

TOWN OF AMHERST
Planning Board

September 16, 2020

APPROVED

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

Staff present: Nic Strong, Community Development Director; 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 various Executive Orders, 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 891 3419 0994, or by clicking on the following website address: <https://zoom.us/j/89134190994> 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.

September 16, 2020

APPROVED

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

Tracie Adams sat for Mike Dell Orfano.

PUBLIC HEARING:

1. CASE #: PZ12803-062920 – 6 Pine Road LLC (Owners & Applicants) – 6 Pine Road, PIN #: 008-042-000–Public Hearing/Non-Residential Site Plan. To illustrate the layout of a climate controlled self-storage building on Tax Map 8, Lot 42. Zoned Limited Commercial. Continued from August 5, 2020.

Marilyn Peterman moved to continue this application for 6 Pine Road to October 21, 2020, at 7pm via Zoom, at the request of the applicant. Dwight Brew seconded. Roll call: Bill Stoughton - aye; Cynthia Dokmo - aye; Brian Coogan - aye; Dwight Brew - aye; Marilyn Peterman - aye; and Tracie Adams - aye. Motion carried unanimously.

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

2. 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 old septic system. Construct new compliant home with pre-treated septic system and new onsite well. Zoned Residential Rural. Continued from September 2, 2020.

In response to a question from Arnie Rosenblatt, Nic Strong explained that the statutory procedure is to first have a public meeting regarding completeness of the application. If the Board accepts the application as complete, the Board may then hold a public hearing during which the applicant can present the proposal. In terms of completeness, this application has all of the items submitted as part of the Conditional Use Permit (CUP) checklist.

Christy Houpis entered.

Bill Stoughton mentioned that there appears to be a waiver request as part of the application, requiring all wetlands within 500' to be shown on the plan. He asked if this had to be discussed as part of the completeness decision.

Marilyn Peterman noted that the applicant has an explanation for this waiver. She also stated that the Board usually votes on waivers once the applicant presents the application. Nic Strong noted that, while this is how the Board has conducted business in the past, this is not the correct statutory process.

Nic Strong explained that, in terms of the waiver request, the Board does not necessarily need that information in order to accept the application as complete. The Board can conditionally

September 16, 2020

APPROVED

approve the application. The Board can consider completeness of the application and then enter into the public hearing.

Cynthia Dokmo moved to accept the application as complete. Marilyn Peterman seconded.

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

Tom Carr, Meridian Land Services, and Odadiah Dart, owner, joined the Board.

Tom Carr addressed the waiver request. He explained that the waiver is to not show the wetlands within 500' of the site. This is primarily due to advice from legal counsel for the wetland mapping community, that showing wetlands on neighboring land should not be done unless there is an impact to the subject property by buffers or other impacts. He noted, in this case, that on this very small lot there are no direct wetland impacts. He pointed out that a 500' radius around this 0.2 acre property would equal 18 acres which is a tremendous amount of land that would be very hard to show on a plan of such a small lot. The nature of this application is such that Tom Carr, CWS, did not believe this was necessary and he noted that, personally, he thought it was an infringement on the surrounding properties' rights from public viewing of the plans. He went on to say that the best he could do would be to map it by aerial topography and photography, which would be quite cumbersome and inaccurate which was why he is requesting the waiver.

Tom Carr explained that Obadiah Dart has owned the lot for several years. The owner is quite conscientious of doing right by this Baboosic Lake area. He explained that the owner attempted to hook into the community septic system, but it is currently full and there is no option to hook into it. There is a functioning septic system on site currently, but it is a cesspool and thus considered a failed system by the state.

Tom Carr stated that the owner is looking to tear down the house and make it compliant with codes and create a septic system with a pretreatment aspect. The current well is located under the house, so there is also a new drilled well proposed. Tom Carr showed the Board the existing conditions plan. There are large boulders on site, but he doesn't think it's ledge. There is a minor encroachment with the neighbors; this will be handled between the two owners. Tom Carr explained that the existing traveled way is asphalt. There is a bit of encroachment onto the lot in this area, as an existing condition.

Tom Carr stated that the proposed conditions plan shows a house that is slightly smaller than the existing house. There is a slight increase in impervious area, due to the roof area and creating a rectangular structure. However, there will be a significant amount of gravel removed from the lot, and the overall impervious area on site will be reduced from 64% to 51%.

