

TOWN OF AMHERST
Planning Board

November 18, 2020

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In attendance: Arnie Rosenblatt - Chair, Dwight Brew-Selectman Ex-Officio, Bill Stoughton, Brian Coogan, Cynthia Dokmo, Mike Dell Orfano, Tracie Adams (Alternate), and Christy Houpis (Alternate) [entered in the middle of the presentation].

Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner; and Kristan Patenaude, Minute Taker.

Arnie Rosenblatt called the meeting to order at 7:04 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 848 0308 3804, or by clicking on the following website address: <https://zoom.us/j/84803083804> 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; Brian Coogan; Tracie Adams; Cynthia Dokmo; Mike Dell Orfano; and Arnie Rosenblatt; all alone and present.

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Tracie Adams sat for Marilyn Peterman.

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

- 1. CASE #: PZ13107-090920 – JEP Realty Trust & Robert H. Prew Revocable Trust (Owners) & Clearview Development Group (Applicant) –38 New Boston Road, PIN #: 007-072-000& 005-159-001–Submission of Application/Public Hearing/Conditional Use Permit – To depict a 49-unit Planned Residential Development on the two lots per the Integrated Innovative Housing Ordinance of 2019. Zoned Residential Rural. Continued from October 7, 2020**

Nic Strong noted that the application is not missing any items.

Mike Dell Orfano moved to accept the application as complete. Bill Stoughton seconded.

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

Arnie Rosenblatt explained that this application is being sought under the Integrated Innovative Housing Ordinance (IIHO). This is a request for a Conditional Use Permit (CUP), and as such the applicant is seeking an up-to number of units, with density bonuses based on the IIHO criteria. He asked if the Board would like to hear both the density bonus discussion along with the CUP criteria discussion at the same time.

Bill Stoughton stated that he would like to hear both items at the same time. He stated that he would like to have the full context of the project before considering both the CUP criteria and the density bonus criteria. He suggested that the Board have a discussion, reach a position on the up-to number of units and then determine if the five CUP criteria are met. He explained that this is his preference because he may feel that the CUP criteria are not met if the up-to number is 49 units, for example, but might feel differently about the CUP criteria if the up-to number is changed.

The Board members agreed that they would like to hear both items at the same time.

Arnie Rosenblatt explained that the procedure will be that the applicant will present to the Board, the Board will have a chance to comment and ask questions, the public will have a chance to comment and ask questions, and the discussion will go back to the Board.

Ken Clinton, of Meridian Land Services, and Erol Duymazlar, of Clearview Development Group joined the meeting.

Ken Clinton explained that this application is a CUP for a Planned Residential Development (PRD) under the IIHO. This project has been before the Board several times for preliminary discussions. During one of these reviews, Town Counsel stated that the project has been

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grandfathered in under the IIHO. After the presentation, he will recommend that the Board continue this hearing until site walk can be performed.

Ken Clinton stated that the existing conditions of the project are as follows. The proposal sits on two parcels in the northwest corner of Town, Lot 5-159-1 along Boston Post Road, and Lot 7-72 along New Boston Road. These are currently two vacant lots, surrounded by subdivisions of varying ages. To the north of the properties is conservation land managed by the Forest Society. There are various frontage lots along New Boston Road, including Brookwood Drive, which has a more recent 10-unit PRD located on it. The properties are zoned Residential/Rural and are located within the Wetlands & Watershed Conservation District, the Flood Plain Conservation District, and the Aquifer Conservation and Wellhead Protection District, and is located along two scenic roads (Boston Post Road and New Boston Road) which require a 100' structure setback.

Ken Clinton explained that the west side of the proposed development, Lot 5-159-1, is about 69.48 acres of gross land area. This property has had boundaries and wetlands flagged. The wetlands buffers have been established. Test pits are on site, and aquifer zones are known. Both properties are entirely wooded. There is a small field next to the properties with some fruit trees still on it that are maintained by the Pierce property. Lot 7-72 is located on the east side of the proposed development and fronts along New Boston Road. Beaver Brook flows from the northeast, under a culvert on New Boston Road and onto the property.

Ken Clinton explained that a wildlife habitat report from the NH Heritage Bureau shows no known threatened or endangered species on the site. The remains of a small property foundation were found on the east side of the property. An archaeological study was completed which determined that the foundation is a small cellar hole, estimated to be dated around 1900-1915. It was determined that this cellar hole is not substantially important and that no further studies are warranted. The necessary wetlands permit will trigger an archaeological review by the State. This may require a more detailed inventory of the site, and so this was already completed ahead of time.

