

July 07, 2021

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1 In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton (remote), Tracie Adams, Chris
2 Yates, Christy Houppis (remote), and Tom Quinn.
3 Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner;
4 and Kristan Patenaude, Recording Secretary (remote).

5
6 Arnie Rosenblatt called the meeting to order at 7:01 p.m., in the Town Hall and via Zoom
7 concurrently. He explained that this is the Planning Board's first hybrid meeting. This is being
8 held via Zoom, and in person at Town Hall. Those attending in person are socially distancing. If
9 attendance at future meetings becomes greater, a larger venue will be sought.

10

11 **PUBLIC HEARING:**

12

13 **1. CASE #: PZ14080-041921 – Amherst Country Club (Owner) & Jamin**
14 **Warren (Applicant); 70 Ponemah Road, PIN #: 004-029-000 – Public**
15 **Hearing/Non-Residential Site Plan Application – Proposed improvements for a**
16 **solar field with parking and other associated site improvements. Zoned**
17 ***Residential/Rural.***

18 Arnie Rosenblatt read and opened the case.

19

20 Sam Foisie, Meridian Land Services, joined the Board. He noted that the Board previously heard
21 this case and had concerns regarding the proposed stormwater management practices, and the
22 potential solar panel glare.

23

24 Sam Foisie explained that a stormwater report has been prepared. The proposal will cause
25 approximately 1.68 acres of the site to be disturbed, but the proposal will also reduce the amount
26 of impervious area on site because a gravel parking area is replacing a current parking lot. The
27 stormwater management system is proposed to be an infiltration pond located at the northeast
28 corner of the project area. The infiltration pond will store the entire quantity of runoff and then
29 discharge it. This will meet Amherst's stormwater regulations because it will reduce the amount
30 of nitrogen and phosphorus and will also be located more than 75' from wetlands. It will also be
31 designed to meet the State's stormwater design requirements.

32

33 Sam Foisie explained that, in regard to the solar glare, he received information from the installer
34 that only 10% of light reflects off the solar panels. These panels will have an anti-reflective
35 coating and will reflect less light than regular glass. At the time that the sun will be hitting these
36 panels, one would need to be 35' high and 50' from the panel in order to see this glare.
37 Extrapolating that out, if one was 500' from the panels one would need to be 350' up to see the
38 glare and there are no hills in the nearby area that would be within this space and thus there will
39 be no impact to surrounding properties from the glare.

40

41 In response to a question from Dwight Brew, Sam Foisie explained that the panels will be sized
42 properly for the usage. The purpose of these panels is not for the golf course to sell any of the

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43 electricity back to the grid. The goal is to have it be an offsetting amount being put into the grid
44 and taken back out by the golf course over the course of an average year.

45
46 In response to a question from Tom Quinn, Sam Foisie stated that the stormwater management
47 system was designed to the 10-year, 25-year, and 50-year storms. The basin is designed to handle
48 all incoming stormwater. If the basin does overflow the weir, it will follow the natural flow and
49 drain into the surrounding area.

50
51 Christy Houpis (present and alone) asked if there was a line of sight from the panels to Route
52 101 or Route 122. Sam Foisie explained that the hill near PJ Currier blocks the direct path to
53 Route 101. There is a line of sight to Route 122 from the panels, but due to the angle that the sun
54 will hit the panels at, there will not be an impact to that road.

55
56 Bill Stoughton (present and alone) stated that it was unfortunate that the applicant's additional
57 materials were submitted to the Community Development Office on the Friday before a holiday
58 weekend. He noted that the Board often relies on Town staff to catch certain items of note in an
59 applicant's materials, and that he doubts they had adequate time to do so with the late submittal
60 date. He noted that late submissions by applicants will be a future item addressed by the Board.

61
62 In response to a question from Bill Stoughton regarding the fact that the impervious area on site
63 is being reduced but the amount of gravel area on site is being increased, Sam Foisie explained
64 that, by definition, the amount of impervious area is being reduced and the runoff will go to the
65 infiltration basin.

66
67 Bill Stoughton explained that the Board usually hears of the impervious area being reduced on
68 site and thus making things better, but this proposal does not exactly meet that because gravel
69 areas are often treated the same as impervious areas in terms of stormwater. Sam Foisie stated
70 that, even if that is true, the proposed stormwater management system still meets the required
71 volume amounts per the regulations.

72
73 Bill Stoughton asked why the discharge rates are increased for the 10-year and 50-year storms
74 when all of the stormwater is proposed to be infiltrated. Sam Foisie explained that this is due to
75 the curve numbers on site. The increase is due to the fact that this is a small area being fed into a
76 small basin without a typical control structure to hold back the discharge rate.

77
78 Sam Foisie explained that the proposed area's proximity to the Souhegan River leads to no
79 negative impact to the drainage area. The infiltration basin will drain to the golf course property
80 first and then to the river. According to the Amherst stormwater regulations, which references
81 the State's regulations, a stormwater system can discharge directly into a water body, if it is of a
82 certain size. In that case, the discharge rates for larger storm events, 10-year and 50-year storms,
83 do not need to be met. The rates will increase, but the volume is actually decreasing. In flooding
84 issues, the volume is the issue, not the rate. Due to the difference in rate peak time of the
85 stormwater management system and the Souhegan River, this proposal will not negatively affect
86 the river.

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87
88 Bill Stoughton noted that the applicant is requesting a waiver from the stormwater regulations for
89 the increase in rate. The requirement for this waiver is that the applicant address why compliance
90 is not reasonably possible.

