

TOWN OF AMHERST
Planning Board

March 4, 2020

APPROVED

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

Michael Dell Orfano called the meeting to order at 7:31 p.m. at Amherst Town Hall.

BUSINESS:

1. **CASE #: PZ12172-121819 – Arboleda Realty, LLC (Owner & Applicant) – The Farmhouse Marketplace, 340 Route 101, PIN #: 008-052-000 – Public Hearing/Non-Residential Site Plan. Proposed multi-use commercial building. Zoned Northern Transitional. Continued from January 22, 2020.**

Sally Wilkins entered the meeting.

At the applicant's request, the Board continued this case to April 1, 2020, at Souhegan High School at 6:30pm.

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

2. **CASE #: PZ12311-020320 – Matthew Hillyard (Owner & Applicant) – 30 Border Street, PIN#: 014-007-000 – Submission of Application/Public Hearing/Conditional Use Permit. Proposed detached accessory dwelling unit. Zoned Residential Rural.**

Mike Dell Orfano stated that the applicant is seeking an accessory dwelling unit in a detached building on their property. The Board must first determine if the application is complete. The applicant did not supply 11"x17" plans for the project and the Board must determine if the hand-drawn plans that were submitted are adequate.

Matthew Hillyard stated that he has lived at this location for five years. There is a 400sf shed on the property that he would like to turn into a detached family unit for some family members that have health issues. It will essentially be a 420sf, single-floor, 1-bedroom apartment.

In response to a question from Mike Dell Orfano, Matthew Hillyard stated that the unit is technically detached, but there is an exposed deck between it and the house. Matthew Hillyard spoke with Building Inspector, Scott Tenney, who suggested it is not considered attached, by definition.

Matthew Hillyard stated that there are currently parking spots for four vehicles in the existing driveway. The regulations state that there shall be two spaces per unit, so the existing spots will meet this.

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In response to a question from Mike Dell Orfano, Matthew Hillyard stated that he doesn't have a copy of the septic plans currently and doesn't know the exact size.

In response to a question from Mike Dell Orfano, Matthew Hillyard explained that the proposed unit will have a combination boiler/hot water heater.

Sally Wilkins stated that the Board has discussed the possibility of accepting hand-drawn plans in the past. The regulations simply state that "a plan" must be submitted. Nic Strong commented that the Conditional Use Permit (CUP) section of the ordinance does not state any specific requirements for submission items or plans, but that the application form requests full-scale plans on page two.

Marilyn Peterman noted that the hand-drawn plan does not list the abutters and that there is no septic design presented. Sally Wilkins stated that the approval could be made contingent upon the submission of these items.

Sally Wilkins suggested that the Board could give its conditional approval for the CUP, based on submission of a state approved septic design that shows the existing driveway, parking area, and lot lines. The Community Development Office can sign off on the application if these materials are deemed acceptable. If not acceptable, the applicant can come back before the Board.

Brian Coogan sat for Arnold Rosenblatt, in his absence.

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

Mike Dell Orfano noted that the detached unit cannot be sold separately from the house.

Mike Dell Orfano ran through the list of CUP requirements found in Section 3.18 of the Amherst Zoning Ordinance. The Board's consensus was that there were no issues with any of the items.

Brian Coogan noted that the Department of Public Works has stated that no second driveway be installed for this accessory unit.

**Sally Wilkins moved to grant a CUP for the detached accessory dwelling unit, with conditions that the applicant submit a state approved septic design that shows the boundaries of the property, the parking and driveway areas, as it has been represented to the Board that it will adequately support four cars. This application will not require an additional Non-Residential Site Plan Review. Cliff Harris seconded.
All in favor.**

OTHER BUSINESS:

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3. Discussion of Buckmeadow purchase pursuant to RSA 41:14-A.

Rob Clemens, Chairman of the Amherst Conservation Commission, and Jared Hardner, Vice Chair, discussed with the Board the possibility of a property acquisition plan to be completed this month, per RSA 41:14-a. Jared Hardner explained that the Buckmeadow property went up for sale in late 2019. The ACC approached the owner with an offer that was eventually accepted. This property is 40.7 acres located between Route 101A and Stearns Road. The property comes with a permanent easement on it, totaling about 18 acres. In total, the town is looking to acquire about 58 acres of land. A portion of the easement was amended, it is believed, as the golf course began to creep onto the condominium's land to keep the golf course intact. This amendment expires two years after golf is last played on the property. This means that approximately one acre of land will go back to the condos in the future. This does not affect the rest of the property.

