

TOWN OF AMHERST
Planning Board

October 23, 2019

APPROVED

1 In attendance: Michael Dell Orfano- Chair, John D'Angelo-Selectman Ex-Officio, Marilyn
2 Peterman, Sally Wilkins, Arnold Rosenblatt, Rich Hart, Brian Coogan, Cliff Harris, Christy
3 Houpis (Alternate), and Lisa 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 7:33 pm at the Amherst Town Hall.
8

9 **1. CASE #: PZ11724-091019 -Friends of Young Judaea (Owner & Applicant), 9 Camp**
10 **Road, PIN #: 008-059-000**– Public Hearing/Wetland and Watershed Coservation District
11 Conditional Use Permit. 1,551 sqare foot impact to 50' buffer area adjacent to
12 jurisdictional wetland. *Zoned Residential/Rural. Tabled from October 2, 2019.*
13

14 **Sally Wilkins moved to untable the application. John D'Angelo seconded.**
15 **All in favor.**
16

17 **Arnold Rosenblatt moved to untable the application for [CASE #: PZ11723-091019 –**
18 **Friends of Young Judaea (Owner & Applicant), 9 Camp Road, PIN #: 008-059-000 –**
19 **Public Hearing/Non-Residential Site Plan review. Replacement of existing dorms in the**
20 **Boy's area of the camp. Zoned Residential/Rural. Tabled from October 2, 2019.] Sally**
21 **Wilkins seconded.**
22 **All in favor.**
23

24 Paul Chisholm, from Keach-Nordstrom Associates, explained that he presented the plans to the
25 Amherst Conservation Commission (ACC) at their most recent meeting. A letter of
26 recommendation was sent to the Board by the ACC. He reviewed a few of the items on the most
27 recent staff report. He explained that any fertilizer on site will be used in a certain manner and
28 not anywhere near the wetland buffer. The camp's operational and maintenance plan will be
29 revised to further restrict the usage. He also questioned when the construction will be considered
30 complete, as per the CUP process. Construction will take place in several phases, depending on
31 the timing of and amount fundraised. The hope is to start construction of cabin 4A as soon as
32 possible, but the exact timeline is dependent.
33

34 In response to a question from Marilyn Peterman, Paul Chisholm stated that the old cabins will
35 not be torn down all at once. Each cabin will not be torn down until the group has the funding to
36 build a new cabin in its place.
37

38 Nic Strong, Community Development Director, explained that the language in the zoning
39 ordinance for the CUP states the construction must commence within one year, and if it is not
40 started within an additional year, the CUP is null and void.
41

42 Sally Wilkins suggested that construction of the first cabin could be considered commencement,
43 and the pulling of the final certificate of occupancy could be considered completion.
44

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45 In response to a statement from Mike Dell Orfano, Sally Wilkins explained that the municipality
46 adopted the IBC (International Building Code) by reference. This would require the Friends of
47 young Judaea to return to the Zoning Board of Adjustment (ZBA) each time they need to pull a
48 certificate of occupancy over the years that this project will take place. She would like to waive
49 this requirement.

50

51 In response to a question from Mike Dell Orfano, Paul Chisholm stated that if the ZBA refuses to
52 waive the IBC requirements for the plans, the group will have to return to the Planning Board
53 with an amended site plan.

54

55 In response to a question from Mike Dell Orfano, Paul Chisholm explained that the camp has a
56 temporary handicap ramp that can be used when needed, instead of building a permanent
57 structure.

58

59 Mike Dell Orfano read through the five conditions outlined on the staff report: that the property
60 in question is in conformance with the dimensional requirements of the zone, and that the
61 proposed use is consistent with the Amherst Master Plan; that the proposal meets the purposes of
62 the ordinance under which the application is proposed [to mitigate impacts to the wetlands];
63 there will be no significant adverse impacts resulting from the proposed use upon the public
64 health, safety, and general welfare of the neighborhood and the town of Amherst; that the
65 proposed use will not be more objectionable to nearby properties by reason of noise, fumes,
66 vibration, or inappropriate lighting than any use of the property permitted under the existing
67 zoning district ordinances; that the proposed use will not adversely affect the ground water
68 resources of Amherst.

