

TOWN OF AMHERST
Planning Board

November 20, 2019

APPROVED - AMENDED

In attendance: Michael Dell Orfano- Chair, Arnold Rosenblatt, John D'Angelo-Selectman Ex-Officio, Marilyn Peterman, Rich Hart, Brian Coogan (Alternate), 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 7:36 pm at the Town Hall.

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

Mike Dell Orfano opened CASE #: PZ11605-080519.

Cliff Harris entered the meeting.

Marilyn Peterman moved to accept the application as complete. Arnold Rosenblatt seconded.

Brian Coogan sat for Sally Wilkins.

All in favor.

The Board agreed to hear the information for the Conditional Use Permit (CUP) from the applicant first.

Chad Branon, PE, of Fieldstone Land Consultants, explained that he is representing 24 Brook Road and was joined by the client's attorney, Gerry Prunier. There was a formal presentation of this project to the Board on October 2nd and a site walk of the area on October 19th.

Mike Dell Orfano reminded the applicant that the burden is on the applicant to demonstrate how the project will benefit the town.

Chad Branon, PE, stated that there are currently 46 units being proposed as part of this project. This includes a variety of housing types and styles. A variety of ownership types is also being proposed. He then outlined, per Zoning Ordinance 3.18, the CUP criteria for the project.

- 1) **3.18 C. 1. a.** The property in question is in conformance with the dimensional requirements of the zone, or meets Planning Board standards for the reduction in dimensional requirements, and that the proposed use is consistent with the Amherst Master Plan.

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Chad Branon, PE, noted that this project is in conformance and is also consistent with the Master Plan. The Master Plan notes a desire for open space, mixed-use in development, and diverse housing types that work with the changing demographics of the town. The Master Plan also recommends respecting and preserving the town's natural resources. This project touches on all of those elements.

In response to a question from Mike Dell Orfano, Chad Branon, PE, explained that this project proposes to preserve approximately 80% of the land into permanent open space; this is approximately 102 acres. The layout of the development also looks to consolidate the construction centrally on the property in order to maximize buffers and distance to other existing properties.

Sally Wilkins entered.

- 2) **3.18 C. 1. b.** The proposal meets the purposes of the ordinance under which the application is proposed.

Chad Branon, PE, explained that this PRD project is located in the Northern Rural zone and is a permitted use in that zone. Thus, it meets the purposes because it is a permitted use. The purpose of the IIHO is to facilitate housing while preserving the overall setting; this project meets that purpose as well. Some of the proposed homes will be starter homes but not necessarily "affordable" homes.

- 3) **3.18 C. 1. c.** There will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the Town of Amherst.

Chad Branon, PE, stated that the project will meet and exceed all of the local standards and will also meet all of the state and federal standards. The project will have to comply with all regulations in order to secure permits. There will likely be shared and individual leach fields on the property and the development will have a community water system. The layout of the development will allow for safe pedestrian and vehicle traffic. While there will be an increase in vehicle traffic on the road, he is confident that the traffic report will show that the road can support this development. In the past, a 39 unit development was approved in this location and its traffic study was completed to support the project.

- 4) **3.18 C. 1. d.** The proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances.

Chad Branon, PE, explained that the proposed development looks to provide significant buffering to adjacent properties, so he doesn't believe any of the items listed will be found objectionable. The significant land buffer will provide separation and address any issues with noise, fumes, vibration, etc. There will be no inappropriate lighting in the development. He

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88 explained that the regulations in the Northern Rural zone state that there must be 40' side
89 setbacks and 50' front setbacks. The closest abutter's home to this proposed project is about 431'
90 away. He doesn't believe the existing residents will even know these homes are there.

- 91
92 5) **3.18 C. 1. e.** The proposed use will not adversely affect the ground water resources of
93 Amherst, in particular the Aquifer Conservation District.

94
95 Chad Branon, PE, explained that this project will be designed to meet all local and state
96 standards. The project will look to mitigate the storm water component both quantitatively and
97 qualitatively. He does not believe this project will affect Amherst's water quality.

- 98
99 6) **3.18 C. 1. f.** The application shall file a Non-Residential Site Plan Review application in
100 accordance with the "Non-Residential Site Plan Review Regulations" with the Amherst
101 Planning Board.

