

TOWN OF AMHERST
Planning Board

November 4, 2020

APPROVED-Amended

In attendance: Arnie Rosenblatt - Chair, Dwight Brew-Selectman Ex-Officio, Bill Stoughton, Brian Coogan, Cynthia Dokmo [7:10pm], Mike Dell Orfano [7:10pm], Christy Houpis (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 880 3897 8220, or by clicking on the following website address: <https://zoom.us/j/88038978220> 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.

Roll call attendance: Dwight Brew; Bill Stoughton; Chris Yates; Christy Houpis; Brian Coogan; and Arnie Rosenblatt; all alone and present.

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*Christy Houpis sat for Marilyn Peterman.
Chris Yates 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 October 21, 2020**

**Dwight Brew moved to continue CASE #: PZ12803-062920 – 6 Pine Road LLC to December 2, 2020, at 7pm via Zoom. Christy Houpis seconded.
Roll call: Bill Stoughton - aye; Dwight Brew - aye; Christy Houpis - aye; Chris Yates – aye; and Brian Coogan - aye. Motion carried unanimously.**

*Cynthia Dokmo entered the meeting.
Mike Dell Orfano entered the meeting.*

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

2. **CASE #: PZ12164-121619 – MIGRELA and GAM Realty Trust (Owners) & MIGRELA Realty Trust (Applicant), Carlson Manor, 153-159 Hollis Road, PIN #s: 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 October 7, 2020**

Arnie Rosenblatt explained that the procedure will be to initially determine if the application is complete; there will be no public comment during this time. If it is decided that the application is complete, the public hearing will be opened. The Board will then hear from the applicant and have the opportunity to ask questions of the applicant. After that time, the public will have a chance to ask questions and make comments. The discussion will then go back to the Board and any relevant decisions can be made.

In response to a question from Arnie Rosenblatt, Nic Strong stated that there are no open items in regard to this application.

Arnie Rosenblatt explained that the Board received a letter from Attorney Dan Muller, representing some of the abutters in this case, regarding, among other things, if the application can be grandfathered in under the Integrated Innovative Housing Ordinance (IIHO). He questioned how the Board would like to handle this letter in terms of dealing with the completeness of the application.

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Dwight Brew stated that he has at least one question that was raised today that he would like reviewed by Town Counsel. He does not want to jeopardize the opportunity for the Board to hear from the applicant, in parallel to getting answers from Town Counsel.

In response to a question from Dwight Brew, Nic Strong stated that there is a letter from Town Counsel stating that the application is grandfathered in.

Arnie Rosenblatt noted that the response from Town Counsel didn't address a couple of points regarding the application being grandfathered brought up in Attorney Muller's most recent letter.

Mike Dell Orfano stated that he believes it would be much clearer for the Board to check with Town Counsel and get any outstanding issues off the table before accepting the application as complete. He also has concerns regarding putting the Board in a time bind, if the application is accepted as complete but more information is needed from Town Counsel.

Nic Strong explained that there is a 65 day clock that starts once the application is accepted as complete. However, there is also a 30 day deadline to accept the application as complete which the applicant has been willing to waive at each meeting. If the Board decides to table a discussion of completeness of this case, the applicant must again be in agreement.

Cynthia Dokmo stated that she believes it is okay for the Board to accept the application as complete, and ask questions of Town Counsel to be addressed at a later time.

Brian Coogan stated that he is leaning towards accepting the application as complete now, and asking Town Counsel questions later. He noted that he does not respect that the letter from Attorney Muller was just sent to the Board today, leaving the Board without proper timing to review it internally.

Christy Houpis stated that he believes it would be cleaner to get the opinion of Town Counsel before voting to accept the application as complete.

Chris Yates stated that it is unfair to the Board to receive the letter from Attorney Muller at the last minute. He also believes it would be cleaner to have legal review by Town Counsel before accepting the application as complete.

Bill Stoughton stated that there have been three arguments raised regarding this application: 1) notice and jurisdiction, 2) IIHO, 3) age-restricted housing. He believes that only the first item is a timeliness issue. He explained that he believes this argument will ultimately be resolved in a court of law and that the argument has thus been raised and preserved. He believes that the Planning Board should continue with its work on this application, while acknowledging that these arguments have been made so that, if this item is indeed reviewed by a court in the future, there will be a complete package with decisions to send along.

