

TOWN OF AMHERST
Planning Board

October 20, 2021

APPROVED

In attendance: Dwight Brew, Bill Stoughton, Cynthia Dokmo (alternate), Chris Yates, Tom Quinn, and Tom Silvia (alternate).

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

Bill Stoughton, Vice Chair, called the meeting to order as Chair in Arnie Rosenblatt's absence at 7:00pm 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.

Tom Silvia sat for Christy Houpis.

Cynthia Dokmo sat for Arnie Rosenblatt.

PUBLIC HEARINGS:

- 1. CASE #: PZ14588-080321 – Keith E. Healey Trustee (Owner) and Healey Tree Works, LLC (Applicant) – 307 Route 101, PIN # 008-074-000 – Non-Residential Site Plan Application. To show the proposed site improvements in order to use the property as a residence and for the operation of a tree services, cordwood, and wood-chipping business. Zoned Residential Rural. Continued from September 8, 2021.**

Bill Stoughton read and opened the case. He noted that there was no need for the applicant to go into great detail on items already heard in previous meetings by the Board.

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

Sam Foisie explained that, after the last meeting, the Board had stated that it needed the stormwater operations and maintenance manual to review; this has since been submitted. He also noted a recommended condition of a bond for the mitigation work on the property. He noted that Mr. Healey would essentially be paying for this bond twice, has already received State approval, and is committed to doing the work. A letter received from Keach-Nordstrom contains recommendations that the applicant mostly agrees with. Item #7 of the letter addresses the building dimensions. Mr. Foisie stated that these dimensions are unclear at this time, but the square footage of the building is listed on the plans. Item #13 of the letter asked how the concrete pad will be constructed. Mr. Foisie stated that he believes this should be left up to Mr. Healey to decide, although the letter had a good recommendation of how to strengthen the edges of the pad. Item #15 of the letter asked for monitoring notes of inspections of the wetland restoration project to be sent to the Town. Mr. Foisie explained that these reports will already be sent to the State, so this appears to be a redundant request. Mr. Foisie stated that the Keach-Nordstrom letter recommends a performance bond associated with this project, which lines up with the condition expressed in the staff report.

Sam Foisie addressed item #16 within the Keach-Nordstrom letter regarding the waiver request within the stormwater report which Steve Keach, PE, was reluctant to support without further

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information being supplied. Bullet #1 of this item asks for the applicant to use StreamStats to demonstrate that the stormwater associated with this project has no impact. Mr. Foisie explained that the surrounding watershed area is approximately 13 square miles, and that Mr. Healey's project area is only approximately 7 acres which was 0.09% of the area. The project area is minor compared to the overall watershed, which supports the original waiver request. Bullet #2 of this item asks how the infiltration rate was determined. Mr. Foisie stated that percolation tests were completed on site. Bullet #3 references how the proposed stormwater system will reduce nitrogen and phosphorus rates. Mr. Foisie referenced University of New Hampshire Stormwater Management Volumes 1 and 2 which state that an infiltration basin located 75' from the wetlands provides the necessary treatment.

Bill Stoughton described the process the Board would follow. He would open the floor to questions and comments from Board members, then for questions and comments from the public, then the public hearing would be closed and the Board would enter into deliberations.

Cynthia Dokmo stated that the Zoning Board of Adjustment's decision requested that the Planning Board, as part of its consideration of this project, discuss the hours, times, and days of operation of this business, and associated traffic and noise levels. Mr. Foisie stated that the hours of operation have been discussed in the past and are located on the plans. Mr. Healey stated that he plans for the business to be open Monday - Saturday, 7:00 AM to 3:30 PM. Most of the work will be done off the property.

Tom Quinn stated that he is generally leery of letting go of landscape requirements, per the applicant's waiver request. He stated that this area is a gateway road into Amherst, and he does not believe it would hurt to add landscape requirements to the plan. He also explained that, while this project seems to have a small impact to stormwater on a large area of land, the Planning Board needs to look at the fact that each of these projects in Town will cumulatively contribute overall either positively or negatively.