Ken Clinton explained that the approach for this development, known as the Prew Purchase, is to create two villages, with two distinct areas with different but complementary units held on separate lots. The same condominium documents will govern both lots, although there will be differences with regard to different infrastructure maintenance plans and schedules. A lot line adjustment will be necessary as part of the final plan set to add some land from Map 5 Lot 159-1 to Map 7 Lot 72.

The west village is proposed to contain 25 buildings, with access from Boston Post Road and a current right of way. There will be a proposed wetland crossing in this location that the applicant will need to go before the Amherst Conservation Commission (ACC) to discuss. The units are shown in proposed locations with the Limited Common Areas for the condominium defined. If this plan is accepted, there are an additional six units proposed in this village, but as accessory dwelling units (ADU). The east village has access from New Boston Road, along with a required scenic road setback. There are 18 proposed units on this property, as a related but separate and

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distinct village; four single and the rest duplex. This gives the project a proposed total of up-to 49 units.

The west village is proposed to have individual wells and septic systems, the Limited Common Areas for each unit function almost like an individual lot. The east village is proposed to have shared septic systems and two shared wells for the 18 units. Both sides are proposed to have underground utilities. The rest of the land will be open space. This open space connects to an abutting Town-owned lot, and an existing trail system on conservation land managed by the Forest Society. This could lead to a trail system from Wilkins School, to Brookwood Drive, to the proposed open space public trail system on this property, to the Forest Society's easement, and eventually almost to Mont Vernon. There is also proposed a trailhead parking area off New Boston Road. The connection between the two villages will be private trails for the residents.

Erol Duymazlar, of Clearview Development Group, explained that he and his partner, John Callahan, have been developing in the area for about 20 years, mentioning the Pendleton Farms development that has similarities with interconnection and walkability. He also mentioned Hutchinson Point in Milford and Chandler Crossing in Amherst. With this development, he first looked at the Prew property and its proximity to the Town center and the village green. He also looked to the Amherst Master Plan for cues as to what Amherst finds important. The common threads are preserving open space, promoting the Town's rural character, and providing amenities to the Town and neighbors. The intention of this project is to create two villages, one with more substantial houses and one with smaller footprint units. The proximity of the units will promote a community within the neighborhoods. The proximity of the homes will promote interconnection. The plan is to pick up on the architectural characteristics, massing and design of the homes within the existing Amherst Village in order to promote diversity among the units and create a sense of place.

Erol Duymazlar explained that there is a housing need for a range of groups in Amherst. He noted that the MLS data and the Town's own Housing Needs Assessment prove this. He stated that there was a need in Town for housing for the two ends of the market: millennials and aging baby boomers. These are two markets not currently being well served by the Amherst housing stock and housing stock in surrounding communities. A possible tagline for this development is Timeless, Ageless, Accessible. The east village will contain duplexes and detached homes, with a combination of 1 to 2-bedroom floor plans. The units will have a maximum size of around 1,400 sq.ft., and half of the units will be single-level floor plans. Porches will be added to promote connection to the road and neighbors. The west village is proposing bigger footprints for single family homes with pre-approval for six ADUs. These have been included as units for the unit count under the IIHO. These ADUs will meet the size requirements per the ordinance but be attached to single-family homes. These units will still read like single-family homes from the outside. Erol Duymazlar noted that the homes with ADUs that he has built in the past are included in the packet as illustrations. He said that you wouldn't know from the outside that they were more than single family homes. He stated that the illustrations showed these as in-law suites and noted that the ADU may or may not have a kitchen, but most of them would have. He went on to say that the ADUs helped make housing more affordable but were not only for

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workforce or affordable housing. The entire development is designed to attract millennials and the 55+ age groups who do not want a big house any longer but would like to stay in town. The ADU could be rental income.

Erol Duymazlar stated that he would like to have the west village, with 25 units and six ADUs, approved in advance. These will be a mixture of 3 to 4-bedroom houses, while the ADUs will be single-bedrooms. The east village will contain detached duplexes and be managed by a condominium association. A design review will be completed by an architectural design committee to look at each unit and determine that each incorporates features found in the current Amherst Village. This will allow for enforcement of the preferred styles on the property.