69

70 Rich Hart commented that the proposed pools for collecting drainage water are better than what
71 currently exists on the site.

72

73 Cliff Harris suggested that a plaque be installed noting where the wetlands are on site.

74

75 **Arnold Rosenblatt moved to approve the CUP as requested, consistent with any**
76 **staff notes, and including the request to install a wetlands placard. Cliff Harris**
77 **seconded.**

78

79 **Discussion:**

80

81 In response to a question from Sally Wilkins regarding the second part of this CUP application,
82 Mike Dell Orfano read through the conditions related to that case including: that the proposed
83 activity minimizes degradation of land situated within the district, and offsets potential adverse
84 impacts to functions and values of wetlands, surface water and vernal pools; that the proposed
85 activity will have no significant negative environmental impact to abutting and downstream
86 properties of the hydrological connected waters or wetland resources; that the proposed activity
87 or use cannot practically be located otherwise on the site to eliminate or reduce impact to the
88 wetland or watershed conservation district; that the Board impose conditions of approval, if

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89 deemed necessary, to mitigate the potential for adverse effects caused by the proposed activity or
90 use [placards].

91
92 Arnold Rosenblatt explained that the unstated parenthetical to his motion was that these criteria
93 have been fulfilled to the Board's satisfaction, that the ACC has supported the application, and
94 that his motion stands as such.

95
96 **All in favor.**

97
98 **Sally Wilkins moved to approve the site plan, with the modifications to the plans**
99 **that were discussed at the previous meeting, with the determination that pulling a**
100 **building permit for the first cabin constitutes active and substantial development**
101 **and pulling a CO for the last one constitutes completion, and that they have up to**
102 **five years to complete the project, or come back to ask for an extension. Cliff Harris**
103 **seconded.**

104 **All in favor.**

105
106 OTHER BUSINESS:

107
108 **2. Master Plan Discussion**

109
110 Sally Wilkins explained that, after hearing from Nic Strong regarding a possible Master Plan
111 process at the last Board work session, Mike Akillian approached the group with a different
112 possible approach. This approach would use a broader umbrella of themes versus the silos of
113 function approach that has been used in the past. It was decided that a small group of seven
114 individuals from various parts of the community would meet for one focus session in order to
115 evaluate and discuss the possible themes and the approach. This was a public meeting and
116 minutes were kept. The Board can now evaluate the process and possible themes that came out
117 of that focus group and decide how best to move forward.

118
119 Mike Dell Orfano explained that the threshold issue is to decide if the Board would like to
120 pursue the theme approach or the more traditional silo approach. The newly proposed theme
121 approach does not limit public involvement, but helps to create focus in the process.

122
123 Mike Akillian explained that there are only two required sections of the Master Plan: Vision
124 (what's to be achieved) and Land Use (how to achieve it). The Master Plan and CIP (Capital
125 Improvement Plan) processes are two ways to engage residents, businesses, and institutions to
126 envision and achieve a desired future.

127
128 Mike Akillian explained that the state sets up municipal government to work most effectively in
129 silos. These silos either have a vertical or horizontal focus. The only two places in municipal
130 government for there to be a look across the silos and community are through the Master Plan
131 and CIP. He believes that residents are more likely to be engaged with the Master Plan process if
132 questions and framed in ways that matter to them.

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133 He stated that there are four main themes currently being presented: 1) Character of the town, 2)
134 Living for one's entire life in the town, 3) Business in town, 4) Infrastructure of the town. The
135 focus group wanted to make sure that two items, education and transportation, stand out amongst
136 these theme questions.

137
138 Rich Hart suggested that there be a possible question under the Infrastructure section regarding
139 how the town plans to deal with climate change, and also if there is a possibility for the town to
140 move towards being a 100% renewable energy community in the future.

141
142 Mike Akillian explained that the Planning Board could use these themes to form a task
143 force/steering committee, with five groups under it. One group for each of the four themes, and
144 the fifth group to deal with communication and engagement. These groups would look at data,
145 analyses, and possible scenarios or tradeoffs involved.

