

TOWN OF AMHERST
Planning Board

August 4, 2021

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

Arnie Rosenblatt called the meeting to order at 7:00pm at the Souhegan High School Auditorium and via Zoom concurrently. He explained that the Board is able to legally meet both in-person with a quorum present, and via Zoom. He noted that the Board asks anyone unvaccinated in-person to be wearing a mask. Other may wear masks as they feel appropriate. The Board is masked.

DESIGN REVIEW:

- 1. CASE #: PZ14459-070721 – Clearview Development Group (Owners & Applicants); Boston Post Road & 38 New Boston Road, PIN #: 005-159-001 & 007-072-000 – Subdivision Application/Design Review – To depict a 38 unit Planned Residential Development on Lots 005-159-001 & 007-072-000 per the Integrated Innovative Housing Ordinance of 2019. Zoned Residential Rural.**

Arnie Rosenblatt read and opened the case.

Ken Clinton, Meridian Land Services, and Erol Duymazlar, Clearview Development Group, joined the Board. Ken Clinton explained that this is a design review for a Planned Residential Development (PRD) under the Integrated Innovative Housing Ordinance (IIHO). The original Planning Board approval was for up-to 44 units. The applicant has since reduced the number of units slightly and made small configuration changes. The applicant took the conditional approval and married it with clarification comments from the Board in order to make these changes. The approved Conditional Use Permit (CUP) from March 17, 2021 approved up-to 44 units including: 18 55+ units (for a bonus of 2.7 units), 14 attached housing units (for a bonus of 1.4 units), no bonuses given for any of the single-floor, handicap accessible, 1-bedroom or 2-bedroom units, and 9 bonus units collectively allocated for the proposed amenities. This allotted 13.1 bonus units on top of the baseline 31.25 units, for a total of 44.35 units. The modifications on the current plan led to 11 55+ units (bonus of 1.65 units), and 8 attached units (for a bonus of 0.8 units), while still allowing for the 9 bonus units allocated for the amenities section. This leads to 11.45 bonus units on top of the baseline 31.25 units, for a total of 42.70 units, or a maximum of 42 units. However, the applicant is only proposing up-to 38 units for final design configuration.

Ken Clinton explained that the configuration is similar to the previous plan. There were originally 25 units planned in the west village; this has been increased to 27 units. The east village will require less infrastructure to service only 11 units (down from 18). The roads in the west village area have already had preliminary grading completed, drainage areas identified, and the placement of approximate treatment swales identified. The entrance to the west village will potentially require two areas of stormwater maintenance, as this is a low point of the site. The applicant will come back with a CUP for wetland buffer impacts, mainly for the stormwater

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impacts. The low point of the road will hold stormwater treatment likely adjacent to or in the wetland buffer, due to the grade of this area. Off the back end of the west village, there will be a treatment swale and an oversized basin. There will also be one wetland crossing coming off Boston Post Road. This area is very dry for most of the year but is classified as jurisdictional wetlands. The road design will be a waiver item, because even though it will be a private road, it is being held to public road standards. There will be a 10% grade leaving Boston Post Road after the 2% negative entrance onto the property for less than 100', due to the wetland crossing and the cover required for the culvert.

Ken Clinton explained that the DPW's comments on this plan focus less on the road designs due to the fact that they will be private, but he will meet with DPW Director Eric Hahn and Fire Chief Matt Conley again on these items. The road radius is smaller than standard roads but is necessary due to the road orientation and wetland pockets and buffers. There will be a handful of waivers from a road standard standpoint that will be further discussed, even though this road would be private and will not need to be maintained by the Town.

Ken Clinton explained that there will be a treatment swale needed 75' from the leach field. One unit may conflict with that, and so this number may drop to 26 or even stay at 25 units. If this number is decreased, the number of units in the east village will be increased by the same number. The east village has been redesigned due to the change in the number of units. This has allowed for a reduction in infrastructure in the area with an increase in the amount of open space. If 1-2 units are reduced in the west village, these will be included over in the east village as part of 2-unit duplexes. The west village will be designed first. In the east village, the design will make use of the natural stone wall breaks, as the existing stone wall is fairly scattered, and continue to be environmentally friendly, meeting the spirit and intent of the original CUP approval.

Ken Clinton noted that, during the CUP phase, many of the Planning Board members expressed their desire for a reduced number of units as part of this project and some even mentioned the number of 38 units. The applicant voluntarily decided to reduce the number of units on site.

Ken Clinton explained that the east village is proposed to have a trailhead, with a flat, gravel parking area for three cars and a small turnout. The DPW had comments on who will maintain this parking area and if there will be any conflict with the adjacent utility company's parking area for access to the utility cabinet. This information is being prepared as part of the CUP process. He noted that the parking area will be designed and built by the developer but will need to be maintained by a town entity. Ken Clinton explained that, if the Board does not feel the trailhead parking improvements are integral as part of the 9 bonus units allocated for the amenities section, the developer could discuss not including it.