91
92 Sam Foisie explained that, in order for the applicant to comply with the rate requirement, the
93 stormwater system would have to be staged higher on the property, pushing it back into the
94 gravel parking area. In order for the parking area not to be flooded, this would need to be raised
95 as well, which would block the natural drainage pattern of the area.

96
97 Bill Stoughton explained that the property has a 250' shoreland boundary to contend with. Other
98 areas on site that could hold the stormwater management system are all at a higher elevation than
99 the parking lot. This is also a restriction for the placement. Sam Foisie agreed with these items.
100 He also noted that the applicant is trying to maintain as much of a buffer on the property as
101 possible.

102
103 Bill Stoughton stated that, in this instance, he believes that the site conditions, specifically the
104 relative elevation for possible stormwater areas, make this waiver reasonable. He also noted that
105 the increase in rates anticipated for the 10-year, 25-year, and 50-year storms are relatively small.
106 Additionally, the distance from the Souhegan River and other items mentioned make him
107 agreeable to the proposal.

108
109 Sam Foisie explained that the applicant is requesting two additional waivers, for landscaping and
110 a survey requirement of the property lines.

111
112 There was no public comment at this time.

113
114 **Bill Stoughton moved that the Board grant the requested waiver for stormwater**
115 **regulations on the basis that it does not impair achieving the spirit and intent of**
116 **those regulations, that compliance is not reasonably possible because of the site**
117 **conditions of this specific site, and because the proposed substitute solution is**
118 **consistent with the goals of the regulations and is in the best interest of the Town.**
119 **Dwight Brew seconded.**

120 **Voting: 7-0-0; motion carried unanimously.**

121
122 **Bill Stoughton moved that the Board grant the requested waivers for landscaping**
123 **plan requirements and survey requirements on the basis that granting the waivers**
124 **will not impair achieving the spirit and intent of the applicable regulations, that**
125 **compliance is not reasonably possible because of the site conditions of this specific**
126 **site, and because the absence of them remains consistent with the goals of the**
127 **regulations and is in the best interest of the Town. Tracie Adams seconded.**

128 **Voting: 7-0-0; motion carried unanimously.**

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130 **Chris Yates moved to approve CASE # PZ14080-041921 for Amherst Country**
131 **Club for a Non-Residential Site Plan, at 70 Ponemah Road, Map 4 Lot 29, with the**
132 **subsequent and precedent conditions, as identified in the Staff Report. Dwight Brew**
133 **seconded.**
134 **Voting: 7-0-0; motion carried unanimously.**
135

136 **CONCEPTUAL CONSULTATION:**
137

- 138 **2. CASE #: PZ14356-061021 – EIP One Bon Terrain Drive LLC (Owner) &**
139 **Equity Industrial Partners Corporation (Applicant); 1 Bon Terrain Drive, PIN**
140 **#: 002-026-004 – Non-Residential Site Plan Review/Discussion – To add 30,000**
141 **square feet to existing facility with secondary truck access. Zoned Industrial.**

142 Arnie Rosenblatt read the case. He explained that, as this is a conceptual discussion, any
143 comments made by Board members are only for discussion purposes and are not binding in any
144 way. Comments made should not be relied on and are not to be used as a basis for how Board
145 members may vote in the future.
146

147 Doug Brodeur, Meridian Land Services, and John Hennessey, Director of Construction Services
148 for Equity Industrial Partners, joined the Board. John Hennessey explained that this concept plan
149 is for office space and industrial warehouse space. He explained that his company finds
150 underused properties and rehabilitates them to be used for other purposes. The F.W. Webb
151 building was sitting empty and has been purchased to be repurposed. One side of the building
152 will be used as a warehouse for Alene Candles. The other side will be leased by Novo Building
153 Products, a company that creates and delivers moldings, stair parts, etc. Novo Building Products
154 requires that the back of their portion of the building be extended in order to have space for
155 shipping purposes.
156

157 Doug Brodeur explained that the Board first approved this property in 2004. It has sat vacant
158 since 2009. One of the renters, Novo, requires an approximately 30,000 s.f. addition off the back
159 for shipping and truck movement on site. The proposal will create approximately 49,000 s.f. of
160 impact to the wetland buffer. There are a number of items proposed for mitigation in this case.
161 There is a 12,000-gallon fuel tank on the property that the applicant is proposing to remove. This
162 tank is not allowed in the aquifer protection district and is not needed by the tenants. Another
163 mitigation proposal is to improve the stormwater management system on site. Finally, there is a
164 10,000 s.f. chemical storage room located in the current facility that the applicant is proposing to
165 remove.
166

167 Doug Brodeur explained that the final recertification of wetlands, test pits, and wildlife study are
168 still needed. The applicant does not feel a traffic study is needed, as one was done previously,
169 and this proposal does not seem to alter the traffic significantly, but they could do a study if the
170 Board wanted one. Other waivers being requested are the maximum pole height on light poles in
171 the truck yard and landscape requirements for the truck yard area.
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173 In response to a question from Tom Quinn, John Hennessey explained that it is not being
174 proposed to place the truck movement area on the other side of the building because that space is
175 leased to Alene Candles. One of Novo's requirements is that a truck must drive through their
176 building space in order to process their orders for small loads.

177
178 In response to a question from Dwight Brew, Doug Brodeur stated that the light pole waiver is
179 being requested because this is not a typical parking lot; it is similar to a truck yard. Otherwise,
180 the other lighting requirements will be met. The lights will be shining towards the building and
181 not out to abutters.