Jared Hardner explained that this land is of interest to the ACC due to its location in the town's southern hydrological zone. The ACC hopes to protect the wetlands and this area of hydrological importance. There are pockets of this zone that are the last remaining municipal water supply options both town and state-wide. The grasslands on the property are not natural, as this is a golf course, but grasslands are a limited ecosystem in New Hampshire and a highly ranked wildlife habitat. It will be easy to turn this area into a natural grassland. The land will be mowed once a year and treated for any invasive species. The aquifer in this area is a highly transmissible one, which the ACC also believes is important to protect.

Jared Hardner explained that the ACC has looked to collaborate with the Recreation Department on this project, using funds from the Conservation Fund and the Recreation's revolving fund. There can be three rectangular athletic fields on this property, which would mainly be played on in the spring and fall. The town has faced a deficiency in playing fields for a number of years, which this purchase looks to help resolve. This property is very cost-effective for the Recreation Department because the area is already cleared, mostly flat, and already irrigated. The property comes with an existing clubhouse and parking area. The clubhouse would be ideal for senior programming, and the building has the option to allow access to only the bathrooms while locking off the rest of the building.

Jared Hardner explained that Meridian Land Services has been hired to examine the parking lot area and access road. A one mile loop trail is proposed around the perimeter, and there is space for a picnic area or other small recreational opportunities. A draft Operating Agreement between ACC and the Recreation Department has been drafted and will be referenced in the deed. This was created to balance the two objectives of the two entities. The property is within the floodplain and thus the town's floodplain ordinance prohibits lighting and PA systems. The vision is for this property to be a seamless landscape. There was some concern voiced by abutters of the use of the property after hours, but the property will be monitored by the Police Department, just as any other public parking area in town.

Cliff Harris suggested having some lights on the field in order to facilitate more use in the fall evenings, while not affecting abutters. He also suggested looking into putting porta-pottys down by the end of the third field, as it's a distance from the clubhouse bathrooms.

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In response to a question from Mike Dell Orfano, Jared Hardner stated that lighting on the fields may also not be compatible for the natural habitat that's trying to be protected, and appears to be an issue for the abutters. The abutters don't want extended playing hours and ground nesting birds tend to not make nests in areas where there are structures.

Craig Fraley, Director of the Recreation Department, entered the meeting.

Marilyn Peterman thanked the two groups for working together on this project. She stated that it's been part of the town's vision to incorporate recreation fields into pieces of conservation land. The clubhouse is an important feature.

Recreation Director, Craig Fraley, stated that there are other fields in town that he believes would be better suited to putting lights on.

Jared Hardner stated that the groups are planning to work with abutters to ensure their privacy. The trail area will be mowed, but the rest will be left to grow into grassland. The assessed value of the property is \$997,000. The owner accepted an offer of \$575,000; \$375,000 coming from ACC, and \$200,000 coming from the Recreation Department. A purchase and sale agreement has been signed, with unanimous support from the Board of Selectmen. There will be two public hearings with the Board of Selectmen, on March 9, 2020 and March 23, 2020. The Board of Selectmen and ACC will then give their final votes on March 30th. If those votes are positive, the deal will close on March 31st.

Jared Hardner reviewed the due diligence that is underway for this project. He explained that Meridian will be delineating the wetland and buffer areas on the property. He also reviewed a rough restoration plan for the property that looks to control invasives while bringing back natural grasses. The groups will be lucky to receive some pro bono advice on this from the Amherst Country Club, which has recently done similar projects. He stated that the ACC is looking to hold Earth Day celebrations, in collaboration with other town groups, on the site in April. He explained that there is a possibility that the groups will need to come back before the Board, due to language in the floodplain ordinance stating that non-commercial sports and recreation are prohibited.

Sally Wilkins stated that, in the past, the municipality has not been subject to that ordinance.

Peter Lyon, Chairman of the Board of Selectmen, stated that, statutorily the town is not required to seek the approval of the Planning Board for this, however, he believes that this should be submitted and approval sought.

In response to a question from Sally Wilkins, Jared Hardner stated that there is an access point from Stearns Road into the property. Driveway access is not anticipated there, but a trailhead may be. This option could also be integrated into the Bicycle & Pedestrian Advisory Committee's long-term vision.