Erol Duymazlar went over the IIHO density worksheet. He explained that the IIHO study led to a baseline density of 31.25 units. There are nine proposed condo units and four of the ADUs that will be restricted to 55+. These 13 units lead to a density bonus of 1.9 units. Workforce housing is not being utilized through this project, but, if done correctly, the ADUs and condo units should be affordable. There are 20 units proposed as attached housing units, 14 duplexes and six ADUs; this leads to a density bonus of 2.0 units. Single-floor units, 11 condominium units, four ADUs and five single-family lead to a density bonus of 2.0 units. Two proposed ADA compliant units lead to a bonus of 0.3 units. Erol Duymazlar stated that there was not a huge demand for ADA units, but noted that universal design would be built into the design for the single-floor condos. The number of one-bedroom units being proposed, seven condos and six ADUs, leads to a density bonus of 1.95 units, and the balance of the condo units, 11 units, would be two-bedroom units leading to a density bonus of 1.1 units.

Erol Duymazlar went on to the amenities being proposed. He noted that the walkability being proposed on site leads to a density bonus of 3.16 units, from internal sidewalks and footpaths. For community space open to the public, the calculated density bonus is 7.9 units. There is a small group of abutters to the north of the property that has been very helpful with this plan. There is a draft agreement that the project will provide a conservation easement across the open space, which the Amherst Land Trust (ALT) will agree to maintain. This open space will be accessible to the public. Part of this plan incorporates a no-cut zone in the setback closest to these abutters. For open space under restrictive covenants, the calculated density bonus is 6.32 units. Rental restricted units add up to four, although Erol Duymazlar expected that more of the units might be rented. The ADU units will be rental or occupied by family members, they cannot be condoned or sold as separate units.

The baseline density is 31.6 units, and the calculated density bonus units is 27.88 units. This leads to an up-to number of 59.48 units. Erol Duymazlar noted that, while this is the unit amount that could be requested, he is only requesting up-to 49 units. Of these 49 units, six of them are ADUs that will be attached to the single-family homes. Instead of using the maximum calculation, he is proposing to ask for approximately 15% less.

Erol Duymazlar read through the IIHO Section 4.16 E. and explained that this shows that the bonus units achieve the purpose of the ordinance and that the Town determined that these bonus

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categories are a benefit to the Town. The IIHO essentially notes what the community believes is valuable and he wasn't sure how far he needed to go to defend the bonuses proposed. The benefit to the 55+ demographic is the opportunity to stay in Amherst. Multi-generational housing is not widely available and could be a benefit to this age group. A study by AARP found that 1:3 in this age group would consider owning an ADU. The benefit of attached housing units is that it reduces the area required to place these units, leading to more open space able to be preserved. It also adds to the feeling of community for these neighborhoods. The value of this feeling is hard to quantify. The diversity in bedroom sizes proposed adds to diversity in the community and is a benefit to the Town in many ways. The Amherst Housing Needs Assessment is an important document that he followed while trying to meet the needs of people in both of the proposed villages. He explained that he would like the proposed amenities on site to emulate the Town Green.

Erol Duymazlar explained the bedroom count analysis, noting that a traditional subdivision with 31 four-bedroom houses, could equate to an average of 139.5 bedrooms. This proposal, under the IIHO, has 25 single-family units, with six proposed attached ADUs, and 18 condominium units, with an estimated total of 117.5 bedrooms. This lower-than-normal number leads to a lower impact to the Town.

Ken Clinton stated that the west village will have private roadways and stem from Boston Post Road. In total, there are 2,660 linear feet of road proposed to be added to this site (600' from the stem onto the property, 2,000' from a loop road, and a 60' spur road). The proposed pavement width will be narrower than a normal road because this will be a private way. This leads to less overall infrastructure and less of an overall cost. Hammerheads are being proposed in the east village at the end of each spur road because they are more efficient and will help keep the units closer to the private drive and preserve more open space. Ken Clinton noted that previous similar projects have used hammerheads. He stated that the DPW Director favors turnarounds but stated again that these are proposed to be private roads and he does not see the applicability of the town standards in this case.

Ken Clinton noted that the wetland crossing to access the west village will be minor in nature, noting that on the 80 acres of land that was a single crossing. There is a proposed stonewall break along the scenic road in this area. The project took into consideration all stonewalls on the property and made sure to limit impacts to them. The spacing of the proposed homes, the location of the proposed septic systems and the proposed wells were all designed to not impact the existing stonewalls on the property.

Ken Clinton explained that it was a bit preliminary to size and place any basins but the stormwater analysis has looked into targeted areas for the stormwater management systems on site. Much of this will depend on the number of units approved as part of this process. Test pits have been interspersed throughout the site and have shown that the soils on site are suitable for any development. The locations for the leach fields have been pre-identified. These locations take into account the 25' wetland buffer and the 75' wetland setbacks. These pre-designed leach fields have been over-designed for Town and State requirements.

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Ken Clinton noted that the open space provided was 52.6% of the overall gross area and the minimum requirement was 40%. He stated that it was fitting for the land and provided great connectivity.