102
103 Mike Dell Orfano noted that this application will need to be submitted to the Board,
104 incorporating all of the studies it references.

105
106 **Discussion:**

107
108 Sally Wilkins stated that she assumed a hydro-geological study will be requested as part of the
109 site plan application, and that any issues resulting from the study could bring the number of
110 requested units for the project down.

111
112 Arnold Rosenblatt noted that he has a procedural issue with this. He feels it is impossible to
113 determine if the criteria are satisfied without knowing more about the project, such as
114 information regarding the density bonuses. He might consider the criteria satisfied but doesn't
115 wish to determine that in a vacuum.

116
117 Brian Coogan thanked the developer for the extended amount of education they've offered
118 regarding the project and the proposed layout of the development to be setback from abutters. He
119 struggles with the current zoning and the idea of trying to place the number of proposed units
120 within a 20 acre area. He stated that this area of town is well-respected and preserved, and people
121 travel there to learn more about the environment. He believes what is being presented may
122 stretch the boundaries of the IIHO.

123
124 Mike Dell Orfano reminded the Board members that they are commenting on the CUP portion of
125 the application from a-f.

126
127 Christy Houpis stated that he has concerns regarding items b and c on the criteria list. He has
128 significant questions regarding the hydrology studies. He also has concerns regarding the
129 increased traffic on Brook Road and safety issues for the Fire Department to access the road in
130 an emergency. There will be a significant difference in traffic, especially due to school buses,
131 PMEC (Peabody Mill Environmental Center) traffic, etc. He believes this could all lead to an

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132 impact on the general health and welfare of the townspeople. Finally, he is wondering about the
133 cost and logistics of the proposed bridge.
134

135 Sally Wilkins stated that, while these are all legitimate questions, they are ones to be addressed
136 during Non-Residential Site Plan Review. In regards to the question of whether this proposed use
137 would have more of a negative impact than another permitted use on this property – it should be
138 noted that an alternate permitted use would be another residential use. She thought traffic issues
139 were an existing condition.
140

141 Marilyn Peterman explained that part of the criteria is for the applicant to submit a Non-
142 Residential Site Plan Review, the results of which will have to be discussed, but this part of the
143 review is dealing with meeting the zoning ordinance requirements and bonuses are germane to
144 the conversation.
145

146 Sally Wilkins agreed that attempting to call out these criteria as separate from other criteria has
147 not been done before and is awkward.
148

149 Mike Dell Orfano stated that the process is awkward but this is the way the ordinance is written.
150

151 The Board next discussed regional impact.
152

153 Brian Coogan stated that this project has a potential regional impact to the schools and, thus,
154 Mont Vernon.
155

156 Sally Wilkins stated that, if regional impact is determined, this hearing must stop until a certified
157 letter can be sent.
158

159 John D'Angelo stated that this project has no regional impact. He doesn't believe there will be a
160 regional impact due to traffic and that there is capacity in the cooperative schools used by Mont
161 Vernon students to include additional students.
162

163 Marilyn Peterman explained that the impact information from other similar developments shows
164 that, with this type of a proposed housing mix, there will not be more than a handful of additional
165 students.
166

167 Christy Houpis stated that this information is not known definitively for this proposed
168 development. There is also more than one development being currently proposed that could
169 affect this impact.
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171 Mike Dell Orfano read NH RSA 36:56 – Regional Impact and noted that a decision ruling that
172 there is regional impact would require notifications to NRPC and Mont Vernon stating that this
173 project might impact the population of the Souhegan School District.
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Brian Coogan stated that each of the proposed 46 units could have 1.3 children, leading to approximately 50 or so additional students for the school district. The schools are already facing capacity limits in the lower and middle schools. This proposal, along with other proposed developments in town, could lead to an increase in the student population, thus impacting Mont Vernon.

Marilyn Peterman refuted this. She stated that there is data from 42 homes built in 2018. It shows that 17 condos introduced 9 students. The increased numbers would likely be very small and, thus, stating approximately 50 additional students is not factual. *[Note: as amended at the January 15, 2020, meeting, the actual data shows that 24 condos introduced 0 students into the school system, and that new single-family homes introduced 9 students].*

Sally Wilkins stated that the Board can look at comparing a smaller number of additional students with what the number could be if 25 four-bedroom homes were being built instead. Zero development is not the answer.