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Craig Fraley stated that there is also an access point at the corner of the easement, to possibly allow a trail and access from Parkhurst Place.

In response to a question from Marilyn Peterman, Jared Hardner explained that this wetland complex starts on the Currier conservation land and includes the Ponemah Bog.

Marilyn Peterman stated that this is one of the best acquisitions of land because of the collaboration by ACC and the Recreation Department. She believes this project has many attributes that the town is looking for.

**Cliff Harris moved that the plan presented on the Buckmeadow property go forward, with the Planning Board's approval, to the Board of Selectmen. Marilyn Peterman seconded.
All in favor.**

4. Board discussion regarding the Integrated Innovative Housing Ordinance. *This will be for Planning Board discussion only. No public input will be accepted.*

Mike Dell Orfano explained that the Board missed the opportunity in the fall to review its ordinances and suggest changes, due to the number of applications presented. The Board will now take the opportunity to discuss what has been heard from the public during past meetings and what has been heard regarding the IIHO. Mike Dell Orfano noted that this was a Planning Board discussion and no public input would be taken. He also noted that there could be no reference to existing applications or the proposed zoning petitions.

Lisa Eastland joined the meeting by phone.

Nic Strong noted that her distributed memo regarding the IIHO process was put together based on her reading of the regulations and review of applications submitted under those regulations, as a newcomer with a fresh set of eyes. She stated that she worked through the various sections of all the ordinances and regulations that came into play in this complicated process. She began with the conditional use permit process items. She explained that a conditional use, much like a use allowed by special exception, is a permitted use that may have objectionable elements associated with it that requires an additional level of scrutiny. A special exception may be administered by the ZBA. Under RSA 674:21, CUP's may be administered by the Planning Board.

Marilyn Peterman stated that the reason that the three types of housing were placed under the CUP was to put the requirements for these types of developments in the hands of the Planning Board instead of the ZBA.

Mike Dell Orfano stated that this situation came about after the ZBA granted approval to a 15 acre parcel with 2 homes per acre, without regard to the wetlands and slopes of the area. The density given was well beyond what the Planning Board considered to be appropriate. The

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ZBA's interpretation of the ordinance was different than the Planning Board's, and it was decided to remove this as a special exception and place it under the CUP.

Nic Strong explained that innovative land use controls have to be supported by the Master Plan and that innovative land use controls have to contain standards to guide the person or board that administers them. The term "conditional" means that the use has to meet extra conditions in the ordinance before it can be approved. Some uses that require CUP's include Planned Residential Developments (PRD), and Elderly Housing. Interestingly, Workforce Housing does not require a CUP in Section 4.14 because Section 4.14, E 1., contains very similar language to the CUP language as part of the Workforce Housing language. Nic Strong pointed out that the CUP criteria in the WWCD and the ACWPD are very specific to those sections and provide criteria and requirements.

Nic Strong stated that the IIHO intends the CUP to be granted for the density of the development, however, there are no specific criteria to help the applicant or the Board answer density related questions. It appears that the IIHO Regulations adopted by the Planning Board in May 2019, are intended to provide procedural guidance for the CUP application that is not included in Section 3.18 or 4.16. The CUP language includes a statement that a Non-Residential Site Plan Review will be required. This does not make sense in the context of housing developments. Under state law and town regulations, site plans are not required for one and two family residential development. Site plans are only required for non-residential uses and multi-family development.

Sally Wilkins explained that a plan review of some kind was necessary for types of proposals that might not be subdivided, and the Non-Residential Site Review was available under state law. It is not required for single family residential developments, but is not excluded from being used. Nic Strong suggested that the wording should include subdivision or Site Plan Review, as applicable, or something similar. Sally Wilkins agreed.

Nic Strong stated that Section 3.18 includes timeframes for substantial construction to commence (one year) and for extensions of CUPs (one additional year). These conflict with the IIHO Regulations in which commencement is listed at two years and an extension can be requested for two additional years. The IIHO Regulations specify in Section 501.3 that if there are conflicts between the Regulations and the Zoning Ordinance then the Zoning ordinance shall control. She also explained that, although the IIHO Regulations use the term repeatedly, there is no such thing as an IIHO CUP. There are only the standard 3.18 CUP criteria which are supposed to be used to implement the three housing types listed in the IIHO in order to arrive at a total number of units to be permitted by the CUP. The flaw is trying to determine the density that will be permitted by using a CUP process that does not contain any standards or details pertaining to determining density as the threshold permit to allow the project to continue.