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Dwight Brew stated that he believes this application could be heard tonight, in parallel with these items being reviewed by Town Counsel. He questioned what actions the Board might be able to take if Town Counsel's opinion ends up lending itself towards a decision of non-approval.

Arnie Rosenblatt stated that there has been importance placed on making a determination about the completeness of an application for review upfront. He suggested that the Board could accept the application as complete, with an express statement that this does not mean the Board is making a determination regarding any of the arguments recently brought up. Those issues are preserved and the Board is free to consider them in the future.

Nic Strong agreed that all of the items required under the regulations are in place, in order for the Board to review this application as complete. Once the application is under review, the Board can approve it, deny it, or approve it with conditions.

Brian Coogan moved to accept the application as complete.

Arnie Rosenblatt suggested that Brian Coogan could add language to his motion regarding the caveats he had mentioned about the items that may be discussed during the Planning Board's review.

Brian Coogan withdrew his previous motion.

Dwight Brew moved to accept the application as complete, with the caveat that, in doing so, the Planning Board will consider all issues pertaining to whether the application is grandfathered in under the previous ordinance. Christy Houpis seconded.

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

Chad Branon, PE, Fieldstone Land Consultants, presented the application to the Board. He noted that, by the Board even considering Attorney Muller's letter, it could be a form of opening the public hearing. He stated that he did not have a copy of the letter, to which Nic Strong responded that she had sent Chad Branon the link to the town website where all the up-to-date documentation on the case was posted.

Arnie Rosenblatt stated that the Board did not consider Attorney Muller's letter.

Chad Branon explained that this application is for a proposed subdivision for a 54-unit condotyle, Planned Residential Development (PRD). This area is comprised of seven parcels, located off Route 122, between Ponemah Hill Road and Rocky Hill Road; Lots 1-8-2, 1-8, 2-7, 2-7-B, 2-3-1, and 2-3-3. The parcels are about 32.37 acres in total, with 1,776 linear feet of frontage along Hollis Road and 682 linear feet of frontage along Rocky Hill Road. This is bordered by residences along the abutting streets and is wooded and vacant to the rear of the site. The site

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currently has four residential buildings and seven accessory structures. The properties are zoned Residential/Rural, and are subject to the Scenic Road, Watershed Protection and Wetland Overlay Districts. The existing improvements on site consist of buildings with associated site improvements including access roads, parking, drainage and lighting..

Chad Branon explained that there are currently four curb cuts along Hollis Road and two along Rocky Hill Road. The site has generally mild topography with drainage that runs generally from west to east towards Peacock Brook. There is a jurisdictional wetland that traverses two areas on the site. The project is proposed to be a condominium style PRD, with a mixture of styles. This is currently proposed to be a similar layout as to what was seen through the Conditional Use Permit (CUP) process. Chad Branon noted that there would be a variety of housing types and styles including standard unrestricted units, 65+ age restricted and rental units, attached duplex style, ADA compliant, and with a range of bedrooms from one to four. He noted that the number of curb cuts to the site would be reduced and would allow for safe access and travel for vehicles and pedestrians. Chad Branon stated that the development is designed to be walkable and pedestrian friendly with sidewalks and connectivity to the site amenities like walking trails at the perimeter of the property.

Chad Branon explained that there is a community garden area being proposed near the first access point on the property, on the north side. There is proposed improved access to this area, including a small parking area with about 10 spaces. One of the existing buildings on site will be rehabbed to be a potting and storage shed for this spot. This area will be open to the public and there will be some associated lighting.

Chad Branon explained that the existing farmhouse on site is proposed to be renovated and utilized as a clubhouse, consistent with what was proposed during the CUP process. The inside of the farmhouse will be renovated, and parking nearby is being contemplated. These features will be restricted to the residents, but other community spaces will be open space. The open space will be located along the front and rear of the property and will total about 19.85 acres or 61% of the property. This will exceed the open space requirements.

Chad Branon stated that the development is proposed to be serviced by Pennichuck and underground utilities. Pennichuck has stated that there will be no detrimental impacts to its current clientele in the area. Pennichuck will create a loop system for the property that will tie back into the water system that runs along Hollis Road. There will be private hydrants added to the area, with fees that will be billed to the homeowners' association. The roadway will be maintained by the homeowners' association. There will be four stormwater management areas on site that will ultimately either infiltrate or discharge back into the wetlands. There is also an infiltration basin that will be proposed.

