIHO incentive bonus, renovation of the existing farm house could count as 4 bonus units that can be used anywhere on the site. The intention is to fix up the ell section of the house and put two units in it.

In response to a question from Brian Coogan about managing the agricultural side of the project, Carter Scott explained that there is a suggestion to impose a 1% transfer fee each time that a unit is sold. These fees will then go towards operating the farm entity. There is still some fleshing out to do as to whether the management will be done through a 501(c)(3) or as open space equally owned by the owners. The group has met twice with one professional farmer who is local to the area and very interested in the idea.

In response to a question from Brian Coogan, Ian McSweeny, of Farmland Consulting, LLC, explained that the weight of any tractors currently accessing the land via the roadways there are much greater than any of the proposed farm equipment. This will be a smaller, community farm.

In response to a question from Brian Coogan, Ian McSweeny explained that the proposed different farm enterprises would be managed by one single overarching entity.

Lisa Eastland suggested that the developer look into how much 55+/-senior housing is available in town, needed by the town, and currently being proposed by other developments. She also suggested the developer look at the national occupancy rate for tiny houses and show if it's a good type of unit for Amherst.

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Carter Scott explained that the tiny houses will be rentals, and that there is a huge demand for rental properties in town.

In response to a question from Lisa Eastland, Ken Clinton explained that the open space will be managed differently depending on its use. As per PRD regulations, unit owners shall own the open space in common. There was some interest by the Amherst Conservation Commission (ACC) for some open space to be managed as a transitional area for a wet meadow. There is a possibility, if it's best for the town and the project, to convey some of the open space (in open space A) to the town in a fee.

Lisa Eastland expressed concerns regarding the smell of farm animals for those visiting the Meadow View Cemetery. She will also be interested in seeing the traffic studies. Ken Clinton stated that the traffic studies were purposefully delayed until after the start of school, but preliminary numbers should be available for the second CUP hearing.

Christy Houpis stated that he would like to see data specific to Amherst housing levels, instead of the statewide data provided.

In response to a question from Christy Houpis, Ken Clinton stated that he will show a conceptual design at the next time showing that the entire property could be developed, but this might not be an economically viable design. Although some of the land is steep, it can be traversed with the proper engineering and drainage.

In response to a question from Christy Houpis, Ken Clinton explained that he believes the project should be looked at singularly. The deed shows this as a single property, with two tax map lots numbers.

In response to a question from Lisa Eastland, Carter Scott explained that development of lot 5-148 will be phased possibly starting with the farm house renovation, then the homes with frontage on Christian Hill Road and then the pocket neighborhood on Christian Hill Road.

Arnold Rosenblatt left the meeting.

Carter Scott continued that the road would then be constructed, with single family homes coming off it. This would happen naturally over a 5 year or so timeline, based on market demand and the economy.

Chairman Dell Orfano stated that he would like to see the wetlands area near units 16 and 17 during the site walk. He would like further explanation as to the scenic setbacks of Christian Hill Road. He would also like to have a discussion with the Heritage Commission regarding the existing structure on the property. He would like the developer to start thinking of the traffic impacts that might be caused by this proposal in addition to the other currently proposed developments. This should be looked at town-wide, not project specific. He also explained that

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the applicant will need to explain to the Board how the town will benefit from the proposed bonuses being sought.

Public Discussion:

Lisa Eastland moved to limit public comment time to three minutes per resident, and that they may then come back to comment for a second time. Marilyn Peterman seconded.

5-0-1; motion carried (Cliff Harris abstained).

The audience was instructed to ask their questions through the Chair and to state their name and address for the record.

Lisa Eastland sat for Arnold Rosenblatt.

Eugene Ancil, 7 Brook Road, expressed concern over the excrement from farm animals draining down into other resident's wells. He also noted that if the paved road is pre-treated with a salt brine solutions that could also leach into the surrounding water source.

Pam Butler, 99 Boston Post Road, explained that she lives at the corner of Foundry and Boston Post Road and has concerns regarding the traffic and safety of school children with two elementary schools quite close by.

