

TOWN OF AMHERST
Planning Board

January 15, 2020

APPROVED-AMENDED

In attendance: Michael Dell Orfano- Chair, John D'Angelo-Selectman Ex-Officio, Marilyn Peterman, Sally Wilkins, Cliff Harris, 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 7:35 pm at the Amherst Middle School Cafeteria.

1. Public Hearing on the Capital Improvements Program, Plan of 2021 – 2026, as proposed by the CIP Committee.

In response to a question from Mike Dell Orfano, Steve Coughlan, representative for the CIP Committee, explained that the schools are proposing to approach funding their capital items in the same way that the town does, through capital reserve funds. All three schools will be requesting approximately \$650,000 per year, split between them in varying amounts, in order to replace capital items as they reach their end of life. Each year there will be warrant articles that add up to that amount. This should allow the schools to get the money they need at the time they need it, while keeping the tax impact consistent. This year the Amherst School District will be requesting \$450,000 and the Souhegan School District will be requesting \$100,000.

In response to a question from Marilyn Peterman, Steve Coughlan stated that there is no contingency plan if these warrant article request items fail. If they fail, the capital items needing to be replaced will simply be pushed out.

Sally Wilkins explained that the CIP process allows every Department in town and the schools to jointly do long-range planning. The CIP Committee reviews all of the requests and wishes, figured out how best to fund them and spread them out throughout the years.

Sally Wilkins moved to accept the CIP Plan of 2021-2026 as presented and to forward it to the Board of Selectmen for the budget process. Cliff Harris seconded.

Discussion:

Mike Dell Orfano noted that the upcoming Master Plan process would be forward looking in terms of land use criteria and the plan was to integrate the Master Plan with the CIP to make sure that the projects and proposals would be paid for over time.

Brian Coogan sat for Arnie Rosenblatt.

All in favor.

2. Public Hearing on Proposed Zoning Ordinance Amendments

Mike Dell Orfano read the Planning Board Proposed Amendment #1:

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1. *Amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. Impact Fee Establishment Procedure, by deleting the first sentence in its entirety and deleting the word “then” from the current second sentence; amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. 1. Impact Fee Establishment Procedure, by deleting the sentence in its entirety; and amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section O. 1. Applicability of Impact Fees, by replacing the words “who is not vested” with the words “which is not covered under an exemption,” as follows:*

G. **IMPACT FEE ESTABLISHMENT PROCEDURE:** ~~In order to establish an impact fee, the Selectmen shall identify projects eligible for impact fee funding as indicated in the Capital Improvements Program, as, from time to time, amended.~~ The Selectmen shall ~~then~~ prepare a report describing a methodology or basis for calculating impact fee assessments and an Impact Fee Schedule, in accordance with RSA 674:21, and this ordinance.

- ~~1. A determination of the number of building permits that will need to be issued in order to finance the impact fee.~~

O. **Applicability of Impact Fees.**

1. Any person or agent, who after the effective date of this ordinance, seeks to undertake new development within the Town of Amherst, New Hampshire, by applying for a site plan approval, subdivision approval or a building permit and ~~who is not vested~~ **which is not covered under an exemption** pursuant to RSA 674:39, is hereby required to pay the appropriate Impact fees in the manner set forth in this ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.

RATIONALE: This proposed amendment would delete the requirement that projects eligible for impact fee funding have to be included in the Capital Improvements Program. Deleting sub-section G. 1. is proposed because it would be difficult to predict how many building permits would be needed to finance an impact fee when there may be different fees for residential and commercial development and it is impossible to know how many permits will be applied for at any given time. Changing the wording of sub-section O. 1. is proposed because RSA 674:39 is amended periodically and the time periods included therein may change. If the time periods for vesting are not the same as the time periods for expending collected impact fees, there may be a conflict. This proposed amendment refers instead to the exemptions provided in RSA 674:39 and would avoid any timing conflicts.

John D’Angelo explained that the Impact Fee Schedule originally created in 2011 needs to be updated. It will cost about \$15,000 to have it updated and the updated Schedule should be completed in about three months.