Ken Clinton stated that a comment from the plan review was that the plans were not stamped. He said that he does not stamp preliminary plans but that his was a professional company providing high quality work and he stood behind it. The final plans will be stamped.

Ken Clinton reviewed the traffic study. He explained that this study was originally done concurrently with another proposed development project, located just outside of the Village. The report reflects this combination report, although some items are individual to each project. He noted that the study contains detailed traffic counts and intersection analysis and that the findings and recommendations can be found at pages 41 - 43. The study found that, at peak school hours, Boston Post Road sees about 3,000 vehicles/day, and New Boston Road sees about 1,800 vehicles/day. While difficult to pick out items specific to this application in the intersection study, some comments can be filtered out. The study shows that all turning movements are below the requirements. All the intersections would operate at Level of Service (LOS) B or higher with both developments fully occupied. All developments will unavoidably create traffic impacts, but even combined with the other proposed development, this proposal was not shown to have a significant impact on traffic in Amherst. Part of this analysis is due to the fact that there are so many route options through the Village. It was not possible, as part of this study, to evaluate all of these routes.

Russ Abell, professional geologist, and Lilly Corenthall, senior project hydrogeologist, of Sanborn Head, joined the group. Lilly Corenthall reviewed the groundwater resource assessment with the Board. She first explained that hydrogeologists study water in the subsurface. She stated that groundwater is held in aquifers in the overburden on top of bedrock. Water is drawn from the porous spaces in the soil. Lilly Corenthall noted that in bedrock aquifers the water moves through fractures in the rock from ½" to 1" thick. Some of the fractures have water and some don't. She noted that there might be a pattern based on the history of the area but that the presence of water would vary throughout the rock. Lilly Corenthall went on to say that wells drilled into the subsurface may penetrate the fractures and that some homes may share fractures, but that neighbors may have different sources for their drinking water. She noted that aquifers were not very well understood in terms of the connection and well yield on a fracture basis.

The study looked at a water well inventory of about 170 domestic wells in the area using water supply information from NHDES. The average depth of these wells is 400' and the average yield is 15 gallons/minute. She stated that there was a large range in yield but that the availability would satisfy typical domestic demand. She explained that a water budget was calculated by taking the projected number of residents and multiplying that by the usage of 70 gallons per day (GPD). The estimated total domestic water usage for this site is 11,200 gpd. Lilly Corenthall stated that this was compared to infiltration based on precipitation using NOAA data from a station in east Milford and assuming an infiltration rate of 20 - 40%. The precipitation averaged 47 inches annually over the last five years (2015 - 2019). Precipitation multiplied by the surface

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area of the property with an assumed infiltration rate of 20 - 40% yielded 55,000 to 111,000 gpd of groundwater recharge which is approximately 5-10 times greater than the anticipated groundwater usage. Lilly Corenthal stated that the assumptions made were conservative and she did not include infiltration from septic systems in the numbers. The 70 gpd usage was based on a non-conserving home. The study also reviewed these numbers during the 2020 drought condition and found that precipitation was only 70% of the typical amount over the last five years. She stated that even then the groundwater recharge rate would still be approximately 2.5 - 7 times greater than the anticipated groundwater use on site.

Ken Clinton explained that the purpose of the IIHO ordinance is to look at alternative approaches to development. The application then looks to the IIHO Regulations for the procedures on how to apply for the IIHO CUP. He noted that the Staff Report mentions that the IIHO CUP requirement materials for this application are complete. He explained that the PRD section of the Zoning Ordinance, 4.17, looks at an alternative pattern of land development, while encouraging open space, diversity, potential greater densities of housing while not detracting from the Town/neighborhood areas, and enhancing the quality of life for the development and townspeople. The PRD requirements have a minimum of 40% of the gross area of the site to be set aside for open space; this project looks to set aside over 50% of the gross area in open space.

Ken Clinton reviewed conditions A-F of CUP Section 3.18:

A) The property in question does conform to the dimensional requirements of the zone. Both existing lots are in excess of two net acres of area and success of 200' frontage on the individual roads, and certainly suitable for residential development. Further, the proposed use is consistent with many of the Amherst Master Plan objectives, specifically: diversity of housing types for a variety of residents, situated in clusters with open space as illustrated in the applicant's presentation, and are compliant with the PRD regulations.

B) The proposal meets the purposes of the IIHO and PRD ordinances, as presented. The project is an alternative approach to conventional development, which encourages open space, provides for a greater variety of housing types and affordability at somewhat greater densities. The units are in clusters which don't detract from the neighboring developments, and which provides for a diversity of people, a variety of age groups, backgrounds, and economic levels, while enhancing the public's quality of living.