In response to a question from Tom Silvia regarding why the proposed building has not yet been designed, Mr. Foisie stated that the applicant's goal is to create a standard post and beam building to store equipment. The elevation and plans for this building have not yet been submitted because it is only intended to be a basic building and the layout of it is yet unclear.

In response to a question from Tom Silvia regarding how the applicant can know the impact of the structure on the site if it has not yet been designed, Mr. Foisie stated that the structure is proposed to have a 3,200 s.f. footprint. This area has been used to model the runoff calculations.

Chris Yates said he would like to be able to envision the building as designed located on the property. He asked if the applicant would consider a condition that the building not exceed 3,200 s.f. Mr. Foisie stated that the applicant would be agreeable to this condition. If the building had a larger footprint, it would not line up with the stormwater calculations.

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Dwight Brew noted that the letter from Keach-Nordstrom was only received at the end of the day on Monday. He has thus not had proper time yet to review it.

Bill Stoughton stated that the applicant is requesting three waivers. One for stormwater discharge rates, because the project will exceed the rates for the 25- and 50-year storms, per the Town's regulations. There is also a landscaping waiver and an architectural details waiver. All three of these waivers are on file.

In response to a question from Dwight Brew, Mr. Foisie stated that Keach-Nordstrom reviewed the plans and provided insight in their letter as to certain changes that could be made. Mr. Foisie stated that, if the applicant had received the letter in time, a reply to it would have been issued to the Board.

Bill Stoughton asked the applicant to remind the Board why a waiver is requested for landscaping. Mr. Foisie explained that the site has buffers where required. Along the roadway frontage there are vegetated tree areas, a single-family house, and then this proposed commercial area. To the east there is a wetland area that will be increased and restored, along with its buffers. To the south there is an additional wetland and vacant land. To the west is a row of trees, and then a church, which is not considered a residential use. He explained that he believes the regulations only require a buffer to a residential use. The waiver is being requested in regard to this final item, but he is willing to withdraw it if this information is seen as adequate.

Bill Stoughton asked if the applicant often has customers visit his business site. Mr. Healey stated that he does not normally see customers at his business site.

Bill Stoughton asked about the bonding issue. Mr. Foisie stated that he believes the applicant would need to put money into an account for the bond to be granted, and then the applicant would need to buy the materials anyway. If the project is completed, this money is returned to the applicant, but this is a cash flow issue. Tom Quinn stated that, if the bond is secured through an insurance company, the rate is likely to be \$500 for \$100,000/year. Mr. Foisie explained that the bond would be for erosion control and restoration.

Bill Stoughton asked why the applicant objects to item #15 in the Keach-Nordstrom letter, regarding sending monitoring reports for the wetland restoration to the Town, as well as the State. Mr. Foisie stated that he does not have a hard objection to this item but believes that submitting the reports to the State is adequate. Bill Stoughton noted that the Town's interests may not align with the State's.

Bill Stoughton asked how much the proposed project will contribute to increased flow rates compared to the current flow rate in the stream. Mr. Foisie stated that he is unclear on this exact amount. Mr. Foisie explained that the project does increase the flow rate but, because this is part of a much larger watershed area, the peak discharge rates will not line up. The site also reduces the total volume. He stated that the waiver request aligns with the State's waiver

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recommendation because the discharge will go directly into a large watershed instead of into a smaller waterbody.

Bill Stoughton asked if the discharge from the stormwater features on site that exceeds the current flow rate will happen close to when rainfall occurs. Sam Foisie stated this was accurate and that this would occur at approximately the 12th hour of rainfall. Bill Stoughton asked if this information was hypothetical or based on this particular application. Sam Foisie stated that he had not done an analysis on it, but common knowledge was that in a large watershed the peak discharge from a site was later.

Kevin Bevis, 45 Embankment Road, stated that the proposed project is located within a close proximity to Joe English Brook. This area is very ecologically sensitive. Kevin Bevis was concerned because the applicant had already impacted wetland areas which resulted in the State requiring a restoration plan. He asked the Board to hold the applicant to the fire a bit.