Ken Clinton noted that, as part of the final subdivision plan and CUP application, the applicant will need to come before the Board with a scenic road application, as both New Boston Road and Boston Post Road are designated scenic roads. The established driveways are believed to have good sight distance and will require negligible tree cutting or stone wall disturbances.

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Arnie Rosenblatt asked the Board for their comments and questions.

Dwight Brew addressed the issue of the bonuses originally awarded to this project. He noted that it seems like the Planning Board looks at what the developer proposes but determines that each item is not eligible for the maximum bonus and approves the development with a fewer number of total units, without defining what bonus items must be built. The developer then feels free to drop any bonus items and believes that the Board will be fine with a revised mix, if all eligible items receive the maximum bonus equaling what they are now proposing to build. The flaw he sees in this, is that the Board was not willing to credit 100% bonus for each eligible bonus item. It is thus unclear as to how the bonus number was decided on, and thus the developer assumes s/he is free to change bonus items, and still receive 100% of bonuses.

Tom Silvia had no questions at this time.

Bill Stoughton asked if there were any proposed accessory dwelling units as part of this plan. Ken Clinton stated that there were not. Bill Stoughton noted that in the CUP approval those units were not precluded but no credit was given for them.

Bill Stoughton asked why the 55+ housing units had been reduced. Erol Duymazlar explained that they decided to reduce the number of 55+ units due to the reaction from the Board during the CUP phase. The Board seemed to want a reduction in infrastructure and an increase in open space to make the project more appealing.

Bill Stoughton stated that his comments are non-binding and that he will wait to see the final application before making a decision. However, he believes that the change in unit numbers and layout of the site changes the benefit to the Town. He explained that this plan reduces the amount of housing stock for 55+ residents. The PRD and IIHO were set up to encourage and reward diverse housing types, and this reduction is a loss of this benefit. Also, this proposed plan will increase the project's fiscal impact to the Town, because 3-4-bedroom homes add students to the Town and thus increase the burden on taxpayers. Finally, there will be a greater environmental impact with this proposed plan. He encouraged the applicant to look into attached housing, and smaller footprint units for 55+ units. He has a concern with the applicant increasing the number of single-family homes on site from 25 to 27. If the applicant instead decided to include these units on the east village as duplex units, this would probably be closer to the benefit he originally had in mind during the IIHO approval process.

Bill Stoughton stated that he wants to hear from the Fire Department and DPW if the roads are acceptable, safety-wise. He noted that he believes the applicant is trying to avoid or minimize placing stormwater management systems within the wetlands or buffers, and the focus is overall reducing the impact. He believes the proposed open space is generally placed well on the property, and the amount of open space specifically is an improvement over the original design. He noted that the proposed wetland crossing has been minimized and will be necessary in order

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to gain access to the site. He will want to see the functions and values of that wetland during the final application process.

In response to a question from Tracie Adams, Ken Clinton stated that the two units that may move from the west village to east village might be #1 and #19, as currently numbered. The applicant may also choose to go back to the original design, after hearing the Board's comments this evening. He does not want anyone to count on the unit numbers staying the same.

Tracie Adams noted that she was concerned with fire protection on site and asked about the proposed roads and hammerhead turnarounds. Ken Clinton explained that the east village does not have any roads, but instead driveways and parking spaces. The west village proposes a four-lot common driveway at the end of the road. While the DPW has stated that they prefer cul-de-sacs with turnarounds instead of hammerhead turns, Ken Clinton noted that this is irrelevant because these are to be private roads.

Chris Yates stated that he likes the layout of the 55+ units and that the applicant is trying to increase the amount of open space. He echoed Bill Stoughton's concerns with reducing the number of 55+ units. He believes that the 18 proposed 55+ units benefited the community and its residents.

Tom Quinn stated that he has concerns about the number of 55+ units being reduced and the possible loss of the trailhead parking. He believes that these two points were important in the original IIHO ordinance, and he does not believe it is appropriate to remove them from the plan. He would also like clarification from the DPW Director and Fire Chief on their memos. He has a concern with the 10% grade as one enters Boston Post Road from this site. There is also the issue with traffic traveling down the road to the elementary schools.

Christy Houpis echoed the confusion of other Board members regarding the IIHO bonuses awarded and the Board's process. He also expressed concerns regarding the roads, water on site, safety of the entry road and the implications to traffic on Boston Post Road.

Arnie Rosenblatt reminded the public that this application tonight is for a Design Review and that the Board will not be rendering a decision on this item. He agreed to hear public comment at this time.

Ken Miller, 2 Old Coach Lane, stated that he has a concern about traffic from this project. He noted that this site could produce 100 vehicle trips/day. He asked about putting a stop light at the Wilkins School. He also questioned how individual wells might affect the well on his property. He explained that he would be okay with this proposal if there were only approximately 10 houses being proposed on the site.

Arnie Rosenblatt checked for hands up on the Zoom call from the public.

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Liz Boskee, 37 New Boston Road, echoed the Board member concerns regarding traffic. She stated that this proposal will effectively double traffic on an already busy street. She also voiced concerns about water issues and noted that her well traditionally has issues running dry. She stated that her mother lives on Brookwood Drive, where another small development is being built, and the noise from the construction work has been a fairly consistent damper on her mother's quality of life for years.