C) There will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the Town of Amherst. The site will be designed and approved in accordance with both the Town and State stormwater, septic and well requirements. The public access points will meet or exceed the safe sight distance requirements. The private ways will be designed to the satisfaction of DPW and Emergency departments, relative to road standards. The development will be designed in consultation with both a traffic engineer, who has stated that the traffic impact will not significantly alter the prevailing traffic conditions in Amherst on an overall basis, as well as a professional geologist, who stated that the local

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groundwater resources have the capacity to serve the proposed private bedrock domestic water supply wells for the new development. The ways and trails will be configured to ensure the safety of pedestrians. Wetlands and related buffer impacts will be minimized with consideration by input of the Conservation Commission, along with the permits and approvals for Town and State regulations. The open space size and layout supports wildlife routes, public trail connectivity and substantial view buffers which support the general welfare of the entire Town.

D) The proposed residential use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than a conventional residential use, especially as these conditions are more typically associated with commercial or manufacturing use. A residential home of 3 to 4-bedrooms will not be creating any more objectionable noises, fumes, vibrations, or inappropriate lighting than any other residential house.

E) The proposed use will not adversely affect the ground water resources of Amherst, in particular the Aquifer Conservation District, per the Preliminary Groundwater Resources Assessment submitted as prepared and presented by Sanborn Head & Associates, as further illustrated with their presentation tonight.

F) The applicant will, upon approval of this Conditional Use Permit, file the appropriate Planning Board application for a Planned Residential Development, as directed by the Board and/or the Community Development Director.

Arnie Rosenblatt stated that it was time for the Board to ask any questions they may have. He noted that depending on how late the questions went, comments may perhaps be continued to a future meeting.

In response to a question from Christy Houpis, Lilly Corenthal explained that the 170 wells mentioned in the report were located within a one-mile radius and are identified from the NH Water Well Inventory, that has run from 1980-current time. The data comes from well drillers' records.

Christy Houpis noted a concern with the fact that the joint traffic study was conducted last December. He explained that there may be times of the year that show a higher traffic pattern than the winter months. He also stated that, while there may be many routes to get through the Village, there is really only one route to use to go out to Route 101 from the area. Ken Clinton explained that periods of high activity, such as during recreation events, are generally avoided for counting traffic as these events are not typical of the day-to-day traffic. The scope of the study showed that neither proposed development would create significant stress on the roads in this area. The overall takeaway of the study is that the noted intersections in Town don't work well currently, and that the increased traffic from the proposed developments would not substantially impact these numbers.

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In response to a question from Christy Houpis regarding the abutters to the north of the property, Erol Duymazlar stated that there is a draft contract drawn up with them. The parties have agreed to items in the contract that will protect the open space in this area and put an easement on the land that will be managed by the ALT. This contract is contingent upon approvals for this project from the Board under the IIHO. Ken Clinton stated that there had been four or five iterations of this plan with varying numbers of units and the discussions with the abutters had resulted in a far better plan overall.

In response to a question from Christy Houpis, Ken Clinton explained that millennials will be attracted to the ADUs and connectivity of the units in this proposed development. He stated that this would provide their own space while they save towards home ownership. Erol Duymazlar added that one of the key things for millennials will be the affordability of these units. He stated that even workforce housing in this area may not be affordable enough. The proposed density helps to drive down the cost. Erol Duymazlar stated that the cost of the land is a big part of the cost and smaller footprints would lower the prices and make the units more affordable.

Mike Dell Orfano asked what the calculations for a standard PRD show that the land could accommodate. Ken Clinton stated that a PRD with no bonuses would be able to have 31.25 units, the baseline number shown in the application, and the same as a standard conventional subdivision. Mike Dell Orfano stated that, prior to the IIHO, the criteria for PRDs was a bedroom count. He stated he was trying to compare the proposed 49 units with what would have been allowed by right prior to the IIHO. Ken Clinton stated that they had presented the number of bedrooms that might be achieved in a conventional subdivision of 31.25 units and showed what would be likely with the proposed development. He noted that the proposal included fewer bedrooms which could be argued to create less impact on traffic, schools and the environment.

In response to a question from Mike Dell Orfano, Ken Clinton explained that the infrastructure and units in both villages are unique enough that there will be one large umbrella covenant for both, with different operating docs for each village, in terms of maintenance and oversight for the wells, septs and roads.

Mike Dell Orfano thanked the developer for using an architectural developer to review the unit designs. Erol Duymazlar explained that there will be pattern language for the designs of these units taken straight from the Village, so no two units will be identical.