Jebb Curelop, former member of the Baboosic Lake Association, explained how much work has been done in cooperation with the Town and DPW to clean up Baboosic Lake over the years. He stated that he opposes this project, as it is unclear what will actually be built. Bill Stoughton noted that he believes Mr. Curelop means to be speaking to the next application. Mr. Curelop agreed and withdrew his line of commenting.

Rob Clemons, Chair of the Amherst Conservation Commission (ACC) asked, on behalf of the ACC, that a copy of the wetland restoration plans, and monitoring reports be sent to the Town as well as to the State. Bill Stoughton stated that the applicant seems to agree with this item and will supply the notes to the Town as well.

Bill Stoughton asked what the applicant would need to do to the stormwater design to meet the Town requirements, if the stormwater waiver request is not granted. Sam Foisie stated that the site has already been shrunk down, so, in order to meet the required flow rate, the applicant would need to stack the water up higher on the site with more fill, or spread out the water more on site, which would move it into the workable area. The applicant is trying to keep the site workable for his business.

Bill Stoughton asked how the applicant would manage a reduction in square footage if the Planning Board required the stormwater features to be designed to meet the requirements. Sam Foisie stated that this would impede a decent portion of the project. The concrete pad size would be reduced. The concrete pad is how the applicant processes his firewood. The percentage of impediment is not known at this time. Sam Foisie stated that he believes the project would be approved as proposed, per State regulation 1507.06 (d) - Peak Runoff Control Requirements.

Bill Stoughton closed the public hearing.

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Bill Stoughton noted there were several things for the Board to discuss, including any action on the waivers, the conditions of approval, bonding and whether or not to approve the application. He asked the Board to address the waiver for landscaping first.

Cynthia Dokmo stated that she is okay with this waiver because there are a lot of trees currently existing along Route 101. She noted that it would be important that these trees are healthy.

Tom Quinn stated that, in looking at pictures of the site, there is not much landscaping that could be done additionally at the front of the site. There is no residential abutter to the east, and there appear to be appropriate buffers on site.

Tom Silvia, Chris Yates, Dwight Brew, and Bill Stoughton all voiced their acceptance of this waiver.

Chris Yates moved to grant the waiver requested to Section 5 of the Non-Residential Site Plan Review Regulations as the Board has determined that strict conformity with the requirement would pose an unnecessary hardship to the applicant and the waiver will not be contrary to the spirit and intent of the regulations. Seconded by Dwight Brew.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

Bill Stoughton asked the Board to comment on the waiver request for architectural details of the proposed building.

Cynthia Dokmo stated that she is okay with this waiver, as the Board knows the proposed footprint of the building.

Tom Quinn asked if this building will be visible from the road. Mr. Foisie stated that it would not be. Mr. Quinn stated that he is okay with this waiver request.

Tom Silvia and Chris Yates stated that they were okay with the waiver request.

Dwight Brew stated that he was okay with this waiver request, as long as a condition is noted that 3,200 s.f. be the maximum footprint for this building.

Chris Yates moved to grant the waiver requested to Section 12 of the Non-Residential Site Plan Review Regulations as the Board has determined that strict conformity with the requirement would pose an unnecessary hardship to the applicant and the waiver will not be contrary to the spirit and intent of the regulations, and to include that the building will not exceed 3,200 s.f. Seconded by Dwight Brew.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

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Bill Stoughton asked the Board to comment on the waiver request for stormwater discharge rates. The project as proposed will have a discharge rate greater than the current discharge rate for the 25- and 50-year storms.

Cynthia Dokmo stated that she would like to hear from the other Board members before commenting.

Tom Quinn stated that he is not in favor of this waiver request. He believes that there may be some other way for the property to be utilized while properly handling these storm rates. He noted that these types of storms are becoming more frequent and is concerned that this project will spill excess flowage into nearby sensitive areas.