182
183 Dwight Brew noted that he has concerns about incursions to the wetlands as well.

184
185 Tracie Adams noted that the last traffic study was completed in 2003. She was concerned about
186 Doug Brodeur's previous comments about lots of small trucks being used. Doug Brodeur
187 explained that the trucks coming onto the site will be regular tractor trailers, not smaller trucks,
188 but they drive through the building to be loaded from the side in multiple smaller loads to be
189 delivered to different locations from one trailer

190
191 Christy Houpis stated that he would urge that a new traffic study be completed for this project.

192
193 Bill Stoughton stated that the Conservation Commission (ACC) previously heard from this
194 applicant, and he applauded them for coming before both groups early. He has concerns
195 regarding the wetlands and stormwater. There is a substantial increase in impervious area from
196 additional construction and paving. This will cause increased volumes of stormwater that will
197 potentially be more contaminated than if this proposal did not take place. This will require
198 sophisticated stormwater best management practices. There is not much room outside the
199 wetland boundaries and buffers to locate these. The proposed development already intrudes on
200 wetland buffers to the west and north of the building. One requirement in the wetlands Condition
201 Use Permit (CUP) process is minimization of intrusion to wetland buffers. He is not sure that this
202 design minimizes this intrusion. He is unclear if productive use of this land requires any intrusion
203 of wetland buffers at all. To the extent that intrusions are not minimized, Bill Stoughton asked
204 what benefit is there to the Town from granting a CUP that allows such an intrusion. This was
205 brought up by the ACC. Generally, this type of intrusion is offset by an improvement in the
206 ultimate water quality on site. He believes it is important to focus on the proposed mitigation
207 steps, although they do not carry a lot of weight to him as he does not believe they give much
208 benefit to the Town. He asked the applicant to consider a greater form of mitigation in order for
209 the Town to receive a net benefit.

210
211 There was no public comment at this time.

212
213 Arnie Rosenblatt stated that, as a citizen and Board member he acknowledged the tension created
214 by this proposal. On the one hand, he would be pleased to see a vacant building be used.
215 However, he is also concerned about the encroachment on wetlands. He thanked the applicants
216 for their presentation.

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217
218 Arnie Rosenblatt noted that he had forgotten one item at the beginning of the meeting, stating
219 that non-vaccinated people should be wearing masks during Board meetings. Those vaccinated
220 may also choose to wear masks, as they so choose.

221
222 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF**
223 **APPLICATION IS ACCEPTED AS COMPLETE:**
224

225 **3. CASE #: PZ14354-061021 – Christ Church of Amherst (Owner) &**
226 **Christ Church/The Amherst Preschool (Applicant); 58 Merrimack Road, PIN #:**
227 **003-036-002 – Submission of Application/Public Hearing/Non-Residential Site**
228 **Plan Application – Proposal to add two 30’ yurts to accommodate the Zoning**
229 **Board of Adjustment’s approved increase in enrollment. *Zoned***
230 ***Residential/Rural.***

231 Arnie Rosenblatt read and opened the case.

232
233 Natasha Kypfer noted that the applicant has submitted all required items.

234
235 **Dwight Brew moved to accept the application as complete. Seconded by Tracie**
236 **Adams.**
237 **Voting: 7-0-0; motion carried unanimously.**
238

239 Ellen Grudzien, owner of The Amherst Preschool, explained that one of the preschool’s goals is
240 to help children learn through outdoor play. The proposed yurts are to help achieve that goal for
241 the school.

242
243 Chris Yates stated that he likes the concept as presented. He wished that the applicant had
244 presented specs for the yurts and the concrete pad. He also noted that there are items in the Staff
245 Report regarding gray water on site.

246
247 In response to a question from Tracie Adams regarding if the applicant has seen this work done
248 with yurts before, Ellen Grudzien explained that she has been working closely with Scott
249 Tenney, Building Inspector, and that he is comfortable with what is being proposed. She also
250 noted that there were four yurts recently installed in Brookline, NH. These four yurts have not
251 yet been up for a whole season. Ellen Grudzien explained that these proposed yurts will be
252 placed on concrete pads for insulation and to help keep animals out. She noted that there are
253 similar structures at schools in Maine, Massachusetts, and one called Saplings in NH. Ellen
254 Grudzien stated that these yurts will be three-season yurts, as the school is not open in the
255 summer.

256
257 In response to a question from Tracie Adams regarding how the children will get to the yurts and
258 from yurt to yurt for example, sidewalks, gravel areas, pathways, Ellen Grudzien stated that hers

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259 is a nature-based preschool and so there will be a simple, informal path between the yurts. She
260 believes there will be a platform and one step needed to access each yurt.

261
262 Tracie Adams noted a previously mentioned concern with the gray water. Ellen Grudzien
263 explained that there will be no running water in the yurts. The yurts will contain a potable water
264 system that includes filling up a five-gallon tank with heated sink water. The gray water will
265 enter a separate tank and will be emptied as needed. It will be possible to flush the gray water
266 down the toilets inside the main Church building, as the septic is large enough to handle this
267 extra amount.

268
269 In response to a question from Dwight Brew, Nic Strong stated that the yurts will be considered
270 structures by the Town. As such, they will need to meet all emergency codes, egress
271 requirements, etc.

272
273 Ellen Grudzien stated that the yurts will meet all necessary structure codes. The yurts come from
274 a company called Pacific Coast Yurts in Oregon.

