

TOWN OF AMHERST
Planning Board

September 2, 2020

APPROVED

In attendance: Arnie Rosenblatt - Chair, Cynthia Dokmo – Vice Chair, Michael Dell Orfano, Dwight Brew-Selectman Ex-Officio, Bill Stoughton, Marilyn Peterman, Brian Coogan, Tracie Adams (Alternate) and Chris Yates (Alternate).

Staff present: Natasha Kypfer, Town Planner; and Kristan Patenaude, Minute Taker.

Arnie Rosenblatt called the meeting to order at 7:02 p.m., with the following statement. As Chair of the Amherst Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, and 2020-16, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.

All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #312-626-6799 and password 824 1214 9047, or by clicking on the following website address: <https://zoom.us/j/82412149047> that was included in the public notice of this meeting.

Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Planning Board at: www.amherstnh.gov.

Providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem, please call 603-341-5290.

Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to- Know law.

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Roll call attendance: Cynthia Dokmo; Dwight Brew; Brian Coogan; Mike Dell Orfano; Bill Stoughton; Chris Yates; Tracie Adams; Marilyn Peterman; and Arnie Rosenblatt; all alone and present.

PUBLIC HEARING:

- 1. CASE #: PZ12164-121619 – MIGRELA and GAM Realty Trust (Owners) & MIGRELA Realty Trust (Applicant) - Carlson Manor, 153-159 Hollis Road, PIN #: Tax Map 1 Lots 8 & 8-2, Tax Map 2 Lots 7, 7A, 7B, 3-1 & 3-2 - Submission of Application/Public Hearing/Subdivision & Non-Residential Site Plan. Proposed 54 unit condominium-style development. Zoned Residential/Rural. Continued from June 23, 2020.**

Chad Branon, Fieldstone Land Consultants, joined the meeting.

Chad Branon stated that the applicant is requesting to continue this hearing to the next meeting. A fiscal impact study is still pending for the application, as the individual who was previously completing it retired from the project due to COVID-19.

Mike Dell Orfano moved to postpone this hearing to October 7, 2020, at 7pm via Zoom. Marilyn Peterman seconded.

Discussion:

Natasha Kypfer noted that the Staff Report indicated that the email received from the applicant requesting a continuance is sufficient notice.

Roll call: Bill Stoughton - aye; Cynthia Dokmo - aye; Brian Coogan - aye; Dwight Brew - aye; Marilyn Peterman - aye; and Mike Dell Orfano - aye. Motion carried unanimously.

CONCEPTUAL CONSULTATION:

- 2. CASE #: PZ12902-071620 – William, Charles & Richard P. Hazen (Owners) & NH Sustainable Communities - Amherst Planned Residential Development (Applicant) 2 Upham Road, PINs 006-102 & 004-116, 118, 119, 121, 122, & 145 — Subdivision application - Proposed 128 Unit Planned Residential Development. Zoned Residential Rural.**

Chad Branon, Fieldstone Land Consultants, and Shane Carter, NH Sustainable Communities, LLC, joined the meeting.

Chad Branon explained that he represents the property owners, William, Charles and Richard Hazen, and the applicant, NH Sustainable Communities, LLC. This is a proposed Planned Residential Development (PRD) over seven parcels in Town. Parcel 4-122 is approximately 22.1 acres with frontage on Cricket Corner Road and County Road; Parcel 4-116 is approximately 46.1 acres with frontage on Cricket Corner Road and County Road; Parcel 4-118 is

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approximately 44.2 acres with frontage on County Road; Parcel 6-102 is approximately 150 acres with frontage on County Road and Spring Road; Parcel 4-119 is approximately 19.7 acres with no technical frontage; Parcel 4-121 is approximately 56.4 acres with frontage on County Road and Upham Road; and Parcel 4-145 is approximately 15.9 acres with frontage on Upham Road and County Road. The property totals approximately 354 acres.

Chad Branon explained that the project is proposing a 128 lot PRD over the seven properties. He showed the Board a concept plan. There are 62 lots proposed along existing Town roads; these would be frontage lots. These lots will maintain a minimum of 150' road frontage. The lot sizes will vary from 1/2 acre - 2 acres. The sizes will vary because the project looks to maximize and preserve open space.