Arnie Rosenblatt noted again that the Board is not making a decision on this proposal tonight. There are three other applicants that the Board needs to hear from, so he would prefer for the public to limit its comments and move forward.

Jim Hendrix, Christian Hill Road, spoke in support of Ken Miller's comments. He noted that the previous crossing guard at the intersection of Foundry Street and Boston Post Road spoke of the already failing intersection and traffic. He is unsure how additional traffic to this area will be overcome. He encouraged the applicant to pull in public water from the Village to the site, as many in the area have issues with their wells not regenerating.

Tim Kachmar, 15 Mack Hill Road, supported Ken Miller and the others who spoke about issues with traffic from this proposal. He stated that lower Mack Hill Road is like a drag strip. He asked if the Board and/or Town can do something to limit the roads that construction trucks travel on in Town. He agreed that it is the right thing for the developer to do to bring in public water to the site from the Village. He noted that he feels the Board was threatened by Ken Clinton when he stated that the applicant may just go back to the original plan of including more houses on the site.

Arnie Rosenblatt stated that Ken Clinton had heard the comments and reaction from the Board and audience. He thanked Ken Clinton for his presentation and stated that the Board would likely see the applicant in the near future.

CONCEPTUAL DISCUSSIONS:

2. CASE #: PZ14460-070721 – EAM Amherst Holdings, LLC (Owners & Applicants); 317 Route 101, PIN #: 008-072-000 – Non-Residential Site Plan Application. To utilize the subject property for a proposed Agricultural Farming & Supply Operation. Zoned Residential Rural.

Arnie Rosenblatt read and opened the case. He noted that Board members will be providing information to the applicant regarding this conceptual discussion, but that this does not represent views of the Board as a whole. These comments are only based on the current status of this project and are not binding.

Chad Branon, Fieldstone Land Consultants, and Eric Mueller, of EAM Amherst Holdings, LLC, joined the Board. Chad Branon explained that this site sits on the south side of Route 101, across from Saddle Hill Road. The property is 36 acres, with 642 linear feet of frontage along Route 101. The property is located in the Residential Rural district, which is zoned for things like

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farming/agricultural/garden nurseries. The lot is partially developed, with a 1.5 floor cape-style home situated on the northeast corner. There is also a detached garage/barn, a shed, driveways, and utility connections. The rest of the lot is vacant except for some maintained fields. There is also an existing access road with a field along the eastern boundary, adjacent to Red Gate Lane.

Chad Branon stated that the proposal is to develop the lot into Stone Farm Agricultural Farming & Supplies. This will include a 9,100 sq ft building on the rear of the property, to act as storage of agricultural supplies and processing equipment, as well as a small office for business management operations. This will be serviced by an onsite well and septic system (proposed to be off a paved area on the east side). The business will eventually include a garden nursery and roadside stand. The rest of the site will be farmed and utilized for the business, with trees, fruits, vegetables, flowers, etc.

Chad Branon stated that the proposed stormwater mitigation system is an infiltration basin in the northeast side of the back of the lot. This will capture all runoff from the improvements and infiltrate it. The access road will follow the alignment of the site, and so minimize impact to the wetlands and buffers by use of disconnection practices along its length. There is one proposed wetlands crossing of the wetland that bisects the property. This project will include a site plan review, CUP for the wetlands impacts, DES wetland permit for wetland impacts, and DOT permits for accessing the highway and changing the use of the site.

Chad Branon noted that there is a parking provision he is seeking clarification on, as the regulations state the Planning Board determines reasonable parking for any uses not delineated in the regulations. He stated that he believes the proposed parking is reasonable for the site. There are five spaces being proposed up front for the roadside stand and nine parking spaces in the rear for employees. There is also ample space proposed around the building in case extra parking is needed. The applicant is proposing to pave the area around the building and the road to get to it, in order to reduce maintenance operations. The area to the south of the site will be used to store compost, loam, mulch, sand, etc. for the business. There will be parking around the exterior of the building for agricultural equipment.

The applicant ended the presentation and the Board made comments.

Christy Houpis stated that he needs more details about the challenges with traffic entering/exiting this site from Route 101. He noted that the applicant may want to look at other nearby roadside stands to see if five proposed parking spaces will be enough. He would also like more information regarding the stormwater runoff and water impacts of the proposal.

In response to a question from Tom Quinn, Chad Branon stated that the existing house will be maintained for family members. The existing shed may be used as extra storage for the business or the homeowners.

Tom Quinn noted that the state definition of a farm stand requires that 35% of the sales come from products from the farm in order to be considered agricultural versus commercial and

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wondered about the use of the property. Chad Branon stated that there is no plan to use the business as a retail outlet. The NH RSA notes that at least 35% of the business' sales must come from the farm itself, in order to remain an agricultural operation and not be considered commercial and this will be adhered to. The 9,100 sq ft building will be used to store equipment, maintain equipment, and store packaging for the farm. There will be no retail sales out of this building.