Tom Silvia noted that there are three criteria for the Board to consider when granting a waiver: that granting the waiver will not impair achieving the spirit and intent of these regulations, that compliance with these regulations is not reasonably possible given the specific circumstances relative to the site plan, or the conditions of the land in such site plan, and that the proposed substitute solution is consistent with the goals of these regulations and is in the best interest of the Town. He does not believe that the current proposal achieves these three criteria and is thus not in favor of granting it.

Chris Yates agreed with Mr. Silvia's comments and stated that he would like to see more information on this item before making a final decision.

Dwight Brew also agreed and stated that there may be a possible alternative solution that hasn't yet been mentioned.

Bill Stoughton stated that the applicant may have been able to convince him that the peak discharges would be far enough apart that the discharge rates were not a problem, but there was not enough information presented for a layperson to accept. He stated that the Board has worked hard to make sure it is protecting water quality in Town, and thus he is reluctant to grant this waiver. He would like to see a more complete explanation regarding the excess flow out of the stormwater features and how they will not increase the peak flow downstream, or he would like to see changes to the design to reduce or eliminate the excess flow proposed, or a combination of the two. He noted that it is unlikely that the Board will approve the application as proposed with this waiver request.

Sam Foisie asked the Board if it would rather see a more complete explanation about the excess flow, or changes to the design to reduce/eliminate this excess flow.

Cynthia Dokmo stated that she would be okay with either of these options.

Tom Quinn stated that he would prefer the option that complies with the Town's regulations, as outlined.

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Tom Silvia and Chris Yates stated that they would be okay with either option.

Dwight Brew reiterated that the proposed project would be technically in violation of the regulations, but the applicant is asking the Board to look at it from a larger standpoint because of the small area of impact caused by the project. He stated that, if the applicant could show that the stormwater will not be made worse, and somehow demonstrate that, this could support the waiver request.

Bill Stoughton asked the Board to comment on the bonding waiver request.

Dwight Brew stated that he supports the waiver for bonding because if the work is not completed a cease-and-desist order will take care of this issue.

In response to a question from Chris Yates, Mr. Foisie stated that the applicant lives at this location. Chris Yates agreed with waiving the bonding, as he believes the applicant has an interest in keeping the site up to certain standards.

Tom Silvia agreed with waiving the bonding.

Tom Quinn stated that he believes bonding is important, especially at this site. He believes bonding will make sure the work is done and done to Town standards. He stated that this is not a simple project, as there is associated grading, detention basins, and the proximity of the site to sensitive areas. Tom Quinn does not believe it is in the best interest of the Town to have the work not done properly and a bond may help with that. He does not believe that this will be a simple item for the Town to resolve on its own if the work is done improperly. He also noted that a bond is not very expensive.

Cynthia Dokmo stated that she was okay with waiving the bonding.

Bill Stoughton stated that the applicant is completing some after-the-fact restoration work to the wetland and has NH DES looking over his shoulder on this. He does not believe DES would be content with seeing an incomplete project and is thus in favor of waiving this bonding.

Bill Stoughton noted that all views of Board members expressed at this meeting are subject to be revised at the next meeting.

In response to a question from Tom Quinn, Bill Stoughton stated that this project will be subject to impact fees. The Board needs to decide which category this project falls into. Bill Stoughton stated he believes Industrial may be the closest match. This can be further discussed by the Board at its next meeting.

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Bill Stoughton encouraged the applicant to look at reducing the flow rate by cubic feet/second in a reasonable way for the next meeting and not only look at how best to achieve the waiver request for stormwater rates.

Bill Stoughton noted that the Board is due to act on this application by November 12, 2021. He asked the applicant if he was willing to extend this deadline to 5 days beyond the Board's next meeting, November 17, 2021, in order to render a decision. Sam Foisie stated that the applicant agrees to extend the deadline on this application to November 22, 2021.