Chad Branon stated that the project is also proposing five cul-de-sac roads: 1 - 464' that will service nine units; 2 - 704' with an additional 600' road off it, the two of which will service 20 units; 3 - 776' that will service 16 units; 4 - 631' that will service nine units; and 5 - 794' that will service 12 units. This project looks to cluster the homes in locations with suitable land, while also maximizing open space and minimizing the impacts to sensitive areas of the site. There is only one proposed wetland crossing as part of this plan, and buffer impacts only in one other area of the site.

Chad Branon touched on the goals and objectives of a PRD project. He explained that PRDs have a requirement to place 40% of the lot area into permanent and protected open space. This project looks to put approximately 70% of the property, or 247 acres, into protected open space. The required acreage for this area would be about 142 acres. Chad Branon explained that a lot of thought went into the design of the site in order to maximize open space. The sites were delineated in the field in regard to jurisdictional wetlands, and vernal pools. These areas are all located within the open space areas to be preserved on the site. This project also offers connectivity to other Town conservation lands. This plan was presented to the Amherst Conservation Commission (ACC) on July 2, 2020.

Chad Branon explained that, with the Innovative Integrated Housing Ordinance (IIHO) repealed, there are some questions as to how the Board will calculate density in PRD projects. He explained that there are still some references to the IIHO standards in the regulations. He stated that the net tract of the sites is about 225 acres. Using this calculation to look at density yielded approximately 113 lots. The project is proposing 128 lots because additional density is typical with this style of development and due to the amount of area being left open and preserved.

Chad Branon explained that this project will likely require a fair amount of offsite improvements. There will probably need to be significant improvements made to the roadway infrastructure. He will be reaching out to DPW Director, Eric Hahn, to further discuss this.

In response to a question from Cynthia Dokmo, Chad Branon explained that, in terms of road improvements, he believes there may need to be some widening and some level of paving on County Road. The applicant will collaborate with the Town on this. Fortunately, both sides of the

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road are owned by the applicant, which will be useful in widening the roads and making drainage improvements.

In response to a question from Dwight Brew, Chad Branon explained that this will be a phased project due to its size. Discussions on this will involve collaboration with the Town Engineer, and DPW Director. There could be certain areas of the site that are developed at the same time due to location.

In response to a question from Dwight Brew, Chad Branon explained that this project is coming in under the PRD section of the ordinance that still exists, even though the IIHO section was deleted. The PRD does not specify density bonuses but does reference the IIHO section for calculating possible bonuses. It states that the Planning Board will determine a reasonable density. Chad Branon explained that he feels that the net tract area is a good reference point for the Board. The typical mindset, in the past, has been that there are incentives for the Board to contemplate in regard to increased density.

Chad Branon explained that the project has a total of 17,905 linear feet of road frontage. Based on this alone, with standard 200' frontages, the site has about 90 lots on it. He explained that the goals and objectives of a PRD are to have a development that promotes land conservation, buffering, and continuity.

In response to a question from Dwight Brew, Chad Branon stated that the open space could be managed by an HOA but thought that there may be some interest from the ACC in managing it. The applicant is interested in that feedback.

In response to a question from Tracie Adams, Chad Branon explained that part of the reason for the cul-de-sacs on site is to create a diversity of housing through clustering and lot sizes. The clusters with lot sizes of about 1/4 acre could be geared towards a 55+ community, possibly. These would be slightly smaller sized homes but would not come in under workforce housing. Chad Branon explained that topics within the PRD, such as housing diversity and number of bedrooms will be addressed in the formal application.

In response to a question from Tracie Adams, Chad Branon explained that the project will likely have individual wells, or possibly occasional shared wells. The State looks at PRDs as essentially one lot, so the project will be credited for the preservation of open space on the property. Wells and septic systems for the lots will meet local and State criteria. Test pits will be needed on site in order to verify the direction of the project.