Sally Wilkins stated that these items were written at the Board's request by Gordon Leedy, previous Community Development Director. The conditions in the CIP are embedded in the workforce ordinance. Nic Strong explained that the conditions are not specific enough.

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Nic Strong ran through some density issues. She explained that the IIHO is the mechanism of implementation for Workforce Housing, PRDs and Elderly Housing. It's intended to provide a CUP with a number of units; not a design plan or a subdivision. Density is to be established as part of the CUP discussion. A CUP is an acknowledgement that a particular use may be beneficial in the long run to the town's planning goals but could have undesirable impacts on a neighborhood and should not be allowed as a by-right permitted use with little or no review. The IIHO indicates that an appropriate density for a development is the baseline density which is calculated by dividing the Net Tract Area (total area of parcel less wetlands, floodplain and slopes greater than 20%) by the minimum lot size in the particular zone. An applicant can then propose incorporating various restrictions and amenities into the development in order to receive bonus percentages to be added to the baseline number of units available. In order to establish the appropriate number of units, during the CUP process, the questions from Section 3.18 of the Zoning Ordinance have to be answered. In order to answer those questions, the applicant has to provide information to the Board. However, Section 3.18 includes no detail on items to be provided to the Board. There is no IIHO form or checklist.

In response to a question from Marilyn Peterman, Nic Strong stated that the checklist/form is something that she can put together for the Board.

Nic Strong went through a number of IIHO items. She explained that the IIHO is designed to allow for different housing types within the same development instead of having to have all workforce or elderly or all PRD housing as a standalone development. The IIHO requires a 3.18 CUP for each type. The IIHO sets density by first establishing the baseline allowed for a property, then saying that the total number of units will be calculated through formulae in the table in Section 4.16 E, but there are no formulae. The table is not clear.

In response to a question from Sally Wilkins, Brian Coogan stated that the percentages in the table are only a piece of the formulae and that there is not enough specificity in how it is calculated.

Sally Wilkins explained that, if a single unit in a development cannot qualify for more than one bonus type, the house of cards falls. She stated that she presumed if the Planning Board is giving incentives for certain items, those would be considered benefits to the town. Thus she finds it odd to say to applicants that they must prove the town needs rental housing, because if it wasn't needed there wouldn't be incentives for it.

Mike Dell Orfano stated that the Board extracted items from the Master Plan and used these for the criteria for types of bonuses.

Marilyn Peterman explained that, over years of planning and through discussions with NRPC (Nashua Regional Planning Commission), the Board recognized certain needs in town, which is why the ordinance was written in the first place – to combine all of the innovative types of housing under one umbrella.

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Cliff Harris stated that it is important to have the ability to have different types of housing. He also believes that there should be a running tally kept as to what the town currently has for housing types (55+, rental units, etc.). In this way, when a developer comes in with a proposal, the Board will know where the town is deficient.

Sally Wilkins stated that this tally might be possible to create, but the number of rental units in town is a fluid number. The burden on the applicant is not to provide the types of housing incentivized, but to preserve the types incentivized.

Marilyn Peterman explained that the affordable housing ordinance came about in 1987 and the workforce housing ordinance came about in 2005. At first, the only applications the Board saw were for workforce housing, and developers could get 400% density in these developments by right. The Board felt this was being exploited so it created the IIHO to reduce the density to under 200%. Density given was cut in half by putting in the IIHO. It was a creative mechanism to maintain and assure that units were kept as affordable.

Sally Wilkins stated that the same is also true for PRD and elderly housing types.

Mike Dell Orfano noted that the IIHO also gave the Board better ways to measure and control the impacts of development in town.

Marilyn Peterman explained that the market has a great bearing on what's proposed for housing. For example, the state has gone out of its way to incentivize the creation of both rental and affordable units; this leads to the Board having less control.

Cliff Harris stated the importance of making sure whatever type of housing unit is created stays that way in perpetuity. He expressed concern over the town building a lot of a certain type of housing due to a backlog, and what will happen if that backlog then disappears.