275
276 In response to a question from Dwight Brew, Ellen Grudzien stated that the yurts will be heated
277 via a mini-split system. This system will be connected to the grid. There will be a separate
278 Eversource meter for it. There will be outlets located within the yurts and the toilets and tub for
279 the water system will be able to plug into it.

280
281 In response to a question from Dwight Brew, Ellen Grudzien stated that the yurts have a 30'
282 radius, are 700 s.f. inside, and have a peak height of 11'.

283
284 Chris Yates asked if the Board would like to bring Scott Tenney into the conversation in order to
285 hear directly from him. Arnie Rosenblatt stated that they would do so if there were specific
286 questions for Scott Tenney.

287
288 In response to a question from Tom Quinn regarding if there was any chance that the gray water
289 might be dumped within the vicinity of the yurts, Ellen Grudzien stated that this was not a
290 possibility. The school prides itself on creating environmental stewards.

291
292 In response to a question from Tom Quinn, Ellen Grudzien stated that Eversource will be
293 installing underground electricity for the yurts from a nearby pole.

294
295 In response to a question from Bill Stoughton regarding the possibility that the compostable
296 toilets proposed could overflow onto the nearby ground, Ellen Grudzien stated that this was not a
297 possibility. There is a drum inside the toilet that is turned after it is used. This then drops into a
298 compostable drawer. Peat moss and/or SunMar products will be added to this drawer in order to
299 aid in the breakdown of organic matter. The drawer will then be intermittently emptied.

300
301 Bill Stoughton noted that this property is located within the wellhead protection district, and thus
302 he is concerned about the contamination of local well water.

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303

304 In response to a question from Bill Stoughton, Ellen Grudzien stated that the distance between
305 the yurts and the edge of the wetland buffer is 102'. Bill Stoughton stated that the max distance
306 allowed is 100', thus these structures are considered outside of the wetland buffer.

307

308 In response to a question from Bill Stoughton, Ellen Grudzien stated that the wind, ice, and snow
309 load resistance of the yurts has been evaluated by herself, Scott Tenney, and TF Moran.

310

311 In response to a question from Bill Stoughton, Ellen Grudzien stated that the walls and roofs of
312 the yurts are made of a canvas material with a layer of reflective insulation. She has spoken with
313 Fire Chief Matt Conley, who would like to have flooring types discussed with him. She
314 explained that the yurts will meet egress requirements and have proper exit signs. She does not
315 believe there is any concern regarding the yurt's flammability.

316

317 In response to a question from Bill Stoughton, Ellen Grudzien explained that there is an access
318 road between the Church building and the proposed area of the yurts that leads to the back of the
319 property. This road was specifically installed for emergency truck access. The yurts are
320 approximately 30-40' from this road.

321

322 Bill Stoughton explained that any stormwater discharged from these yurts will end up close to
323 the water supply. Some of the water discharging off the roofs will end up close to the wellhead.
324 He asked if the applicant plans to install gutters or a drainage system in order to direct the
325 discharge from the yurts away from the wellhead.

326

327 Ellen Grudzien suggested that her landscaper could look at grading the area around the yurts in
328 or that the yurts could be pitched in such a way to achieve this.

329

330 Bill Stoughton stated that he does not believe grading alone will solve this problem because
331 some amount of the water discharge will be infiltrated into the ground. He does not believe it is a
332 good idea for this water to soak into the ground so close to the wellhead. He would like there to
333 be a system that diverts this water off the back of the yurts.

334

335 Bill Stoughton noted that, while he is generally in favor of this application, he would like to
336 make sure that the discussion topics brought up by Board members are conditioned to be binding
337 requirements of a possible approval.

338

339 Tracie Adams stated that there is a note in the Staff Report under General Standards regarding
340 traffic concerns. Ellen Grudzien stated that the Church property has a very long driveway and
341 large parking lot. The school has chosen to stagger its drop-off and pick-up times next year in
342 order to accommodate any increase in students. There will be no more than 15 cars dropping off
343 at the school at a time. This is a slightly increase from 12 cars at a time previously.

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345 In response to a question from Tracie Adams, Ellen Grudzien stated that there will be no safety
346 issues with the increased number of students, as the staff takes students from vehicles and the
347 students immediately enter the school.

348
349 In response to a question from Tracie Adams, Ellen Grudzien stated that there is not much
350 additional landscaping needed in terms of adding the yurts onto the property. The proposed
351 location for the yurts helps with the preferred privacy and security of the school.

352
353 In response to a question from Tracie Adams, Ellen Grudzien stated that the Church building
354 already has sufficient lighting and that the preschool does not wish to install a sign out front near
355 the Church's sign.

356
357 Chris Yates stated that there have been multiple mentions of Scott Tenney and how he feels
358 about this proposal from the applicant. He asked if Scott Tenney could be brought into the
359 meeting to voice his own opinions.

360
361 Scott Tenney stated that he met early on in the proposal process with Ellen Grudzien. The initial
362 plans did not meet the emergency codes, had snow load issues, and he had questions about the
363 foundations. The plans were then revised to accommodate these items. He has made a
364 preliminary review of these new plans and, so far, the proposed yurts appear to meet the
365 structural integrity requirements.

366
367 Dwight Brew noted that if a new structure is proposed to be installed in Town, he believes that it
368 will be required to meet all building codes and that this will be properly addressed by the Town
369 staff. He stated that the Staff Report mentions that the Board should discuss possible impact fees
370 for this proposal.