146
147 He proposed there be a public information campaign to explain the Master Plan process, the
148 timeline, and the community involvement the Board is looking for. The working groups could
149 then start tackling their questions, determining what data and analyses are needed, and laying out
150 some scenarios to offer suggestions in a conceptual manner. Possibilities will come up in each
151 area, and the public will be able to decide which ideas rank above others, as there is only a
152 certain amount of money that can be put towards all projects. This can then tie into the CIP
153 process and town's multi-year budget.

154
155 He explained that there are two types of communication flows in this process: 1) informing and
156 educating the general public regarding the Master Plan process, 2) engagement of the general
157 public, which requires going to where they are, and giving them access to information.

158
159 He believes that a public information campaign could start in November, and proposed budget
160 could be discussed as part of the FY21 planning and budget process. He suggested that the group
161 seek data and information from NRPC.

162
163 In response to a question from Marilyn Peterman, Mike Akillian suggested that the Board see
164 what kind of data NRPC has that could help, as the 2020 census data won't yet be available for
165 the process. Sally Wilkins added that the American Community Survey was mentioned in a
166 previous meeting as a way to get interim data.

167
168 Nic Strong commented that she has a concern regarding presenting the public with a set of pre-
169 determined, narrow issues, where the Board might receive more questions and possible themes
170 using a broader based community input session first. These themes may stop additional
171 comments or questions from being brought up.

172
173 Mike Akillian explained that, as part of the engagement process, the public would be asked for
174 their input on the themes, but also in regards to what may be missing or what needs to be added.

175

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176 Mike Dell Orfano and Sally Wilkins stated that the process took about 18 months last time.
177 There was a lot of public interest in the beginning, but that petered out quickly.

178
179 Mike Dell Orfano stated that it is the Planning Board's job to integrate all of the different Board
180 and Departments into the Vision process.

181
182 Sally Wilkins stated that she believes the theme approach is more engaging to others on a deeper
183 level than the traditional approach. This method should help to create a Vision for the town from
184 the bottom up.

185
186 Brian Coogan stated that he believes the theme approach is a good notional direction to start the
187 process in. He believes that the Master Plan should be recalibrated year after year in order to
188 drive towards changing goals.

189
190 John D'Angelo stated that he likes the theme approach as a way to suss out a vision from the
191 community and to layout various scenarios to see what people like. He hopes that data and
192 scenarios will help people to understand the implications of the things they want. He also noted
193 that the town's industrial zone sits on an aquifer and has no gas or sewer running to it, and that
194 he looked through Board of Selectmen minutes from 30 years ago that mention wanting to
195 develop that area. He believes the public needs to understand the tradeoffs for their different
196 wants.

197
198 Arnold Rosenblatt noted that he asked in a previous meeting for an example of a single New
199 Hampshire town that has completed a Master Plan that actually works; one that people are
200 pleased with and that has actually given them something to implement from. He would also like
201 to see a successful Master Plan pointed to that has used the thematic approach.

202
203 Nic Strong stated that she received many comments from towns that liked the Master Plan
204 process or document they received from the process, but none that has successful projects stem
205 from it. She gave the example of the Community Profile in New Boston that led to the creation
206 of a footbridge across the river. This was a library action project, not a Master Plan.

207
208 Mike Akillian stated that the thematic approach has been discussed by many groups in the state.
209 This idea has gained a fair amount of traction and interest. Amherst would not be the 1st to use
210 this approach.

211
212 Arnold Rosenblatt stated that he doesn't believe the process for the last Master Plan served any
213 purpose, and he is not aware of any other town in the state that has implemented this approach
214 successfully. However, he is in favor of trying the thematic approach, as it is a more imaginative
215 and creative way to approach the process. He believes the Board should move forward with the
216 process as outlined by Mike Akillian. He also believes it is important to try to have as little bias
217 in the theme questions as possible, in order to attract conversations. He stated that the subgroups
218 for each theme should have at least one Planning Board member on each.

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220 In response to a question from Christy Houpis, Arnold Rosenblatt explained that, during the last
221 Master Plan process, a consultant was contracted by the town for about \$100,000. There were a
222 number of outreach efforts undertaken, none of which were particularly successful, and none of
223 which brought in a large variety of perspectives. In the end, the Plan was perceived as very
224 generic and could not be used as a useful document by the Board. He does not believe the
225 process was meaningful or effective.