Tom Carr stated that the proposed septic system will be a Clean Solutions pretreatment processing system. This is a NH company that he has used on many of his sites. The septic tank

TOWN OF AMHERST
Planning Board

September 16, 2020

APPROVED

will hold 1,250 gallons. There will be a middle holding tank to process/treat the effluent, and a third pumping chamber. There is an open-air carport proposed on site. He believes local approval for the septic could come as soon as tomorrow. The design looks to maximize the distance between the proposed well and septic system. Tom Carr explained that one neighboring property will partly touch the system, and the application will need a waiver from DES. For that waiver, all of the abutters will be notified by certified mail.

Tom Carr stated that the proposed house roof will be a shed roof that will tilt slightly to the west. This will take any water runoff away from the lake. There will be a gutter system on the back of the garage that will run to a stone infiltration trench. The runoff will then seep into the stone medium around the building. He mentioned some of Bill Stoughton's comments regarding how the system will handle large storm events. Without doing a formal drainage study, he believes the trench will be able to handle a 2" rainstorm.

Tom Carr explained that the gravel area on the property will be taken out and loamed and seeded with grass. This will increase the infiltration rate of the site. He showed a detailed plan for the infiltration trench and explained that there will be a change on the plan to 1 3/4" stone. Item #7 on the plan specifies that fertilizer can be used to get things growing on site, but not overly used. Tom Carr explained that a continuous contained berm will be an appropriate measure for erosion control. Item #4 on the plan notes that the owner acknowledges that the intent of this district is not to use deicing or salt material on the property.

In response to a question from Marilyn Peterman, Obadiah Dart explained that the Town lists the property as a seasonal property, but the intention with the proposed property is to be a year-round residence. He explained that the State approved the septic plan yesterday.

Marilyn Peterman stated that the proposed septic system and stormwater mitigation will improve the overall conditions of the site. This will be a benefit to the residents of the area and the lake itself.

In response to a question from Tracie Adams, Obadiah Dart stated that he was unaware of the request from the Heritage Commission to take pictures of the existing house before it is razed, but that he has no issue with it. The unique shutters mentioned by the Heritage Commission are basic plywood shutters in disintegrating condition. He will be reusing some of the existing materials on the new site, such as the entryway boards.

In response to a question from Tracie Adams, Nic Strong stated that there has been no comment from Pennichuck regarding this application.

Brian Coogan mentioned that the existing shutters may be architecturally unique to the Baboosic Lake area, which is why the Heritage Commission may want photos of them.

Cynthia Dokmo mentioned that the DPW seems to have a concern about the proximity of the house to the right of way for snow plowing in the winter.

TOWN OF AMHERST
Planning Board

September 16, 2020

APPROVED

In response to a question from Bill Stoughton, Tom Carr stated that wetlands abut behind the property to the west. The indirect wetland impacts from the site are lessened due to the proposed stormwater mitigation and septic system improvements. He stated that the resource that the applicant is primarily trying to protect is the lake.

Tom Carr explained that, in terms of the 100' wetland buffers, he would be willing to ask the abutter for permission to flag these areas, or tell the Board the approximate locations, if permission isn't given.

Bill Stoughton stated that the Amherst Conservation Commission views this project as an improvement to the overall water quality in the Baboosic Lake region. It's an incremental improvement, but still appreciated. Prior to this proposal, there was no stormwater treatment on site. The proposal looks to handle stormwater through an infiltration trench and improved septic system.

In response to a comment from Bill Stoughton, regarding the stormwater regulations looking at a 25-Year storm over 20 hours, Tom Carr stated that he has never addressed this with a small redevelopment on a preexisting lot. Tom Carr stated that the impacts on a 25-Year storm must be reduced, because the proposed improvements on site will reduce general impacts.

In response to a question from Bill Stoughton, Tom Carr stated that he has no objection to the approval being conditional to items noted on the Staff Report. Tom Carr explained that the Shoreland permit application must also be approved as part of this proposal.

In response to a question from Brian Coogan, Tom Carr stated that he was okay with Note #4 being revised to include that the fertilizer requirement apply after completion of construction as well.

Dwight Brew stated that the proposed conditions onsite are better than the existing conditions. The plan is very thorough given the challenges of a small lot.

In response to a question from Chris Yates, Obadiah Dart stated that he is willing to use some of the large boulders on site as a way to protect the wellhead from winter plowing. Obadiah Dart agreed to work with DPW Director, Eric Hahn, on this item.