In response to a question from Brian Coogan regarding the reason for proposing the project along a scenic road, Chad Branon stated that he looked at the project with Shane Carter and, after conversations with the ACC, it was determined that some of the objectives would be to minimize impacts to the environment and maximize open space. After the site was surveyed and the buffer and vernal pools were located, the project took on its own shape and direction. It would take significant crossings to access some of the upland areas off Upham Road; this would also go

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against the wishes of the ACC and the goals/objectives of his client. Chad Branon explained that this area is quite sensitive and contains high function/value wetlands. It would, thus, not make sense to build in these areas, although there are areas that could be built. County Road provides the best access to buildable areas with the least amount of impact. The scenic road setback requirements will be met. The project direction is to utilize existing Town roads for the conventional layouts in order to minimize infrastructure and maximize and preserve open space.

In response to a question from Brian Coogan, Chad Branon stated that construction on the scenic road depends on what the community has for priorities. The applicant is not opposed to being creative with the proposed road improvements. A traffic study will need to be done to determine the minimum road width; the Planning Board, Town Engineer, and DPW Director will then be consulted regarding reasonable solutions. It might be possible to propose a narrower road and reset the stone walls along it, to maintain the rural character of the area.

Brian Coogan questioned if there will be cohesiveness throughout the entirety of the project area, including unit styles. Chad Branon stated that there are likely to be covenants throughout the site.

In response to a question from Marilyn Peterman, Chad Branon stated that the form of ownership for all units on site will probably be fee simple. This has not yet been definitely decided. He explained that there can be covenants without having an HOA. The project would look to establish parameters in terms of housing diversity on the site. He explained that, if the ACC is not interested in managing the open space, the applicant may contact a Land Trust to see if there is any interest.

Marilyn Peterman questioned who would control the legal documents for the units and who would do the policing for items such as pesticides or fertilizers. Chad Branon stated that these items will be addressed by the project in the future.

In response to a question from Marilyn Peterman, Chad Branon explained that the frontage lots could be marketed to builders, but the cul-de-sac areas will be projects unto themselves. He believes that the neighborhoods will police themselves in some ways. Each area and owner will know the covenants.

In response to a question from Marilyn Peterman, Chad Branon stated that, if the project is done with a fee simple ownership, the roads will all be public, and the Town will be responsible for them.

In response to a question from Marilyn Peterman, Chad Branon stated that there may not be trails within the open space, due to the sensitive nature of the area, but the applicant is open to dialogue on this.

Chad Branon stated that he doesn't want this project to be compared to past projects, as the regulations have since changed. He would like this project to be examined under current regulations and what can be done on site. The PRD regulations do not define things, such as

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amenities and the process for items like density bonuses, as clearly as the IIHO did and he would like there to be conversation about that.

Marilyn Peterman explained that the project itself looks similar to a grid development. She doesn't see any diversity in the plan at all. PRD and elderly housing projects were both enabled under the IIHO and Conditional Use Permit processes; she is unsure what the Board's ability is to approve a development that there are no guidelines for.

Mike Dell Orfano stated that this proposal is better than the last proposal made for the Hazen property, which came in at 176 units under the IIHO. That developer went away because the IIHO had design review requirements, the number of units and bedrooms could be dictated, and what open space would be allocated. These things have since been done away with, including accessory uses, and the Board's right to carve out public access. He does not understand if the Board has any legal authority without the basis of allowances to make decisions or even comment on this proposal. He requested that, if this proposal is to move forward, the Board seek the opinion of legal counsel to look if the Board has the right to determine the number of units without a clear definition of what's legally allowed. He believes all of that went away with the IIHO. He disagrees with Community Development Director, Nic Strong, that the PRD stands on its own. He stated that Nic Strong points to the CUP process, with its five criteria, but there is no basis for the applicant to determine if those criteria are met because the IIHO was done away with. Without a delineation of what the Board can allow, he believes it would be arbitrary and capricious to make decisions on this application because there is nothing in the ordinance to guide the Board. He stated that the voters hung the Planning Board out to dry with their vote on this matter. He requests that the Board get legal opinion of the legal authority the Board has to act on this application.

Bill Stoughton addressed three items: density, stormwater, and traffic. In regard to density, he stated that Zoning Ordinance Section 4.17 stated that the Planning Board may provide for somewhat greater densities than permitted elsewhere in the Zoning Ordinance. He explained that the question is how many units could be allowed on this site by right. He stated that a good way to examine this is by looking at the proposed road frontage, which would allow for about 90 units. If the project looks to construct two acre lots off the frontage areas, there will need to be sufficient land outside of the wetland and buffer areas to construct the houses and septic systems. This may equate to 90 units or less for a baseline amount. Then the Planning Board is within its rights to grant a number of units that leads to somewhat greater density. He guesses this would not equate to the 128 units being proposed currently. He stated that it is a red flag to him that there are 1/4 acre lots proposed, when the zoning calls for two acre lots in this area.