226

227 In response to a question from Christy Houpis, Mike Akillian stated that he is going to have a
228 conversation with OSI, Office of Strategic Initiatives, regarding the thematic approach to make
229 sure the town will be ok to move forward with possible grant opportunities in the future.

230

231 In response to a question from Christy Houpis regarding some of the “chronic issues” the town
232 faces, Mike Akillian explained that the thematic approach can be a more holistic way of
233 addressing these issues, with more context behind them.

234

235 Christy Houpis suggested that the Board be cautious regarding the process, procedure and
236 transparency in getting community involvement for the process.

237

238 Lisa Eastland stated that the thematic approach appears to provide structure for the process and
239 will seek engagement from both high level and “in the weeds” people from the community. This
240 approach is accessible and will get the process started more quickly. She suggested starting with
241 an article in the Citizen and then including information in the tax bills.

242

243 **Public Discussion:**

244

245 Doug Chabinsky, 89 Boston Post Road, asked how the Board is going to develop a plan if they
246 don’t know where they want to go. He believes the theme approach is a valid one and that the
247 questions mentioned aren’t meant to lead anyone. The questions will lead to input and then a
248 conversation can be had regarding competing factors. The town will then have a Plan that should
249 be revisited every year because the world changes and the plan will need to adapt.

250

251 Kelly Schmidt, 11 Patricia Lane, stated that she believes a successful plan will only be
252 accomplished with the buy-in of the public and other entities in town. She cautioned the Board
253 regarding the public pre-planning meeting they had, as she believes it was not notified and thus
254 should not be considered “public.” There is a concern from the public regarding the Board’s
255 proceedings and she believes it may be a challenge to get buy-in from the public for the Master
256 Plan due to this.

257

258 Danielle Pray, 7 Stearns Road, stated that the meeting was public and was noticed on the town’s
259 website; she attended the meeting. She questioned the price difference between the theme
260 approach planning process and the silo approach.

261

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262 Nick Loy, 15 Willow Lane, stated that he found the consultants used for the last Master Plan
263 process to be astute and thus he wonders why that Plan failed. He believes there should be a
264 couple of large public meetings to gather the opinions of many townspeople.

265
266 Jeanne Ludt, 3 School Street, explained that there was a Community Profile sponsored by the
267 UNH Cooperative Extension back in the late 90's. This was a two-day event which saw more
268 than 100 people gather at the Souhegan High School to come up with recommendations. She saw
269 this as a great community building experience. She recommends this type of meeting as a kick-
270 off for the planning process.

271
272 Eugene Anttil, 7 Brook Road, stated that there is an algorithm for an innovative approach to
273 integrating the community in this process. He believes the key linchpins in the community need
274 to be identified. A certain demographic is moving into this town certain reasons. He encourages
275 the Board to do analyses and data mining to see what the future could be and to see what that
276 demographic wants. He believes a Master Plan should be no more than 3-5 years old, and that
277 anything older would create a stagnant plateau, leading to no economic growth for the town.

278
279 The Board discussed how to craft a budget amount for this planning process, while still being so
280 early in its development. If the Board wants to have funding for this project in next year's
281 budget, they will need to incorporate a number by next month.

282
283 Eugene Anttil stated that he believes the Board's fiscal planning should be more advanced and
284 intelligent than looking only a month out. The Board should already have a budget for this
285 process if the Master Plan update is supposed to occur in 2020.

286
287 **Arnold Rosenblatt moved to proceed with the Master Plan process, based on**
288 **establishing the steering committee which will work with the themes that Mike**
289 **Akillian has identified, with the understanding that there's nothing to preclude one**
290 **from modifying those or adding to them; the steering committee will be made up of**
291 **Planning Board members and members from various groups, and there will be**
292 **subcommittees, as identified by Mike Akillian as well. Cliff Harris seconded.**
293 **All in favor.**

294
295 In response to a question from Mike Dell Orfano regarding a community profile, Mike Akillian
296 stated that he would like the Board to begin a public information and engagement campaign in
297 November. He believes NRPC should be consulted regarding the cost of their analyses. He
298 believes the education and outreach will cost more than the Board might think. He doesn't
299 believe the community profile should be rushed into, but still budgeted for.