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89 **There being no public comment, Sally Wilkins moved to approve this amendment**
90 **and put it on the ballot. Marilyn Peterman seconded.**
91 **All in favor.**
92

93 Mike Dell Orfano read the Planning Board Proposed Amendment #2:

94
95 *Amend Article VI, Administration, Section 6.3 Board of Adjustment, Sub-section G. Time*
96 *Limits of Special Exceptions and Variances, to add a sub-section entitled Scheduled*
97 *Termination of Special Exceptions and Variances, that would provide for the termination*
98 *of all special exceptions and variances that were authorized before August 19, 2013, and*
99 *that have not been exercised, as follows:*

100
101 **Scheduled Termination of Special Exceptions and Variances**

102 *Pursuant to RSA 674:33 I-a. (b), and RSA 674:33 IV. (c), all variances and special*
103 *exceptions that were authorized by the Amherst Zoning Board of Adjustment pursuant*
104 *to the Amherst Zoning Ordinance and RSA 674:33 before August 19, 2013, and that*
105 *have not been exercised, shall terminate according to the following procedure:*

- 106 1. *Upon adoption of this amendment, the Planning Board shall post notice of*
107 *the termination in the Town Hall. The notice shall be posted for one year*
108 *and shall prominently state the expiration date of the notice.*
109 2. *The notice shall state that special exceptions and variances authorized*
110 *before August 19, 2013, are scheduled to terminate, but shall be valid if*
111 *exercised within two years of the expiration date of the notice or as further*
112 *extended by the Zoning Board of Adjustment for good cause.*

113
114 **RATIONALE:** RSA 674:33 was revised in 2018 to allow local zoning ordinances to be
115 amended to provide for termination of all special exceptions and variances that were
116 issued prior to August 19, 2013, that have not yet been acted upon. There is a specified
117 procedure to provide notice of the termination for one year and to allow the special
118 exceptions and variances to be valid if exercised within two years of the expiration of the
119 one year notice, effectively allowing any property owners three years from the date of the
120 notice being posted to use their special exception or variance.

121
122 Sally Wilkins explained that the state has passed legislation that allows the Planning Board to
123 sunset variances that haven't been used.

124
125 In response to a question from Chuck Siragusa, 39 New Boston Road, about the previous
126 discussion, Mike Dell Orfano explained that applying impact fees is not easy. The town is going
127 to pay an independent person to develop the Fee Schedule and a set of procedures with it. The
128 town hasn't dealt with impact fees in the past, because they always seemed to be more of a
129 financial burden than a help.

130
131 Sally Wilkins explained that there will be more public education regarding impact fees in the
132 future.

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**Sally Wilkins moved to put amendment two on the ballot. Lisa Eastland seconded.
All in favor.**

3. Public Hearing on a Petition to Amend the Amherst Zoning Ordinance.

Mike Dell Orfano read the petitioned amendment into the record:

We the undersigned registered voters of the Town of Amherst, respectfully request that the zoning ordinance of the Town be amended by deleting the following provision(s) in accordance with RSA 675:4:

Citizen Petition #1.

Are you in favor of the adoption of Amendment No. ____ to the existing town zoning ordinance as proposed by Citizen's Petition? (This amendment, if adopted, would amend the Amherst Zoning Ordinance by deleting Section 4.16 Integrated Innovative Housing Ordinance (IIHO)).

Tim Kachmar explained the rationale behind this petition warrant article, and provided his written comments, included below:

“A little background on current state law as it pertains to development. State law RSA 674:21 Chapter 4 Innovative Land Use Controls provides municipalities with a wide range of options to use in their efforts to shape land development in ways that reflect the vision of the master plan, and to deal more effectively with growth-related issues. A community has the option to make an innovative land use control a mandatory requirement when supported by the master plan. These ordinances must also contain within them the standards to guide the person or board that administers the ordinance.

In 2015, when the Amherst Planning Board placed the Integrated Innovative Housing Ordinance or IIHO on the ballot for adoption, the inherent impacts of that ordinance were not stated on the ballot. The ballot measure failed to mention granting of density bonuses, power of the Planning Board to waive current zoning ordinances including minimum lot size, wetland setbacks or scenic setbacks; all integral parts of the current Town Master Plan that aims to keep the rural aspect of Amherst intact. In other words, the IIHO went against the Master Plan.