Bill Stoughton addressed the second issue of stormwater management, by stating that it will be a challenge for the applicant to site wells, septic systems, stormwater features, and houses within these lot sizes. He explained that increased density with stormwater systems within wetland buffers is allowed in PRDs, but he believes it's unfair to the Town to compromise its water systems for density on this site.

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Bill Stoughton also addressed traffic, by stating that the size of this proposed development will have a substantial impact on local roads, such as County Road. It will be a challenge for the applicant to work through a solution to accommodate increased traffic at this level of higher density.

Cynthia Dokmo stated that she would like to see a diversity in the housing, such as through sizing, number of bedrooms, etc., when the applicant comes back before the Board. She stated that, through the PRD, the open space on site must be owned and held in common by the owners of the PRD.

Arnie Rosenblatt stated that this is a very large project being proposed, with a lot of units, that will eliminate a ton of open space in Town. This is an objective statement. He stated that this is not necessarily a good or bad thing, but that this project will be highly scrutinized by the Board and the community. He has read the PRD ordinance a number of times. He stated he is concerned, in general, that large open space provided to the Town sometimes sits on land which no one could build on anyway. Thus, generally, an applicant is not necessarily giving up this land as a sacrifice, and the Town is not necessarily getting much as a benefit and useable. This will also be scrutinized. He noted that he regrets that the citizens of the Town did not previously vote to spend money to buy this open space. If land is not purchased, it will possibly be developed. He does not agree with Mike Dell Orfano's comments that the Board can't approve this project without the IIHO. He does not believe the Board is incapable of making a decision on this application. He is concerned that this sort of language is on the record and thus believes that Town Counsel will need to review this item. He also stated that he values Nic Strong's judgement and is not rejecting her judgement on this. He will report back to the Board on Town Counsel's opinion of this item.

Arnie Rosenblatt stated that he was going to open up the meeting to public comment, but noted that this project is early on in the process, therefore, the applicant may be interested in hearing the public's comments, but the Board was not at a point to make any decisions that could be affected by public input.

Public Comment:

Tom Quinn, 30 Christian Hill Road, stated that he reviewed Sections 3.18 and 4.17 in terms of this project. He questioned if this project, as presented, is appropriate as a PRD. He stated that, in terms of the density bonus issue, it is up to the developer to present the benefits to the Town to provide the impetus of any proposed additional density.

Kelly Mullin, 48 Christian Hill Road, stated that she is concerned with the statements by Mike Dell Orfano. She is not sure why those items would have been mentioned anywhere other than in a Non-Public Session. She believes that if any Board member has such an issue with even hearing this application, this should have been discussed ahead of time outside of this meeting. She believes that other Town residents will also be concerned with these comments.

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

3. CASE #: PZ12996-081320 – S&E Amherst, LLC & Donzi Realty (Owners) & S&E Realty, LLC c/o Sheree Kaplan-Allen (Applicant) 96 & 98 Amherst Street (NH Route 101A), PINs 002-049-000 & 002-053-000 — Submission of Application/Public Hearing/Non-Residential Site Plan - To show the improvements necessary to construct an automobile dealership with ancillary auto repair and storage. Zoned Commercial.

4. CASE #: PZ12997-081320 – S&E Amherst, LLC & Donzi Realty (Owners) & S&E Amherst Realty, LLC (Applicant) 96 & 98 Amherst Street (NH Route 101A), PINs 002-049-000 & 002-053-000 — Submission of Application/Public Hearing/Conditional Use Permit - To show the improvements necessary to construct an automobile dealership with ancillary auto repair and storage. Zoned Commercial.

Doug Brodeur, Meridian Land Services, and Tim Fitzroy, architect, joined the meeting.

The Board agreed to discuss these two applications together.

Natasha Kypfer stated that the Staff Report highlights the items missing for the applications. She explained that the requirements for submission have all been received.