Cynthia Dokmo moved to continue this hearing to November 17, 2021, at 7pm at Town Hall. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

- 2. CASE #: PZ14590-080321 – EAM Amherst Holdings, LLC (Owners & Applicants) – 317 Route 101, PIN # 008-072-000 – Non-Residential Site Plan Application. To depict proposed site improvements to utilize the subject property for a proposed Agricultural Farming and Supply Operation. Zoned Residential Rural. Continued from September 8, 2021.**

Bill Stoughton read and opened the case.

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

Chad Branon stated that the proposal is to develop the property into an agricultural farming operation. This property is located on the south side of Route 101, across from Saddle Hill Road. The property consists of approximately 36 acres, with approximately 642 linear feet of frontage along Route 101. A site walk of the area was completed on September 23, 2021. This is located in the Residential/Rural Zone, in which farming/agriculture is a permitted use. There is currently a single-family house located in the northwest corner of the property and that area has been improved with a shed/barn, driveways, utility connections, and septic system. There is a maintained field along the front portion of the site, jurisdictional wetlands that bisect the property flowing from west to east, and a culvert that drains under Route 101. There is also an existing access road to the southern portion of the property to a maintained field located there.

Chad Branon stated that the proposal is to develop the site into Stone Farm Agricultural Farm & Supplies. This will include a 9,100 s.f. building on the southern part of the site. This building will be used for the storage of agricultural equipment, and processing/packaging of agricultural supplies, fruits, flowers, etc. It will also contain a small office for management. The proposal also includes an access road to the building, parking area, and equipment storage area. The materials storage area will only be used for operations of the site. The rear of the building will be serviced by underground electricity, an on-site septic system, and an on-site well. There will be some outdoor lighting proposed for the building. The existing house and garage toward the front of the property are not proposed to be removed. Another part of the plan is to construct a 2,500

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s.f. nursery and roadside stand with ten parking spaces and associated site improvements including access to the site, drainage, and lighting. The remainder of the property will be farmed with trees, vegetables, fruits, etc.

Chad Branon stated that additional drainage improvements have been made to the plan since the last meeting. A rain garden area is proposed just south of the farm stand, to capture runoff from the parking lot and farm stand. This will meet Town standards for removal of nitrogen, phosphorus, and total suspended solids. The proposed drainage on the back of the site meets local and State standards as well. The site will be serviced by underground electric, which is shown on the plan. The underground electric runs from the farm stand area and within the existing driveway, so there will be no additional wetland impacts. There is a proposal to upgrade the access road that runs to the rear of the property. An email from Fire Chief Matt Conley, dated September 30, 2021, noted that the road needs to be designed to support emergency response vehicles. This road has been designed to meet these standards with H2O loading.

Chad Branon stated that the final planting plan for the site has not yet been finalized; this should occur after site plan approval. The applicant will then work with UNH to conduct soil testing of the site and produce a planting plan. The applicant will likely use a licensed landscape architect.

Chad Branon explained that the stormwater design for the site is focused on implementing disconnection. The site also proposes the use of a rain garden, stormwater infiltration basin, vegetated swales, and conveyance practices so that all stormwater is handled appropriately. This project does require a wetland permit through NH DES but does not necessarily require a Conditional Use Permit (CUP) because it is an allowed agricultural use. He noted that the project is likely exempt from an Alteration of Terrain permit, and that the applicant will provide documentation to the Town to support this. Chad Branon stated that the project does not propose to increase the rate of stormwater runoff and that the infiltration practices proposed address the volume of runoff on the site. Chad Branon stated that the review by Keach-Nordstrom suggested an AoT permit be acquired because the site exceeds the land alteration threshold. He explained that he will gladly provide the Town with information showing that the agricultural project is exempt from this permit. The project will require an access permit from NH DOT for a change of use to the property to access Route 101. Approval will also be needed from the State and locally for the proposed septic system.