The IIHO and resulting regulations are vague and lack necessary details for applicants to calculate density bonuses and for the Planning Board to grant such density bonuses. Residents have sat through recent Planning Board meetings where even the board members were confused and openly contradicted each other on the interpretation of the density bonus calculation method. Terms like “double-dipping” were frequently used and argued by Board members and back of the envelope calculations performed to determine bonuses to be granted.

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Furthermore, the IIHO lacks any means for the overall tracking and calculating of density bonuses granted and overall units proposed and granted. There is no method for growth management or growth moratoria within the ordinance (topics also recommended by state law RSA 674:21). RSA 674:22 further recommends as a first step the Planning Board prepare a study of the municipality's current and projected growth rates and need for additional municipal services to accommodate such growth. Was this ever performed when the IIHO was enacted? Any growth management ordinance such as IIHO should outline how the municipality will establish the needed community services. This should be reviewed at least annually to confirm reasonable progress. Per the RSA, this data should be reported to the legislative body in the annual report. Without any growth ordinance or even tracking controls in place, the unruly densification of Amherst is inevitable.

Furthermore, the IIHO does not address impact fees. In 2005, voters of Amherst voted to institute impact fees, fees paid by developers to offset impacts to development (schools, roads, infrastructure, etc.). Interestingly and unbeknownst to the voters, impact fees were never established. During the Jacobson proposal, a plethora of excuses were given as to why impact fees were never established, and it became clear they were not supported by current planning board members. Of note, impact fees are part of the existing state law RSA 674:21.

The impetus for this citizen's petition is the overall lack of understanding of the IIHO impact given how it was originally presented to the voters. Citizens do not understand the purpose or need for such development, town boards do not understand the implications of densification caused by such development, and the Planning Board does not understand how to manage such an ordinance. Reverting to pre-IIHO ordinances such as 4.14 Workforce Housing and 4.17 Planned Residential Development will allow for adequate development options in Amherst and makes removal of the IIHO more of an administrative task.

Therefore, we the citizens of Amherst have filed a citizen's petition to delete section 4.16 IIHO of the Amherst Zoning Ordinance and revert to pre-IIHO ordinances until such a time that it is re-written in line with a new Master Plan and contains the necessary details for a volunteer board to assess, execute, and manage the growth allowed by such an ordinance."

Mike Dell Orfano explained that the Planning Board cannot waive zoning ordinances, as stated in the rationale. Tim Kachmar explained that by packing more units into a space than is allowed by the zoning ordinance, the Planning Board is essentially "waiving" the ordinances. Mike Dell Orfano explained that this is a misinterpretation of the zoning ordinances.

Marilyn Peterman explained that, if the IIHO is done away with, so are the three parts of it that have been part of Amherst's regulations for a long time. She believes the elderly housing, planned residential development (PRD), and affordable housing sections will disappear until they

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are rewritten to be separate stand-alone ordinances, as they were previously. She believes this is one of the most innovative Planning Boards in the state, and that the town's affordable housing ordinance was one of the first in the state. There are many PRD, elderly and affordable developments in town that would not be here today, if not for these innovative ordinances. She is dismayed that citizens are looking to undo close to 40 years of zoning by doing away with the IIHO. There is a lack of trust here, but the Board has gone out of its way to enact ordinances for the benefit of the town.

Brian Coogan explained that the citizens appear to be looking to revert back to the way the ordinances read prior to the 2016 vote.

Mike Dell Orfano explained that, if the IIHO is deleted, the workforce housing and PRD sections will continue to exist because they are separate ordinances. These ordinances integrate with the IIHO to give the Board greater ability to limit the effects of some PRDs. Removing this integration strips away the tools that the Board has to modify proposals.

Brian Coogan stated that he believes the current IIHO is managed and presented with the best of intentions. The way it is implemented and managed though does not always hit the mark. The IIHO could use improvements, such as clarity and consistency on how it is employed. He believes that when the IIHO was put forth there was some shortsightedness on the macro impacts it could have on all of the other aspects of Amherst. There is an opportunity to enhance the ordinance currently in place.

Lisa Eastland agreed that she likes the IIHO in terms of how it allows for compacting of residences and thus provides extra open space. The application of the IIHO is confusing and the process could be better.