In response to a question from Pam Butler, Carter Scott stated that the houses in the proposed development will be built to be energy efficient, and at a standard of HERS 0 or less. The houses will be designed using REM/Rate software. The land on these lots is in the process of being transitioned to organic over a three year period. There will be no pesticides, chemicals or fertilizers used. The land is currently non-organic.

In response to a question from Brian Coogan, Ian McSweeney explained that the weather will be a large determinant of whether irrigation will be needed for the fields on the properties. Ken Clinton added that there might be a possibility to include an artesian well. The plan is to supplement the water supply realistically and in a way that doesn't affect the neighboring wells.

Daniel Muller, of Cronin, Bisson, & Zalinsky, stated that he represents around 30 people in regards to this application. He is also a resident of the town, 13 Holly Hill Drive. He stated that he has an objection to the CUP standards not being adhered to by the Board. He believes that the applicant must demonstrate that the burden has been met and that this should not be delegated to a later meeting. Items such as the drainage report, traffic study, and the site plan review have not yet been submitted and should be reviewed prior to continuing this application and/or site walk. Without having these criteria satisfied, the application is subject to denial.

Cliff Harris disagreed and stated that the site walk gives the Board the ability to look at the property first-hand before furthering the discussion. This is the process that the Board likes to follow in order to get their hands on the project and be a part of it.

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Chairman Dell Orfano further explained that all of the items mentioned by Mr. Muller will be addressed in due process. The ordinance outlines the process and the Board is following the ordinance.

Rob Clemens, 13 Tarleton Lane, explained that he is the Chairman for the ACC and that the Commission provided comments to the Board regarding an interest in protecting the water quality of the Great Meadow, and the effects of the proposed open space density bonuses on abutting conservation lands. There have been some modifications made to the plan, which were shown tonight, that address many of these items. There is still a concern regarding the wetland buffer variances that may be requested, and the ACC will be interested in hearing more about this.

Jim Hendrix, 44 Christian Hill Road, referred to an NRPC traffic count at Spalding Field that showed 744 trips/week or about 106 trips/day. An estimated trip generator shows that this proposed development could add an additional 480 trips/day. Historically the traffic trip generator has been about 20% lower than Amherst's actual numbers, which could lead to an actual addition of 576 trips/day, an increase of 542%. This increased amount is untenable and he believes the Board needs to address how to mitigate it.

Chairman Dell Orfano explained that the mixed type of housing units in this proposal will probably change these numbers a bit.

Tom Quinn, 30 Christian Hill Road, stated that there was no discussion regarding regional impact of this application with the public, which speaks to the application being "rubber stamped" by the Board. Amherst shares a school system with Mont Vernon, and thus it is absurd that there was no discussion over the possibility of this application having regional impact. Even when Arnold Rosenblatt tried to encourage discussion with the public on this issue, the topic was cut off.

In response to a comment from Tom Quinn, Chairman Dell Orfano stated that the Board of Selectmen is the one that would set up an impact fee schedule. Tom Quinn noted that the Planning Board is the one to push for that fee to be set up and then administer it.

Lisa Eastland commented that the Board of Selectmen plans to discuss impact fees at a future meeting. The Planning Board will likely discuss it further after that time.

Matt Dessureault, 42 Syracuse Road, Nashua, voiced concerns over the energy crisis, not just in Amherst, but everywhere. He believes someone needs to be thinking about that. It's not every day that a development comes along that is making a conscious decision to create zero energy housing. This type of housing could pull in interest in the town and pass positive effects onto the entire community.

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Patricia Bodan, 54 Christian Hill Road, read a statement regarding the possible effects to wildlife if this area becomes fragmented due to this proposed development. She requested that the developer consider leaving a wildlife corridor through the development.

In response to a question from Gabe Bolin, 3 Brimstone Hill Road, Ken Clinton explained that they are waiting for a flow test from Pennichuck Water in order to determine what will need to be done in regards to fire hydrants for the proposed development.