Tom Quinn asked if anything other than the residential use was planned for the area close to Route 101. Eric Mueller stated that there was not. Tom Quinn noted that the plans being shown on the screen were not the same as the ones the Planning Board had received prior to the meeting. Chad Branon said that they were not exactly the same, as he had included some improvements he had made to the plans over the past few weeks.

Eric Mueller noted that he would like to keep the property to a New England vernacular and that the building will not be visible from the road. The building will look like a traditional barn, painted red, with a black roof, cupola, and barn-style doors.

Chris Yates had no questions at this time.

Tracie Adams noted the same concerns previously mentioned regarding traffic and water. She asked if there would be storage of chemicals in the 9,100 s.f. building. Eric Mueller noted that the farm is intended to be organic. No chemicals will be stored in the back building. There will be bin storage for sand, compost, etc. around the outside of the building.

Tracie Adams noted that parts of the site are in the Aquifer Conservation & Wellhead Protection District (ACWPD), Flood Plain Conservation District (FPCD), and Wetland & Watershed Conservation District (WWCD) Overlays. She recommended that the applicant work with the Conservation Commission (ACC) on these items.

In response to a question from Bill Stoughton, Chad Branon stated that this application will not need an Alteration of Terrain (AoT) permit, due to being below the required square footage and that the agricultural field component of the site is exempt from this permit. The stormwater management system will meet local standards.

Bill Stoughton stated that he has a concern regarding the amount of farm activity on site occurring within the wetland buffer. Agricultural uses are allowed within the Wetland and Water Conservation District, but there are some Best Management Practices (BMPs) to follow. He stated that he would like to understand what BMPs would be proposed and how the applicant plans to protect the wetlands from disturbance, sedimentation, nitrogen and phosphorous.

Tom Silvia had no questions at this time.

Dwight Brew stated that he wants to make sure that the 9,100 sq ft building and associated parking/driveway do not have an adverse impact on ground water and wetlands.

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In response to a question from Dwight Brew, Eric Mueller confirmed that this business will not sell agricultural supplies to the public and will only sell agricultural products.

Arnie Rosenblatt noted that this is not a public hearing but a conceptual discussion, and the Board is not rendering a decision on the application. He agreed to hear limited public comments, with that in mind.

There were no public comments either in-person or via Zoom.

Eric Mueller noted that this property has been farmed for years by previous owners for hay and vegetables and low bush blueberries.

3. CASE #: PZ14461-070721 – William, Charles & Richard P. Hazen (Owners) & NH Sustainable Communities LLC (Applicants) – 2 Upham Road, PIN #: 006-102-000, 004-116, 118,119, 121, 122, & 145 – Subdivision Application - Proposed 128 unit Planned Residential Development. Zoned Residential Rural.

Arnie Rosenblatt read and opened the case. He noted that any comments made by Board members are non-binding and that the Board is not rendering a decision on this application, as it is a conceptual discussion.

Chad Branon, Fieldstone Land Consultants joined the Board. Chad Branon stated that this proposal is for a PRD across a number of lots. He showed the Board an existing conditions plan. Lot 4-122 has 22.1 acres and fronts on County Road to the east and Cricket Corner Road to the north. Lot 4-116 has 46.1 acres and Lot 4-118 has 44.2 acres, both with frontage along County Road. Lot 6-102 has 149.6 acres, with frontage along County Road to the west and Spring Road to the east. Lot 4-119 has 19.7 acres with frontage along County Road. Lot 4-121 has 56.4 acres with frontage along County Road to the west and Upham Road to the south. Finally, Lot 4-145 has 15.9 acres with frontage along Upham Road and County Road. These properties total 354 acres, with 17,905 linear feet of frontage. These subject properties are primarily bordered by residential properties and are otherwise vacant, except for an existing old farmhouse located at the intersection of Upham Road and County Road. These properties are partly located within the Aquifer Conservation & Wellhead Protection District (ACWPD), Flood Plain Conservation District (FPCD), and Wetland & Watershed Conservation District (WWCD) Overlays.

Chad Branon explained that this project originally came before the Planning Board in September 2020 as a conceptual design. Under the current regulations, the proposal is to develop these properties through a PRD, which would involve consolidating the lots and redeveloping them with a subdivision. This plan shows a 128-unit PRD. 62 of these lots are proposed to be located along existing town roads, and 66 are located in clusters off County Road. There are five clusters proposed with cul-de-sacs. Clustering of units is a desired goal within the PRD regulation. The first proposed cluster is for 11 units located off a 464' cul-de-sac. The second cluster is for 20 units located off a 1,300' cul-de-sac. The third cluster consists of 11 units off a 631' cul-de-sac.

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The fourth cluster contains 13 units off a 794' cul-de-sac. The final, fifth cluster consists of 16 lots off a 776' cul-de-sac.