371
372 **Bill Stoughton moved to approve Case # PZ14354-061021 for The**
373 **Amherst Preschool, at 58 Merrimack Road, Map 3 Lot 36-2, with all conditions set**
374 **forth in the Staff Report and an additional condition that the stormwater discharge**
375 **off the yurt roofs be directed away from the wellhead and outside of the wellhead**
376 **protection area, that impact fees be assessed at the Institutional & Other rate, that**
377 **active and substantial development or building be defined as building of the**
378 **concrete foundations, and that substantial completion of improvements be defined**
379 **as erection of the yurts. Dwight Brew seconded.**

380 **Voting: 7-0-0; motion carried unanimously.**

381
382 In response to a question from Ellen Grudzien, Bill Stoughton explained that the Town requires
383 any new development, whether residential, commercial, or industrial, to be assessed fees based
384 on the square footage the new development occupies. This is determined by the Community
385 Development Office and based on the submitted plan. The rate was approved by the Board of
386 Selectmen. This fee is collected at the time the Certificate of Occupancy is granted. He is unsure
387 of the Institutional & Other impact fee rate, and suggested that Ellen Grudzien contact Nic
388 Strong, Director of Community Development, to further discuss this.

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389
390 Ellen Grudzien noted that she also had requested a waiver of application fees for this application.

391
392 In response to a question from Arnie Rosenblatt, Ellen Grudzien explained that there were 65
393 abutters identified for this property and that it has become quite expensive for a small school to
394 pay these fees for both the Zoning Board of Adjustment and Planning Board hearings. These fees
395 have totaled approximately \$1,000.

396
397 In response to a question from Bill Stoughton, Ellen Grudzien noted that The Amherst Preschool
398 is a for-profit business.

399
400 Bill Stoughton stated that he believes the Board should be fair to all applicants and, unless there
401 are extenuating circumstance, charge application fees to all businesses. The rest of the Board
402 members agreed with this view.

403
404 **Dwight Brew moved to deny the request to waive application fees. Seconded by**
405 **Christy Houpis.**
406 **Voting: 7-0-0; motion carried unanimously.**

407
408 **4. CASE #: PZ14355-061021 - Unified Development LLC (Owner) & Promised**
409 **Land Survey LLC (Applicant); 70 North Street, PIN #: 003-093-000 –**
410 **Submission of Application/Public Hearing/Subdivision Application and**
411 **Conditional Use Permit – To depict the subdivision of Map 3 Lot 93 into two**
412 **single-family residential lots and the construction of wetland crossings in the**
413 **WWCD for Map 3 Lot 93-2. Zoned Residential/Rural.**

414 Arnie Rosenblatt read and opened the case. He then recused himself and asked Bill Stoughton to
415 Chair this case. Arnie Rosenblatt took a seat in the audience.

416
417 In response to a question from Bill Stoughton regarding application completeness, Nic Strong
418 stated that there are waiver requests for all the studies associated with this application. The
419 applicant has otherwise submitted as necessary materials.

420
421 Bill Stoughton noted that, per a previous case, the Board could decide to approve these waiver
422 requests simply for the discussion of completeness of the application, while also allowing the
423 Board to revisit any waiver request item at a later time, and to note that none of these initial
424 waiver request approvals survive unless included in final Board action.

425
426 Nic Strong stated that the proposed waiver requests are for Fiscal Impact, Environmental Impact,
427 Traffic, Water Supply, Drainage Report, Hydrogeological, and Other Studies, as deemed
428 necessary by the Planning Board.

429
430 **Dwight Brew moved to grant these waiver requests, solely for discussion of**
431 **completeness determination. Seconded by Tracie Adams.**

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432 **Voting: 6-0-0; motion carried unanimously.**

433

434 Bill Stoughton noted that the Chair was not participating in this hearing

435

436 Jeff Merritt, Engineer for Promised Land Survey; Matt Arel, Unified Development, LLC; Tim
437 Peloquin, Promised Land Survey, LLC (remote), joined the Board.

438

439 Jeff Merritt explained that this proposal is for a subdivision application and the associated
440 Conditional Use Permit. The property is 9.2 acres of land area. The proposal is for a one-into-
441 two lot subdivision. The proposal would make Lot 93, the northern lot, a 3.3-acre parcel, and Lot
442 93-2 approximately 5.8 acres. Both lots would be accessed off North Street. Each lot has
443 approximately 134' frontage; 200' frontage is required, and a variance has been received for this
444 requirement. Lot 93 has a developable area right off North Street. Lot 93-2 has developable area
445 approximately 500' back from North Street. To get access to that portion of the Lot, the proposal
446 requests to cross two jurisdictional wetlands. Due to this request, the applicant is seeking
447 associated an CUP. The applicant has not yet been before the ACC but is scheduled to be on a
448 future agenda. This proposal requires two State permits: a NH Dredge & Fill permit, and
449 Subdivision Approval for the smaller lot that is less than five acres. The basis for all waivers
450 requested of the Board is that this is a smaller subdivision project and so normal studies required
451 of larger projects (Fiscal Impact, Environmental Impact, Traffic, Water Supply, Drainage Report,
452 Hydrogeological) are not applicable here. The applicant is also requesting a waiver from the
453 Stormwater Regulations – Stormwater Analysis and Design (210.3.B.13), as this is a smaller
454 project, and the applicant does not believe there is a need for the full stormwater analysis. He
455 noted that there is language in these regulations that the regulations can be adapted or waived by
456 the Board for less complicated projects.