300
301 The Board discussed the number of members that should be on each subcommittee. Sally
302 Wilkins suggested that there should be one member on each subcommittee and one member as a
303 general coordinator. After those people are identified, the Board can approach the public to see
304 who is interested in being involved. The Board should also work to identify the skill sets that will
305 be needed in each subgroup.

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306 The Board agreed to meet on October 30th for a work session on this. Christy Houpis agreed to
307 try crafting a community plan for the Board.

308

309 **3. Discussion regarding quantification of the benefits to the Town of the Integrated**
310 **Innovative Housing Ordinance**

311

312 Mike Dell Orfano stated that this conversation is to look at the process the Board uses to allocate
313 bonuses to developers and how to decide what qualifies, or not, for these bonuses. He stated that
314 the burden is on the applicant to show why they deserve any bonus for the proposed
315 development.

316

317 Sally Wilkins explained that different housing types (age-restricted, handicap accessible, rentals,
318 etc.) are all allowed as distinct amenities for the same unit under the regulation and that this is
319 not contrary to the spirit of the ordinance.

320

321 Marilyn Peterman stated that this ordinance was written, discussed and these bonuses were also
322 discussed. The ordinance was voted on by the Board because it was believed these items were
323 things the town needed. She believes the term “double-dipping,” in regards to these bonuses
324 gives the connotation of being pejorative. In housing, the town lacks the diversity that this
325 community has looked for for a very long time, and this ordinance tried to bring that together. A
326 unit providing three types of opportunities in the same unit is allowed not only because the town
327 needs it, but also because the area needs it. The town, according to the last census, has a housing
328 stock of only 7% attached housing; the rest is likely single-family, 3-4 bedroom homes, which is
329 what the Board was trying to get away from with the PRD plan. Developers are sometimes trying
330 to supply the things the Board enumerated in the ordinance.

331

332 Arnold Rosenblatt stated that this conversation is inappropriate and that the Board should not be
333 having it. This discussion can be had with respect to specific applications but it is not a debate to
334 be had at this meeting. He does not believe that anything that any Board member says in the
335 abstract, with respect to this ordinance should not have any weight. The bottom line is that the
336 burden is on the applicant in each instance to demonstrate that there is a need for that type of
337 bonus and that they are entitled to that bonus. That should be addressed on an application-by-
338 application basis. The Board is not here to provide principal views about when bonuses are or are
339 not appropriate.

340

341 Cliff Harris agreed that the discussion should end with the applicant having the ultimate burden
342 of proof.

343

344 Marilyn Peterman stated that the Board does this all the time at the discussion of these
345 submissions and is not usually on the same page as to how to make these applications apply
346 because each members has its own views.

347

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348 Mike Dell Orfano stated that the Board has three new members to discuss this with. He wants to
349 drive home to them that the ordinance gives the Board a tremendous amount of latitude to
350 determine the appropriateness of the applicant's density bonus requests.

351
352 Lisa Eastland stated that she likes the term "stacking," instead of "double dipping."

353
354 Mike Dell Orfano stated that he needs everyone to understand the basis for why the ordinance
355 was written the way it was, so that members can speak in a common voice towards applications.

356
357 Sally Wilkins stated that it is important for Board members to read the ordinance so that they
358 understand how they are written and the idea behind them.

359
360 Mike Dell Orfano stated that the ordinance came from the Master Plan process ten years ago.
361 The Board took the initiative to understand what the town needed for housing and created the
362 IIHO to get diversity for human, economic, and housing needs, to accommodate a changing
363 demographic. This was built into a single ordinance for a single process.

364
365 Jeanne Ludt, 3 School Street, stated that the ordinance was created ten years ago to meet certain
366 needs, but the Board may now need to re-clarify the demographic.

367
368 Mike Dell Orfano stated that the ordinance is only two years ago and the Board continues to
369 make changes to it and develop it to make it easier to understand.