In response to a question from Bill Stoughton, Doug Brodeur explained that the necessary information was submitted to Pennichuck for their review and possible comment. As of yet, Pennichuck hasn't yet responded regarding the CUP application.

Mike Dell Orfano moved to accept both applications as complete. Marilyn Peterman seconded.

Discussion:

Arnie Rosenblatt noted that Nic Strong brought up a fair number of items missing from these applications that he feels needs to be addressed.

The Board discussed the procedure for reviewing an application versus accepting it as complete.

Arnie Rosenblatt questioned how the Board can accept an application for review and say that it is complete, if there are items that have been identified as missing.

Cynthia Dokmo explained that Nic Strong has previously noted that, if an application is voted to be incomplete, the applicant must start the review process again. She believes the Board should vote if an application is complete or not before reviewing it.

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Marilyn Peterman noted that items could be conditional to an application's approval.

Doug Brodeur mentioned that the items necessary for the Board to review the applications have been submitted. The applicant will also need time to discuss and prepare a rebuttal, if there are items in the Staff Report they do not agree with. If the Board does not accept the application as complete, it leaves the applicant no opportunity to do so.

Mike Dell Orfano stated that he believes the applicant should be able to discuss the application. The Board can then make a determination at the end, of whether or not to accept the application.

Doug Brodeur stated that the proposed property has frontage on Route 101A. It is located partly in the Rural Residential zone, and partly in the Commercial zone. It is also located completely within the Aquifer Conservation and Wellhead Protection District. The drainage has been designed so that 100% of the impervious areas on site will drain internal to the site and infiltrate.

This design is important, given the nature of the Aquifer Conservation district. There is a wetland pocket on site, and a wetlands application has been shown to the ACC. This is a manmade pocket from the former property on site, which currently has no regulations on it. The applicant will also be submitting applications for a driveway permit, Alteration of Terrain (AoT) permit, septic permit, and aboveground storage tank permit. Nic Strong reviewed the plans and the Staff Report doesn't find any substantial issues, he believes. He also noted that Keach-Nordstrom reviewed the plans and gave no substantial comments.

Doug Brodeur stated that there will be two waivers requested as part of this application: a waiver to not place all light poles within landscaped islands, and a waiver to reduce the number of trees required on site.

In response to a question from Marilyn Peterman, Doug Brodeur explained that he has not yet submitted the waiver requests as part of the application because he wanted to first discuss them with the Board.

Doug Brodeur stated that he is also hoping the Board will consider issuing a partial building permit, so that the concrete for this project can be put in the ground before the cold weather hits.

Dwight Brew stated that he's confused as to the process of moving forward with acceptance of the application and its review. He is also unsure about whether the waivers should be discussed before they are formally submitted, and the open items noted in the Staff Report.

Bill Stoughton stated that he believes the CUP for the Aquifer District is complete and that the Board could act on it tonight, if it so chose. He is less certain that the site application is ready to

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be heard by the Board. He would like to see the waivers formally submitted and the applicant respond to the engineer's comments and respond to the unresolved comments in the Staff Report.

Bill Stoughton stated that, in regard to the CUP, the ACC has reviewed the application and given comments to the Board, regarding the underground tank, monitoring wells, and salt/ deicing material use on site.

Doug Brodeur stated that the auto dealership will have bays that contain floor drains. Per EPA and DES rules, these bays will not be connected to any of the other plumbing on site and will drain into a holding tank. This tank is similar to a septic tank, but without an outlet pipe and with a high-water alarm.

In response to a question from Bill Stoughton, Doug Brodeur explained that the tank will hold water, such as from snow melt or rainwater drip off, until it can be pumped. There could possibly be items such as antifreeze, oil, and other solvents also in the tank, but it will mostly be water. It will be disconnected from the rest of the pipes on site because it is considered to be a disconnected waste system.

Bill Stoughton stated that there is concern with a concrete, septic-like tank, that there could be cracks and also concern with the porosity of the material. This tank will be over the aquifer with possible materials other than water in it. He would like to propose the following condition, if this waiver moves forward: that the underground holding tank for collection of floor drain discharge shall be of non-metallic construction and shall be equipped with a high level alarm or notification system. In the event a concrete holding tank is used, the tank must incorporate a liner designed to remain impervious to water, hydrocarbons (including lubricants, fuels, antifreezes, and other automobile fluids), and any solvent commonly used in the automotive repair facility. The liner must be designed to remain impervious upon cracking of the concrete structure.