Chad Branon stated that the proposal meets all local standards. He noted that there had been two reviews by Keach Nordstrom Associates and only a handful of comments remained. Chad Branon stated that phasing and bonding items are yet to be discussed as part of the project. There

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are a number of studies included as part of the project, including, but not limited to environmental and wildlife, traffic, hydrology, stormwater management, and fiscal impact.

Chad Branon stated that the roadway in the proposal is 24' in width. The applicant originally asked for a waiver on the road width that was granted by the Board at the last meeting on the application. Proposed is a through road of about 1,850 linear feet; a central bisecting road, about 400 linear feet; and a road between the two running north to south, about 650 linear feet. This is a total of 2,850 linear feet of roadways on the property. The intention is to capture all stormwater runoff and treat it. This application will meet and exceed all local standards and meet all state standards.

Chad Branon stated that lighting plans and landscape plans have been submitted, the latter of which addresses some of the restrictions of the buffer areas, as conditions of the CUP process. All of the wetlands on site are considered seasonal. There was no water found in these areas on the site while the studies were being performed. The applicant will not be requesting any additional waivers and will meet the density criteria as outlined in the CUP process.

In response to a question from Mike Dell Orfano, Chad Branon stated that the condo documents have been sent to the Town for review by Counsel.

In response to a question from Mike Dell Orfano regarding the Town's concern with the temperature of surface water making its way into Peacock Brook, Chad Branon stated that there were no surface waters on site to monitor in terms of baseline temperatures. This area is a Class 1 Watershed, which is highly regulated at the State level. A gravel wetland is proposed to be created on site to help with the uptake of nutrients and phosphates before infiltration occurs. This will also allow runoff more time to cool before being infiltrated. The fact that no water temperatures were able to be sampled is probably a good thing because it is less likely to impact the water temperature of Peacock Brook.

Mike Dell Orfano noted that he stepped over two running brooks during the last site walk of the area. Chad Branon explained that these are seasonal wetlands and that, while there was water on site at that time, there is not any water currently on site.

In response to a question from Mike Dell Orfano, Chad Branon stated that the triangular area of land located across the street will be left as open space, due to the location of a jurisdictional wetland on site.

Mike Dell Orfano mentioned that he has an issue with Note 7 on page 9 of the plan, regarding the fact that the applicant reserves the right to change the mix of housing types in the development depending on market conditions. He explained that the allowed density voted on by the Board as part of the CUP process was very specific and he is troubled by the possibility of the applicant changing that in the future.

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Chad Branon explained that the intention is to have certain units be 65+, specifically units 29-32. However, the applicant would like the option to move this type of housing to a different unit on site, if so desired by a buyer. The applicant would like the flexibility to meet the criteria but also shift around some of the unit types, if necessary. The applicant is not looking to change the structure of how the density calculation was made. He explained that they would work on changing the wording of Note 7 to make this clearer.

In response to a question from Christy Houpis, Chad Branon stated that Phase I would include Units 17-30, with the trail connection, and the construction of all related infrastructure and stormwater systems for those units. Phase II would include Units 31-42, with all related infrastructure, including septic systems, drainage, utilities, stormwater systems, the clubhouse and parking area for it. Phase III would include Units 43-50 and Units 5-16, and all related infrastructure. This proposed phasing would ultimately need to be reviewed with the Fire Chief and Town Engineer. Phase IV would include all of the remaining units, the connectors to these units, all related infrastructure, the community garden and associated parking, and the loop trail. Chad Branon stated that typically there would be a separate plan sheet detailing the phasing which he would prepare after discussion with the Board and getting feedback on the numbers.

In response to a question from Christy Houpis regarding the aesthetics of the view from Hollis Road and some concerns that were expressed that the development would be unappealing, Chad Branon explained that Hollis Road is a scenic road and thus there can be no structures located within 100' of it on the site. There will be backdrop landscaping and the stone walls on site will be maintained. The intention is to keep the road intact and maintain its rural characteristics. There will be no significant tree cutting in this area. Chad Branon pointed out that the tree inventory in this area had been conducted.