Mike Dell Orfano explained that Nashua age-restricted some of its family housing units in order to limit the number of children coming into the school district. This has now become a burden because a major portion of these homes are age-restricted and cannot be used by many trying to move in. He stated that the housing needs analysis done by NRPC was a beginning step in addressing the types of housing and the requirements needed in town. As the Master Plan moves forward, the Board will look to expand on that to determine what the town is deficient in.

Cliff Harris suggested an informal survey be made available during the town election to inquire what type of housing people currently live in (rental, owned, ADU, etc.) in order to help the Board with its data.

In response to a question from Sally Wilkins, Nic Strong stated that, because it deals with density, the percentage table should stay in the Zoning Ordinance and cannot be moved to the regulations in order to more easily amend it.

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Mike Dell Orfano explained that, if the unit number proposed subsequent to the CUP, is determined to cause an impact the Board is able to roll back that number based on offsite improvements.

John D'Angelo suggested that the town produce and post an educational document that outlines each process (IIHO, elderly, PRD, etc.), with the associated steps and a rough time line.

Nic Strong stated that the IIHO is set up to issue a CUP for density. It then goes on to include a waiver section that requires the Planning Board to establish lot size, density, setbacks and open space for each project approved under the IIHO, but it doesn't say when. If the CUP is for density, why would the Planning Board get into lot size, setbacks and open space as part of the CUP discussion?

Sally Wilkins stated that, in practice, the Board has been prorating some of these density items. Nic Strong stated that there is nothing explaining that to applicants.

In response to a question from Brian Coogan, Nic Strong stated that a discussion needs to be had regarding how to calculate the minimum/maximum thresholds for these items.

Rich Hart stated that it's difficult to set some of these values. For example, one acre of land could be very important in regards to conservation, but another acre might not be. The relative values of areas differ greatly sometimes.

Mike Dell Orfano stated that a spreadsheet was created by Gordon Leedy with the math for the IIHO calculations and the standards that he recommended following. If the Board is ever unsatisfied by an applicant's answers, it can always not grant a CUP. The Board often has conversations with applicants regarding the quantity and quality of open space.

Brian Coogan stated that he believes the Board can do a better job articulating this. It would be more helpful to the community and applicants to give clear standards.

Nic Strong reviewed some IIHO regulations items. She explained that the regulations were set up to establish uniform rules and procedures for granting CUP's per 4.16 IIHO permitted by CUP. The enabling statute mentioned in 501.3 is incorrect; 674:21 is for zoning, 674:36 is for Subdivision Regulations and 674:44 is for Site Plan Regulations. Also, the IIHO CUP is for density and other regulations that need to be complied with would only come into play later, at the time those applications were submitted to design the project.

Nic Strong noted that IIHO Regulations contain a section on Phasing but the IIHO CUP discussion is supposed to be about density, so phasing does not seem to be appropriate at this stage. She also noted that Section 508.4 of the IIHO Regulations requires a Development Agreement which is supposed to contain a lot of information, including phasing details. Nic Strong went on to say that Section 503 is to clarify the density requirements. This explains in (f) that the units are a range and may be modified at the final review. This should be part of the

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IIHO. Section 501.4 says that the SPR submission standards should be used but the submission items in 506 are directly related to the Subdivision Regulations. Nic Strong pointed out that Section 506.5 of the IIHO Regulations states that the Planning Board can require information in addition to that specifically required by the Zoning Ordinance or the regulations if it is necessary to properly act upon the application. Section 508.4 requires a development agreement which goes into details far greater than those required for a density IIHO CUP. This should be part of the Subdivision and/or Site Plan application requirements.

Nic Strong explained that, in order for the Board to come up with an up-to number for density that makes sense, certain information about the land needs to be known. If the Board doesn't have this information it can't answer the questions in Section 3.18 and it seems unclear as to why a CUP would be issued.

Sally Wilkins explained that, back when the affordable housing ordinance was created, it was a two-step process. First was a suitability review, during which the Board determined if the "use" of a development (affordable, duplexes, clustered, etc.) was suitable for a piece of property. The Board would then issue a definitive number of units. Second was a conceptual design review. It was thought that the CUP was structured similarly.

Nic Strong explained that the IIHO CUP is necessary in order to get the information that the Board needs to understand a piece of property and give an up-to number of units that it is fairly confident the piece of land can hold.

Marilyn Peterman stated that the Board doesn't work in a vacuum. An applicant will often request the maximum number of units s/he can get. This is not out of bounds and the Board then uses the zoning ordinances as intended on paper.