457

458 Jeff Merritt explained that there are proposed stormwater and construction best management
459 practices included as part of the packet. These try to meet the spirit and intent of the regulations,
460 instead of requesting a full waiver. These could be added to the project as an option that is more
461 appropriate for this scale of a project. One of these includes the installation of a roof water
462 infiltration system that will discharge the roof water to a subsurface infiltration area. Another is
463 to pitch the driveway in a way that provides an infiltration trench on the side of the driveway, to
464 catch and infiltrate as much runoff as possible. In terms of erosion control, silt fencing, a
465 temporary construction exit, and erosion control blankets on steep slopes, are proposed.

466

467 Bill Stoughton noted that there needs to be a motion in regard to completeness of the application.

468

469 **Tracie Adams moved to accept the application as complete. Seconded by Dwight**
470 **Brew.**

471 **Voting: 6-0-0; motion carried unanimously.**

472

473 In response to a question from Tom Quinn, regarding well radiuses encroaching on neighboring
474 properties, Jeff Merritt explained that encroachment more than 10' would require a Well Release

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475 from abutters. None of the proposed well radii show more than 10' of encroachment. There is
476 one 10' encroachment because of a nearby septic system.

477
478 In response to a question from Tom Quinn, Jeff Merritt stated that the wetlands will be crossed at
479 its narrowest point and thus the driveway is being placed in the setback.

480
481 In response to a question from Tom Quinn, Jeff Merritt explained that he does not believe there
482 will be an issue with the two culverts that are proposed to run under one of the driveways
483 dumping excess water onto the nearby property.

484
485 In response to a question from Tom Quinn, Jeff Merritt explained that the roof runoff systems
486 should not need much maintenance. The infiltration systems should infiltrate the smaller storms
487 easily. The driveway systems will require maintenance proportional to how the owners care for
488 the driveways. There is a way to clean these systems through the attached fabric. If sand is used
489 in winter conditions there will be more maintenance required to keep the drainage trench clean
490 and functioning properly.

491
492 In response to a question from Dwight Brew, Jeff Merritt stated that there are pockets of
493 developable areas on each Lot proposed for the house lots. There are also small pockets of space
494 that the houses could alternately be placed on. There are uplands surrounded by wetlands on each
495 lot.

496
497 In response to a question from Dwight Brew, Nic Strong stated that building lots subtract
498 wetlands, flood plains and slopes in order to achieve the buildable area. Tim Peloquin explained
499 that this is on the plan under the notes and within the context of the lot area labels. Both lots
500 meet and exceed the requirements for lot land area.

501
502 In response to a question from Tracie Adams regarding high value wetlands, Jeff Merritt stated
503 that a study was completed for functions and values of the wetlands, which determined that the
504 road is designed to minimize the impacts and the proposed measures will provide infiltration to
505 minimize impact to hydrology.

506
507 In response to a question from Tracie Adams, Tim Peloquin stated that the CUP application is set
508 to go before the ACC next Wednesday 14th.

509
510 In response to a question from Bill Stoughton, Tim Peloquin stated that the CUP application has
511 been submitted, but that it might be considered incomplete by the Community Development
512 Office. Bill Stoughton stated that the ACC's meeting on the 14th was cancelled. The next ACC
513 meeting is scheduled for July 28, 2021, and a completed application would be needed in order to
514 be placed on that agenda.

515
516 In response to a question from Tracie Adams, regarding a number of outstanding items as shown
517 on the Staff Report, Jeff Merritt explained that many of the minor items are easily corrected.
518 There is a test pit for the north lot, but the applicant has a question as to if a test pit is required

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519 for the southern lot, as it is less than five acres and that is generally not required by the State for
520 a lot of that size.

521
522 In response to a question from Chris Yates, regarding the lower driveway and the wellhead being
523 located right at the bottom of it, Jeff Merritt explained that the intent is to place an infiltration
524 trench on the north side of that driveway and to pitch it north. The trench will go to the north as
525 well. A large rain event would cause all the stormwater to drain further to the north and
526 ultimately in a southern direction.

527
528 Christy Houpis stated that he had concerns regarding the items addressed in the Staff Report.

529
530 In response to a question from Bill Stoughton regarding the wetland delineation and the buffer
531 requirements, Tim Peloquin stated that he will have to check with the Certified Wetlands
532 Scientist as to whether the Town standards were used, along with the State standards.

533
534 Bill Stoughton explained that he would like to see the CUP filed and reviewed by the ACC
535 before voting on this subdivision. He believes a number of items will come up during the review
536 of the CUP, such as drainage and its proximity to the wellheads, where the runoff will go and
537 how it will be treated.

538
539 Bill Stoughton noted that the applicant is requesting a waiver from the full stormwater standards
540 and that he has an issue with granting such a waiver. One of his concerns deals with equitable
541 treatment of all applicants. There was a similar small subdivision application weeks ago, during
542 which the Board required all stormwater regulations and standards be followed.

543
544 There was no public comment at this time.

545
546 Bill Stoughton asked if any of the Board members were interested in requesting a site walk of
547 this property. There was no interest from Board members at this time.

548
549 Bill Stoughton asked if any Board members had interest in seeing the completed CUP
550 application and hear from the ACC on it first. A consensus of Board members agreed on this
551 item.

552
553 Bill Stoughton asked if any Board members have interest in requesting formal studies for any of
554 the waiver requests submitted.

555
556 Dwight Brew stated that he does not believe a Fiscal Impact, or Traffic study is needed. He could
557 be easily swayed that a Water Supply study is also not needed. He believes there is a need for the
558 other studies to be completed.