Brian Coogan stated that the school population growth has been augmented with trailers over the past 30 years. There is a significant likelihood for student populations to increase over time. The town has to support the housing of its student population.

Mike Dell Orfano stated that, without knowing the housing mix for this proposed development, all of this discussion is based on conjecture and not fair to the applicant.

Brian Coogan added that the schools are the biggest driver of taxes in town.

Lisa Eastland explained that Mont Vernon could always choose to do something else with their students. The only school district that Mont Vernon shares with Amherst that there could be an impact on is the Souhegan School District. Even if this proposed development has four high school students in each unit, this will probably still not impact the Mont Vernon students at Souhegan High School.

Brian Coogan stated that this is a current perspective, but does it also accurately reflect a 2024 perspective? The Planning Board drives the future view of Amherst.

Lisa Eastland replied that Souhegan High School over the next eight years is not shown to reach capacity even with the projected students in the system today.

Christy Houpis stated that none of this is definitive and there could still be a potential regional impact. He believes this potential impact could be to the schools and also to transportation.

Arnold Rosenblatt moved no regional impact. Marilyn Peterman seconded.

Discussion:

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Arnold Rosenblatt stated that the Board is looking at if the criteria are satisfied for regional impact. If regional impact is determined, it means a letter being sent to that town, and he doesn't believe the Board has ever had a town show up to discuss regional impact in the past. In his judgement, based on the criteria, there is no regional impact.

Christy Houpis explained that, while Brook Road is one-way, he appreciates that it connects to a road with substantial traffic and there could be a potential impact to traffic in Bedford or down towards Route 122.

Mike Dell Orfano agreed that there has not yet been enough information presented to determine if there is regional impact on this project, but the Board is bound by statute to process the application in this order. The school population has never really been discussed as part of regional impact in the past. He agrees that Bedford might be impacted by an increase in traffic on Horace Greeley but that the magnitude of this impact would be barely measured. There is not enough school data to support an argument of regional impact to Mont Vernon.

Brian Coogan stated that the Planning Board is being faced with many development proposals in town and is wedded to inform Mont Vernon of material changes to the overarching impact of these projects in town.

In response to a question from Sally Wilkins regarding Amherst being notified about possible regional impact to the town for a Mont Vernon Planning Board meeting for a proposed development on Beech Hill Road, Nic Strong noted that the Planning Board was not informed.

**Marilyn Peterman called the vote.
All in favor.**

Mike Dell Orfano stated that the applicant should now present to the Board justification for the proposed density.

Chad Branon, PE, stated that the current proposal is for 46 units. The area totals 126.94 acres. 44.82 of these acres are wetlands, floodplain area and steep slopes. This yields a net tract area of 82.12 acres. This project is located in the Northern Rural zone, where there is a five acre minimum lot size requirement. This yields an Allowable Base Density of 16.42, or 16 units.

Chad Branon, PE, reviewed the IIHO worksheet.

1) Demographics:

Chad Branon, PE, stated that this project is proposing 16 age-restricted units; a minimum of seven 55+ units and a minimum of nine 65+ units. This addresses a public benefit due to a diversity in housing demographics for the town. The associated bonuses are a 15% bonus for the 55+ units, and a 30% bonus for the 65+ units.

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In response to a question from Cliff Harris, Chad Branon, PE, stated that the number of 55+ units is completely separate from the number of 65+ units. There will be no doubling up on this bonus type.

2) Housing type:

Chad Branon, PE, explained that this project is proposing 12 attached/duplex units. This addresses a public benefit in the town's need for diversified housing. The associated bonus for these units is 10%.

3) Unit type:

Chad Branon, PE, explained that this project is proposing eight single-floor units and eight ADA Compliant Accessible units. This addresses a public benefit in the variety of the town's housing stock. The single-floor units have an associated benefit of 10% and the ADA Compliant units have an associated bonus of 15%.

In response to a question from Sally Wilkins, Chad Branon, PE, stated that there will be at least a minimum of eight single-floor units and eight separate ADA Compliant units. While the ADA units will all be single-floor, there will also be single-floor units in addition to these.