Christy Houpis noted that tying in to Pennichuck water alleviated concerns in that regard, however, he had questions regarding possible traffic issues. He went on to note that the traffic study did not look at the intersection of Hollis Road with Route 101A and that the study did not believe there would be more than a 5% increase in traffic. Christy Houpis stated that the Board had heard a number of concerns from abutters with regard to the traffic on Hollis Road. Chad Branon explained that the traffic report scope was reviewed by the DPW Director, who agreed with the scope. The primary reason that the intersection of Route 101A was not evaluated as part of the report is that it is quite a distance from the proposed project. He stated that the conclusion of the report was that there would not be a measurable impact on traffic in the area from this proposed development.

Cynthia Dokmo noted that the density for the proposed project is noted to be "up to 54 units." She questioned whose discretion this is. She also noted that the Staff Report seems to indicate that some of the density bonuses seem to be doubled up on and that there may be a miscalculation of the number of units.

Chad Branon explained that the regulation is very confusing for everybody. He stated that time was spent during the CUP on what the applicant could use to calculate the bonuses and what they

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couldn't and he did not want to rehash that again. Chad Branon went on to say that the IIHO did not say at the time they made their application that the applicant could only use one item from each category; in fact, using multiple categories for the density bonuses was articulated on the density worksheet. Each item on the density worksheet was touched on and that's how the density number of 54 units was decided on. The number is considered an "up to" number because the site has not yet been designed. The applicant has to prove the drainage and other infrastructure can fit on the site. Chad Branon explained that the applicant will only be using three of the existing structures on site for the redevelopment bonus: the clubhouse, the garden shed, and the structure across from the clubhouse. This leads to 12 bonus units. The number of rental units and amount of open space also contribute to the bonus units. He stated that there was confusion on the spreadsheet that was being used.

Cynthia Dokmo noted that the Board does not have the most recent density worksheet with these proposed bonuses in front of them, noting that the one the Board was looking at had six existing structures being used to get 24 bonus units. Chad Branon stated that he would resubmit the current spreadsheet that the CUP had been based on. He said that the one the Board was looking at was not the one with the densities that were ultimately approved. Cynthia Dokmo stated that her question was still who had the discretion to alter that number and suggested that this be asked of Town Counsel with the Board's other questions.

In response to a question from Brian Coogan, Chad Branon explained that, for now, it is proposed that the walking trail along the perimeter of the site will be maintained by the HOA. Chad Branon noted that there may be some interest on the Town's part to use this trail to connect to other trails in Town, so this maintenance could change in the future.

Chris Yates also noted that most of his questions with regard to the density of the proposal and the bonuses granted may stem from the fact that the Board does not have the most current copy of the density bonus worksheet. Chad Branon stated that he would work to get this to the Board. He pointed out that at the time the CUP application was submitted the ordinance did not include language about only calculating bonuses based on one of the amenities categories and that was changed after their application had been submitted.

Bill Stoughton asked Chad Branon to confirm that there were no changes in the proposed subdivision plan to the numbers of units in the different categories that were approved in the CUP process. Chad Branon stated that he would work to confirm that. He stated that he believes the bonuses are ultimately the same as they were reviewed and approved by the Board.

In response to a question from Bill Stoughton, Chad Branon stated that the current proposal has 14 units of 65+ restricted housing. There may have been 55+ housing in one of the earlier iterations of the plan. Chad Branon stated that the proposal has not been revised since the CUP approved version.

Bill Stoughton explained that it is important that the plan reflects the approved CUP because otherwise this will become a wholly different review situation. This is critically important to the

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Board and the public. He also stated that the minutes from the meeting where the Board approved the “up to 54 unit” number do not reflect the plan as discussed.

In response to a question from Bill Stoughton, Chad Branon stated that they have not yet submitted the Wetland CUP application, noting that he made the decision to come to the Planning Board first with the subdivision application to see if any comments from the engineering review would impact the drainage design. Bill Stoughton noted that any changes resulting from review of the Wetland CUP could cause changes to the site plan currently being reviewed. Chad Branon agreed that changes could need to be made and that he is not expecting the proposal to be approved this evening.

Bill Stoughton stated that he believes it is important for the Wetland CUP to be reviewed and approved before the site plan is reviewed and approved because the stormwater feature appears to use some/most of the 100’ buffer. The Wetland ordinance notes that stormwater features in the buffer should be avoided altogether, if possible, or minimized. He explained that if it is decided that the project should be less than 54 units, this might allow for land outside of the buffer to be used for stormwater features. This is important to the site design.