559
560 Chris Yates agreed with Dwight Brew.

561
562 Tracie Adams supported not requesting a Fiscal Impact, Traffic, or Water Supply study.

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563
564 Tom Quinn agreed with the other Board members.

565
566 Christy Houpis agreed that the Fiscal Impact and Traffic studies are not needed. He believes
567 there could be a need for the Water Supply study. He believes that study should be requested in
568 general of all applications.

569
570 Bill Stoughton agreed with Dwight Brew's assessment. He believes a Drainage study is needed.
571 As this is all currently undeveloped land, he believes NH Wildlife should weigh in on any
572 threatened/endangered species. He believes the Hydrogeological study is also important. Bill
573 Stoughton noted that any motions regarding waivers will now be considered final and carried
574 through with the review of this application. He anticipates that this hearing will be continued,
575 and he is trying to give the applicant a sense of everything that will be required when he comes
576 back in.

577
578 Dwight Brew suggested making motions for each requested waiver, whether granting or not, as
579 the Board previously moved to approve all waivers for the purpose of discussion only. Bill
580 Stoughton agreed.

581
582 **Dwight Brew moved that the regulatory requirements for studies on Water Supply,**
583 **Fiscal Impact, and Traffic be waived. Also, that the regulatory requirements for**
584 **reports on Drainage, Environmental Impact, Hydrogeological Impact, and**
585 **Stormwater requirements not be waived, and be required going forward. Seconded**
586 **by Christy Houpis.**

587 **Voting: 6-0-0; motion carried unanimously.**

588
589 The Board and the applicant discussed an appropriate date for the applicant to return with all
590 required reports, a completed CUP that has been discussed with the ACC and resolved Staff
591 Report issues. Tim Peloquin requested be put on the next available Planning Board meeting after
592 July 28, 2021. If the applicant is not ready at that time, another continuance will be requested.
593 Bill Stoughton noted that the staff, Board, and applicant do a lot of work to prepare for meetings.
594 He does not want to go down the road of having the Board prepare for a meeting that is then
595 postponed days before.

596
597 The Board reviewed alternate dates with Nic Strong. The Board and applicant agreed to a
598 continuance to August 18, 2021. Bill Stoughton asked if the applicant would agree to grant the
599 Board an extension on the clock running for this application, as it was previously accepted as
600 complete, commensurate with a meeting on August 18, 2021. The applicant agreed.

601
602 **Dwight Brew moved to continue this hearing to August 18, 2021, at 7pm, at Town**
603 **Hall. Seconded by Tracie Adams.**

604 **Voting: 6-0-0; motion carried unanimously.**

605
606 *Arnie Rosenblatt retook his seat at the table as Chair of the Board.*

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PUBLIC HEARING(S):

- 5. CASE #: PZ14079-041921 - Wilene Knight (Owner & Applicant), Spring Road, PIN #: 004-154-000 – Public Hearing/Subdivision Application – Subdivide Tax Map 4, Lot 154 into (4) single family house lots and create (3) new lots. Zoned Residential/Rural.**

Arnie Rosenblatt read and opened the case. He noted that this case was continued, not to anyone’s fault, but due to the lapse of the Governor’s Order regarding meeting remotely and insufficient time to re-notice the hearing.

Chris Hickey, LLS, Keach-Nordstrom Associates, Inc., representing Wilene Knight, joined the Board, along with Wilene Knight and Brad Knight. He explained that this application was accepted as complete back in the spring. The request for waivers has been updated and some studies have been provided to the Town since.

Chris Hickey stated that, in terms of the Fiscal Impact and Traffic studies, the intent of this subsection of the regulation is to ensure that the proposed subdivision of land will not cause adverse financial and traffic impacts to the town and surrounding areas. This project proposes a four-lot subdivision, which will ultimately result in the construction of single-family homes. Typically, these types of studies are reserved for larger scale projects consisting of more than the development of single-family homes. In terms of the Drainage, Hydrogeological, and other studies, the intent of these subsections of the regulation are to ensure that the proposed subdivision of land will not cause adverse drainage, hydrogeological, or other impacts to the surrounding areas. In particular, with respect to the drainage report and hydrogeological, this project will require a stormwater permit prior to construction, once the size, style, and location of each new home is determined. The current stormwater regulations require the applicant to design for water quality protection and groundwater recharge volumes in accordance with the New Hampshire Department of Environmental Services Alteration of Terrain Standards. These design parameters ensure that development will not negatively impact the existing drainage and hydrogeological conditions on site by requiring infiltration to mitigate runoff from the new impervious areas. This recharge requirement effectively “replaces” groundwater and ensures that existing hydrogeological functions are not adversely impacted. Therefore, the applicant asks that the Board grant these waivers because it would be consistent with the spirit and intent of the regulations.

The Heritage study, Fish & Game study, wetlands report, and wellhead study, have been submitted and updated, as needed.

Dwight Brew noted that he would like a condition regarding a shared driveway with Lot 154 and 154-2 being the access for Lot 154 as part of a potential approval.

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649 Bill Stoughton stated that he would support the waiver of the frontage area. He believes the
650 regulations are unclear on this item and should be updated in the future. He went on to say that at
651 the last hearing on this application the applicant agreed that there would be no need to encroach
652 on wetland buffers to perform the construction for this subdivision and he was prepared with
653 language to this effect when appropriate.

654
655 There were no questions from the public at this time.