370
371 Danielle Pray, 7 Stearns Road, stated that she looked at the ordinance information presented to
372 voters back in 2014/15. A large section of the ordinance deals with bonuses, however there was
373 no mention of density bonuses to the voters, in that wording. She believes the town may be
374 dealing with a perfect storm of no impact fees, density bonuses, good schools, and a nice
375 community. She has spoken to many people who don't remember voting for density bonuses,
376 and that's because it was not in the wording presented to them. With a new Master Plan coming
377 in, this could be a time for the Board to rethink the ordinance or the density bonus section. She
378 isn't aware of any other towns that have density bonuses and no impact fees. The Board can do
379 something to fix this situation.

380
381 Mike Dell Orfano stated that the ordinance is not something that can be turned on/off and that
382 many other towns are looking to doctor this type of ordinance for their own use.

383
384 Danielle Pray suggested that the Board look only at revising Section E (density bonuses) of the
385 ordinance. A change can be made by this Board, by the Board of Selectmen, or by public
386 petition.

- 387
388 **4. REGIONAL IMPACT:**
389 **a. Clearview Development Group, Tax Map 7 Lot 72 and Tax Map 5 Lot 159-01,**
390 **Boston Post Road and New Boston Road, Planned Residential Development,**
391 **Design Review, 66 units.**

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392 *Sally Wilkins recused herself.*

393

394 Nic Strong explained that all land use Boards have to consider regional impact, but there is no
395 specified time when the discussion must be had, other than “upon receipt of application.” If the
396 Board waits to discuss regional impact until the application hearing, and it is decided that there is
397 regional impact, the whole process comes to a halt until the impacted community is notified.

398

399 Marilyn Peterman explained that there has been past conversation on this topic regarding the
400 schools. However, this decision is difficult to make without knowing what types of housing will
401 be in these proposed developments. Smaller units have not shown a significant impact on the
402 schools in the past. Many of these applications don’t yet have enough information to determine if
403 there will be an impact on the schools.

404

405 Christy Houpis stated that, however the Board decides to move forward with these discussions, it
406 should be a consistent process because the Board currently has a huge public relations issue.

407

408 **Arnold Rosenblatt moved that there is potential regional impact to Mont Vernon**
409 **from this project’s application. Marilyn Peterman seconded.**

410

411 **Discussion:**

412

413 In response to a question from Rich Hart, Mike Dell Orfano stated that, if regional impact is
414 determined, the Board notifies the other community and the burden is then on that town to come
415 to the Planning Board meeting to hear the facts of the case.

416

417 John D’Angelo stated that the proposed impact might be to the schools, but not to Mont Vernon
418 itself.

419

420 Doug Chabinsky, 89 Boston Post Road, stated that the Board appears to be looking at each high-
421 density housing proposal individually. The Board needs to look at the impact of all of the
422 proposed developments together. The current Master Plan allows for each development to be
423 looked at piecemeal, instead of in total, but he Board should keep these impacts in mind.

424

425 Mike Dell Orfano stated that this is a procedurally bound Board that is obligated to respond to
426 regional impact on each application irrespective of the rest.

427

428 **Voting: 5-1-1 (John D’Angelo voted against, Brian Coogan abstained); motion**
429 **carries.**

430

431 **b. Dennis & Elise Jaques and Charlies Benjamin & Shera Allen Brown, Tax Map 7**
432 **Lots 33-5 & 33-6, High Meadow Lane, Lot Line Adjustment.**

433

434 **Marilyn Peterman moved no regional impact. Cliff Harris seconded.**

435 **All in favor.**

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436 The Board discussed that the Board of Selectmen will be talking about impact fees at their next
437 meeting.
438

439 **5. Minutes: October 2, 2019**
440

441 **Arnold Rosenblatt moved to accept the October 2, 2019 minutes as amended [Line**
442 **147: to add the word “residential” before the word “project.” Line 210: to remove**
443 **the apostrophe after “ACC”]. Cliff Harris seconded.**

444 **All in favor.**
445

446 **Brian Coogan moved to adjourn at 10:42 pm. Cliff Harris seconded.**

447 **All in favor.**
448
449
450
451
452
453
454
455

456 Respectfully submitted,
457 Kristan Patenaude
458

459 Minutes approved: November 20, 2019