Doug Brodeur stated that he would like to further discuss that possible condition, but it is most likely okay. He explained that this material is the standard used by the EPA and DES. The concrete will not crack because it is reinforced with steel. It would be possible to place a waterproof membrane either inside or outside the tank to give an extra level of protection.

In response to a question from Bill Stoughton, Doug Brodeur stated that the water table is about 6' average when digging down. The highly transmissible water table is about 90-100' down.

Bill Stoughton stated that the ACC has asked the applicant to investigate the stormwater flow direction on site in relation to the monitoring well locations. Doug Brodeur stated that the water appears to flow to the north or possibly to the east, and then directly into the pond. There is a small pothole to the north of the site that goes into the water table at the same elevation of the site. Doug Brodeur stated that he is proposing moving the monitoring well at the front of the site to a more appropriate location, or to the west side of the site.

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In response to a question from Bill Stoughton, Doug Brodeur stated that these monitoring wells are shallow, quick and inexpensive to place. They are about 1-2" in diameter and detect anything emitted by the facility. Baselines will be taken prior to opening the business.

Bill Stoughton stated that, if the waiver is moved forward, he would suggest the following condition: that the applicant shall place two upstream monitoring wells near the property boundary and two downstream monitoring wells near the property boundary, based on currently available aquifer flow information. The downstream wells should be positioned to detect any discharges from the main building and its associated underground storage tank. Monitoring wells shall be sampled twice before commencement of retail operations, at least three weeks apart, to establish baseline readings. Monitoring wells shall be sampled semi-annually for the first 3 years of retail operations and annually thereafter. Samples shall be tested for standard drinking water analysis per DES guidelines (including at minimum pH, chlorides, and nitrates), VOCs, and PFAS. Results shall be forwarded to the Community Development Office.

Doug Brodeur stated that the condition is probably okay, except that PFAS testing is very sensitive, he is not sure it can be done through monitoring wells, and the results take a long time to get. He would suggest that PFAS be tested for the first year and then every three years in the future.

Bill Stoughton stated that, in regards to the salt/deicing materials item, he would suggest the following condition be made, if the waiver is moved forward: Materials used for deicing activities shall not be stored outdoors and shall be properly managed and applied in accordance with best management practices as published by NHDES to minimize impacts to groundwater and reduce the amount necessary for public safety. Alternatives such as calcium magnesium acetate (CMA) and/or potassium acetate (KA) are encouraged. (4.13.I.16).

Doug Brodeur stated that there are no intentions to store these materials on site. The salt management plan was previously reviewed with the ACC, with a main point of reducing salt use on site.

Bill Stoughton noted that the ordinance requires that a Spill Prevention Control and Countermeasure Plan be prepared and submitted to the Fire Department for review and approval. Doug Brodeur stated that this has currently been prepared.

In response to a question from Tracie Adams, Doug Brodeur stated that there are no federal permits needed as part of this proposal. The applicant is submitting State permits for AoT, septic, and DOT driveway.

Marilyn Peterman stated that she is concerned with the nature of this business on top of this aquifer. The Town has dealt with spills into the aquifer in the past. There will need to be extra precautions taken with the drainage calculations on site.

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Doug Brodeur explained that the site as it currently exists is fairly well developed and there are no current stormwater treatments in place, so everything is running directly into the water table. He explained that Keach-Nordstrom reviewed the drainage plan and seem in general agreement with it. The AoT permit will review this as well.

In response to a question from Marilyn Peterman, Doug Brodeur stated that the existing site will be demolished, and the drainage will be redesigned. The new plan will not use any of the existing infrastructure on site. The lots on site will be asphalt.

In response to a question from Marilyn Peterman, Doug Brodeur stated that porous asphalt would accomplish the same thing as the proposed drainage system. The proposed drainage system will capture 100% of the runoff on site and infiltrate it into surface/subsurface infiltration basins. He explained that one issue with porous asphalt is that water sits on top of it once it freezes. The proposed drainage plan will also work to recharge the aquifer.