Chad Branon explained that this project looks to minimize the developmental footprint and maximize the protection of sensitive areas and open space. There is one wetland crossing proposed, at the end of the cul-de-sac for the fifth cluster. Two homes (unit #s 87 and 88) would be accessed from that wetland crossing. The driveway to access these was laid out to minimize the wetland and buffer impacts to this area. There are also buffer impacts proposed on the east side of the site. The PRD regulation requires that 40% of the site be placed into open space (approximately 141.6 acres). However, this proposal looks to place approximately 247 acres into open space, or about 70%.

Chad Branon stated that this proposal looks to achieve many of the goals and objectives of the PRD, such as offering a variety of housing types and styles, with a number of bedrooms, single, and two-floor options. The design objectives will consider a number of offsite improvements to existing town roadways. It also looks to cluster units to minimize impacts to the land and will explore innovative stormwater management practices. The units will be serviced by individual subsurface disposal systems and wells, in order to minimize the impacts associated with utility construction. Test pits still need to be dug on site. This project will require significant local and state permits, including an AoT, septic permits, wetland permits, etc. This project aims to provide significant buffers along the perimeter of the site, to make lots contiguous to existing open space for connectivity, and to present a layout that preserves the rural character and landscape of the area.

The Chair opened up comments to the Board.

In response to a question from Christy Houpis, Chad Branon explained that he had initial conversations with the ACC regarding this conceptual project back in 2020. This conversation will be reengaged with this new plan.

In response to a question from Christy Houpis regarding how this design keeps with the PRD goal of connectivity, Chad Branon explained that, in past conversations about this site there were comments about minimizing development adjacent to Spring Road. Thus, one of the goals of this site was to preserve the land around Spring Road. There is a conservation area proposed on the east of Spring Road and to the north of the site. The proposal looks to cut out chunks of land to place into open space that could have been lots, in order to cluster the units and maximize open space. Chad Branon stated that his client is environmentally minded and takes pride in this layout. The proposal will also provide buffer strips adjacent to the existing properties inset to the site to help maintain the rural character and setting of the area. Along the north side of the site, there is open space proposed to connect to existing conservation land. The project looks to place much of the jurisdictional wetlands and buffers into open space. Many of the proposed lots have no jurisdictional wetlands in them due to the proposed layout. Southern areas of the site are bisected by significant wetland areas, so it was determined that these areas should be left as open

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space. The open space has also been maintained along the wetland crossing, to create access for a wildlife corridor.

Christy Houpis stated that he would like to see more detail regarding the maximum connectivity proposed on this project as a benefit to the Town. He noted that the scope of this project is substantial. He stated that any improvements suggested by the Fire and Police Departments will be very important. He believes that the applicant needs to explain how much of the site could be built on, versus what is being preserved, in addition to concerns with water and safety.

In response to a question from Tom Quinn, Chad Branon explained that consolidating all of the lots into one will come as part of the formal subdivision application.

Tom Quinn stated that he believes it would be helpful to see the details of each lot separately. He suspects that some of the lots may not fit the PRD requirements, which makes looking at all the lots together confusing. He is interested to see how the project conforms to PRD Section 4.17 and CUP Section 3.18 and encouraged the applicant to focus on the criteria in those sections.

In response to a question from Chris Yates as to whether any of the units would be for 55+ or 65+, Chad Branon stated that the applicant is considering making 1-2 of the clusters 55+ housing. The regulations for 55+ may be changing, which leaves it unclear as to how this will fit in with the PRD requirements. Chad Branon stated that he will let his client know if the Board is interested in there being 55+ housing as part of this project. There is no workforce housing proposed as part of this project.

Chris Yates stated that it appears that 36 of the 128 proposed units will be located on frontage roads and will be individual lots, not clustered. He believes this will be a large number of individual houses. He would like the layout to be broken down into individual chunks to be able to look at the layout of each. He is concerned that this will be a significant impact to this area, and that 128 proposed units will be a heavy burden for the local school system.

Tracie Adams stated that she has a concern that the units proposed along the edges of the road do not fit the PRD vision. She asked about a previous plan for this project, from July 2, 2020, that mentioned there being approximately 90 units located along frontage roads that the developer may sell. Chad Branon stated that the current plan proposes 62 lots along the roadway as conventional house lots. If the project moved in this direction it would become more of a hybrid development, with conventional lots located with 200' of frontage, taking up larger lots and cutting into the open space area. Chad Branon noted that the PRD regulations are not very definitive about this topic and so the applicant is looking for feedback from the Board. He believes that the project will still meet the goals and objectives of the PRD even if lots are not clustered along the road.

Tracie Adams stated that she has concerns regarding the traffic impact of this project. She asked if the applicant would consider creating larger areas along the edge of the land along the properties in order to create wildlife corridors. She noted that in the September 29, 2020, ACC

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minutes the ACC also shared similar concerns about there being 24 properties located in the buffer at this time. She noted that the density and diversity of the project will need to be shown to be a benefit to the Town.

In response to a question from Tracie Adams, Chad Branon stated that the plan at this time is to have the area serviced by individual wells. The applicant will continue to examine wells versus bringing water to the site.