Sally Wilkins stated that the Board cannot change the petition. It is not 100% clear that, if the IIHO is removed, the ordinance will simply revert back to how it was prior to the 2016 vote.

Rich Hart stated that he is opposed to this petition article because, as a representative for the ACC, he believes removing the IIHO will remove the ACC's primary method of preserving open space in these development areas. He also stated that Town Counsel suggested that this type of revision could increase the town's susceptibility for someone to claim that there is no reasonable opportunity for workforce housing in town.

Mike Dell Orfano stated that he believes the IIHO is a tool the Board can use and is a well-respected ordinance. The Board is trying to gain some clarity on its processes but doesn't want to be hog tied by losing the IIHO.

Tony Yakovakis, 22 Eaton Road, stated that Marilyn Peterman's comments regarding the number of developments in town that wouldn't be here without the IIHO are misleading and untrue. He believes there is a lot wrong with this ordinance and objects to the fact that the Board can hand out bonus credits without more careful planning.

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Marilyn Peterman commented that all of the other innovative tools that the Board uses also involve bonuses. The PRD ordinance was one of the first to use bonuses. She reiterated that the developments she named previously wouldn't be here without innovative zoning, not necessarily the IIHO.

Mike Dell Orfano stated that the ordinances are complicated because they allow for increased density for the benefit of the community. This is a difficult balance.

Tony Yakovakis stated that the benefits should be to the whole town, not a select few. If the Board has questions on how to implement these ordinances, then all proposals should be put on hold until this is determined.

Steve Forte, 14 Ponemah Hill Road, stated that no one in town is against affordable or elderly housing; they are against all of the density bonuses. Within a quarter mile of his house there are two new developments where the houses are being constructed so close to each other that you can't drive a truck between them. He wonders if that is enough cluster housing for Amherst. He doesn't believe that people knew clearly what they were voting for when the IIHO was on the ballot because there wasn't enough of an explanation. He expressed concern at so many of these developments being in southwest Amherst.

In response to a question from Tom Quinn, 30 Christian Hill Road, Mike Dell Orfano stated that there is a state statute that dictates the density of workforce housing. If a developer comes into town and can prove that there is not enough of this type of housing in town, the state can impose that density on the town. The IIHO gives the community a chance to mitigate this by integrating these clusters with more expensive homes, in order to make them less visible.

Vick Carlson, 26 Peacock Brook Lane, stated that the traffic on Route 122 has become difficult since the new developments went in. He asked what the ACC thinks of all of this.

Rich Hart stated that, because of the IIHO, the housing on these new developments is clustered, thus allowing for the preservation of open space, which the ACC is in favor of.

Mike Dell Orfano stated that the Carlson Manor applicant asked for their case to be postponed to the February 19, 2020, meeting.

Kelly Schmidt, 11 Patricia Lane, stated that she wished she had heard more from the Board regarding its interest in revising or clarifying the processes of the IIHO before this meeting. Without speaking more about this to citizens, people decided they needed to take matters into their own hands, thus these petitioned zoning amendments. She questioned what the guidelines are in the IIHO for setbacks in these new developments.

Mike Dell Orfano explained that the Board is required by law to stick to the zoning ordinances as written. The Board is learning as it goes and is working now to find out what the state law allows that is not expressly written in these ordinances. The Board is also looking to see if it can receive all of the requested studies for a proposed development prior to the Conditional Use Permit

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(CUP) stage. He also pointed out that the number of units permitted by the CUP is not necessarily final and can change when the site plan or subdivision plans are submitted. The Board can increase or decrease setbacks depending on the layout of the land.

Doug Chabinsky, 89 Boston Post Road, questioned how the Board is truly working to maintain the rural character of the town when looking at the new developments on Route 122. The open space on these properties is generally behind all of the units and thus only people living there would see it and/or use it. The Board's communication of how it makes its decisions and what it weighs is unclear. The Master Plan doesn't appear to be taken into account, in terms of what developments do to the traffic, roads, etc. in town. Allowing developments all around the Village will destroy the character of that area. Destroying that will destroy the value of Amherst. He believes the Board has shown very little concern regarding the impact to the Village of these proposals.

Mike Dell Orfano stated that none of the current proposals are even 10% of the way through the process. There has been no data collected and the Board has not yet started to draw opinions about them.