In response to a question from Marilyn Peterman, Nic Strong stated that some items should be required of all applicants up front in order to know if the requested number is appropriate to the property, such as: SCS soils data, hydrology information, septic suitability, traffic information, etc.

Sally Wilkins stated that some of these items are difficult to request up front, as they cost the developer a lot of money before even knowing if the project is viable.

Christy Houpis stated that the Board needs to make some of the procedures and requirements clear to the public. There needs to be a balance between asking a developer to spend a lot of money on certain tests, and the health, welfare, and safety of the public.

Mike Dell Orfano stated that the Planning Board cannot impede applicants, and requesting them to perform very expensive studies could be tantamount to that.

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Nic Strong stated that the Board needs to be reasonable in its requests, but she's unsure how many of the CUP questions can be answered without some of this preliminary information being available.

Mike Dell Orfano stated that the Board could work with the DPW to determine a standardized traffic scope that identifies the topics a traffic study might cover. This could then be presented at a CUP level.

Nic Strong ran through a few more housekeeping items in the IIHO Regulations. She explained that the IIHO Regulations seem designed for the whole process from CUP to Subdivision, but the IIHO is only designed for the density CUP and that's what the IIHO Regulations are supposed to be supporting and clarifying.

Sally Wilkins requested that Nic Strong look into why it seems that Section 3.19, phasing of the zoning, seems to have been dropped from the regulations. The current version of the zoning ordinances doesn't contain the phasing ordinance but the Board never revoked it. Nic Strong stated that it was still in place.

Nic Strong explained that it was determined during the IIHO discussions in 2014/2015 not to do mixed use development at this time. There was a whole separate ordinance section drafted by the committee but it was not put forward and, therefore, mixed use developments are not permitted.

Mike Dell Orfano stated that mixed use development was discussed during the Master Plan process and was seen as controversial. Thus, the Board considered incorporating the essence of mixed use development into the IIHO.

Cliff Harris recommended that the mixed use reference be left in the IIHO because the town needs those type of properties and there are areas of town that lend themselves to it.

Nic Strong stated that mixed use development isn't currently in the IIHO; the suggestion was not moved forward with.

Nic Strong reviewed some options the Planning Board could consider, including: creating an IIHO Density CUP with standards and criteria and submission items specific to density discussion; rewriting the IIHO and IIHO Regulations to eliminate confusion and conflict; to use the Housing Needs Assessment during the Master Plan update to gather public input and have a conversation about housing in Amherst; review the Zoning Ordinance districts for lot sizes for by-right subdivisions to determine if there is any possibility for reduction.

In response to a question from Marilyn Peterman, Nic Strong stated that it is possible to discuss lot sizing in certain districts in town in order to create more density as an alternative to density bonuses.

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Sally Wilkins stated that this could be a discussion, but she doesn't believe this would lower the cost of any units built in these areas.

Mike Dell Orfano stated that this type of zoning originally created little pockets of development. The IIHO looked to integrate affordable housing into neighborhoods in order to move away from these clusters of housing.

Nic Strong continued with Planning Board options, including: to consider the bonuses and what they are used for; to look at if the town is getting the things it was intended the bonuses would provide.

Marilyn Peterman suggested that people drive around town to see what innovative zoning has created, such as The Fells, Summerfield, etc. Most of the units that are affordable look just like the rest around them.

In response to a question from Cliff Harris, Sally Wilkins stated that members of the public would be able to tell what type of housing is at The Fells only by pulling the subdivision plan.

Cliff Harris suggested it might be a good idea to inform the public as to what types of housing have been created in town in which areas. Sally Wilkins stated that she believes this would be extremely labor intensive.

Mike Dell Orfano stated that he has heard the public's concerns regarding the community's character, but the Board has tried to create developments set back from the road for this exact reason. He suggested that there could be a criteria in the amended ordinance to preserve the community's character through curb appeal.

Nic Strong continued with Planning Board options, including: to require as part of the subsequent subdivision and site plan review applications that the applicants prove that the units they used to qualify for bonuses are in place and where, and explain any differences; and to strengthen the restrictions on senior housing and rent restricted units to make sure that they remain that way over time.

John D'Angelo has reviewed a number of discussion points. He questioned if there should be a cap on a maximum allowable additional density. If so, how much should that cap be and what is the reasoning behind it.