In response to a question from Bill Stoughton regarding differences between this and the last plan the Board saw, Chad Branon agreed that this plan has modified some of the lots to get them out of the buffers and wetlands but is otherwise the same as the previous plan in terms of density and open space.

Bill Stoughton stated that the Board is allowed under the PRD to allow for “somewhat greater density” if the project complies with the requirements. He believes that in order for the Board to determine what “somewhat greater density” is, it must first know what the density of the site could be without using the PRD. He would like to see a concept plan of the density permitted on this land without using the PRD but including, setbacks, lot zoning sizes, septic system allowances, allowing for wetlands and steep slopes, road frontage, and other necessary features. He is unsure how the Board could allow for “somewhat greater density” without first having a starting point. The PRD does not follow a formula as the IIHO did. He would like to see an example of a development on this land that complies fully with zoning requirements without needing any relief, and then determining what the “somewhat greater density” could be. Bill Stoughton stated that he will be looking into the diversity of the housing proposed, and how this diversity will be managed over time. He would also like to know how the open space will be protected and what the access will be to it. He believes there is a huge traffic issue with this project that will need to be grappled with. County Road is a gravel road and is not built to support a large amount of traffic moving at high speeds. He noted that he cannot think of a single study for a development of this size and scope that he would consider waiving.

Tom Silvia had no questions at this time.

Dwight Brew stated that he appreciates the amount of new open space and connectivity to existing open space that is being proposed. In most areas in Town, each home requires 200’ of road frontage. The use of cul-de-sacs and clustering can avoid houses being spaced with less than 200’ of separation on Town roads. He believes this approach is preferable to homes being built directly on Town roads with less than 200’ of frontage. It appears in several areas that the developer has used cul-de-sacs but in other areas it seems houses are tightly spaced. He has concerns with the linear density of homes on County Road, which is a scenic road.

Arnie Rosenblatt reminded the public that this is a conceptual review only. He will not preclude public comments but noted that this project will be part of a long application process.

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Elizabeth Sullivan, 2 Village Woods Drive (A), stated that the fact that County Road is dirt does not slow anyone down, and the applicant is proposing to put 128 new homes along the road. She has a concern regarding the water in the area if wells are put in. In the past she has had to choose between doing her laundry or taking a shower. She also questioned putting septic systems in near wetlands. She explained that people move to Town for special education services, and she believes this project would increase the student population by between 16-24%. She stated that this may result in needing a new school and asked who would pay for this.

Arnie Rosenblatt stated that the Board would hear from one more member of the public and then move on. There is no application yet for this project and the Board will not be making a decision on it tonight.

Dave Williams, 56 County Road, stated that he has concerns about the groundwater resources and the effect of this project on local wells. He stated that, per the plan presented, there could be 45-50 new wells put in around his house. He stated that there will need to be significant improvements made to County Road as part of this project. If the road is widened and paved there will be stone walls and trees destroyed. County Road is a scenic road, and these items would destroy its rural character. There will also be a loss of wildlife habitat. He asked what the justification is for quarter acre lots as part of this project.

Arnie Rosenblatt noted that everyone will have an opportunity to be heard more than once as part of this project's application process. He noted that he did not see anyone else in the audience wishing to speak. It was brought to his attention that there were other members of the public with their hands raised. Arnie Rosenblatt allowed for others to speak but noted that this is not the phase of the application for people to argue their case.

Ryan Morse, 79 County Road, asked that the applicant stop using the term "minimizing impact to the open space" because he believes this project looks to maximize building on this land, most of which is wetlands. He believes it is ridiculous for the applicant to use this terminology.

Coleen Tapley, 1 Beechtree Way, explained that when she wanted to build on her current 7-acre lot, she was told that County Road was a scenic way and would never be paved in order to preserve the rural character of the area and the wildlife. In order to get electricity to her lot, she had to walk County Road with the Planning Board to show them which trees would be cut in the process. She stated that all of those trees will be cut down as part of this proposal. She understood that houses might go in near her, but also knew that Amherst has a 2-acre lot size and asked that the Board adhere to that. She noted that there will be three houses built in her side yard if this proposal goes in.

Arnie Rosenblatt noted that any application to come before the Board will require notice to abutters. Anyone with concerns or issues regarding this application, should plan to attend any meeting and will have the opportunity to be heard and questions to be asked. He is unsure when this application will come back before the Board, but there will be opportunities for people to speak. He also reiterated Bill Stoughton's comment that, due to the size, scope, and location of

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this proposal, he does not believe any waivers would be granted on items required by the ordinance.

Chad Branon noted that he had questions about the interpretation of the ordinance. He noted that, in the past, the PRD calculation was the net tract area divided by the underlying zoning of the area (in this case, 2 acres). He stated that the plans showed the existing lot summary and the net tract and density calculation which resulted in 112 units. He asked the Board which mechanism it would like the applicant to use to determine the baseline density. The applicant can use the formula used in the past, or it can complete a conventional yield plan, similar to what was mentioned previously in the meeting by Bill Stoughton. Chad Branon asked how the Board would like the regulation to be interpreted for this item.