In response to a question from Mike Dell Orfano, Ken Clinton explained that a grid subdivision on these properties could, by right, have 31 foundations. This proposal looks to have 36 foundations.

Brian Coogan noted that some of the senior 55+ housing bonus units are also included in the attached housing unit bonus. Some of the single-floor bonus units are also included in the 55+ and attached housing bonus units. Ken Clinton explained that some overlap is what the incentive worksheet drives to.

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In response to a question from Brian Coogan, Ken Clinton explained that, if an applicant meets the definition of walkability, per the IIHO, the percentage of this bonus is applied to the baseline calculation. This application meets the definition by proposing the ability to walk from place-to-place within the development.

In response to a question from Brian Coogan, Ken Clinton explained that the open space proposed as part of a development does not have to be open to the public; no trespassing signs could be posted. However, as part of this project, the applicant believes that open space open to the public is a benefit to the town as part of a critical piece needed to connect the gap in a larger trail system. Erol Duymazlar noted that, per the arrangement and the site plan, this open space will be open to the public, if it's managed by the ALT.

Bill Stoughton asked Ken Clinton to outline the open space area on the plan, which Ken Clinton indicated to the Board. Bill Stoughton asked if this would all be open to the public. Ken Clinton stated that if the entirety of the open space is managed by the Amherst Land Trust then it would be open to the public because that's part of their charter. Bill Stoughton stated that in order to assess if there is a benefit to the town from the open space he would like to be certain that the trails would be open to the public, Erol Duymazlar explained that, if the Board approves the application with the proposed bonus units, the intention is to allow the proposed open space to be open to the public, whether managed by the ALT or not. Bill Stoughton asked if there would be any resident trails on the property. Ken Clinton stated that there would be three. Bill Stoughton asked if they would be open to the public. Erol Duymazlar stated that if the ALT will manage the property they will decide where any trails would be located. If the ALT is not managing the property, the owner will choose where the trails will be located and make them open to the public. Bill Stoughton asked if trails even in the Limited Common Areas would be open to the public. Ken Clinton explained that the private land on the property, not considered open space, will be private to the residents and allow them to connect between the two villages. He noted that the trail locations will depend on the location of the units and there would be legal ramifications of the public going off the trails to private roads. Bill Stoughton stated that the applicant could not commit that the residential trails in the Limited Common Areas would be open to the public. Erol Duymazlar stated that it was not a necessity to provide public value.

In response to a question from Bill Stoughton about walkability, Ken Clinton explained that there are no sidewalks past units on the property being proposed at this time. If the stormwater analysis requires curbing, sidewalks may be considered. Currently the road designs do not require sidewalks. Certain sections of some roads may require wider pavement and a dedicated walking lane as at Pendleton Farms.

Bill Stoughton asked to get a list of the restrictions that would be imposed on the open space conservation land and the activities that would be permitted and prohibited. Ken Clinton stated that he could provide that.

Bill Stoughton noted that the Groundwater Assessment was labeled as preliminary and asked what more need to be done to have a final report. Lilly Corenthal stated that the report was

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preliminary in the sense that no field characterization had been done, which was outside the scope of what would typically be done for this level of at site. Russ Abell stated that desktop analysis was the typical method for these types of study. He stated that the other types of characterization would be the setting of wells. He stated that the initial studies were to see if the water budget would support the proposed use. In response to a question from Bill Stoughton, Russ Abell explained that accounting for irrigation watering is difficult to estimate due to evapotranspiration and infiltration and based on the water budget calculation it did not appear to be necessary as part of the study for this application.

Bill Stoughton asked if the fact that neighbors had well difficulties was a flag to Russ Abell that a more complex analysis of the site would be needed. Russ Abell stated that he did not think so, pointing out that there was variability and complexity in the systems, there was variability between neighbors or over long spaces, and the study took a holistic approach. He said that it was difficult to look at individual lots because of the ability of a fracture to transmit water; where the water is from may not be the property where the well is located. He noted that there may be a clay unit in one area that would not permit as much recharge as a sand area. To determine that a couple of wells in a drought condition would be impacted by this property would be very challenging. Russ Abell stated that, based on the water budget calculated for the property, he was comfortable that there would be water available, but each individual well would depend on where it was drilled. He stated that most fractures are at 200' and anything drilled below that is to get storage. He further stated that it was impossible to predict if the well will hit water at 200' or need to go to 1,000'. Bill Stoughton asked if the topography of a site or other site features can alter the infiltration rate. Russ Abell stated that vegetation can affect evapotranspiration, the thickness of the overburden can produce varying recharge rates. He noted that the sand and gravel aquifer demonstrated by the USGS aquifer maps had a large capacity to transmit water and a large potential for recharge.