Sally Wilkins stated that the IIHO was written with the intention of giving the Board more power to negotiate with applicants for more control over what was built, and to make sure that the town was getting what it was incentivizing. She stated that she believes there should not be any type of cap in terms of bonus percentages, but in terms of per acre. A ballpark or baseline cap could be placed at around a ½ acre.

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522 John D'Angelo stated that there may even be different caps for different housing types in town.
523 Sally Wilkins suggested that the Board will only receive applications for whichever usage is
524 most intensely allowed.

525
526 John D'Angelo questioned if the open space density bonus should have additional requirements,
527 for example, that the bonused open space be (mostly) contiguous.

528
529 Cliff Harris stated that some of the land in a development might be more valuable if it connects
530 to a bike path, for example.

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532 Marilyn Peterman stated that this would be site specific in each case.

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534 John D'Angelo questioned if the wetland buffers should be excluded from the IIHO calculation
535 of the acreage used for the "by right" baseline calculation.

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537 Mike Dell Orfano stated that idea might be close to unlawful taking of land by the Board.

538
539 John D'Angelo questioned the double dipping controversy, such as if a single units is 1) single
540 floor, 2) ADA compliant, and 3) 55 or older restricted.

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542 Mike Dell Orfano suggested that a table be created that states which combination of bonuses are
543 acceptable. This should be clarified up front for the public.

544
545 John D'Angelo questioned if one of more of the five "burdens" the applicant needs to prove for a
546 CUP need to be clarified. He also suggested that the ordinance needs to explicitly allow the
547 Planning Board to require studies at the CUP stage. He stated that the word "burden" is vague,
548 and also that the Board should revisit all of the "burdens" to get clarity.

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550 Sally Wilkins stated that the "burden" language was lifted from the special exception language.
551 The phrase is self-evident and functioning in a ZBA setting but is confusing when used by the
552 Planning Board.

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554 Mike Dell Orfano stated that further discussions on all of these items need to be had. He also
555 stated that it doesn't make sense for this Planning Board to move forward with the Master
556 Planning process until the town elections take place and it is known whether the petition warrant
557 articles pass.

558
559 Nic Strong reminded the Board that the March 18, 2020, meeting is at the Amherst Middle
560 School. Brian Coogan stated that he would not be there.

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562 Sally Wilkins stated that, due to the toxic miasma currently surrounding the Planning Board, it is
563 unhealthy for her to continue and she is resigning from her seat. She recommended to the Board
564 of Selectmen that they appoint Lisa Eastland to complete her term.

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Marilyn Peterman read the following statement:

"This is a very sad day, indeed a black day, for the Town of Amherst in general and for the Amherst Planning and Zoning Department in particular. You may say this is a little dramatic, but it is the way I am feeling this evening. Sally Wilkins is one of the longest serving members of the Amherst Planning Board. There is not one single person, not anyone in this room or in our community that has more knowledge and understanding of the Amherst Zoning and Subdivision regulations than Sally Wilkins. What they know, compared to Sally, would not fill a thimble. No one will ever match Sally's contribution during her 30+ year career serving on this board as a volunteer in this town. There will be no person with more talent. There will be no person now or in the future with more expertise, knowledge and history of the Planning and Zoning in this town. And there will most certainly not be another person with the dedication to this Board and to this town than Sally Wilkins. Sally once came to a meeting with a new born child (I think her fifth) in order to be part of the discussion and votes for that particular evening. That's dedication. And what makes this even sadder for me is that Sally has been maligned by people in this town for doing the job she loved doing. This is not only unfortunate but cruel and shameful. I will miss Sally sitting on this Board next to me, as she has for all these many years. I will miss the information or questions answered that she has shared with me. Most of all, I will just miss knowing that Sally will no longer be here on the first and third Wednesday of the month. So, thank you Sally for all of those hours, for all the other committees you served on as the Planning Board Representative, but most of all thank you for caring so much about this town.

Mike Dell Orfano stated that the attacks from the community on members of the Planning Board have been unfortunate. He is angry at the abuse that has been directed towards Sally Wilkins, who has been dedicated to this town for so many years. He believes these actions are shameful for a community this size.

**Sally Wilkins moved to adjourn the meeting at 10:31pm. Cliff Harris seconded.
All in favor.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: April 30, 2020