Arnie Rosenblatt stated that the ordinance will be interpreted in the context of the application when it is heard. He is unsure how the PRD baseline calculation was made in the past for each application. He noted that Bill Stoughton can answer the question from the applicant if he wants to.

Bill Stoughton stated that the PRD does not mention how the baseline will be calculated; it does not mention a formula or a traditional yield analysis. The PRD does say that it intends for, "...somewhat greater densities than permitted elsewhere in the Zoning Ordinance, without causing a significant increase in the town-wide population density." Elsewhere in the Zoning Ordinance, developments must meet the required lot size, frontage, must respect the wetlands and buffers, etc. He believes that if the development can comply with all the traditional subdivision requirements with no waivers requested, this should be the baseline density.

Chad Branon asked if that is the interpretation of the Board.

Arnie Rosenblatt stated that the applicant will not be getting an interpretation of this item from the Board tonight. Any comments made by Board members are not binding. The applicant asked Bill Stoughton a question and received an answer. However, this is not to be seen as an opinion or interpretation of the Board.

Chad Branon explained that he is looking for guidance from the Board because there is not good direction in the regulations. He asked if other Board members share Bill Stoughton's opinion.

Arnie Rosenblatt stated that he will not go through a poll the Board on this item. The applicant received an answer from Bill Stoughton and previously received feedback from other Board members on the conceptual discussion. He appreciates the applicant's concern, but the Board will not give an opinion that they will be locked into.

The Board took a 5-minute recess at this time.

4. CASE #: PZ14463-070721 – 24 BR Partners, LLC, c/o Ron DeCola (Owner & Applicant) – 24 Brook Road, PIN #: 010-026-000 -

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566 **Subdivision Application. Two-lot conventional subdivision creating one new lot**
567 **along Brook Road and a 38-unit Planned Residential Development over the**
568 **remainder of Tax Map 010-026-000. Zoned Northern Rural.**

569 Arnie Rosenblatt read and opened the case. He noted that this is a conceptual design discussion
570 only. Any comments made are not binding to individual Board members or to the Board as a
571 whole.
572

573 Chad Branon, Fieldstone Land Consultants, and Ron DeCola, 24 BR Partners, LLC, joined the
574 Board. Chad Branon explained that this project has three parts: 1) a two-lot subdivision to create
575 a 5-acre lot off Brook Road, 2) a remainder parcel to be used for a 38-unit PRD, and 3) a
576 conservation lot. The site is located on the west side of Brook Road and contains 126.94 acres
577 with 777.3 linear feet of frontage. The property is bordered by residential properties and Town-
578 owned conservation land. There is also one piece of Town-owned conservation land located in
579 the middle of this property. The property is primarily vacant, with the exception of an old log
580 cabin and associated improvements. The area was logged within the last 10-15 years, as a 39-unit
581 condominium development was previously approved on this site. The rest of the site is wooded
582 and located in the Northern Rural zone, with portions in the Aquifer Conservation & Wellhead
583 Protection District (ACWPD), Flood Plain Conservation District (FPCD), and Wetland &
584 Watershed Conservation District (WWCD) Overlays. The topography of the site slopes from
585 west to east, towards Joe English Brook, which runs across the property. There are jurisdictional
586 wetlands shown on the plan. The property was originally approved for a 39-unit condominium
587 development. This approval extended through 2012, but market conditions did not allow for it to
588 be built. The property was again approved through the IIHO for an up-to 38-unit development.
589 This was not pursued primarily because of the Town's decision to eradicate the IIHO and the fact
590 that the Town seemed to want to move towards PRDs.
591

592 Chad Branon stated that the proposed 5-acre outparcel fronts along Brook Road and will be a
593 conventional lot. There is an existing well on this site with substantial yield. There was also a
594 prior approval for a septic system on this site. The lot would support a single-family home. The
595 remainder of the property, 121.94 acres, would become a PRD and leftover conservation lot. The
596 PRD will be developed over approximately 40 of these acres, with 20 acres left for open space.
597 This will satisfy the 40% requirement of the PRD. The rest of the acreage, or approximately 76%
598 will be used to create a conservation lot.
599

600 Chad Branon stated that the primary goals of the development are to consolidate development,
601 cluster units, and minimize impacts on the land. The project also focuses on land conservation
602 and preservation. The applicant will consider a 55+ layout for this project due to lot sizes and
603 layout of the land. Residents will be able to use amenities as there is proposed to be trail
604 connectivity. The access point off Brook Road will allow for safe vehicle and pedestrian traffic
605 into and through the site. There are approximately 3,000 linear feet of road proposed, and three
606 spur roads (two cul-de-sacs, and one way off a cul-de-sac) of 300', 680' and 570' respectively.
607 The project proposes a central clubhouse area, that will allow for community space for residents

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and a trailhead access that may be open to the public as well. The clubhouse structure will also hold the public water supply infrastructure for the development in the basement.