In response to a question from Joann Deckert, 3 The Flume, Mike Dell Orfano explained that the price for affordable housing is set by the housing authority under state statute. The Board has engaged NRPC to do a housing needs analysis for the town that should be completed shortly. State law is vague and leaves it up to municipalities to decide if they are carrying their fair share.

In response to a question from Linda Sutherland, 32 Peacock Brook Lane, Mike Dell Orfano stated that the Board cannot halt landowners in their process simply because clarity is needed on some items. He also explained that the Board went out of its way to protect Witches Brook when the Peacock Brook Lane development was created, and will continue to protect it on any other properties.

In response to a question from a citizen, Brian Coogan explained that, even if one could deduce how many affordable houses there are currently in town, this is a static value. These numbers are evolving for the state every day. This is why the town has commissioned for this study to be done.

Mike Dell Orfano explained that, for a number of years, there were no provisions to ensure that affordable houses sold as such would be retained as affordable when resold. These homes could then be resold at market value. The IIHO changed that by requiring that any unit sold as affordable was to be deeded to remain as affordable for no less than 25 years. The median income in this area was determined to be \$102,900/year. The housing authority uses that number and the market rate to calculate the price for affordable housing. This year that number was determined to be \$336,500. The IIHO allows the Board to pace this dynamic marketplace.

In response to a question from a citizen, Sally Wilkins explained that no applications have come in under the affordable ordinance since the IIHO was passed.

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Sally Wilkins moved that the Board recommend this petition zoning article not be passed. Marilyn Peterman seconded.

Discussion:

In response to a question from Brian Coogan, Sally Wilkins explained that Town Counsel has stated it is not 100% clear what will happen if the IIHO is removed. Senior housing will definitely be impacted; it is unclear if the other two sections will be eliminated or simply hobbled.

Brian Coogan stated that it is hard to vote without knowing this 100%.

5-0-1 (S. Wilkins, J. D'Angelo, R. Hart, M. Peterman, and C. Harris in favor; B. Coogan abstained).

4. Public Hearing on a Petition to Amend the Amherst Zoning Ordinance.

Mike Dell Orfano read the petitioned amendment into the record:

Enclosed, please find a Citizen's Petition filed in accordance with RSA 675:4. This Petition seeks to amend the town's zoning ordinance, specifically Section A, Article IV, Section 4.16(E) by modifying the bonus density amounts that can be awarded to applicants under the IIHO. In addition, the standard for granting these bonus densities is proposed to be amended from "benefit" to "significant benefits" to the Town.

The language of the petition reads as follows:

Citizen Petition #1. Are you in favor of adoption of Amendment No. __ to the existing town zoning ordinance as proposed by Citizen's Petition? (This amendment, if adopted, would amend the Amherst Zoning Ordinance by modifying Section A, Article IV, Section 4.16(E) as follows: total bonus densities granted, including all categories of unit restrictions and proposed amenities, may not exceed thirty-five percent (35%) of total baseline density of the development. The benefit to the Town must be significant with respect to each such bonus for the Planning Board to approve the requested bonus.)

Danielle Pray, 7 Stearns Road, explained the rationale behind this petitioned article. She believes that this petitioned article will allow the Board to keep the tools that they're interested in while also getting rid of the density that is an issue to citizens. She reviewed a few developments that are currently being proposed and their proposed density increases, for example the Clearview property application requests a total of 65 units, from a baseline density of 32-33 units; an approximate 100% increase in density; Brook Road requested 46 units, an 187% increase and was awarded 38 units, a 137% increase; Carlson Manor has 54 units, a 285% increase. She reviewed other towns in the state to determine what sort of percentages of increased density they

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accept: for example Exeter, NH allows 15% above what is permitted, if 20% of the units are affordable; Brookline, NH will allow a reduction to their minimum lot size, if up to 25% of the units are workforce housing.

Danielle Pray reviewed Planning Board minutes from 2014 that discussed the IIHO idea coming from the workforce housing subcommittee. The minutes mentioned that the Board would like incentive bonuses for other housing types that do not include workforce. In minutes from September 14, 2014, it was stated that the Board needs flexibility to allow dense development. She noted that Rich Hart, at that time, was stated to say that there should be some sort of density cap. This petitioned article will still allow the Board to have the IIHO tool, but only allow for 35% density bonuses until it is revised.