Mike Dell Orfano noted that the Aquifer ordinance requires a membrane under the building. He suggested that this barrier could also be stretched under the storage tank. Doug Brodeur stated that a 20ml barrier will be placed under the building, per the requirements. This could also be wrapped around the tank.

Mike Dell Orfano stated that he agrees with Bill Stoughton regarding the holding tank and having a barrier under it. He also suggested having an impervious liner inside the tank and noted that concrete will weather as it ages.

In response to a question from Mike Dell Orfano, Doug Brodeur explained that the waiver for the lighting being within the islands is due to the fact that the landscaped islands are too far apart to get the light coverage necessary for insurance purposes. These poles have a 20' requirement, so the light spread is lower. The proposed lights are not overly bright and will not be out of context. Doug Brodeur stated that, per the lighting plan, there are six proposed lights on site. Mike Dell Orfano stated that, regarding the second waiver request for fewer required trees on the property and the air quality that trees help to maintain, that he would like to see a substitute plan for perennials and shrubs on site, if the waiver is to be approved.

In response to a question from Chris Yates, Doug Brodeur stated that there will not be an auto body paint booth on site.

In response to a question from Arnie Rosenblatt, Doug Brodeur stated that neither waiver has been formally submitted yet, but that the applicant will plan to have this completed for the next Board meeting.

The Board discussed if the proposed lighting on site would be dimmed or turned off at night. Mike Dell Orfano noted that the applicant should do whatever the ordinance says for lighting at night. Marilyn Peterman mentioned that she would prefer if the lighting was turned off once the business was closed in the evening.

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In response to a question from Marilyn Peterman, Doug Brodeur stated that a licensed landscape architect will be hired if necessary, but that the landscape materials will probably not cost enough for this to apply.

Marilyn Peterman requested that the applicant consider placing low growth trees on site, instead of perennials.

The Board discussed what date to table both applications to.

Mike Dell Orfano moved to table the applications to October 7, 2020, at 7pm via Zoom. Bill Stoughton seconded.

Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Mike Dell Orfano - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried unanimously.

5. CASE #: PZ12998-081320 – Obadiah Dart c/o Chapel Street Consultants, LLC (Owner & Applicant) 22 Clark Avenue, PIN #: 025-038-000 — Submission of Application/Public Hearing/Conditional Use Permit - To raze the existing house and remove the old septic system. Construct new compliant home with pre-treated septic system and new onsite well. Zoned Residential Rural.

Natasha Kypfer stated that an email was received regarding continuing this application to a future meeting date.

Marilyn Peterman moved to continue the application for Obadiah Dart c/o Chapel Street Consultants, LLC, 22 Clark Avenue to September 16, 2020, at 7pm via Zoom.

Cynthia Dokmo seconded.

Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Mike Dell Orfano - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried unanimously.

OTHER BUSINESS:

6. Minutes: August 19, 2020

The Board agreed to review the minutes at its next meeting.

7. 20 Clark Avenue - Lot Consolidation Form

Mike Dell Orfano moved to table this application to October 21, 2020, at 7pm via Zoom. Brian Coogan seconded.

The Board discussed the pending motion.

Cynthia Dokmo noted that the Staff Report mentions a suggested motion with conditions.

September 2, 2020

APPROVED

Mike Dell Orfano withdrew his previous motion.

Mike Dell Orfano moved to approve the lot consolidation subject to conditions articulated in the Staff Report. Brian Coogan seconded.

Mike Dell Orfano withdrew his previous motion.

Bill Stoughton moved to approve the Lot Consolidation/Voluntary Lot Merger application for Michael and Wendy Swabowicz, to merge Map 25 Lots 36 & 37, for municipal regulation and taxation purposes. The lot will be known as Map 25 Lot 37. No such merged parcel shall hereafter be separately transferred without subdivision approval. Payment for recording the Lot Consolidation/Voluntary Lot Merger Form at the Hillsborough County Registry of Deeds shall be made by the applicant. Marilyn Peterman seconded.

Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Mike Dell Orfano - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried unanimously.

Marilyn Peterman moved to adjourn the meeting at 10:04pm. Cynthia Dokmo seconded.

Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Mike Dell Orfano - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Minutes approved: October 7, 2020