

September 15, 2021

**APPROVED**

In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Tracie Adams, Cynthia Dokmo (alternate), Chris Yates, Tom Quinn, and Christy Houpis.  
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 7:01pm at the Town Hall and via Zoom concurrently. He explained the Board is requesting all present in-person to wear masks, as a courtesy. The Board is masked and there are extras available.

**1. SCENIC ROAD PUBLIC HEARING –EVERSOURCE**

**In accordance with NH RSA 231:158, the Amherst Planning Board will hold a Public Hearing on the proposal by Eversource for the trimming and tree & brush removal adjacent to and beneath some of its power lines on the following scenic road: Brook Road.**

Arnie Rosenblatt read and opened the case.

Corey Keefe, representing Eversource and attending remotely, explained that this proposal is to prune brush and limbs 8' on the sides of the road to the utility wires, 15' above and 10' below on Brook Road. Some dead branches above 15' are occasionally taken. To notify property owners, cards are mailed out, and Eversource waits 45 days for a response. If no response is received, per RSA 231:172, Eversource is allowed to continue with the work. Cards have been mailed out already for Brook Road and none have yet been received. He also asked for permission to remove certain trees that will probably fail, in order to prevent them falling onto wires. There are 13 trees marked on Brook Road, two outside of the right of way. The two outside are ash trees that are both dead. The other trees include five that are dead, five that are dying, and one that is not healthy. Corey Keefe stated that 1 elm, 1 oak, 1 maple, 4 ash, and 4 pine trees are marked along the road. He explained that, instead of mailing cards to abutters and property owners for the tree removal, Eversource will be calling each person by phone this year. If the owner does not want a tree cut, it will be removed from the list. He stated that the contractor for this work is Asplundh.

Christy Houpis and Cynthia Dokmo had no questions or comments at this time.

Chris Yates stated that, in past years, this pruning has left some trees completely delimbed and, essentially, cut down to poles. Corey Keefe stated that the majority of limbs cut are the diameter of two of his fingers. If owners do not want trees cut, they can certainly make note of this. Chris Yates stated that this method of pruning essentially kills the tree but leaves it standing, which can be an issue near power lines. Corey Keefe stated that he will personally be checking all the work done and will ask any owners with trees that look like this if they want them removed.

Dwight Brew had no questions or comments at this time.

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In response to a question from Bill Stoughton, Corey Keefe stated that owners own to the center of the road and that each one will be contacted in regard to this work before it is undertaken.

Tracie Adams and Tom Quinn had no questions at this time.

There was no public comment at this time.

**Bill Stoughton moved to approve the proposal by Eversource Energy for removal and trimming of trees as shown on the map and tree list received on June 23, 2021, on the following designated scenic road: Brook Road. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.**

2. **CASE #: PZ14355-061021 -Unified Development LLC (Owner) & Promised Land Survey LLC (Applicant); 70 North Street, PIN #: 003-093-000–Public Hearing/Subdivision Application –To depict the subdivision of Map 3 Lot 93 into two single-family residential lots and the construction of wetland crossings in the WWCD for Map 3 Lot 93-2. Zoned Residential/Rural. Continued from July 7, 2021.**

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

3. **CASE #: PZ14441-070121 -Unified Development LLC (Owner) & Promised Land Survey LLC (Applicant); 70 North Street, PIN #: 003-093-000–Submission of Application/Public Hearing/Conditional Use Permit Application –To depict the subdivision of Map 3 Lot 93 into two single-family residential lots and the construction of wetland crossings in the WWCD for Map 3 Lot 93-2. Zoned Residential/Rural.**

*Arnie Rosenblatt recused himself. Bill Stoughton stepped in to act as Chair for this item.*

*Cynthia Dokmo was promoted to sit for Arnie Rosenblatt.*

The Board agreed to hear both cases for this applicant at once.

Bill Stoughton read and opened both cases.

In regard to the CUP application, Bill Stoughton reminded the Board that they previously voted there was no regional impact for this project as part of its subdivision application.