4) Unit size:

Chad Branon, PE, stated that this project is proposing eight one-bedroom units and eight two-bedroom units. This addresses a public benefit because one-bedroom units tend to be affordable housing and this proposed diversity is consistent with the Master Plan goals and objectives. These units have associated bonuses of 15% for one-bedroom units and 10% for two-bedroom units.

5) Proposed Amenities:

Chad Branon, PE, explained that there are two items under this bonus section: Walkability and Improved Access to Public Places. Walkability will include internal sidewalks and walkways throughout the development to encourage safe pedestrian travel. These walkways will also connect to the trails and surrounding conservation land. The associated bonus for this is 10%. The development will address Improved Access to Public Places by allowing the town access to the isolated parcel, 8-24-1, which is surrounded by the developer's land. There is also proposed public access to the development's road system, trailhead parking, and access to conservation land. The associated bonus for this is 10%. Typically a bonus for only one of the items in this section is allowed, but the applicant is seeking both bonuses due to extraordinary circumstances. He explained that he doesn't believe providing the town access to an isolated lot was contemplated when creating these regulations. The applicant will also allow the town to pursue forest management on the isolated property.

In response to a question from Mike Dell Orfano, Chad Branon, PE, stated that he will have a build-out list available during the Site Plan Review.

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6) Community Space:

Chad Branon, PE, explained there are two items under this bonus section: Community Space Open to Public and Community Space Restricted to Residents. The applicant is seeking the 25% bonus for Community Space Open to Public as the proposal is to give a large amount of the land to the town to keep it restricted and protected. The open space can be used for passive recreation activities and will allow for connectivity to other conservation properties. He believes this addresses a public benefit.

7) Open Space:

Chad Branon, PE, explained that the applicant is seeking two bonuses under this section for: Open Space Under Restrictive Covenant and Open Space Improved and Open to Public. The Open Space Under Restrictive Covenant has a 20% associated bonus and will be satisfied by allowing the ACC to hold a conservation easement on the open space land. The Improved and Open to Public item has a 15% associated bonus and will be satisfied by improving access to trails, which will be open to the public. Both of these items have a public benefit. The applicant is asking to receive bonuses for both of these items due to the extraordinary circumstances already referenced.

8) Type of Ownership:

Chad Branon, PE, stated that this project is proposing 12 rental (deed-restricted) units, with an associated bonus of 30%. This addresses a public benefit through a diversity of housing and a deficiency of the rental market in town.

9) Redevelopment of Existing Structures:

Chad Branon, PE, explained that there is an existing cabin structure on the property. The applicant offered the cabin to the ACC and the Heritage Commission. Neither group is interested in it. The applicant would now like to repurpose the structure for the benefit of the public and the development's tenants. They are proposing to relocate the structure to a trailhead and make it an informational building to hold kiosk-type information. This is a significant endeavor and is believed to be a benefit to the general public and to future residents. The associated bonus for this item is 400%. The applicant would like to note that there is also a proposal to place 80% of the land into permanent open space; a minimum of 102 acres of land. The project addresses many public benefits.

Discussion:

Mike Dell Orfano explained that, per Section 3.18 C. 3. a., substantial construction must commence within one year of the Planning Board approval of the Conditional Use Permit and Site Plan Approval. If not started in this time, the approval may be extended for one additional year with Planning Board approval.

Rich Hart thanked the applicant for considering placing so much of the land into a conservation easement. This will help to connect the Joe English land to the Bicentennial Trail. Access to the

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landlocked piece of property is also helpful. He is not sure that the redevelopment of the existing cabin is worth four units, however.

Lisa Eastland asked how much age-restricted housing Amherst needs. She asked for information on the current need and current rate of occupancy.

In response to a question from Lisa Eastland, Chad Branon, PE, explained that some of the attached units will be rentals. There will be a mix of ownership-types.

Lisa Eastland noted that there seems to be a lot of overlap in these bonuses. Many of the items: walkability, public space, open space improved, all seem to overlap each other.

Chad Branon, PE, explained that walkability for this project involved sidewalks and internal connectivity. This project also creates connectivity to other pieces of land. The open road will be accessible by the public, which is not common in condo developments. The double bonus is being requested because the town will be allowed to utilize the private road for forestry management and to access the isolated piece of land.

In response to a question from Lisa Eastland, Chad Branon, PE, stated that the entire development will be a condo community.