Bill Stoughton stated with regard to the water temperature concerns that the Board had raised previously, that there has been a severe drought in the area, probably leading to there being no water on this site. He questioned if there was any work done to determine the temperatures of the brooks downstream, or tributaries on the property.

Chad Branon explained that there are published temperatures from Fish and Game for Peacock Brook, but the conditions on site were different than anticipated and there was no opportunity to take baseline temperatures of the waterways there.

Bill Stoughton stated that he was concerned with the stormwater features onsite and their effect on water temperatures. He noted that the closer the stormwater feature was to the brook, the less distance and time there was for the water to cool before it enters the tributaries and brook. He also noted that the stormwater report stated that there are substantial flows from the area into the Brook, 10 cubic feet/second in a 10-year storm. He is concerned about the cold-water status of the Brook and what this development might do to it. He is mostly concerned with the temperature.

With regard to the required repair and restoration plan for the wetlands, Bill Stoughton stated that he had looked at the landscape sheet of the plan and could not see a repair and restoration plan. Chad Branon stated that the stormwater elements onsite had been modeled in the drainage report and indicated that the peak rates and volumes runoff was reduced in all storm events from a rate and volumetric standpoint. He noted that the stormwater elements ended up close to the wetland buffers because the southwest area of the site captured most of the runoff to minimize the disturbance. Chad Branon stated that this warranted discussion with the Conservation Commission and the wetland scientist, noting that the functions and values of the area were based on the previously disturbed impacted buffer area that did not have a lot of vegetation. Bill

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Stoughton stated that he did credit the applicant on reducing the total flow amount on site and that the output will probably be much cleaner of nutrients and sedimentation. He noted that there needed to be a full discussion on this. Chad Branon explained that there are a number of disturbed areas on site with soil impacts in the buffer area; vegetation is not abundant in these areas. The intention is to loam and seed this area, and landscape along the perimeter of the wetlands. The proposal is to create a manmade gravel wetland that will be landscaped with wetland materials. There are about 200 additional plantings recommended by the wildlife consultant. He noted that he could improve the restoration plan and show the area better. He pointed out that this would not involve the whole 100' buffer and further stated that during the wetlands CUP he would discuss the trees of interest in that corridor.

Bill Stoughton stated that he was under the impression there would be a separate document the renovation and restoration of this area. He also noted that, per Sheet 21, the area within the wetland buffers cannot be fertilized every year and that no deicing materials are allowed. Chad Branon stated that in reality there would be minimal impact in the 100' buffer with plantings and no regrading. He said that outside of the landscaping plan and associated plantings it was not clear that the Town was looking for anything else.

Dwight Brew noted that the CUP phase specified a maximum number of density bonus units allowed based on the development proposed during the CUP phase. Once the plans are developed and details finalized, it is appropriate for the Planning Board to determine the exact number of bonus units. There are a number of implementation details that the Board will need to evaluate in determining how much of the up to number should be granted. He didn't see details on a number of items needed to determine how much of the potential bonuses are warranted based on the existing design. For example, will the 65+ housing always be 65+ housing because this is specified in the deed? Will residents under 65+ be permitted to live in this housing?

Dwight Brew stated that he would find it useful if the Board was provided specific details for each density bonus items to help determine the specific density numbers. Chad Branon stated that these items are exactly what was reviewed during the CUP process. He believes it would be redundant for the Board to review these items again now. Dwight Brew stated that he understood Chad Branon's position but pointed out again that the ordinance provided an "up to" number. He stated that there was a reason why the number was "up to" and he thought the actual number would be determined when more factors about the site and the proposed development were known. He said that this should be an item for the Board to get a legal opinion on because the Board needed to establish how much of the "up to" number of units to award or not.

Arnie Rosenblatt stated that he believes it would be helpful for the Board to conduct another site walk of the area, as there are new members from the time the first site walk occurred. He noted that he was not at the Board meeting for the vote on the CUP, but that he would have voted against it. He explained that he understands that, as part of the IIHO, there is a maximum number of units stated which the Board can then use to determine an exact number of units. He also noted that the applicant has no rights to any number of bonuses requested. There is a burden on the applicant to show a benefit to the Town and justification for every single bonus requested.