Bill Stoughton asked about the ADUs and their use to justify bonuses, pointing out that they would only be available if the owner chooses to make them available. Erol Duymazlar stated that he anticipated that the ADUs would be built, and noted that if he built all the houses, the ADUs would be built. Bill Stoughton stated that if a home is built with an ADU the ownership of both has to be the same, so it would be up to the owner whether to rent it or not. He stated he needed to think through the ramifications of that, pointing out that, in general, any ADU was subject to the will of the owner of the single-family home. Erol Duymazlar agreed, unless there were covenants in the deed, which he was not proposing.

In response to a question from Cynthia Dokmo about how to ensure that the 55+ units would stay that way, Erol Duymazlar explained that the senior housing ADUs will be ensured to remain as such into the future based on covenants that he will establish and that will be submitted at a later date for review. Cynthia Dokmo asked how it would be possible to require that only a 55+ person be allowed to live in the ADUs. Ken Clinton stated that the question was how to enforce this and noted that it was harder after the initial sale to make sure that the covenants were followed. He stated that the legal documents would spell it all out, but that people don't read their deeds and there are all kinds of covenants and restrictions on property that are not followed.

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In response to a comment from Cynthia Dokmo regarding reducing the one-mile radius of the wells for the groundwater study to only those within ¼ mile of the site, Russ Abell explained that the one-mile radius gave enough wells to get good information on the average yield and depth. He noted that the information in the State's well inventory only goes back to the mid-80s and compliance from the drillers to submit that information was spotty early on. Cynthia Dokmo stated that the Board had heard concerns from several people about their wells. She next noted that she appreciated the discussion on the diversity of housing proposed but was not sure about the number of units, thinking that it was a bit high.

Dwight Brew stated that an owner of land in Amherst is certainly entitled to develop their land. When evaluating and determining if any optional bonus units are warranted, it is the Planning Board's responsibility to determine if granting any bonus will provide a net benefit to the Town. Simply checking a box will not likely warrant a bonus, but if what is proposed will provide a real benefit to the Town, the Board must determine the not-to-exceed bonus to grant at this time.

Dwight Brew reread one sentence that Errol Duymazlar read out of the IIHO ordinance, and then read the sentence that immediately follows that sentence in the IIHO:

"In order to achieve the purpose of the IIHO, an applicant may propose to incorporate any of the following restrictions and amenities which have been determined to be desirable to the Town in accord with the Amherst Master Plan."

"All density bonus provisions are discretionary bonuses based on the Planning Board concluding that there is a benefit to the Town with respect to each such bonus."

Dwight Brew stated that his understanding is that an ADU in Amherst needs to be fully functional and he was not aware it was possible to have an ADU that did not have a kitchen. He asked the following questions of the applicant: What are you using as a definition of 55+ housing? Do you intend this to be 55+ housing in perpetuity? Will this restriction appear on the deed? Will ADUs make up any of this 55+ housing? How will this 55+ be monitored and enforced? You have identified 4 rental units. Do you intend this to be rental housing in perpetuity? Will this restriction appear on the deed? Will ADUs make up any of this rental housing? How will this rental housing be monitored and enforced?

Dwight Brew agreed that open space over and above the 40% minimum required is a positive, but the Board will need to quantify this benefit. He would like to understand the specifics of Walkability, Community Space open to the Public, and Open Space under Restrictive Covenant and understand how this lines up with the slightly more than 17 bonus units identified in this proposal. Ken Clinton stated that the IIHO worksheet separates all the units and amenities into their own restrictions and there were not multiples in each section.

Dwight Brew noted that the applicant is looking to receive 17 bonus units from the proposed open space, the proposed path on site, and the proposed trailhead parking area. He explained that it is the Board's decision to decide if any of these bonus units should be awarded based on the benefit of these items.

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Ken Clinton noted that there is a plan to ensure that the 55+ units and rental units will remain as such in the legal documents for the development.

Errol Duymazlar stated that all of the ADUs will have kitchens included.

In response to a question from Tracie Adams, Erol Duymazlar explained that ADUs were not part of the design at his recently completed Pendleton Farms. He noted that the market response has guided them in this direction.

Tracie Adams stated that she would be interested in hearing more about the road construction, paving width, cul-de-sac turnarounds versus hammerheads, etc.