**Dwight Brew moved no regional impact. Seconded by Tracie Adams.**

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**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, Cynthia Dokmo - aye, and Chris Yates – aye; motion carried unanimously.**

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

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, Cynthia Dokmo - aye, and Chris Yates – aye; motion carried unanimously.**

Tim Peloquin, LLS, Promised Land Survey and Jeff Merritt, PE, Granite Engineering joined the meeting remotely; and Matt Arel, owner/applicant, joined the Board in person.

Jeff Merritt, engineer for Granite Engineering, explained that this applicant was before the Board in July to introduce this project. The project looks to subdivide one lot into two. The lot is currently approximately 9.2 acres. The intention is to separate the lot into one lot of approximately 3.3 acres, and another of approximately 5.8 acres. Lot 93-2 is proposed to have a new driveway located off North Street. Access to the developable portion of this lot will create two small wetland impacts off the driveway. There were previous waiver requests made as part of this project in terms of typical studies requested by the Town, as this is a small project. The Board granted waivers to some of these studies, but asked the applicant to complete drainage, hydrogeological, and environmental impact studies. These are included as part of the application.

Jeff Merritt stated that the environmental impact study was completed by West Engineering. The study found that the project is not proposed to have a significant environmental impact. This is due to erosion controls proposed during construction, infiltration and stormwater features, and a note on the plan (#13) restricting fertilizer/pesticides/deicing materials/etc. on the property.

Jeff Merritt stated that the hydrogeological study was completed by GeoInsight. The property is not located within the Aquifer Protection District. Test pits on the property found material consistent with glacial till and that was not associated with the stratified drift aquifer. The study found that a private drinking well will be possible on the property. In terms of the stormwater management plan, a series of test pits in the driveway determined the seasonal high-water table and soils present. The plan proposes permeable pavement within the limit of the driveway. Runoff from the driveway and roof will go into the stormwater features. The water quality and groundwater recharge will be treated to Alteration of Terrain (AoT) permit standards. The system has been designed for the 50-year storm. It is slightly oversized but is adequate for the project. The filter practice proposed on site is an approved AoT standard for removal of TSS, nitrogen and phosphorus. He noted that the septic system on site will be properly designed and approved by the State.

Tracie Adams stated that there is a letter from the Conservation Commission (ACC), dated August 13, 2021, that this application satisfies their questions and concerns. She stated that there

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appears to be a note regarding some minor differences in the ordinances for the 10 year and 50-year storm.

Bill Stoughton explained that this is an issue to be fixed by the Planning Board. The Town's stormwater management regulations are stricter than the existing zoning ordinance, and so the Board needs to ask the voters to correct the ordinance to match the regulations.

Tracie Adams asked about making the wildlife travel corridors on site more accessible, as some of them are noted to be partially blocked. Jeff Merritt stated that there are two retaining walls proposed to keep wetland impacts to a minimum. The areas between these are at grade and traversable by wildlife, as well as the area around the proposed building. There is limited wildlife corridor restriction in these two areas.

In response to a question from Tracie Adams regarding how future owners of the property will be notified regarding the salt/pesticides/etc. restrictions, Jeff Merritt stated that this requirement is typically noted on the deed for the property.

In response to a question from Tom Quinn, Jeff Merritt confirmed that the wetlands on site drain to the south/southeast. Tom Quinn asked if building the driveway and the proposed wetlands impacts will create a dam. Jeff Merritt stated that it is required for the project to hydraulically connect the wetlands on site. There is an 18" pipe proposed to link one side to the next, and a 36" culvert at the other impact area designed at the State level to be able to handle 50-year storms. This plan will not dam the area upstream and will also not restrict the flow downstream to the wetland.

In response to a question from Tom Quinn regarding what a large storm event would look like on the neighboring downstream property, Jeff Merritt stated that the current neighboring and downstream areas are evaluated using a hydroCAD model. The model is then run again, superimposing the proposed development into it. The stormwater system is then designed to mitigate any impacts. He stated that a post-development storm event will look essentially similar to the property today. Matt Arel noted that the nearest abutter has an approximately 20' driveway and the house is located very close to the road.

In response to a question from Tom Quinn regarding a large water event possibly focusing the water into two areas versus it being previously spread out, Jeff Merritt stated that the major drainage patterns on site will remain the same. There will be a continued low spot on the property that will allow for drainage offsite.

In response to a question from Tom Quinn regarding how the restriction of deicing material/sand/salt/etc. will carry onto future owners, Jeff Merritt stated that this will be recorded in the deed. Tom Quinn asked how this will be enforced. Jeff Merritt stated that enforcement will be similar to other approvals issued by the Town.

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Tom Quinn asked how the site will be impacted if these restrictions are not maintained. Jeff Merritt stated that this would be similar to any maintenance item left for too long; it would create the potential for the system to fail. He noted that permeable pavement areas are generally loaded 5:1 pervious to impervious, but the permeable pavement on this site will essentially be loaded 1:1. Thus, every square inch of area of the driveway is permeable pavement. This should help with longevity and even with limited maintenance the low traffic driveway should last for a long time. Jeff Merritt noted that the driveway was pretty flat and should not require a lot of sand or salt.

In response to a question from Tom Quinn, Jeff Merritt noted that the DPW stated that the max allowable grade for the driveway is 8%. There is one very short section of the proposed driveway that is 6%, but then flattens out.

Chris Yates noted that there is a 20' drop from the main road to the proposed house. He asked if the stormwater calculations were run for the site if the driveway was to be regular asphalt. Jeff Merritt stated that this was not examined. Jeff Merritt explained that there was one larger pocket of uplands on the site that could have been developed instead and might have led to the use of regular pavement, but the proposed construction's minimal encroachment to the wetlands on site, led to permeable pavement being proposed.

Dwight Brew noted that the stormwater plan includes an Operations & Maintenance form for annual inspection of the site. He asked who fills out the form and who it is submitted to. He asked if the applicant would object to the Board asking for the report to be required to be filed with the Town. Jeff Merritt explained that there is currently no entity to receive the filed inspection report. A commercial property may be required to submit this report to the Town, but this would be unusual for a residential property. While this is up to the Board, Jeff Merritt stated that he believes this may be over the top. Dwight Brew noted that this type of system requires more active maintenance than the typical residential system. He believes that the consequences of not properly maintaining it could have a devastating impact on the environment. He would prefer for the form to be filed with the Town.

Dwight Brew asked if Appendix B, the owner's inspection form, is to be filled out by the homeowner periodically. Jeff Merritt stated that the form should be filled out periodically and logged in Appendix C over a number of years.

Dwight Brew stated that he would like these forms to be filed with the Town, as it is unusual for an owner to often read over the deed.

Bill Stoughton asked what sort of maintenance a permeable driveway requires. Jeff Merritt explained that the Best Management Practices (BMPs) are included in the stormwater maintenance plan. This maintenance is often associated with commercial applications but asks the owner to review and decide the proper maintenance intervals. Some of the BMPs include minimal salt usage, as it discharges into the voids of the permeable material; no sand usage, in order to limit the amount of surface upkeep needed; keeping the landscaped areas adjacent to the

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pavement maintained, in order to prevent erosion. At a commercial level, maintenance would include sweeping a permeable parking lot every few years in order to dislodge any sediment in the voids and wash it away. There will be less maintenance associated with this residential lot.

Bill Stoughton noted that one of the preliminary maintenance steps of periodic vacuuming would require a commercial vacuum, not simply a shopvac. Jeff Merritt stated that this could be done either way but would be quicker to do if hired out.

Bill Stoughton stated that he appreciates the work completed on this plan since the last time it was seen by the Board. He also noted the stormwater management constraints on the property. He agreed that the permeable material aids in TSS, nitrogen, and phosphorus removal, but noted concerns regarding the proper maintenance of this material.

Bill Stoughton suggested the following conditions:

- 1) The landowner of proposed Lot 3-93-3 shall submit to the Community Development Office, by September 1 each year, an annual report prepared by a qualified professional confirming that all stormwater management and measures have been maintained as required and are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in its annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved. [Regs 7.A.11]
- 2) Easements to the Town shall be granted allowing periodic inspection of stormwater management and treatment facilities. A permanent easement to the Town shall be granted to allow maintenance, reconstruction, or replacement of the stormwater management and treatment facilities. Granting of these easements shall not relieve the applicant and/or landowner from its design, construction, inspection, and maintenance responsibilities under the applicable regulations, and shall not obligate the Town to undertake those responsibilities. All easements granted shall be recorded at the Hillsborough County Registry of Deeds by the Applicant at its expense. [Regs 9.G]
- 3) The applicant will make reference to the maintenance plan in the property deed that will run with the land.

Matt Arel stated that he has no issues with these proposed conditions. He also has no issues with the conditions proposed in the Staff Report.

Bill Stoughton asked if the applicant would agree with the definition for substantial development/building to be the building foundation poured. Matt Arel agreed. Bill Stoughton asked if the applicant would agree with the definition for substantial completion of the project to be completion of the construction of the driveway. Matt Arel agreed.

There were no public comments at this time.

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In response to a question from Tom Quinn, Bill Stoughton stated that, if the homeowner does not keep up with the maintenance as required, the Town has the ability under the stormwater regulations to enter the property and complete the necessary maintenance at the landowner's expense. While the Town has the ability, it is unclear if there is willingness to do so.

Tom Quinn asked what would happen if the homeowner put down fertilizer on the property. Bill Stoughton stated that unless the homeowner was ratted out, the Town would have no way of knowing this. This is similar to many conditions imposed by the Planning Board. Tom Quinn stated that he is hard pressed to believe that the Town would do anything in this instance. Bill Stoughton stated that this is similar to the enforcement issue that he has raised in the past.

Bill Stoughton asked that the waivers granted previously by the Board for the purpose of determining completeness of the application be made final now.

**Dwight Brew moved to grant the following waivers for this case: a water supply study, fiscal impact study, and traffic study. Seconded by Tracie Adams.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - abstain, Cynthia Dokmo – aye; Christy Houppis - aye, and Chris Yates – aye; 6-0-1, motion carried.**

**Chris Yates moved that the Board finds the application satisfies the criteria of Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for approval of a Conditional Use Permit in the Wetlands and Watershed Conservation District; and, further, to approve Case # PZ14441-070121 for Unified Development LLC, for a Conditional Use Permit for wetland crossings in the WWCD and at 70 North Street, Tax Map 3, Lot 93, as shown on the plan dated April 13, 2021, with the precedent and subsequent conditions listed in the Staff Report. Seconded by Tracie Adams.**

**Discussion:**

**Tom Quinn stated that he is unlikely to support a motion that includes homeowner responsibility to maintain the site. He acknowledged that this is a small subdivision application but does not believe it matters with the size of the lot. He stated that the situation might be different if a homeowner's association was involved or this was a commercial property, but currently there is no oversight to the proposed restrictions.**

**Cynthia Dokmo stated that she agrees with Tom Quinn. She believes this is a tough piece of land and gives credit to the applicant for trying to be creative, but she is not in favor of the setup or of the homeowner's responsibility to maintenance.**

**Dwight Brew stated that he also has concerns but supports the motion because it allows for a reporting mechanism to be placed into the plan. In this way, at least the**

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Town will be aware if this reporting mechanism is not received annually. This is not a perfect system.

Bill Stoughton stated that one of his conditions requires a qualified independent expert to prepare the maintenance report. He acknowledges that it is then up to the Town to complete any enforcement on this item. This is not the owner's issue.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - nay, Cynthia Dokmo - nay; Christy Houpis - aye, and Chris Yates - aye; 5-2-0, motion carried.

Christy Houpis moved to approve Case #PZ14355-061021 for Unified Development, LLC, for the above cited Final Subdivision of Map 3 Lot 93, with frontage on North Street, with the subsequent and precedent conditions in the Staff Report, and with the following three subsequent conditions:

- 1) The landowner of proposed Lot 3-93-3 shall submit to the Community Development Office, by September 1 each year, an annual report prepared by a qualified professional confirming that all stormwater management and measures have been maintained as required and are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in its annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved. [Regs 7.A.11]
- 2) Easements to the Town shall be granted allowing periodic inspection of stormwater management and treatment facilities. A permanent easement to the Town shall be granted to allow maintenance, reconstruction, or replacement of the stormwater management and treatment facilities. Granting of these easements shall not relieve the applicant and/or landowner from its design, construction, inspection, and maintenance responsibilities under the applicable regulations, and shall not obligate the Town to undertake those responsibilities. All easements granted shall be recorded at the Hillsborough County Registry of Deeds by the Applicant at its expense. [Regs 9.G]
- 3) The applicant will make reference to the maintenance plan in the property deed that will run with the land.

Seconded by Dwight Brew.

**Discussion:**

Tom Quinn reiterated that 100 years from now no one is likely to look at this deed or submit the required reports. He will again vote no on this motion because there is no enforcement mechanism.



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Cynthia Dokmo agreed. She explained that this imposes lot conditions that require the Town to remember what they are. When those currently working or volunteering for the Town leave, there will be no enforcement. She also believes that this should only be a one house lot and does not agree with the proposal to subdivide it.

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - nay, Cynthia Dokmo – nay; Christy Houpis - aye, and Chris Yates – aye; 5-2-0, motion carried.**

*Arnie Rosenblatt retook his seat as Chair.*

**Public Hearing on the Capital Improvements Program, Plan of 2023-2028, as proposed by the CIP Committee.**

Christy Houpis stated that it is the responsibility of the CIP Committee to prepare this plan for at least a six-year snapshot. The plan will be updated and adopted annually and the information from it will be given to the Board of Selectmen, Schools, and Ways & Means Committee. He explained that a spreadsheet was included and for each line item there is a project plan associated. The Planning Board can review and recommend these projects as it sees fit. During the CIP process, the Committee hears projects recommended from Department Heads. Now the committee is looking for the Planning Board to forward this plan to the Board of Selectmen, Schools, and Ways & Means Committee. He noted that the CIP Committee supports using Capital Reserve Funds for capital improvement projects to eliminate interest to be paid. This plan does not reflect impacts from proposed housing developments. The schools have submitted two placeholder items to the plan and have shown all possible futures for these items, including what the cost might be if the items were implemented and the current associated maintenance and replacement costs for those items are no longer needed.

Beth Kuzma noted that the CIP Committee is advisory only. The final decisions are up to the Board of Selectman and Schools.

Arnie Rosenblatt asked what is being requested of the Planning Board in terms of this plan. He does not believe he is in the position to agree or disagree with any of the items on the plan. He is unsure how the Planning Board would comment on this at all without prior knowledge.

Christy Houpis stated that, per the regulations and the RSA, the Planning Board can review the plan and further its advancement to the associated boards. This does not endorse or validate any program on the list; it simply advances the plan.

Chris Yates stated that he would like to see the cost per thousand for each of these projects in the plan so that the public can gauge the effects on taxes. Beth Kuzma stated that this line item was removed for this iteration of the plan based on last year's Town assessment versus the current

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rate. As the total town wide valuation will not be finalized for approximately a month, it seems wrong to deliver inaccurate numbers. She explained that the cost per thousand would appear to be higher than it will be once the numbers are finalized.

Chris Yates stated that the number needs to be added into the plan eventually. He believes the schools need a better plan in terms of including projects on the CIP. He stated that he believes some of the school items may be Operation & Maintenance items and not CIP.

Dwight Brew made the following statement:

I am going to vote no on "adopting" this Capital Improvement Program Plan.

My reason for voting no is that the Selectmen have not had an opportunity to discuss, modify or approve any of the Town submittals for this year's plan. I plan on working with the BOS to revise how Town items are reviewed and submitted to address this going forward.

I am not suggesting that others join me in voting no, but as a Selectman, voting yes to adopt this plan before the Board of Selectmen has discussed the municipal entries, does not seem appropriate.

In my view, the CIP can be a very important and useful document.

Things that make the CIP more important today than in the past include:

- A \$75 million elementary school building project,
- A \$17 million high school building project,
- A \$6 million open space initiative, and potentially
- An \$8 million recreation center

There are also some items that may be missing or incorrect in this year's plan. I don't believe that this missing or incorrect information will have a significant impact on how the CIP is used this year, but going forward, the completeness and accuracy of the data included will have increasing importance.

Items potentially missing include:

- The interest and principal payments associated with the Open Space warrant article
- The DPW Capital Reserve Fund
- The Assessing Capital Reserve Fund

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There also appear to be some differences with the Fire/Rescue CRF purchases in the CIP and what was presented to the voters in February. I don't believe these changes are because of new and updated costs.

Finally, last year the BOS adopted an impact fee schedule and is required to review the schedule annually. It will be important in the future to understand what percentage of each item is being done to support new development. Costs associated with new development are likely eligible for inclusion when revising the impact fee schedule.

As I said above, I see some issues with how we are currently putting the CIP together, but I plan on working through the BOS to refine the process.

In response to a question from Cynthia Dokmo, Christy Houpis stated that the Planning Board's role is to accept this plan.

Bill Stoughton stated that, per the RSA, he believes the Planning Board's only role is to have a member included on the CIP Committee. The Planning Board has no obligation to accept, adopt, or voice any feelings about the associated projects.

Tom Quinn stated that is he curious about the fact that impact fees are not addressed as part of this plan. It is unclear to him what the impact fee balance currently is. Many of these projects appear to be items that could be funded by impact fees. He would like this to be kept in mind for the future.

In response to a question from Tom Quinn, Christy Houpis stated that the plan is the Department Heads' best try at including any and all possible projects.

Tom Quinn echoed Dwight Brew's concerns regarding having enough knowledge on any project to say yes/no to it.

There was no public comment at this time.

Beth Kuzma noted that the funding options for each project (bonds, CRFs, Warrant Articles, impact fees, etc.) can be discussed for each item. She added that the schools are currently trying to refine their estimated numbers. There will be a public forum for the schools on October 20, 2021, to discuss the potential new elementary school.

Chris Yates asked if there are other ways to hear public comment on the CIP plan.

Arnie Rosenblatt stated that he is not in favor of voting to agree/disagree with any of the suggested projects listed. There has not been any information presented that would allow him to make an educated decision. If the intention is simply for the Planning Board to pass this plan on to the next associated boards, he believes that is okay.

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Bill Stoughton agreed that he would support moving this plan forward to the appropriate authorities but would otherwise suggest the Planning Board has no role.

Cynthia Dokmo suggested that the Board take no vote at all. A public hearing was held, which was all that was on the agenda for this item.

Beth Kuzma stated that the Committee heard that the Board of Selectmen will not put the CIP plan onto its agenda until the Planning Board moves it forward to them.

Dwight Brew stated that, as a Selectmen, he has not heard that.

Nic Strong stated that the CIP Committee was created in 2003 through a warrant article. The statute dictates how the procedure for the plan is carried out. However, the Town of Amherst at some point in the past created its own set of procedures which insert the Planning Board into the mix. That set of procedures is what the CIP Committee is currently charged with following and why the plan was before the Planning Board this evening.

Bill Stoughton stated that if there is a policy stating that the Planning Board must vote on the plan, he will vote no.

**Bill Stoughton moved to forward the CIP report, with the understanding that the Planning Board does not opine on elements within the CIP report. Seconded by Tom Quinn.**

**Discussion:**

**Town Administrator Shankle noted that the RSA states that, in order to have an Impact Fee ordinance, the Town must have an enacted CIP. While the CIP does not seem to relate to the Impact Fee ordinance, and this should be fixed, he does not want there to be an issue for the Board of Selectmen if the Planning Board does not vote to move this forward.**

**Bill Stoughton noted that the CIP Committee studied the report, and it should be that Committee that recommends it to the Board of Selectmen.**

**Dwight Brew stated that a public hearing was held on this item. If the Planning Board chooses not to act on it, he requested that Nic Strong and Town Administrator Shankle work to determine what the RSA actually requires.**

**Arnie Rosenblatt stated that continuing this item to a later date will not address his concerns regarding commenting on the plan. He believes it is appropriate to forward it to the correct authority.**

**Bill Stoughton stated that the Planning Board can always reconsider this item if new information is found.**

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**Voting: Dwight Brew - nay, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; 5-1-0, motion carried.**

**OTHER BUSINESS:**

**1. Discussion re: Updated plans for new school on Wilkins School site and RSA 674:54**

Bradlee Mezquita, Tighe & Bond, and Brad Prescott, Banwell Architects, joined the Board.

Bradlee Mezquita explained that some borings and tests pits have been done on the site, and wetlands have been flagged. The conceptual plan looks to construct an addition to the existing building in order to save a portion of the existing school. There does not appear to be anything in the regulations regarding guidelines for this item. There are existing buffers on the site and there will be some 100' setbacks and some 50' setbacks associated. He does not believe a CUP is needed, as this is an addition.

Brad Prescott stated that the existing building and site has been examined regarding the educational requirements. This project is in the early stages. The proposed size and shape of the school is only an estimate at this point. This will continue as input is received from stakeholders.

In response to a question from Arnie Rosenblatt, Brad Prescott stated that the plan looks to keep the existing multipurpose room and adjacent spaces (approximately 9,000 s.f.). The addition is proposed to be approximately 130,000 s.f.

Nic Strong stated that, due to the proposed size, it is unclear if the Board would like to handle this as a variance request or a CUP application for a non-conforming structure.

Bill Stoughton stated that he believes the schools did not need to follow the Town's ordinances or regulations at all. Bradlee Mezquita agreed that this is for a non-binding consultation only.

Bill Stoughton stated that he previously urged the schools to follow the Town's wetland ordinances. Bradlee Mezquita stated that the CUP previously mentioned is for the wetlands section of the ordinances. Bill Stoughton stated that he does not believe the wetlands section cares if the proposal is for an addition, renovation, etc. It cares if land is disturbed within the buffer. Bill Stoughton added that if the applicant was not the schools, a proposal with disturbance in the wetland or buffers would require a CUP to be evaluated by the Planning Board.

Bradlee Mezquita stated that the current layout of the plan does include impacts within the buffers. He noted that part of the existing school already is within the buffers on site.

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Bill Stoughton stated that he personally will be looking to see if the plan is following the ordinances and regulations in terms of wetland impacts and stormwater management. The ordinance states that applicants should avoid or minimize impacts to wetlands and buffers. In terms of stormwater treatment, he would be looking to see that the water onsite is hydrogeologically connected to the wetland and that there are measures in place to remove sediments, nitrogen, and phosphorus. If the stormwater is being treated appropriately, he would also look to see if these stormwater management features are located outside the buffer wherever possible.

Bradlee Mezquita noted that pushing some of these features out of the buffer will be difficult. Bill Stoughton stated that some recent applicants have placed their stormwater management features under the paved area on site. These are still located in the buffer but do minimize impacts.

Bradlee Mezquita noted that traffic patterns in the area are currently difficult. He asked if the Planning Board knows of any additional developments coming into the area that he should be aware of. Tom Quinn stated that a few subdivisions have been proposed in this area lately. He believes that the Board of Selectmen recently authorized a study regarding the Village traffic patterns. Tom Quinn noted that there may be potential access to the site via Jones Road. He also noted that recently there was a 44-unit subdivision to the northwest of this site, off Boston Post Road, approved by the Board.

Chris Yates stated that he believes some traffic needs to be pulled off Boston Post Road. Bradlee Mezquita agreed and noted that the plan tries to spread out the two access points to the site.

Arnie Rosenblatt noted that traffic to the site may become worse, with the additional incorporated grade levels.

In response to a question from Bill Stoughton, Bradlee Mezquita stated that, per RSA 674:54, the application requires a consultation with the Board; this is not said consultation.

**2. Discussion re: 24 Brook Road Partners, LLC project extension(Case # PZ 11605-080519) requested by G. Prunier of Prunier & Prolman, P.A. by letter on September 1, 2021**

Arnie Rosenblatt explained that the Brook Road property currently has a conceptual plan submitted. This will be heard by the Board on September 30, 2021. The same property had some level of approval previously by a majority of the Planning Board under the IIHO. A year or more has lapsed since that previous approval and the applicant has since come in with the current PRD concept. The applicant's legal counsel, Gerry Prunier, is now asking the Board for an extension on the IIHO application. In meeting with Town Counsel, and Nic Strong, he believes it would be most appropriate to provide notice to abutters before the Board considers this item. Technically, as this is an ongoing application, no notice is needed, but if the Board were to decide to allow the applicant to continue with IIHO application, he believes it would be best to notice abutters first.

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**APPROVED**

He has told Gerry Prunier that the Board will defer discussion on this item until proper notice to abutters has been given. He asked the Board not to further discuss this item, as legal counsel is not at the meeting.

Tom Quinn stated that believed the applicant had previously been asked for comment on this item and the Town received no response. As this IIHO application has expired, he asked how the applicant can now ask for an extension. Arnie Rosenblatt explained that the current language allows the applicant to seek an extension after one year of approval.

Arnie Rosenblatt again asked the Board not to discuss substantive comments regarding this item this evening. He would like the abutters to be notified first and would like counsel to be present. He previously alerted counsel not to come to this meeting and thus, does not want this item discussed further.

Chris Yates asked if this request is coming from the same applicant who came into the Board months ago with a new concept for this property, at which time the Board asked about the previous IIHO application. Arnie Rosenblatt asked the Board not to discuss this item at this time.

Tracie Adams agreed with sending abutter notifications before having this discussion.

**Bill Stoughton moved to ratify the Board's decision to postpone consideration of this extension request, pending notification to abutters. Seconded by Christy Houpis. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried unanimously.**

### **3. PRD Regulations**

Arnie Rosenblatt stated that he would like to get comment and approval from the Planning Board on these proposed regulation changes during a public hearing in order to possibly adopt them. Once this public hearing is noticed, these regulations will apply to any PRD application not yet submitted. He believes these changes are consistent with the ordinance and will provide assistance to both applicants and the Board for the regulations in place.

Bill Stoughton stated that many of these topics were on the spreadsheet reviewed by the Board weeks ago. If the Board chooses not to move forward with this, there will be a six-month gap until this can be examined for Town Meeting. In working on this item, he took the items that are consistent with the existing ordinance and created draft regulations.

Christy Houpis noted his support for this item.

Chris Yates said the proposed regulations looked good.

Dwight Brew stated he would like to see the proposed regulations move to public hearing.

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**APPROVED**

Cynthia Dokmo stated that she likes the proposed regulations and that they should go to public hearing.

Tracie Adams agreed that the proposed regulations should move to public hearing.

Tom Quinn stated that Bill Stoughton had done a great job on the proposed regulations and asked why the term “density” under the Purpose & Goals section is listed as being “somewhat greater”, but later in the document a specific figure is given for “density.” Bill Stoughton stated that the Purpose & Goals section was quoted directly from the ordinance. In terms of the specific figure, voters had previously agreed that a 35% cap would be appropriate. He has suggested a 25% cap, noting that the IIHO had many bonus provisions, but the PRD stands alone.

**Christy Houpis moved to forward this item to a public hearing on October 6, 2021, 7 pm, at Town Hall. Seconded by Dwight Brew.**

**Discussion:**

**Nic Strong stated that the notice for this public hearing will be placed on the front page of the Town's website and in two public places. Once notice has been given all applications submitted afterward will be subject to these proposed regulations.**

**Arnie Rosenblatt noted that he believes these regulations are consistent with the ordinance but help to provide clarity.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried unanimously.**

**4. Minutes: September 8, 2021 – none at this time.**

In response to a question from Tom Quinn, it was stated that the Board will hold a site walk of the Route 101 property next Thursday, September 23, 2021, at 4:30 PM

**Dwight Brew moved to adjourn the meeting at 9:31 pm. Dwight Brew seconded.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried unanimously.**

Respectfully submitted,  
Kristan Patenaude



TOWN OF AMHERST  
Planning Board

September 15, 2021

**APPROVED**

690 Minutes approved: September 30, 2021