Danielle Pray explained that this petitioned article was submitted on December 6, 2019, and she believes that two proposed applications submitted after that time should be subject to the 35% limit for bonus density.

Mike Dell Orfano commented that the Board identified housing needs for seniors who wish to downsize and stay in town, but can't afford to. There has been a request to see a variety of different types of housing in town due to issues like this.

Kelly Schmidt, 11 Patricia Lane, stated that, in regards to senior housing in town, one of her neighbors looked at downsizing to the new development being created across the road on Route 122. Her neighbor would have had to pay extra on top of what her home is currently worth and lose approximately 600sf of space. She doesn't understand how that type of housing classifies as available and affordable to seniors.

Mike Dell Orfano stated that this is a problem with the housing market. People are paying more for less. Increased density tries to help this issue by increasing the denominator to bring the prices down. The Board has no control over the housing market.

Sally Wilkins explained that there is no point where the state workforce housing law won't apply to Amherst. That type of housing must always be available in town. This is not tied to any particular percentage, but is instead viewed as an opportunity by the state.

Kelly Mullin, 48 Christian Hill Road, stated that not a single one of the recent development applications has come in under workforce housing. It is not desirable to developers to submit under this type of housing. She stated that the few positives of the IIHO don't nearly outweigh the negatives. She supports this petition and believes that, if it's the sincere intent of the Board to work with the town to further sculpt the IIHO, that the Board should embrace this petition too.

Jackie McKnight, 29 New Boston Road, stated she had come to learn more about this process and was in favor of this petition.

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Tom Quinn, 30 Christian Hill Road, stated that he supports this petition and that the 35% density bonuses that it proposes still seem more generous than most of the surrounding towns.

Dawn McGuire, 7 Heather Lane, questioned why the Board can't bring the town's density bonuses closer into alignment with other towns. She believes that once a CUP application is approved, no one can stop builders from developing.

Mike Dell Orfano stated that a Conditional Use Permit is just that – conditional. Development is based on what is physically possible on the site and legally allowable on the site. This number can only be arrived at once an engineer starts a work plan for the site. More often than not, the Board ends up reducing the up-to number given at the CUP level because it doesn't work on the site itself. Then at the Non-Residential Site Plan level, the Board can further reduce that number.

In response to a question from Dawn McGuire, Mike Dell Orfano stated that the Board has had a couple of applications where the developer couldn't fit the given number of units on a site, and thus the number was reduced. The Board cannot stop development but can roll back the number of bonus units given.

Marilyn Peterman stated that it sounds like most of the density bonus data from other towns previously mentioned by Danielle Pray were bonuses given for workforce housing. This may be because those town might not have previously had affordable housing at all. Then, when the state requirements came into effect, these towns had to provide this type of housing. Providing more density on a site gives the town a housing opportunity that is usually less costly than a single family house. This was an impetus for the IIHO.

Reed Panasiti, 11 Mack Hill Road, stated that he is a member of the Board of Selectmen and also the town's state representative. He explained that Senate Bill 74 passed last year; this established a committee to study the economic impact of land conservation. He suggested that many of the questions from citizens tonight could be brought to that committee, as they are the people who might have the answers.

In response to a question from Mike Dell Orfano, Reed Panasiti explained that the Trailer Bill, once in effect, will allow developers with objections to Planning Board rulings the ability to bring those objections directly to the state level.

Sally Wilkins stated that she has an issue with the change of the wording in the petition article from "benefit" to "significant benefit." This wording is almost impossible to define and quantify. She believes this could lead to a rat hole for the Board to continually fall into.

In response to a question from Sally Wilkins, Danielle Pray explained that the language regarding the 35% bonus of the total baseline density was taken directly from the current ordinance.

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Sally Wilkins stated that these adjustments appear to be asking the Board to require the applicant to give more than the ordinance requires them to. She explained that the ordinance requires the applicant to cite the Master Plan in their proposal. She also explained that the assumption is that if the Planning Board wrote the ordinance to incentivize certain things, that these things are a benefit to the town.

Danielle Pray stated that the applicant should still have to come in and explain the benefits.