Public Comment:

Chuck Miller, 24 Clark Avenue, stated that he has concerns about his well, as it will be within 50' of the proposed septic system. In the 58 years he has resided on the property, he has never known there to be a well at 22 Clark Avenue. He also noted that this has always been a seasonal residence. He explained that the nearby wetlands abut his property to the west, about 150' from his lot. He believes any runoff from the proposed property would go into the lake, not into the wetland, due to the topography of the site. Chuck Miller also noted that the Baboosic Lake Association discourages the use of fertilizer this close to the lake. He believes that Obadiah Dart

September 16, 2020

APPROVED

will work to comply with this item. He is relatively satisfied and believes this will be a good thing for the neighborhood, as long as there isn't a negative impact to his well.

Bill Stoughton moved that the Board waive the checklist requirement that all wetlands within 500 ft be shown on the plan, on the grounds that the specific circumstances relative to the conditions of the land indicate the waiver will properly carry out the spirit and intent of the regulations. Marilyn Peterman seconded. Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Tracie Adams - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried unanimously.

Bill Stoughton moved that the Board finds the application satisfies the criteria of Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for approval of a Conditional Use Permit in the Wetlands and Watershed Conservation District; and, further, that the Board finds the application satisfies the criteria of Section 4.11 H. 4. of the Zoning Ordinance addressing the findings required for approval of an expansion of a non-conforming use; and, further, to approve Case # PZ12998-081320 for Obadiah Dart, for a Conditional Use Permit to raze the existing house and remove old septic system, construct a single-family domicile, septic system and other parcel improvements, at 22 Clark Avenue, Map 25 Lot 38, with the following conditions:

CONDITIONS PRECEDENT:

The following conditions must be satisfied prior to the Planning Board Chair signing the Conditional Use Permit.

- 1. Submission of plans and other documentation that include all the corrections noted above, and any details determined by the Planning Board to be required, including: an Operations and Maintenance Manual for all permanent stormwater management and drainage infrastructure.**
- 3. Receipt of comments from the Amherst Conservation Commission; to be received on September 11, 2020, or after.**
- 4. Receipt of approval for operation from NHDES of the new septic system.**
- 5. A Shoreland Permit shall be obtained before construction commences.**
- 6. General Note #4 on the plan shall be revised to note that it applies after construction.**
- 7. Payment of any outstanding fees for the Conditional Use Permit application, including any fees for recording at the HCRD.**

CONDITIONS SUBSEQUENT:

The following conditions subsequent shall be met during construction and on an ongoing basis.

- 1. The applicant shall comply with all of the Town of Amherst's Zoning Ordinance, Subdivision Regulations, Non-Residential Site Plan Review Regulations, and Stormwater Ordinance.**

September 16, 2020

APPROVED

2. This approval is based upon the plans, specifications, and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and may require additional Planning Board approval.

Dwight Brew seconded.

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

WORK SESSION:

3. Discussion re: Master Plan Update

Dwight Brew stated that the Master Plan Steering Committee has met a few times in the past month. In addition, a Communications Subcommittee was formed to report back to the Steering Committee with recommendations on how and what to communicate with the public, and, with a suggested set of questions, to determine concerns of residents and businesses. These questions, once finalized by the Steering Committee and answered by the community, will be used to determine the Master Plan Themes. Once the Themes are determined, subcommittee working groups will be established to focus on each Theme.

Prior to going out and soliciting wide public input to the initial survey questions, the survey questions will be posted online, and the Subcommittee will host a public meeting to receive final feedback.

The Steering Committee, the Communications Subcommittee, and all future committee meeting are subject to the public right to know, including being noticed, open to the public, recorded via Zoom, and minutes kept. Dwight Brew stated that he will make sure Planning Board members receive notice of this final review meeting.

There have been some minor challenges coming to grips with what is within and outside the scope of a Master Plan. This has led to some good discussions and is not hampering the effort.

In response to a question from Marilyn Peterman, Dwight Brew stated that, once the Steering Committee is close to finalizing a set of questions, small focus groups may be used to review them.

OTHER BUSINESS

4. Minutes, September 2, 2020

The group agreed to postpone these minutes until its next meeting on October 7, 2020.

Marilyn Peterman moved to adjourn the meeting at 8:13pm. Bill Stoughton seconded.

TOWN OF AMHERST
Planning Board

September 16, 2020

APPROVED

304 **Roll call: Dwight Brew - aye; Bill Stoughton - aye; Cynthia Dokmo - aye; Tracie**
305 **Adams - aye; Marilyn Peterman - aye; and Brian Coogan - aye. Motion carried**
306 **unanimously.**

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312 Respectfully submitted,

313 Kristan Patenaude

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315 Minutes approved: October 7, 2020

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