In response to a question from Gabe Bolin, Ken Clinton stated that an environmental engineer was brought in to test five locations on the site for pesticides/herbicides. None of the tests exceeded the reportable threshold. Ian McSweeney added that the intent is to have this be an organic farm. It is known that the present farming method was spreading manure that might contain pesticides, but the plan is to make the soils and practices of this farm organic going forward.

In response to a question from Scott Stimpert, 7 Brimstone Hill Road, Chairman Dell Orfano stated that the Board believes it correctly followed its practices when it determined no regional impact by the application to abutting communities. Chairman Dell Orfano explained that the Board did not consider the school system impact to be enough to notify Mont Vernon.

In response to a question from Scott Stimpert, Chairman Dell Orfano stated that the document handed out before the meeting was to be informational only. Sally Wilkins added that she wrote the document in 2008 and has since updated it. It is a document meant to help those unfamiliar with the application process. It is not an official Planning Board document, simply a helpful handout. It was not intended to suppress abutters or other public members, but simply to explain the process.

Scott Stimpert stated that the document was only passed out to abutters, appears to come from the Planning Board, and thus puts the Board in a bad perception. He also stated that he believes, per state statute, that if someone from the Board recuses him/herself, that person should leave the room. He explained that Sally Wilkins recused herself but continued to sit in the audience, and, moreover, three times during the meeting, other Board members left the stage to go converse with her. All of these things feed the bad perception of the Board.

Sally Wilkins commented that she had sent a text message to Arnold Rosenblatt during the meeting, asking if the Board accepted the plan for review. He then came to answer her.

Dean Collura, 32 Christian Hill Road, stated that he wants a conscientious developer and that there appears to be a lack of transparency in this process, although this is possibly not the intention.

Tom Quinn, 30 Christian Hill Road, stated that this development appears to be wrapped in a net 0 energy, CSA farm bundle, but is really just a high density housing development. If the farming

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and 0 energy items are stripped away, this is just a 64 lot subdivision. There is no way to confirm the other items will happen.

Chairman Dell Orfano stated that if the items are in the plan, they will happen. Otherwise, building permits will not be issued.

In response to a comment from Tom Quinn, Marilyn Peterman stated that she has been on/off the Planning Board for 40 years and cannot recall one project where the developer didn't meet expectations and didn't then have their plan pulled or did not receive building permits.

John Condon, 11 Gowing Lane, stated that this meeting started at 7:30pm and neither the developer, nor the Board had any time limits on their discussions or questions. However, now the public is only given three minutes each to speak. This does not put the Board's best foot forward or add to their perception.

Kelly Mullins, 48 Christian Hill Road, stated that no time limit was imposed on abutters or the public during other recent application hearings. There becomes a perception when that limit is only imposed on this group of abutters. She doesn't believe there is anything to stop this developer from building part of this development and then walking away from it, leaving the town with the burden.

Chairman Dell Orfano stated that there will probably be a restoration bond for this development that would help to restore the property if that was to occur. This is not unique to this project.

In response to a question from Frank Montesanto, 55 Christian Hill Road, Carter Scott explained that he has worked on 13 similar projects to this one and completed approximately 100 similar homes. This will be the most innovative work of his life. Ian McSweeney added that, in addition to Mr. Scott's past projects, he himself has worked to conserve 100 farms, over 1,200 acres in the state.

Frank Montesanto voiced concerns over the safety of the solar panels/arrays that are proposed for the fields. He suggested speaking with the Fire Department over any issues these might create.

Marilyn Peterman left the meeting. Christy Houpis sat for Marilyn Peterman.

Cliff Harris moved to table this application to November 6, 2019. Christy Houpis seconded.

All in favor.

OTHER BUSINESS:

2. Minutes: October 2, 2019

The group agreed to postpone review of the minutes until their next meeting.

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Cliff Harris moved to adjourn at 11:03 pm. Brian Coogan seconded.

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All in favor.

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446 Respectfully submitted,

447 Kristan Patenaude

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449 Minutes approved as amended: November 20, 2019