Tracie Adams noted with regard to the groundwater that the fractures were not well defined in understanding how the water yield would work. She stated that there did not seem to be a guarantee that this development would not have a negative impact on the neighborhood. Lilly Corenthal explained that she cannot say how the fractures are connected but she could say that the water capacity for the site is available to serve the anticipated demand of the proposed development. Tracie Adams stated that two letters from concerned abutters mentioned their wells going dry.

Tracie Adams voiced concern regarding the timing of the traffic study and noted that there are different traffic patterns in Town at different times of the year. She also expressed concern regarding how bikers, walkers, etc. interact with traffic in this area of Town.

Arnie Rosenblatt stated that it was 10:06 p.m. and thought it was unrealistic to think that the Board would get to all the comments from interested parties this evening. He suggested that this hearing be continued to allow time for a site walk and that the Board should discuss whether there are any further studies that are needed to assist the Board in making a determination on the application. He suggested a cutoff time of 10:30 p.m. but noted that everyone would have the opportunity at a future meeting to comment on the application.

Public Comment:

Sally Wilkins, abutter, noted that the ALT has agreed to accept and hold the proposed easement. This agreement document is still in draft form but has been agreed to by all parties. Public access to the open space is at the decision of the grantee, and the ALT is enthusiastic to manage this property and use it to connect the gap in the trails of this area.

Tim Kachmar, Mack Hill Road, mentioned that he is the person responsible for the warrant article to repeal the IIHO, and that he is also in favor of this development. He explained that, based on how the residents have voted in this past election, voting for people at local and state levels who support the urbanization of rural neighborhoods, he believes that this proposal is reasonable compared to what could be coming down the line. He believes the Board has the right to demand that public water be brought to this site as a condition of approval. He believes this is critical based on abutter comments. He also noted that the plans for the ADUs are ridiculous and

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that the right to have an ADU should be left up to the owners of the units. He doesn't understand how someone else can control who someone will rent to. He is otherwise in favor of the development.

Marty Rowley, Old Mont Vernon Road, stated that he will have comments for the Board at their next hearing for this case.

Tom Quinn, 30 Christian Hill Road, requested that the Board require further water studies based on anticipated use and a baseline based on drought conditions. He also requested that the Board look further into double dipping for density bonuses. He noted that there is no way for the ADU rental units to be controlled. For example, someone living in the main unit could only charge someone \$1/month to rent one of the ADUs.

Mike Akillian, 10 Old Mont Vernon Road, thanked the Board for being sensitive to the water issue, as he lives nearby and ran out of water over the summer due to the drought. He also noted that a neighbor had their well fracked at a cost of \$3,000 and a neighbor two houses down gets all kinds of sediment in the water if it runs for more than 30 minutes. He stated that he heard the discussion about the one-mile radius to look at wells and the standard data used but noted that there are already water problems in the area, and it is hard to understand how 114 bedrooms of people won't have an impact.

Kris Pierce, 40 Boston Post Road, stated that no one has been in touch with her regarding a no-cut zone along her, abutting, property line. She also noted that there is a stream on her property which dries up in the summer and she is concerned about the drought.

**Mike Dell Orfano move to schedule a site walk on November 30, 2020, at 2:30pm.
Bill Stoughton seconded.
Roll call: Bill Stoughton - aye; Dwight Brew - aye; Mike Dell Orfano – aye; Tracie Adams – aye; Cynthia Dokmo – aye; and Brian Coogan - aye. Motion carried unanimously.**

Bill Stoughton suggested the applicant had heard the concerns from the Board and the public and should work to address those concerns and look into additional water testing or reports to supply the Board with. He also noted that further traffic data might be useful, and that some of the data specific to this proposed project should be pulled out of the existing joint traffic study.

Mike Dell Orfano suggested that the applicant look into what it would cost to bring public water to the site, and the number of units needed to justify the cost.

Christy Houpis noted that the applicant might want to look into well studies based on ¼ mile away from the site, instead of the 1-mile study that there currently is. He also suggested that the applicant might share parts of the draft agreement document with the abutters to the north with the Board.

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Mike Dell Orfano moved to table this application to January 6, 2021, at 7pm, via Zoom. Dwight Brew seconded.

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

Arnie Rosenblatt explained that this hearing was continued to January 6, 2021, and that no further notice would be mailed. He stated that, at the next meeting for this case, the Board and the public will have a chance to make comments and ask questions. He asked how the Board would know where to park for the site walk. Ken Clinton stated he would mark up an exhibit to post and forward to the office for distribution in the next couple of days.

Approval of the minutes was deferred to a future meeting.

Cynthia Dokmo moved to adjourn the meeting at 10:39pm. Mike Dell Orfano seconded.

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

Respectfully submitted,
Kristan Patenaude

Minutes approved: December 2, 2020