Chad Branon stated that the project proposes a number of design objectives and improvements such as clustered units, minimal land impacts, minimal wetland, and buffer impacts, etc. This project mirrors impacts previously approved for other projects proposed on this land. Approximately 4,600' s.f. of wetland impacts are proposed, with two wetland crossings. The project proposes individual subsurface disposal systems where possible, creating minimal site disturbances. The project will update its stormwater management practices. This project will need a variety of local and state permitting, including AoT, subsurface approval, public water approval, wetlands, shorelands, and CUP. One benefit to the Town will come with approximately 75% of the land, or approximately 95 acres, being placed into protected open space. The Town will also gain access to Lot 8-24-1, the landlocked parcel within this property. There will also be connectivity to neighboring conservation lands. This project will meet a number of goals and objectives of the PRD.

Applicant presentation ended and Board comments began.

Christy Houpis stated that he has concerns regarding the traffic this project could introduce onto Brook Road and Horace Greeley Road. He would like to know what the standard unit count could be for this land, if not under a PRD. He would also like to see the studies and details for this development based on its scope and location and the included conservation land and wetlands. Christy Houpis stated that he would want to see the full information on this project.

Tom Quinn stated that he would also like to know the baseline density calculation for this site. He noted that if the lot is 121 acres with a permitted lot size of five acres, the simple calculation would allow 20 lots which he did not think is realistic for this piece of land based on the topography and wetlands. He was curious as to what a realistic number of five acre lots would be. Tom Quinn also noted that there may be shoreland protection issues as part of this project.

Tom Quinn asked if the five-acre frontage lot would be a conventional lot that met all the town requirements, Chad Branon stated that the 5-acre outparcel will be a conventional lot. Tom Quinn asked if that took into account the amount of wetlands. Chad Branon stated that the calculations had been performed and the lot met the standards. He noted that it may be larger because of the wetlands. Tom Quinn asked if the house would have the same footprint as the building there currently. Chad Branon stated that the house would be larger.

Chris Yates had no questions at this time.

Tracie Adams stated that she has a concern about some of the smaller lots shown that may have water of some sort on them. She will be looking to hear more about the traffic this project may create and the diversity of housing units. She noted that she had previously heard the applicant state this will have a public water supply but is happy there will at least be a community water supply.

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In response to a question from Bill Stoughton regarding if this proposal abandons the previous IHHO plan, Chad Branon explained that the original IHHO approval for this project would have needed the development to be under construction by December, which was not possible. Thus, that project was ultimately abandoned. He went on to say that the current proposal of a 55+ development would normally have a different density calculation due to the type of development but there was nothing in the regulations to define that. Chad Branon was wondering if the 55+ nature of the development would change the dynamics in evaluating the PRD conditions.

Bill Stoughton asked if the plan under the IHHO included the same five-acre lot carved out on Brook Road. Chad Branon stated that the IHHO project also included the outparcel lot which was smaller, but this project improves upon the concept by pulling back from the road a bit.

Bill Stoughton clarified that this proposal was actually adding a lot over the previous approval because there would be 38 units in the PRD, plus the lot by the road. Chad Branon stated that was technically true.

Bill Stoughton stated that he has similar concerns as he did in hearing a previous conceptual design. He would like to see a baseline calculation for this property, with the number of lots that would be compliant under a traditional subdivision in this area.

Bill Stoughton noted that the prior plan granted a conservation easement to the Town at no cost and asked if this plan did the same. Chad Branon stated that there will be a conservation/open space area created as part of the PRD, and a separate open space lot that will potentially be for sale. This project does not propose giving that separate open space lot to the Town as an easement at no cost, as was proposed in a previous plan for this area.

Bill Stoughton stated that he also has traffic concerns regarding Brook Road, Horace Greeley Road, and the intersection at Route 101.

Tom Silvia had no questions.

Dwight Brew asked if it was proposed to bring public water to this site. Chad Branon explained that a community water supply is proposed as part of this project.

Dwight Brew stated, that without reducing for steep slopes, wetlands, or roads, dividing 121 acres by 5 acres per home, this parcel would seem to only support 24 homes. He suspects that taking into account the slopes, wetlands and roads would result in substantially fewer conventional lots, and thus 38-units would seem to be a much greater than "slightly more" allowed for by a PRD. He stated that he does not know the number of homes currently on Brook Road, but suspects that this development as proposed would double the number of homes.

Arnie Rosenblatt stated that this is a conceptual discussion only but agreed to hear from members of the public.

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696

697 There were no comments from the public at this time.

698

699 Arnie Rosenblatt stated that he will look at the application when it comes before him with an
700 open mind. He noted concerns with the project and would like to walk the site when appropriate.
701 He believes that the site might be a challenge to build on and access.

702

703 **OTHER BUSINESS:**

704

705 **1. Minutes: July 21, 2021**

706 **Bill Stoughton moved to approve the meeting minutes of July 21, 2021, as presented.**

707 **Tom Quinn seconded.**

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

709

710 **Bill Stoughton moved to adjourn the meeting at 9:55pm. Christy Houpis seconded.**

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

712

713

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717

718 Respectfully submitted,

719 Kristan Patenaude

720

721 Minutes approved as amended: August 18, 2021