Sally Wilkins suggested that Danielle Pray research other towns and their bonuses in regard to PRDs. The data may look more similar to Amherst's in that category.

Rich Hart stated that he believes all of the Board members do look to see if the requested bonuses are significant to the town. He believes there could be many different definitions of the word "significant." He also thinks that the 35% number seems to be pulled out of a hat and would like to see it defended with more data.

Marilyn Peterman moved for the Planning Board to not recommend this petition article. Cliff Harris seconded.

5-1-0 (S. Wilkins, J. D'Angelo, R. Hart, M. Peterman, and C. Harris in favor; B. Coogan against).

Christy Houpis left the meeting.

It being slightly after 10PM, Sally Wilkins noted that, per Planning Board procedures, the Board does not open new cases after 10:00 PM. Thus, the design reviews for the Clearview Development proposal and the TransFormations, Inc. proposal must be tabled to another meeting.

The Board discussed when to hear the Farmhouse Marketplace application. The Board agreed to hear this application and discuss their work session items on Wednesday, January 22, 2020, at 7:30 PM at Town Hall.

The Board agreed to hear both design reviews (Clearview Development and TransFormations, Inc.) at their meeting on Wednesday, February 19, 2020, at 6:30 PM at Souhegan High School Auditorium, along with the Carlson Manor application.

The Board agreed to vote on regional impact items at this time.

Sally Wilkins moved no regional impact on the Farmhouse Marketplace application. John D'Angelo seconded. All in favor.

Sally Wilkins moved to notify the towns of Hollis and Mont Vernon for possible regional impact of the Carlson Manor application. John D'Angelo seconded.

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All in favor.

John D'Angelo moved no regional impact on the Jacobson application. Lisa Eastland seconded.

Discussion:

In response to a question from Cliff Harris, John D'Angelo explained that Mont Vernon has its own elementary school and the town is nowhere near the proposed project. He also stated that any proposal in town will impact traffic.

Lisa Eastland sat for Sally Wilkins.

Cliff Harris stated that items regarding regional impact will be restated after the design review.

5-0-1 (L. Eastland, J. D'Angelo, R. Hart, M. Peterman, and C. Harris in favor; B. Coogan abstained).

Mike Dell Orfano explained that the discussion regarding the motion for rehearing on the original TransFarmations Inc. will be postponed until the Board can hear back from Town Counsel.

OTHER BUSINESS

5. Minutes: November 6, 2019; November 20, 2019; December 4, 2019; December 18, 2019 (regular and non-public)

John D'Angelo moved to approve the meeting minutes from November 6, 2019, as amended [Line 34: replace the word "tabled" with "postponed", Line 36: replace the word "table" with "postpone"]. Cliff Harris seconded.

All in favor.

Cliff Harris moved to approve the meeting minutes from November 20, 2019, as amended [Line 181: to note that the actual data shows that 24 condos introduced 0 students into the school system, and that new single-family homes introduced 9 students; Line 279: replace the word "of" with "to;" Line 351: replace the word "occupation" with "rate of occupancy;" Line 376: replace the word "as" with "for;" Lines 485-492: to read "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. PRD's protect open space and minimize the impact on land. This was the science-based reason to encourage PRD's to create cluster housing and consolidate open space and that has not changed. The most buildable land on this lot 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

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570 **way but still make the same amount of money. The bonuses have always been a**
571 **factor in PRDs and 39 units were approved last time a proposal came about;” Line**
572 **624: amend the sentence to read “... in order for it to be considered when decisions**
573 **are made.”] Marilyn Peterman seconded.**
574 **All in favor.**

575
576 **Marilyn Peterman moved to approve the meeting minutes from December 4, 2019,**
577 **as amended [Line 119: to insert the words “living in town” after “80% of people;”**
578 **Line 129: to replace the words “being proposed” with “yielding.”] Brian Coogan**
579 **seconded.**
580 **All in favor.**

581
582 **Marilyn Peterman moved to approve the meeting minutes from December 18, 2019,**
583 **(regular and non-public) as written. Brian Coogan seconded.**
584 **All in favor.**

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586 **The meeting was adjourned at 10:45pm.**

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592 Respectfully submitted,
593 Kristan Patenaude

594
595 Minutes approve as amended: February 19, 2020