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Public Comment:

Dan Muller, Cronin, Bisson, & Zalinsky P.C., stated that he is representing a number of nearby residents and abutters. He explained that his recent letter was meant to provide a record of the issues mentioned. He stated that, after review of the Board's minutes from its June meeting, he would like to withdraw the DHB argument. He stated that what is being proposed here is not consistent with federal law regarding a "housing community." For example, a condo association, for the purpose of age-restricted housing, needs a consistent set of rules that apply to the community. This is not the case with this proposal. He believes what is being proposed is against federal law and the zoning ordinance. He believes the applicant's lack of complying with anti-discrimination statutes is enough reason for the Board to deny this application.

Linda Sutherland, 32 Peacock Brook Lane, asked if the traffic, wildlife, and other reports are accessible to abutters and members of the public. Natasha Kypfer stated that these documents are located on the Town's website.

Bill Stoughton stated that he would like the ACC and Planning Board to review the Wetland CUP before the site plan is approved, he did not think it appropriate to make it a condition of approval that the Wetlands CUP be approved. Arnie Rosenblatt asked if Bill Stoughton thought there was a possibility that the Wetlands CUP could impact the units on site. Bill Stoughton thought there was. Chad Branon reiterated that Keach Nordstrom had reviewed the plan twice without this coming up. He noted that he was not avoiding the process and would submit the application potentially for the next ACC meeting. He went on to say that procedurally there was no requirement that the CUP be done prior to the subdivision/site plan approval. Chad Branon also said that if the ACC had negative comments to the Planning Board, it could likely affect the stormwater management features but not in his view the density of the project.

Mike Dell Orfano moved to schedule a site walk on Friday, November 13, 2020, at 2pm. Dwight Brew seconded.

Roll call: Dwight Brew – aye; Bill Stoughton – aye; Christy Houpis – aye; Cynthia Dokmo – aye; Brian Coogan – aye; and Mike Dell Orfano – aye. Motion carried unanimously.

Mike Dell Orfano moved to continue this application to December 16, 2020, at 7pm, via Zoom. Dwight Brew seconded.

Roll call: Dwight Brew – aye; Bill Stoughton – aye; Christy Houpis – aye; Cynthia Dokmo – aye; Brian Coogan – aye; and Mike Dell Orfano – aye. Motion carried unanimously.

The Board discussed what detail and information is needed from Town Counsel in review of this application and any associated materials: the Planning Board's ability to lower the number of units; mixing elderly units with other types of units; the grandfathering of the application to the IIHO

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Mike Dell Orfano noted that he would tread lightly on trying to unbundle the 54-unit number until the Board hears from Town Counsel. He believes that the number can be rolled back if the Board can justify a significant impact to the community, or if the physical characteristics of the land make it impossible.

OTHER BUSINESS

3. Discussion regarding suggestions for requirements for completed applications

In response to a question from Cynthia Dokmo, Dwight Brew stated that he believes the deadline for submitting Warrant Article proposals is near the end of January. Nic Strong confirmed that the first public hearing for zoning amendments should be in December, for a second to be held in January.

Bill Stoughton moved that he agrees with all of Nic Strong's recommendations for this item and would like for her to proceed with the process and prepare documents in line with these recommendations. Christy Houpis seconded.

Discussion:

The Board agreed that there should be separate categories for major and minor subdivisions and site plans and to create checklists for each.

The Board agreed that there should be a mandatory design review for major applications.

Roll call: Dwight Brew – aye; Bill Stoughton – aye; Christy Houpis – aye; Cynthia Dokmo – aye; Brian Coogan – aye; and Mike Dell Orfano – aye. Motion carried unanimously.

4. Minutes, October 21, 2020

Christy Houpis moved to approve the October 21, 2020, minutes as presented. Bill Stoughton seconded.

Roll call: Dwight Brew – aye; Bill Stoughton – aye; Christy Houpis – aye; Cynthia Dokmo – aye; Brian Coogan – aye; and Mike Dell Orfano – aye. Motion carried unanimously.

Nic Strong noted that the Board's next meeting is November 18, 2020. At this meeting, the Board will hear the Clearview IIHO CUP application.

Cynthia Dokmo moved to adjourn the meeting at 9:41pm. Brian Coogan seconded. Roll call: Dwight Brew – aye; Bill Stoughton – aye; Christy Houpis – aye; Cynthia Dokmo – aye; Brian Coogan – aye; and Mike Dell Orfano – aye. Motion carried unanimously.

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523 Respectfully submitted,

524 Kristan Patenaude

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526 Minutes approved as amended: December 16, 2020

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