In response to a question from Lisa Eastland, Chad Branon, PE, explained that the applicant is only seeking 1.64 additional bonus units for the Improved Access item, which might be worth it for the number of people it might benefit.

Sally Wilkins stated that she views the two items being requested under the Amenities section to be different, as one is for internal sidewalks and one is for trailhead access. However, there does appear to be the same pitch being made for a number of items, and some should be either/or, unless a case is made by the ACC. Also, she doesn't believe the redevelopment of the structure should count as a bonus.

John D'Angelo agreed that he has a concern regarding the number of bonuses being sought under the Amenities category. He also stated that if neither the ACC nor the Heritage Commission wants the structure then a bonus shouldn't be given to redevelop it.

Marilyn Peterman stated that she believes the senior housing in town is all occupied. Most of this housing is 55+, so 65+ housing units will add a level of accessibility to the community. This proposal does offer a lot of diversity in housing. The rental units, ADA compliant units, and sidewalks are all pluses. The offer to place 80% of the land into a conservation easement is also more than most developers have offered.

Arnold Rosenblatt stated that he does not believe the applicant has yet demonstrated that they are entitled to any of the bonuses.

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Brian Coogan applauded the applicant's effort on this project. He would like to see the applicant address how the project will benefit the direct abutters, as equally as it is being addressed for the general public.

Chad Branon, PE, stated that the project is being designed to meet regulations, regardless of the densities. He pointed to the project's layout, the natural land buffer being offered to the abutters, and the large amount of open space being proposed to be conveyed. The project is trying to be sensitive to the neighboring properties. The size and density of the project is what the regulations want, to a degree. The project will fit in with the rural character of Brook Road. The layout fits the land, the community and the neighborhood. He has seen that most developments in Amherst fill as fast as they are completed. There is always a need for rental and affordable housing units. The one-bedrooms being proposed open up a different market than currently exists in town.

Mike Dell Orfano noted that there is no information here to show that the rentals will be considered affordable. Chad Branon, PE, stated that these will not be far off from market numbers.

Christy Houpis expressed concern regarding the percentage of land in the wetland, flood plain, steep slope area that is being included in the calculations but is otherwise difficult or impossible to build on. It was noted that this land is taken out of the total in order to establish the base density.

Cliff Harris stated that he would love to see the existing structure reused, if possible. He believes groups could have meetings in it and it would be equally nice if the structure could contain porta-pottys. The building's care could be part of the HOA's documents.

Chad Branon, PE, stated that if the structure could be relocated near a trailhead it would make for easier policing and maintenance by the HOA. The applicant is also okay with putting facilities in the building.

Public Comment:

Rob Clemens, 13 Tarleton Lane and Chairman of the ACC, stated that the ACC gave comments to the Board with concern to how the open space will be conveyed and the protection of water resources in the area, especially in regards to the aquifer and Joe English Brook. He noted that this is the first development to come before the town that is offering meaningful conservation acreage to the town. It is also important to note the access that will be given to an isolated lot that the town will otherwise have limited or no access to. This project also fits well with the ACC goals and objectives in regards to connectivity to other pieces of land and creating longer trails in town. He believes these are significant offerings and they are much appreciated by the ACC. He also noted that if the Board chooses to not award multiple density bonuses in some areas, some burden may be taken off the aquifer and the Brook.

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Chad Branon, PE, noted that this property prevents connectivity of two pieces of town owned land to the north and south.

John Harvey, also of the ACC, explained that a permanent easement on the land is more valuable to the ACC than it being condo association land. Chad Branon, PE, agreed that the owner is open to the ACC holding the easement.

Rob Clemens also stated that if the building is proposed to be taken down and relocated at a trailhead, it is probably more of a benefit than simply redeveloping it in place.

Bob Dutile, 55 Brook Road, stated that the type of density being proposed is far beyond what is seen in this area of town. It may be an allowed usage as a PRD, but to put 46 units in 25 acres will give each unit about a ½ acre of land. This proposal will also change the character of the road. The previous traffic study referenced was done before PMEC was reorganized and doesn't take into account many traffic issues. The Post Office won't even deliver mail on the road when it's snowing. He believes the town set up the Northern Rural zone in this way for a reason.

In response to a question from Mike Dell Orfano, Bob Dutile stated that this proposal will create a walkability hazard on Brook Road. None of the proposed amenities improve the walkability for abutters. The owner has a right to build 16 units based on the initial calculations, but to say this proposal won't make a significant difference, regardless of the use, is incorrect.

There being no one else to speak, Mike Dell Orfano closed the public hearing.

Sally Wilkins explained that she believes the applicant could reasonably get density bonuses to equal a total of 34 units. She could also be persuaded to give both bonuses under the open space category, which would bring the total units to about 40.

Marilyn Peterman stated that the amount of conservation land being offered as part of this project is extraordinary and can justify additional bonuses.

John D'Angelo agreed, but noted that the 4 additional bonus units under the redevelopment of an existing structure should be removed.

Arnold Rosenblatt disagreed. He stated that it is readily apparent that the ordinance is being intensely exploited. All of the current proposed projects are being sought under this ordinance, and that's not a coincidence. The burden is on the applicant to satisfy that the project is a benefit to the town, and not all of the criteria have been satisfied through this presentation. He believes there has not been enough information provided to make a meaningful decision. Through his calculations, he believes there may be justification for an additional 8-9 bonus units.

Brian Coogan agreed and stated that he is having a hard time seeing the justification for the number of proposed units, especially due to the impact to the abutters.

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Christy Houpis agreed that there is a huge enticement to see the amount of proposed conservation land protected. However, as one of the residents of this road pointed out, this project will create a significant change with the number of proposed units. The neighborhood would probably be better off without the number of proposed bonuses.

Cliff Harris stated that he is curious if it is possible to build anything at the higher elevations on this land, and he is curious to see if the bridge can actually be built.

Sally Wilkins explained that the reason that the zoning ordinance states that PRD is the preferred type of development in the Northern Rural zone is because the land is different there. PRDs protect open space and minimize the impact on land. This was the science-based reason to encourage PRDs to create cluster housing and consolidate open space and that has not changed. The most buildable land is actually at the top of the hill. A development here could take a completely different approach and impact the land in a very different way but still make the same amount of money. The bonuses have always been a factor in PRDs and 39 units were approved last time a proposal came about.

Arnold Rosenblatt stated that a proposed development could have a limited number of units and still be a PRD. The Board's job is to look at the language of the ordinance and determine if the application satisfies the criteria; the Board's job is not to allow bonuses. His calculation comes out to 26 total number of units.

Marilyn Peterman explained that the town wanted to try to accommodate as many people who want to live here as possible, through a diversity in housing. The PRD ordinance was created to address this issue and encourage housing that is beneficial to the town.

John D'Angelo moved to award a total number of units for this development of up to 38.

Before the motion could be seconded, Arnold Rosenblatt asked if the number of units would be done first or the CUP approval. Sally Wilkins noted that somehow the Board is approaching this very differently than in the past. In the past what a CUP was issued for up to "X" units. Arnold Rosenblatt stated that he did not disagree.

Mike Dell Orfano stated that that's basically what the motion is, so before making that motion he asked if all of the criteria for conditional use is on the table. In response to a question from Sally Wilkins, Mike Dell Orfano stated that he was talking about the a - e list. He said that having discussed that, having discussed the math, the Board needs to give them a number to go away with and come back for a non-residential site plan review.

John D'Angelo moved to give the applicant up to 38 units, with the minimums specified in their proposal, and then to come back as a Non-Residential Site Plan Review. Also, for the applicant to come back with more data showing the need for each of the different types of housing being proposed. Sally Wilkins seconded.

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Discussion:

In response to a question from Lisa Eastland, Arnold Rosenblatt explained his calculations to get to his bonus unit number. His calculations eliminated the requested bonuses for Redevelopment of Existing Structures, Open Space Under Restrictive Covenant, Community Space Open to Public, Walkability, Attached Units, Senior 55+ and Senior 65+. This reduced the number by about 16 units, leaving him at around 26-30 units total.

The Board discussed how the numbers would look if the applicant pursued a standard subdivision versus under the IIHO. Sally Wilkins explained that, in a standard subdivision application, the net tract area does not have to be calculated as it has been in this application and steep slopes do not need to be deducted from the total acreage amount.

Marilyn Peterman suggested that she would like to see the motion include a range of units from 38-40.

Arnold Rosenblatt explained that he would vote against the motion because, based on the numbers and information provided, he doesn't believe this proposal qualifies for approval under CUP criteria b and c.

Brian Coogan agreed that he would vote against the motion for 38 units, due to the product and units articulated not being a proven benefit to the community.

Christy Houpis agreed that he would like to see the proposed motion closer to 26-30 units, as he doesn't believe the proposal met the needs as discussed. He also would like certain conditions to be considered based on traffic and hydrology data.

Gerry Prunier asked the Board what other information the Board would like on this application. The ordinance states that the town wants diversified housing, which the applicant is trying to bring to the town with this development. He asked if the Board needs to see a sales study or other criteria in order to make this process easier for both the Board and the applicant.

Voting: 5-0-1 (A. Rosenblatt opposed); motion carried.

Mike Dell Orfano explained that the Board has yet to cover the phasing of this project. He asked the applicant to come back to the Board with possible ways in the design to offset the impact to the neighbors and make them feel more comfortable with the development. He also asked the applicant to consider the impacts to Brook Road and possibly meet with the Bicycle Pedestrian Advisory Committee to discuss multi-modality in regards to this project.

Lisa Eastland left the meeting.

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2. Regional Impact:

Michael Isabelle (Owner), 4 North End Land, Tax Map 008-067-000, Conditional Use Permit

**Sally Wilkins moved no regional impact. Arnold Rosenblatt seconded.
All in favor.**

OTHER BUSINESS

**3. Minutes: October 16, 2019; October 23, 2019; October 30, 2019; November 6, 2019;
October 19, 2019 Site Walk; October 26, 2019 Site Walk**

**John D'Angelo moved to approve the October 16, 2019 minutes, as amended [Line 195: insert the words "condo agreement" after the word "master;" Line 195: to replace the words "other documents" with the words "additional covenants and restrictions"]. Arnold Rosenblatt seconded.
All in favor.**

**Marilyn Peterman moved to approve the October 23, 2019 minutes, as submitted.
Arnold Rosenblatt seconded.
All in favor.**

**Marilyn Peterman moved to approve the October 30, 2019 minutes, as submitted.
Arnold Rosenblatt seconded.
All in favor.**

The Board agreed to defer the minutes of November 6, 2019 until the next meeting.

In response to a question from Marilyn Peterman, Nic Strong explained that, per the statute, if the Board has a quorum at one of the site walks, it is considered a Board meeting and thus, requires meeting minutes.

Mike Dell Orfano explained that the Board received a letter alleging that discussions were had during the site walk, but he does not believe this occurred and there is no substance to the claim.

John D'Angelo stated that he believes the letter is seeking a detailed transcription of what Ken Clinton said to the gathered group, and a summary of any discussions had between Planning Board members during the walk. He believes this could be used as a way to put restrictions on the Board, thus making it almost impossible to hold a site walk.

Sally Wilkins stated that a transcript of the site walk cannot be recreated.

Mike Dell Orfano agreed that the burden is on the writer of the letter.

TOWN OF AMHERST
Planning Board

November 20, 2019

APPROVED - AMENDED

613 **John D'Angelo moved to approve the meeting minutes from the October 19, 2019,**
614 **Site Walk and October 26, 2019, Site Walk as submitted. Marilyn Peterman**
615 **seconded.**
616 **All in favor.**

617
618 Frank Montesanto, 55 Christian Hill Road, explained that, while it can be daunting to have
619 minutes from these site walks, there were multiple conversations that occurred that could have
620 key things discussed in them. It looks like the minutes from the two site walks are identical and
621 written to simply check a box. It is important to capture some of the specific details discussed by
622 Ken Clinton, LLS, on the walk.

623
624 Sally Wilkins explained that the walks are information gathering sessions only and that no
625 decisions are made based on the information given at that time. Anything said at the walk must
626 then be said again at a public Board meeting, in order for it to be considered when decisions to
627 be made.

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629 **Arnold Rosenblatt moved to adjourn at 10:50 pm. Cliff Harris seconded.**
630 **All in favor.**

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635
636 Respectfully submitted,
637 Kristan Patenaude

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639 Minutes approved as amended: January 15, 2020