656
657 **Chris Yates moved that the Board waive the Fiscal Impact, Traffic, Drainage and**
658 **Hydrogeological Reports for CASE # PZ14079-041921. Seconded by Christy**
659 **Houpis.**

660 **Voting: 7-0-0; motion carried unanimously.**

661
662 **Dwight Brew moved to grant the waiver to Subdivision Regulations Section 303.1**
663 **requiring each lot to have a location on its own frontage for a driveway, with a**
664 **condition of approval that access to Lot 154 will be via a shared driveway with Lot**
665 **154-2. Seconded by Tracie Adams.**

666 **Voting: 7-0-0; motion carried unanimously.**

667
668 **Bill Stoughton moved to approve CASE#: PZ14079-041921 for Wilene Knight,**
669 **Trustee, Wilene Knight Revocable Trust for the above cited Final Subdivision of**
670 **Map 4 Lot154 into four lots, with frontage on Spring and Upham Roads, with the**
671 **conditions set forth in the Staff Report and the additional condition that no**
672 **Wetlands CUP is necessary for wetland buffer intrusion, and none shall be**
673 **requested to accommodate planned development, including the placement of any**
674 **stormwater control features that may be necessary. Further, that Impact Fees be**
675 **assessed at the Residential Rate, that active & substantial development be defined as**
676 **placement of stormwater control features, and that substantial completion of**
677 **improvements be defined as placement of foundations of the residences. Seconded**
678 **by Christy Houpis.**

679
680 **Discussion:**

681 **In response to a question from Dwight Brew, Bill Stoughton stated that the Staff**
682 **Report notes that active & substantial development be within 24 months of the date**
683 **of approval, and that there is no time requirement for substantial completion of**
684 **improvements listed.**

685
686 **In response to a question from Dwight Brew, Chris Hickey stated that he does not**
687 **believe all four foundations will need to be started within 24 months, but just that**
688 **the project will be kicked off.**

689
690 **Bill Stoughton read from the Staff Report, “within 24 months after the date of**
691 **approval, the following items must be completed in order to constitute ‘active and**
692 **substantial development or building’ pursuant to RSA 674:39, I, relative to the 5-**

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693 year exemption to regulation/ordinance changes.” He is proposing that placement of
694 stormwater control features be the definition for this.

695
696 Chris Hickey noted that two lots will be built right away, but two others he is
697 unclear on the timeline for. He has never seen that all of these items must be placed
698 within 24 months.

699
700 Wilene Knight noted that these lots are being given to family members, some of
701 whom are still young and thus she does not want there to be anything forcing some
702 of the lots to be built within a short timeframe. She stated that the lots would not be
703 sold to outsiders. Brad Knight stated that the land had been in the family for 65
704 years and it was hoped to keep it for one more generation. Two houses would be
705 built right away and the other two remain available.

706
707 In response to a question from Dwight Brew, Nic Strong explained that the statute is
708 designed to protect the Town and the applicant so that if within a certain period of
709 time what was approved on the plan is not done and the regulations change, the
710 Town can require the plans to be revised to meet the new regulations. There are two
711 thresholds for different levels of completion. Within 24 months of approval certain
712 things have to be done in order to grant the applicant the benefit of the current
713 regulations at the time of approval for five years. After those five years the second
714 threshold requires completion of the development substantially, vesting it forever to
715 the regulations in place at the time of approval. Nic Strong went on to say that the
716 statute does not specify what the items for those two thresholds have to be and the
717 Board can set these thresholds as they see fit. She noted that if the Board does not
718 establish anything for those two thresholds the applicant automatically receives five
719 years vesting to the regulations at the time of the approval, but, at the end of the 5-
720 year period, the applicant would be subject to any regulation/ordinance changes
721 that have occurred since.

722
723 In response to a question from Arnie Rosenblatt, Bill Stoughton stated that his
724 suggestion was that the 24-month item to become vested be installation of
725 stormwater features. Brad Knight asked if this threshold could be construction of
726 the shared driveway instead.

727
728 Bill Stoughton amended his motion to read that that active & substantial
729 development be defined as construction of the shared driveway. Seconded by
730 Christy Houpis.

731 Voting: 7-0-0; motion carried unanimously.

732
733 **OTHER BUSINESS:**

- 734
735 1. Minutes: June 2, 2021; and June 16, 2021

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737 **Tracie Adams moved to approve the meeting minutes of June 2, 2021, as amended**
738 **[Line 156: change “project” to “application,” Line 128: to add “and was**
739 **awarded...”]. Dwight Brew seconded.**
740 **Voting: 6-0-1; motion carried [T. Quinn abstaining].**

741
742 **Tracie Adams moved to approve the meeting minutes of June 16, 2021, as presented.**
743 **Dwight Brew seconded.**
744 **Voting: 7-0-0; motion carried unanimously.**
745

746 **2. Any other business that comes before the Board**

747
748 Arnie Rosenblatt asked that the Board meet at 6:30pm prior to the next scheduled meeting, July
749 21, 2021, for a Non-Public Session to discuss a possible legal matter.

750
751 The meeting on July 21, 2021, will be a work session and will also be used for alternate member
752 interviews. Each applicant will be interviewed for approximately 15 minutes.

753
754 The Board agreed to also discuss the draft Rules of Procedure that evening.

755
756 **Tracie Adams moved to adjourn the meeting at 9:51pm. Chris Yates seconded.**
757 **Voting: 7-0-0; motion carried unanimously.**
758

759
760
761
762 Respectfully submitted,
763 Kristan Patenaude
764
765 Minutes approved: