

September 8, 2021

**APPROVED**

1 In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Tracie Adams, Cynthia Dokmo  
2 (alternate, remote), Chris Yates, Tom Quinn, Mike Akillian (alternate), Christy Houpis, and Tom  
3 Silvia (alternate).

4 Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner;  
5 and Kristan Patenaude, Recording Secretary (remote).

6  
7 Arnie Rosenblatt called the meeting to order at 7:01pm at the Souhegan High School Auditorium  
8 and via Zoom concurrently. He explained the Board is requesting all present in-person to wear  
9 masks, as a courtesy. The Board is masked and there are extras available.

10

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

13 **1. CASE #: PZ14588-080321– Keith E. Healey Trustee (Owner) and Healey Tree**  
14 **Works, LLC (Applicant) – 307 Route 101, PIN # 008-074-000 – Non-Residential Site**  
15 **Plan Application. To show the proposed site improvements in order to use the property as**  
16 **a residence and for the operation of a tree services, cordwood, and wood-chipping**  
17 **business. *Zoned Residential Rural.***

18 Arnie Rosenblatt read and opened the case.

19

20 **Tracie Adams moved to accept the application as complete. Seconded by Chris**  
21 **Yates.**

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

24

25 Sam Foisie, Meridian Land Services and Keith Healey, owner/applicant, joined the Board.

26

27 Sam Foisie explained that the goal of this application is to bring the site into compliance with  
28 local and state regulations. Due to a misunderstanding and lack of knowledge, the applicant  
29 developed parts of the site without approvals and not in accordance with the regulations. The  
30 applicant is now looking to bring the site into compliance. Sam Foisie stated that the applicant  
31 was granted a variance late last year to allow for the proposed use of the property for a tree  
32 service business. The lot has an existing single-family home with a firewood processing  
33 operation on it. During the construction of this business, the applicant impacted wetlands and  
34 wetland buffers with the installation of a concrete pad to store supplies on. The tree processing  
35 facility business consists of a storage yard, a 200' x75' concrete pad, and a 3,200 s.f. post and  
36 beam building for dry storage. There is an infiltration stormwater management system proposed.

37

38 Sam Foisie stated that there is a restoration plan proposed for impacts to the wetlands and  
39 buffers. This plan has been worked through the State by Tom Carr and approved. The restoration  
40 plan will be overseen by Tom Carr and will be certified to the State upon completion. There will  
41 also be a two-year inspection process included to make sure the plants on site remain healthy.

42

September 8, 2021

**APPROVED**

43 Sam Foisie stated that the stormwater management was designed to meet all State and local  
44 standards. The proposed infiltration basin provides an appropriate management system for the  
45 site and is located 75' from the wetlands. This was designed to meet the required flow rates for  
46 the 1-, 2-, and 10-year storms. It does not meet the rates for the 25- or 50-year storm rates, and  
47 thus a waiver is being requested for this item. The justification for this waiver request comes  
48 from a discussion with NH DES during which it was stated that an applicant can be exempt from  
49 meeting the discharge rates if the flow discharges into a large waterbody. There is a flood plain  
50 and wetlands to the south of the site. He noted that the applicant could have met the discharge  
51 rates by storing more water on site for longer, but this would require the grades on site to be  
52 raised, causing a financial burden on the applicant. The plan already looks to reduce the size of  
53 the operation on site, causing a financial impact for the applicant. The design of the site looks to  
54 keep the business economically feasible for the applicant to continue his business.

55  
56 Sam Foisie stated that the proposed landscaping area is located behind the single-family house.  
57 There is a naturally vegetated area along the roadway. To the east, the restored area of wetlands  
58 and buffers will allow for a buffer to the closest abutting property. The abutting property is  
59 located approximately 275' from any existing operations on site. There are undeveloped wetland  
60 areas to the south and a large, wooded area leading to an existing Church to the west. He noted  
61 that it is unclear if the Church is considered a residential use. Buffers are required to residential  
62 uses per the regulations, and thus it is believed no additional buffering is needed in this area. If a  
63 buffer is required in this area, the applicant still needs to keep a large enough area on the  
64 property to maintain a business.

65  
66 Sam Foisie noted that there is no architectural plan yet because the building is to be a well set  
67 back, simple post and beam building. He believes that the architectural plan could be part of the  
68 building permit process. He noted that the applicant has been in business for 4-5 years and there  
69 have never been any complaints to his knowledge. This application is meant to bring the property  
70 into compliance while giving the applicant as much room as possible for his operations.

71  
72 Christy Houpis stated that he appreciated the applicant working to correct the wetland violation  
73 and asked if there were any concerns with the proposed conditions to the approval as listed in the  
74 staff report.

75  
76 Sam Foisie stated that he had not noted these before and quickly read them. He said that the  
77 applicant was trying to bring the site into compliance and maintain his existing business. Sam  
78 Foisie stated that he has a concern with the proposed condition regarding a bond for restoration  
79 improvements and erosion control items. This would be a financial burden to the applicant. He  
80 requested that the Board consider removing this condition.

81  
82 Tom Quinn asked what kind of equipment would be used onsite and how many vehicles would  
83 be parked onsite. Keith Healey stated that he had three to four work vehicles. Tom Quinn asked  
84 if there would be fuel kept onsite and if the vehicles would be maintained there. Keith Healey  
85 replied that there would be no fuel and no vehicle maintenance. Tom Quinn stated that he would  
86 be concerned with fuel spills close to the sensitive wetland area. He thought the applicant should

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

87 consider including fueling pads in the plan. Tom Quinn also said that he would like to know  
88 about the hours of operation and whether or not there would be work on the site on Sundays.  
89

90 Tom Silvia had no questions or comments.  
91

92 Tracie Adams noted that the approval from the Zoning Board of Adjustment (ZBA) mentioned  
93 that the Planning Board should look into the business' hours of operation, days of operation,  
94 traffic, and noise level.  
95

96 Keith Healey stated that the proposed hours of operation were typically 7am – 3pm although it  
97 could be a bit later sometimes. The business will operate from Monday – Saturday, with  
98 occasional work on Sundays, if needed, during storms for example. He stated that he has had  
99 multiple conversations with his neighbors, all of whom stated that they have not had an issue  
100 with noise from the wood processing on site. He stated that the abutters wrote letters that were  
101 submitted during the ZBA application process. These were not submitted with the Planning  
102 Board application.  
103

104 In response to a question from Tracie Adams regarding a letter of support from the Church,  
105 Keith Healey stated he has had conversations with the pastor of the abutting Church regarding  
106 the business. Keith Healey stated that he has never had any issues with the Church or the  
107 Amherst Garden Center in terms of his business.  
108

109 In response to a question from Tracie Adams regarding traffic concerns with getting on and off  
110 Route 101, Keith Healey stated that his employees leave the yard at 7am, when there is light  
111 traffic on Route 101. There is not much coming and going from the site each day and he has  
112 never had any issues with accidents. Keith Healey stated that when delivering cordwood there  
113 could be six or seven trips out and back in a day but that did not happen every day. He stated  
114 that wood orders tended to be later in the season and there would be six or seven loads a day a  
115 couple of times a week.  
116

117 In response to a question from Tracie Adams, Keith Healey stated that he has no plans to upscale  
118 the business at this time and he was not planning on adding vehicles. He was happy with one  
119 work crew at this time.  
120

121 In response to a question from Chris Yates, Keith Healey stated that there is no current plan to  
122 add outdoor lighting to the building. He further noted that if there was a problem with  
123 unauthorized activity on the site he might consider some lights, but since traffic has to enter  
124 through the front yard past the existing home it had not been an issue. He stated that there were  
125 cameras on site. Keith Healey went on to say that they do not work late enough to need lights  
126 for the business.  
127

128 Bill Stoughton stated that the flow rates on site look to be 4.5 cubic feet/second out of the  
129 spillway. If this flow rate occurs, it could cause erosion in the stormwater features and into the  
130 wetlands. He noted that the stormwater features are proposed to be located exactly 75' away

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

131 from the wetlands and he asked what assurances the applicant can give that this flow rate will not  
132 be an issue.

133

134 Sam Foisie stated that there will be riprap in the spillway and that the stormwater feature will be  
135 sized appropriately to handle the flow rates.

136

137 In response to a question from Bill Stoughton about sheet flow out of the spillway, Sam Foisie  
138 stated that the stormwater plan looks to create sheet flow out of the spillway. The spillway is  
139 approximately 25-30' long and will be located as low as possible to keep the site lower and  
140 spread the flow further. The area between the spillway and the wetland will be stabilized with  
141 vegetation and seeded.

142

143 Bill Stoughton stated that the Staff Report notes that there is no operation/maintenance manual  
144 for the infiltration pond. Sam Foisie explained that the manual was sent to staff today. He would  
145 like to update the manual to include information about the concern with fuel spills mentioned  
146 earlier. Bill Stoughton stated that, without being able to review this manual, he is not  
147 comfortable voting on this application tonight. He noted that the Board was trying to ensure that  
148 things were submitted in time for the Board and staff to review them before the hearings.

149

150 In regard to a question from Sam Foisie regarding making acceptance of this manual a condition  
151 of approval, Bill Stoughton stated that he would personally prefer to review it first.

152

153 In regard to a question from Bill Stoughton, Sam Foisie stated that the infiltration basin is  
154 proposed to be located 3' above the high-water table. This project will require an Alteration of  
155 Terrain (AoT) permit and thus will meet the Best Management Practices (BMPs) required by the  
156 State.

157

158 In response to a question from Dwight Brew, Keith Healey stated that he did not receive a letter  
159 of support from the pastor of the abutting Church. Sam Foisie stated that he does not believe  
160 additional buffering is required between Keith Healey's property and the Church's property, as  
161 the Church is not residential.

162

163 In response to a question from Dwight Brew, Sam Foisie stated that the encroachment onto the  
164 Church's property happened prior to Mr. Healey owning the property and was due to  
165 landscaping. Dwight Brew asked if any fencing was planned. Sam Foisie replied that no fencing  
166 was proposed.

167

168 Keith Healey stated that he has had conversations with the Church pastor in the past, but that the  
169 pastor did not seem comfortable writing a letter or support or coming to a meeting to voice his  
170 support.

171

172 Mike Akillian asked about the noise issue mentioned by the ZBA and noted that he was confused  
173 about whether there would be wood chipping on site. He asked if the neighbors had heard the  
174 wood chipper before. Keith Healey stated that he did not chip onsite, but instead chipped on the

September 8, 2021

**APPROVED**

175 project site itself and brought the loads back to the yard or to the garden center, Chappell Farms,  
176 etc. He said that he did not chip onsite unless there was a fallen tree that needed to be taken care  
177 of.

178

179 Cynthia Dokmo stated that she has no questions or comments. She stated that, as a remote  
180 participant, it is very hard to hear the meeting. She can only hear about 50% of what is being  
181 said. Arnie Rosenblatt apologized and stated that this evening the acoustics were a problem for  
182 all participants.

183

184 There were no public comments or questions at this time.

185

186 **Bill Stoughton moved to continue this hearing to October 20, 2021, at 7pm at Town**  
187 **Hall. Seconded by Chris Yates.**

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

190

191 **2. CASE #: PZ14589-080321 – EIP One Bon Terrain Drive, LLAC (Owners &**  
192 **Applicants) – 1 Bon Terrain Drive, PIN # 002-026-004 – Conditional Use Permit**  
193 **Application. To depict proposed site improvements including but not limited to a 30,000**  
194 **square foot building addition, parking expansion, secondary tractor trailer truck access**  
195 **lane and drainage infrastructure. Zoned Industrial.**

196

197 Arnie Rosenblatt read and opened the case.

198

199 **Bill Stoughton moved to accept the application as complete. Seconded by Tracie**  
200 **Adams.**

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

203

204 Doug Brodeur, Meridian Land Services, and John Hennessey, owner/applicant, joined the Board.

205

206 Doug Brodeur explained that this application is to address impacts to the wetland buffer on site.  
207 The Board previously heard this as a conceptual design and had concerns that the applicant has  
208 attempted to address through a revised plan. The revised plan brings the access road in closer to  
209 the building and slides the building 100' to the east, in order to minimize buffer impacts. The  
210 project proposes to construct a 30,000 s.f. addition to the existing building and create a driving  
211 lane around the building for tractor trailer access. He noted that this revised plan was reviewed  
212 by the Conservation Commission (ACC), and was found to be more favorable than the previous  
213 plan.

214

215 Doug Brodeur stated that the plan looks to remove an existing 12,000-gallon fuel tank and  
216 hazardous materials storage area. There is a proposal to convert the existing retention basin into a  
217 gravel wetland for better water treatment, especially for nitrogen and phosphorus removal. The  
218 rest of the stormwater on the property will be managed through infiltration basins. There is a 9.1

September 8, 2021

**APPROVED**

219 acre preservation easement proposed to the north of the property, where only a 2.6-acre easement  
220 is required. Doug Brodeur noted that any disturbed areas would be seeded with a wildflower  
221 conservation mix. He noted that the applicant has applied to the ZBA for a variance from the  
222 requirement to have a 4' vertical distance required from the stormwater management to the high-  
223 water table, to a 1' distance, due to the management system being a biofiltration system. There  
224 will also need to be a Conditional Use Permit (CUP) as part of this project for impacts to wetland  
225 buffers. This project will eventually come before the Board for a Non-Residential Site Plan  
226 Review (NRSPR).

227

228 In response to a question from Mike Akillian about what the tractor trailer trucks would be  
229 carrying and storing, Doug Brodeur stated that the proposed addition on the back of the existing  
230 building is to help the tenant in the business of manufacturing wood moldings. There are no  
231 hazardous or toxic chemicals proposed to be used on site.

232

233 Dwight Brew stated that he appreciates the proposed reduction to the encroachment of wetlands  
234 on the site. He would like to hear more about the requested variance for a 1' separation instead of  
235 a 4' separation.

236

237 Bill Stoughton stated that he also appreciates the changes made to the plan. He noted that he  
238 would support a variance from the required 4' of separation between the bottom of the  
239 stormwater management feature and the highwater table because each management feature  
240 proposed has an impervious layer at the bottom, so that the water flows through a different path  
241 than simply through the bottom into the ground. He would also support the variance because the  
242 new stormwater regulations require that the water table considerations be based on BMPs. While  
243 the Town's regulations give a 4' requirement, this is no longer considered a best practice through  
244 DES, and it will need to be taken into consideration when the Board looks to update its  
245 ordinances.

246

247 In response to a question from Bill Stoughton, Doug Brodeur stated that he still has not heard  
248 from Pennichuck Water on this application. He will continue to reach out.

249

250 In response to a question from Bill Stoughton regarding how the wetlands on the north end of the  
251 property are proposed to be preserved, Doug Brodeur stated that this would be in some form of  
252 an easement that will probably be reviewed by the ACC and Planning Board. Doug Brodeur  
253 stated that the applicant would be okay with a condition that there be a satisfactory review of the  
254 documents regarding this compensatory preservation easement.

255

256 In response to a question from Bill Stoughton regarding concerns of the DPW about the drainage  
257 easement on site, Doug Brodeur explained that there was an offsite detention basin which was  
258 being converted to a gravel wetland as part of this application. There was an existing easement  
259 to the Town of Amherst and that the rights to maintain could be worked out with the applicant.  
260 Doug Brodeur noted that the culvert under Bon Terrain Drive takes drainage from this site and  
261 some road swale drainage. He noted that the drainage was there by right and there was no  
262 documentation needed. He thought that the intent of the DPW Director's comments was to agree

September 8, 2021

**APPROVED**

263 on what percentage of the drainage came from the right-of-way and what came from the site and  
264 that if any replacement or maintenance was required the applicant could be responsible for a  
265 percentage of the cost. Doug Brodeur stated that could be a condition of the approval.  
266

267 Bill Stoughton noted that in converting the existing detention pond to a gravel wetland, the plan  
268 looks to take ¼ of the surface area from the existing roof and treat it to remove nitrogen and  
269 phosphorus. Currently, this runoff receives no treatment. This is a benefit of this plan.  
270

271 Chris Yates had no comments or questions at this time.  
272

273 Tracie Adams stated that she appreciates the changes proposed, as they appear to be better for  
274 the Town and property.  
275

276 Tom Silvia had no questions or comments at this time.  
277

278 In response to a question from Tom Quinn, Doug Brodeur explained that the chamber system  
279 exists currently on site and is intended for groundwater recharge. It takes some roof drainage and  
280 parking lot drainage and provides pre-treatment. He noted that there are catchbasins in the back  
281 of the site for detention and a sediment forebay. There is one additional StormTech system  
282 proposed to the west of the building, which will result in a TSS removal of 99%. Doug Brodeur  
283 explained that part of the biofiltration system is an 18" layer of bio-organic material that the  
284 stormwater infiltrates through into a permanent reservoir with anaerobic conditions for nitrogen  
285 treatment.  
286

287 Christy Houpis had no questions or comments at this time.  
288

289 Cynthia Dokmo thanked the applicant for the proposed improvements to the plan and had no  
290 questions.  
291

292 There were no public comments at this time.  
293

294 **Bill Stoughton moved that the Board finds the application satisfies the criteria of**  
295 **Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for**  
296 **approval of a Conditional Use Permit in the Wetlands and Watershed Conservation**  
297 **District; and, further, to approve Case # PZ 14589-080321 for EIP One Bon Terrain**  
298 **Drive, LLC, for a Conditional Use Permit for site improvements in the WWCD**  
299 **and at 1 Bon Terrain Drive, Tax Map 2, Lot 26, Sublot 4, as shown on the plan**  
300 **dated July 30, 2021, with the conditions precedent in the Staff Report and the**  
301 **additional precedent condition: Documentation satisfactory to the Town of the**  
302 **maintenance responsibility for the drainage culvert under Bon Terrain Drive.; and**  
303 **the following subsequent conditions: 1) the applicant shall comply with all of the**  
304 **Town of Amherst's Zoning Ordinance, Subdivision Regulations, Non-Residential**  
305 **Site Plan Review Regulations, and Stormwater Ordinance, including receipt of non-**  
306 **residential site plan approval; 2) this approval is based upon the plans,**

September 8, 2021

APPROVED

307 specifications, and testimony submitted to the Planning Board. Any alterations,  
308 additions, or changes to the plans are not authorized and may require additional  
309 Planning Board approval; 3) receipt of all required state and federal permits; 4)  
310 satisfactory completion and recording of easements documenting compensatory  
311 wetland proposed for mitigation. Seconded by Tracie Adams.

312  
313 **Discussion:**

314 In response to a question from Dwight Brew, Bill Stoughton stated that the question  
315 regarding Pennichuck Water is contained under precedent condition #2.

316  
317 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**  
318 **aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.**

- 319  
320 **3. CASE #: PZ14590-080321 – EAM Amherst Holdings, LLC (Owners & Applicants)**  
321 **– 317 Route 101, PIN # 008-072-000 – Non-Residential Site Plan Application. To**  
322 **depict proposed site improvements to utilize the subject property for a proposed**  
323 **Agricultural Farming and Supply Operation. *Zoned Residential Rural.***

324  
325 Arnie Rosenblatt read and opened the case.

326  
327 The Board discussed potential waivers and how to handle the process for them.

328  
329 **Bill Stoughton moved to accept the application as complete. Seconded by Chris**  
330 **Yates.**

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

333  
334 Arnie Rosenblatt stated that the Board would hear information regarding the requested waiver,  
335 and then hear a presentation from the applicant.

336  
337 Chad Branon, Fieldstone Land Consultants, and Eric Mueller, owner/applicant, joined the Board.

338  
339 Chad Branon stated that the proposal is to develop the property into an agricultural farming  
340 operation. This property is located on the south side of Route 101, across from Saddle Hill Road.  
341 The property consists of approximately 36 acres, with approximately 642 linear feet of frontage  
342 along Route 101. This is located in the Residential/Rural Zone, in which farming/agriculture is a  
343 permitted use. There is currently a single-family house located in the northwest corner of the  
344 property and that area has been improved with a shed/barn, driveways, utility connections, and  
345 septic system. There is a maintained field along the front portion of the site, jurisdictional  
346 wetlands that bisect the property flowing from west to east, and a culvert that drains under Route  
347 101. There is also an existing access road to the southern portion of the property to a maintained  
348 field located there.

349

September 8, 2021

**APPROVED**

350 Chad Branon stated that the proposal is to develop the site into Stone Farm Agricultural Farm &  
351 Supplies. This will include a 9,100 s.f. building on the southern part of the site. This building  
352 will be used for the storage of agricultural equipment, and processing/packaging of agricultural  
353 supplies, fruits, flowers, etc. It will also contain a small office for management. The proposal  
354 also includes an access road to the building, parking area, and equipment storage area. The  
355 materials storage area will only be used for operations of the site. The rear of the building will be  
356 serviced by underground electricity, an on-site septic system, and an on-site well. There will be  
357 some outdoor lighting proposed for the building. Another part of the plan is to construct a 2,500  
358 s.f. nursery and roadside stand with ten parking spaces and associated site improvements  
359 including access to the site, drainage, and lighting. The remainder of the property will be farmed  
360 with trees, vegetables, fruits, etc.

361  
362 Chad Branon stated that changes were made to the plan in order to meet the New Hampshire  
363 Agricultural Department's BMPs for agricultural businesses. The implemented BMP's include  
364 recommendations for the access road design (grading), stormwater management, and field  
365 improvements including shrinking the agricultural areas on site slightly so there is space between  
366 the jurisdictional wetland areas; there is approximately 20' of vegetation area proposed between  
367 these areas. He explained that the plan incorporates a number of stormwater suggestions  
368 including surface drainage, the installation of mulch berms in critical areas along the fields, level  
369 spreaders, and filter strips along the access roads. The plan looks to convert flow on site into  
370 sheet flow. There will also be drainage basins and infiltration practices on site. Other revisions to  
371 the plan include an increased design for stormwater practices, meeting the 2-, 10-, and 50-year  
372 storm events. These stormwater management systems may be slightly oversized but are  
373 appropriate for the property. Chad Branon stated that the applicant did research into the  
374 appropriate number of parking spaces for the farm stand area and has revised the plan to have 10  
375 parking spaces, similar to Lull Farm in Milford. The applicant also looked into the ITE Trip  
376 Generation Manual and found that this business should produce approximately 9.5 trips in PM  
377 peak hours and 3.3 trips in AM peak hours. He noted that there will be the normal issues for  
378 entering and exiting Route 101 in this area and that the site will require DOT permits. There is a  
379 safe sight line entering and exiting the property.

380  
381 Chad Branon stated that this project will also require Site Plan approval and New Hampshire  
382 DES approval for a proposed wetland crossing while improving the access road. This  
383 improvement looks to widen the current 10' access road to a width of 20'. This will cause a  
384 wetland impact of approximately 868 s.f. He stated that he believes this plan has been designed  
385 to meet all requirements aside from one requested landscaping waiver. The waiver is being  
386 requested because a significant portion of the site will be used for agricultural practices and  
387 processes. There will be a significant buffer through forested wetland areas across the middle of  
388 the property and additional agricultural/landscaping through trees on the property. The natural  
389 use of the property lends itself to being a landscape plan and thus the applicant is requesting  
390 relief from a formal landscape plan. He noted that Section 3.12 of the ordinance encourages  
391 farming and acknowledges an applicant's right to farm. Thus, this proposal is consistent with the  
392 regulations and also the goals of the Master Plan. Agricultural uses are permitted within the  
393 WWCD, so a CUP is not needed for this project. There are minimal wetland impacts proposed at

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

394 the wetland crossing and there will be BMPs for storm management employed. The applicant has  
395 no objections to the proposed revisions and conditions listed in the staff report.

396

397 Christy Houpis thanked the applicant for the revisions to the proposed number of parking spaces  
398 for the farmstand. He asked about potential hazardous materials to be stored in the building on  
399 site. Chad Branon stated that no bulk hazardous materials will be stored. There may be oil stored  
400 for the equipment used, but not more so than in a normal garage. He noted that this is proposed  
401 to be an organic farm.

402

403 In response to a question from Christy Houpis, Chad Branon stated that the access road is  
404 designed to support fire and emergency vehicles, with H2O loading. He noted that the cross  
405 section shown on the plan indicated crushed stone, bank run gravel and the usual materials for  
406 road construction.

407

408 In response to a question from Christy Houpis regarding a question from the ACC's letter  
409 regarding adhering to BMPs for agricultural operations, Chad Branon stated that the last note on  
410 the site plan should address this question and noted that operations onsite will follow NH  
411 Department of Agriculture BMPs for wetlands and agriculture.

412

413 Christy Houpis asked the applicant to explain the road expansion and wetland crossing proposed.  
414 Chad Branon explained that this project is located in the Wetland and Watershed Conservation  
415 District. Agricultural uses are allowed by right in the WWCD. This includes in wetlands and  
416 buffer areas on site. The upgrades proposed to the back of the property are associated with this  
417 agricultural use. The statute dictates that land, buildings, structures, and improvements for  
418 agricultural purposes are permitted in this district.

419

420 Tom Quinn noted concern regarding the proposed entrance to this business being located directly  
421 across from an entrance on the other side of Route 101. Chad Branon stated that this layout is  
422 actually preferred by DOT in order to minimize impacts. Shifting this design may be more  
423 unsafe for drivers.

424

425 In response to a question from Tom Quinn, Chad Branon stated that parking and septic are  
426 necessary for the back building because there will be a small office for people to work in and  
427 also people working onsite in the fields.

428

429 In response to a question from Tracie Adams, Chad Branon stated that the applicant would  
430 eventually like to have signage for his business. There is no current sign design for this property.

431

432 In response to a question from Tracie Adams regarding how the owner will access the tree/  
433 farming area in the north east corner of the site, Chad Branon stated that the applicant generally  
434 accesses this area along the shoulder of Route 101. There is no formal wetland crossing proposed  
435 in this area currently but could be in the future. The field area is currently accessed with  
436 agricultural equipment and will continue to be accessed in that way.

437

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

438 Tracie Adams suggested that the applicant could detail certain plantings on site, as there is a  
439 waiver request for a formal landscape plan. Chad Branon stated that there is no formal layout for  
440 the site currently, but he is happy to review plantings with Town Staff as a condition of approval.  
441

442 Chris Yates had no questions or comments at this time.  
443

444 Bill Stoughton noted that there is a tree farm proposed in the northeast section of the site that will  
445 have to be accessed by crossing a wetland. He questioned why no permit is needed for this  
446 crossing. Chad Branon stated that a wetland crossing could be put in, but the applicant currently  
447 accesses this area along the shoulder or off Route 101. The applicant could discuss extending the  
448 current highway culvert in this area to create a formal crossing.  
449

450 In response to a question from Bill Stoughton regarding the nature of the business onsite he  
451 asked if the farmstand would be considered a retail business. Eric Mueller stated that trees from  
452 this business will be purchased wholesale, while the flowers, fruits, and vegetables will be local.  
453

454 In response to a question from Bill Stoughton, Eric Mueller stated that there will be no non-  
455 agricultural commercial business done on site. Eric Mueller noted that he would be amenable to  
456 a condition limiting the site to agricultural uses only.  
457

458 Bill Stoughton noted that he believes no CUP is needed for the wetland crossing to the tree farm  
459 because the site is considered agricultural, and this definition is given a lot of latitude. Chad  
460 Branon agreed and stated that he was surprised this is not required. He noted that while the  
461 agricultural use is given a lot of latitude the applicant will still be required to obtain a wetland  
462 permit from the state.  
463

464 In response to a question from Bill Stoughton regarding how the stormwater from the new  
465 roadside stand will be treated, Chad Branon stated that it is planned to have disconnection over  
466 the agricultural field area and along the perimeter of the field through mulch berms. There will  
467 also be level spreaders along the access road to capture the runoff. Bill Stoughton stated that he  
468 has a concern regarding the removal of nitrogen and phosphorus with these methods. None of the  
469 proposed stormwater treatment methods are Best Management Practices with ratings for removal  
470 of nitrogen and phosphorus. Chad Branon stated that the filter strip does have some rating for  
471 removal of nitrogen and phosphorus. He explained that the plan tries to minimize the alteration  
472 and disturbances on site. He stated that he could turn the level spreader into a rain garden, but  
473 this would require a larger area to address these stormwater volumes. The intention is to increase  
474 the disconnection and keep the flow at a sheet flow level.  
475

476 Bill Stoughton stated that the Board generally likes to see BMP's or the UNH Stormwater  
477 Calculation chart used for stormwater treatment methods. These are not being used in this plan.  
478 He stated that agricultural institutions are not exempt from stormwater requirements. In fact,  
479 these types of businesses might be some of the most important to have stormwater treated  
480 properly.  
481

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

482 Chad Branon stated that Keach-Nordstrom is reviewing the stormwater management plan for the  
483 site. He is not opposed to addressing these items as a condition of approval.

484  
485 Bill Stoughton stated that these are requirements of the regulations, not just concerns. He stated  
486 that this project is not exempt from these requirements, and he is not satisfied that these  
487 requirements are addressed with this plan.

488  
489 Dwight Brew noted that the overall parcel is approximately 36 acres, with approximately 20  
490 farmable acres. He asked if a 9,000 s.f. building is appropriately sized to support a farm of this  
491 size. Eric Mueller stated that he believes the building is properly sized for storage of equipment  
492 and material used on site.

493  
494 Mike Akillian stated that he was glad the applicant spoke about the nature of the business. He  
495 noted that there was a farm stand proposed and asked if the applicant would be growing things  
496 that would be distributed in some other way. He wondered about trucks making deliveries and  
497 asked what the additional traffic would be in and out. Eric Mueller stated that approximately 75-  
498 85% of products sold through the business will come from the property. Chad Branon noted that  
499 other things not generated on site can still be sold through the business, as long as 35% of sales  
500 generated come from items on site.

501  
502 Mike Akillian asked what the 9,000 s.f. building would be mostly used for. Eric Mueller stated  
503 that the building is designed to have partitions in between the bays to separate any equipment  
504 from food storage and processing/packaging. The building layout has 35' bays with partitions  
505 vertically and horizontally in between.

506  
507 Mike Akillian asked what percentage of the building would be used for equipment. Eric Mueller  
508 stated that it would be approximately 40%.

509  
510 Cynthia Dokmo had no questions or comments at this time.

511  
512 Arnie Rosenblatt asked for public comment at this time.

513  
514 Susan Lebel, of Embankment Road and Red Gate Lane, stated that she abuts this project to the  
515 south. She stated that the plan does not adequately show that the proposed storage building will  
516 be located in an area that she considers to be a wetland. She explained that the whole area is  
517 considered part of the Baboosic Lake watershed. She stated that Joe English Brook flows to the  
518 south of the property eventually meeting with Baboosic Lake. During high water times this area  
519 receives high flow from Joe English Brook. She stated that there is a floodplain located on the  
520 property and showed a FEMA map to the Board. She stated that during the 2006 flood, water  
521 rushed over the bridge on Red Gate Lane out of Joe English Brook and 4-5' of road surface on  
522 Red Gate Lane was washed out. The following year another 100-year flood washed out the  
523 bridge. She is concerned that the proposed metal building will end up being compromised in a  
524 flood situation. She noted that an email from the chair of the ACC states that this property abuts  
525 property currently managed by the ACC and that the Joe English Brook watershed is rated

September 8, 2021

**APPROVED**

526 amongst the highest ecological habitats of the State. She stated that this is also one of New  
527 Hampshire's highest ranked wildlife corridor areas. Susan Lebel stated that the proposed area for  
528 the building has some shallow wetlands and also there is a pond on site that occasionally has  
529 wood ducks. She would like the Board to consider the sensitive nature of this area. She stated  
530 that she also has a concern regarding impervious surfaces on site. She stated that outside of the  
531 building there is a proposed 54' paved surface area on either side and a 64' paved area to the  
532 back of the building. She questioned why this large of a building is going to be built on  
533 agricultural soil and is worried that it will affect the Baboosic Lake watershed. She questioned  
534 why the building is proposed to be so large when this is not a large farm. She asked if the  
535 business will be seasonal and what the applicant plans to do on site in the winter. She noted that  
536 the plans mention snow removal and she has concerns about salt running into the Brook.

537  
538 Kevin Bevis, 45 Embankment Road, first thanked the board for bringing the first applicant  
539 tonight into compliance. He stated that this property was previously proposed for storage units,  
540 to which the ZBA denied the application. He stated that at the last Board meeting for this  
541 application, it was noted that the proposed building was to look like a traditional barn with a  
542 cupola and barn-style doors. He stated that the current plans show a building that looks nothing  
543 like a traditional barn. He stated that the current building has 10 doors, 5 on each side. He noted  
544 that the left side elevation of the building is not shown, and he believes this is due to the fact that  
545 it looks like storage units. He stated that the partitions mentioned between each bay also make  
546 the building sound similar to storage units. He stated that the application sounds wishy washy, in  
547 that there is no business plan and no landscape plan identified. He stated that he believes he  
548 proposed building is large for the size farm proposed. He stated that the area proposed for the  
549 building is a perfect area for growing and he is confused as to why a building would be put there.

550  
551 Jebb Curelop, former member of the Baboosic Lake Association, stated that he attended a Board  
552 meeting in February 2020 for the previous application. He explained that the Baboosic Lake  
553 watershed lies a few feet south of this project. He explained that he heard the applicant speaking  
554 of partitions and bays, which do sound similar to storage units. He would like to hear more about  
555 how nitrogen and phosphorus in stormwater runoff will be kept out of the Lake. He explained  
556 that the Baboosic Lake Association and the Town have been partnering to increase the mitigation  
557 of stormwater runoff into the Lake. He stated that the Amherst Garden Center is next door to this  
558 property and already generates a lot of traffic. He would like to hear more from the applicant  
559 regarding water quality, BMP's, DES, and wetlands items. He recommended that the board reject  
560 the project.

561  
562 Arnie Rosenblatt noted that there was one member of the public on Zoom who wished to speak,  
563 and that person was promoted.

564  
565 Joanne Dumas, the abutter across Red Gate lane, encouraged the Board to do a site walk of this  
566 area in order to visualize the proposed plan. Her concern is that there is a large wetland area  
567 across the middle of the property, with a stream that flows from west to east. This area has a  
568 drainage issue, as there is stagnant water there. She asked if an existing tree line would be  
569 removed in the middle of the property, in order to plant and grow trees for the business. She

TOWN OF AMHERST  
Planning Board

September 8, 2021

**APPROVED**

570 noted that while the proposed building will not be seen from Route 101, it will be seen from her  
571 property and may affect if she chooses to add a house on her property in the future. She has  
572 questions regarding lighting, landscaping, hours of operation, the size of the proposed building,  
573 and the amount of pavement proposed outside of this building. She asked what will be stored  
574 around the outside of the building in these paved areas.

575  
576 Arnie Rosenblatt noted that there were no other public comments at this time. He stated that if he  
577 allows Chad Branon to comment on these questions, he will then also allow the public to speak  
578 again. He is not interested in having a point/counterpoint discussion at this time but does not  
579 want to preclude the applicant from answering possible questions. He asked that Chad Branon  
580 not duplicate anything already said and try to be succinct.

581  
582 Chad Branon stated that the floodplain is shown on the existing conditions plan at elevation 239  
583 and the proposed building is located at elevation 251. He stated that there is significant elevation  
584 on the site and that the building placement was chosen per the topography of the land, to  
585 minimize land disturbance, and to maximize the agricultural area on site. He stated that the size  
586 of the building is a requirement of the business. He noted that the applicant previously stated that  
587 no other business will be done on site. He explained that there are not bays proposed on both  
588 sides of the building, but only on one side. He stated that he believes it is good planning to use  
589 partitions to separate food processing from equipment in the building. He stated that this is not a  
590 self-storage facility and looks nothing like one at all. He stated that the plan looks to capture  
591 runoff from the building and impervious surfaces through stormwater practices. Chad Branon  
592 noted again that agricultural uses are permitted within this zone. He stated that the existing tree  
593 area on site is proposed to be cut in order to create an agricultural area. He stated that lighting is  
594 also shown on the plans. The project will meet all regulations. In terms of drainage, there is a lot  
595 of relief from topography on site. The applicant may do localized drainage treatment for the  
596 parking area and building. There is a lot of separation between the bridge on Red Gate Lane and  
597 the site. He noted that the back of the property is very wet, and nothing is being proposed in this  
598 area. The plan also calls out the jurisdictional wetland areas.

599  
600 Arnie Rosenblatt asked for public comment again and asked that the public not repeat previous  
601 comments made.

602  
603 Kevin Bevis stated that he believes a site walk of this area is critical. He stated that he believes  
604 Route 101 is at a much higher elevation than the back lot elevation given. He does not believe  
605 that the elevation given for the site is correct. He stated that there is the potential for a  
606 tremendous amount of flooding in this area and there is a large impervious area proposed.

607  
608 Arnie Rosenblatt noted that there were no further public comments at this time.

609  
610 Bill Stoughton stated that he believes a site walk of this area would be beneficial. He stated that  
611 there had been enough abutter concerns that he wants Chad Branon to walk the Board through  
612 the site, with members of the public welcome to attend. He is not convinced that the proposed  
613 stormwater treatment plan complies with the nutrient cleanup provisions of the regulations. He

September 8, 2021

**APPROVED**

614 would support a continuance to the next planning board meeting once a site walk can be  
615 completed.

616

617 **Bill Stoughton moved to continue this application to the next available Planning**  
618 **Board meeting and to schedule a site walk. Seconded by Chris Yates.**

619

620 **Bill Stoughton amended his motion that this application be continued to October 20,**  
621 **2021, at 7:00 PM at Town Hall. Seconded by Tracie Adams.**

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

624

625 **Bill Stoughton moved that the Planning Board will perform a site walk of this**  
626 **property on Thursday, September 23, 2021, at 4:30 PM at the site. Seconded by**  
627 **Tracie Adams.**

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

630

631 **4. CASE #: PZ14591-080321 – Public Service Co of NH [DBA Eversource Energy] and**  
632 **Tana Properties (Owners & Applicants) – 2 Hertzka Drive & Bon Terrain Drive,**  
633 **PIN # 002-023-000 & 002-026-003 – Non-Residential Site Plan Application. To**  
634 **construct an electrical enclosure, a control house expansion, substation yard**  
635 **expansion, and associated site improvements at the existing Eversource Amherst**  
636 **Substation. Zoned Industrial.**

637

638 Nick Golon, PE, TF Moran, and Kurt Nelson, Eversource, joined the Board,

639

640 Arnie Rosenblatt reminded everyone present that the Board is requesting everyone wear a mask  
641 as a courtesy to all others present. He stated that there are extra masks available if needed.

642

643 The Board took a 5-minute intermission while the applicant prepared the presentation.

644

645 **Bill Stoughton moved that the Board accept the application as complete. Seconded**  
646 **by Chris Yates.**

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

649

650 Nick Golon stated that this property is located at the intersection of Hertzka Drive and Bon  
651 Terrain Drive. It extends over two lots; Lot 2-23 is approximately 13.6 acres and Lot 2-26-3 is  
652 approximately 22.3 acres. The proposal is to merge these lots as a condition of approval prior to  
653 the certificate of occupancy. These properties are located in the Industrial Zone and the ACWPD  
654 (Aquifer Conservation and Wellhead Protection District). The existing lot holds a substation yard  
655 on approximately 6.2 acres with a size of 610' x 475'. The proposal is to expand this yard. This  
656 expansion is approximately 88,000 s.f., or approximately 2 acres. This will result in  
657 approximately 4 acres of impact and thus an AoT permit will be needed. This plan is required to

September 8, 2021

**APPROVED**

658 meet all stormwater regulations for the AoT and the Town. There is new equipment proposed as  
659 part of this reliability driven project; this will allow for the regulation of voltage on existing  
660 power lines and reduce the likelihood of local outages. There are two equipment enclosures  
661 proposed which will house the equipment associated with this project. One of these enclosures is  
662 approximately 4000 s.f. and the other is approximately 500 s.f. There will be new controls  
663 required as part of this project which lead to an approximately 720 s.f. expansion of the existing  
664 control house. The access to the site is through an existing gravel driveway on the north side of  
665 the yard. For purposes of construction and maintenance on site, there is a second driveway being  
666 proposed off Hertzka Drive. No parking is proposed, as none is required. He noted that there is  
667 more than adequate space available for on-site parking.

668  
669 Nick Golon addressed items in the Staff Report. He stated that no new non-emergency site  
670 lighting is proposed. Any lighting on site will be incorporated into the yard. In terms of  
671 stormwater management, the plan looks to use the appropriate separation from groundwater, with  
672 4' as required. Stormwater management will be through a combination of open and closed drain  
673 systems on site. The substation yard itself is circled by an underground drainage system. The  
674 runoff from this system goes to smaller underground drains, to a pretreatment site, and into the  
675 infiltration basin. The peak rate runoffs for this site were evaluated for the 2, 10, 50 year, and 1"  
676 storm. The stormwater management report was submitted with this application. Infiltration  
677 basins with soil media will be used to remove 90% TSS, 60% nitrogen, and 65% phosphorus.

678  
679 Nick Golon stated that, as Eversource is purchasing this land, there is a concern to make sure it is  
680 screened appropriately. There are berms proposed along the perimeter with heights varying from  
681 10-14' tall. There has been a modification to the plan at the seller's request, with 68 arborvitaes  
682 proposed. There is a nice existing evergreen screen area on site. He noted that the area of work  
683 compared with the vast majority of the site is minimal. This is an allowable use in the Industrial  
684 Zone and is not prohibited use in the Aquifer Protection District. There are no waivers requested.  
685 He stated that this is an important infrastructure project for Amherst and surrounding  
686 communities.

687  
688 Mike Akillian had no questions at this time.

689  
690 In response to a question from Dwight Brew, Nick Golon stated that the base for the expansion  
691 area is a 50/50 mix of ¾" and 1.5" crushed stone.

692  
693 In response to a question from Dwight Brew, Nick Golon stated that there will be no equipment  
694 on site that would be considered to cause problems. The transformer will have a secondary  
695 containment system that will be sized to deal with 100% of a drainage transfer/leak with  
696 appropriate controls linking it to Eversource, in case of a large malfunction.

697  
698 Bill Stoughton asked about the proximity of wetlands to this work area. Nick Golon stated that  
699 there is a wetland channel in the southeast corner of the site and that the proposed work is being  
700 done nowhere near this area. He also stated that there is a healthy landscape berm proposed  
701 between the two areas.

September 8, 2021

**APPROVED**

702

703 In response to a question from Bill Stoughton, Nick Golon stated that the applicant has no issues  
704 with the subsequent or precedent conditions proposed in the Staff Report and noted that the  
705 timing of the lot merger prior to Certificate of Occupancy was acceptable.

706

707

708 Chris Yates, Tracie Adams and Tom Silvia had no questions or comments at this time.

709

710 Tom Quinn stated that the landscaping appears to be a nice improvement to the site.

711

712 Neither Christy Houpis nor Cynthia Dokmo had any questions or comments at this time.

713

714 There was no public comment at this time.

715

716 Bill Stoughton asked the applicant what a reasonable definition for active and substantial  
717 development would be for this project. Nick Golon stated that the property will be rough graded  
718 first because there are a lot of sandy soils on site. Proposed stormwater management practices  
719 will be constructed early on in the project.

720

721 Bill Stoughton asked the applicant what a reasonable definition for substantial completion of  
722 improvements would be. Nick Golon stated that this will be a long-term project starting in 2022,  
723 with construction likely ending in 2023. He stated that no building permit is needed and  
724 suggested that this definition could include the finished grading of the substation yard. Once the  
725 base area is complete there will be no more concern for sediment erosion and this will occur late  
726 in the construction process. A more specific definition could be the installation of the substation  
727 yard.

728

729 **Bill Stoughton moved to approve Case # PZ14591-080321 for Public Service Co of**  
730 **NH (DBA Eversource Energy) and Tana Properties, for a Non-Residential Site**  
731 **Plan to construct an electrical enclosure, a control house expansion, substation yard**  
732 **expansion, and associated site improvements at the existing Eversource Amherst**  
733 **Substation, at 2 Hertzka Drive, Map 2 Lots 23 & 26-3,with the precedent and**  
734 **subsequent conditions set forth in the Staff Report, and with Impact Fees to be**  
735 **assessed at the Industrial Rate. Active and substantial development will be**  
736 **completed with 24 months of the date of approval, and the following items must be**  
737 **completed to constitute “active & substantial development or building” pursuant**  
738 **to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:**  
739 **commencement of construction of stormwater management features. The following**  
740 **items must be completed to constitute “substantial completion of the improvements”**  
741 **pursuant to RSA 674:39,II, relative to final vesting: finish course installation of**  
742 **substation yard. Seconded by Dwight Brew.**

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

745

September 8, 2021

**APPROVED**

746 **OTHER BUSINESS:**

747

748

**1. Minutes: August 18, 2021 & September 1, 2021**

749

**Tracie Adams moved to approve the meeting minutes of August 18, 2021, as amended [Line 196, remove first instance of “end.”] Bill Stoughton seconded.**

750

751

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - abstain, Christy Houpis - aye, and Chris Yates – abstain; 4-0-2, motion carried.**

752

753

754

**Bill Stoughton moved that the Board accept the September 1, 2021, minutes as presented. Seconded by Dwight Brew.**

755

756

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - abstain, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – abstain; 4-0-2, motion carried.**

757

758

759

**Tracie Adams moved to adjourn the meeting at 9:47 pm. Christy Houpis seconded.**

760

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

761

762

763

764

765

Respectfully submitted,

766

Kristan Patenaude

767

768

Minutes approved: September 30, 2021