Chad Branon stated that the project will disturb 868 s.f. of wetland. There is drainage proposed at the wetland crossing to deal with water running through this area. He explained that BMPs will be implemented for agricultural and wetland items. These stabilization and erosion control practices include filter strips, grass swales, level spreaders, etc. The Town's ordinance requires the use of these BMPs. The site will provide for the minimum 25' separation between active agricultural uses and jurisdictional wetland areas. The applicant is also proposing a mulch berm along the perimeter of the agricultural use areas in order to further define the buffer. The applicant is not proposing any tree clearing along Red Gate Lane right away and will maintain the tree line at the southern field area that extends into the woods. The primary cutting proposed

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to take place on site will occur on the east side of the field in order to create the proposed building and an area for harvesting/planting.

Chad Branon stated that the applicant has no real objections to the Staff Report. There is no concern with bonding or the compliance hearing. He stated that members of the public have presented non-factual information about this project. There is no connection from this project to any of the applicant's other businesses. The Ciardellis are not a party to this project and are not owners of this property. The applicant has no objections to the items listed in the Keach-Nordstrom letter. There were details suggested for the plan that will be incorporated for conditional approval. The only objection the applicant has to the Staff Report is a reference to a proposed Declaration of Covenants and Restrictions. This objection comes from the proposed use being permitted, allowable by local and State regulations. Chad Branon stated that he would like this application to be held to the same standards as any other, and generally Declarations of Covenants have not been needed. He noted that the intention of some of the goals and objectives in the Town's Master Plan are to promote agricultural and farming uses in Town. He noted that the applicant was trying to propose something that exceeds the Town's regulations, particularly with regard to stormwater management. He asked that the Board review this application on its merits. He noted that the applicant is willing to add notes to the plan regarding not cutting trees in certain areas of the property but would prefer not to be required to obtain a Declaration of Covenants and Restrictions.

Bill Stoughton opened up the hearing to the Board for questions and comments.

In response to a question from Tom Silvia regarding underground utilities crossing the wetlands, Chad Branon explained that the underground electrical line is shown on the plan on Sheets 4 and 5. It follows the driveway all the way down, so no additional impacts are associated with the wetlands for this item. A new utility pole will be put near the front of the property.

In response to a question from Tom Silvia, Chad Branon stated that the farm stand is likely to be built within 2-3 years.

In response to a question from Tom Silvia, Chad Branon stated that the applicant would prefer not to pursue a Declaration of Covenants.

In response to a question from Tom Silvia regarding soil testing for the property, Chad Branon stated that testing was done for stormwater on site, but not specifically for farming. He stated that the property has actively been used in the past to harvest hay. A future planting plan will include soil augmentation and testing. Approximately 8 acres of land on this site are proposed for planting but this will depend on soil testing. The applicant has not seen anything that would restrict or hinder farming on this site. Chad Branon noted that some hand augering had been done and revealed surface rocks, but he did not think there was a lot of ledge on the site.

Tom Silvia noted that he is unsure about granting the waiver request for landscaping, as this property is very exposed and in a prominent visual area for the town. Chad Branon stated that the

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use of this property is consistent with the goals and objectives of the ordinance. Chad Branon read from the landscaping section of the ordinance, "The purpose of these standards is to protect, enhance and promote any economic, ecological and aesthetically pleasing landscaping by breaking up visual expanse and connected impervious areas, delineating areas of vehicular and pedestrian traffic to improve safety, and to enhance the gateways to Amherst. In addition, soil and landscaping play an important role in stormwater quality and quantity. These standards are intended to increase absorption and cleansing of rainfall and runoff so that the quantity and quality are more reflective of the natural hydrology where vegetation will thrive with minimal need for additional water, pesticides and fertilizers." Chad Branon stated that he believes that, due to the layout of the project, the only section of the ordinance that applies to this property is for street trees. The regulations note there should be one street tree per 5' of building. The applicant is willing to meet the street tree requirements and incorporate additional landscaping along the front of the property. There are significant buffers to all other surrounding properties, as previously mentioned. The farm stand will also provide a buffer to the east and there is significant vegetation along the eastern boundary of the site. Tom Silvia stated that he is not sure he feels the same way about this item as the applicant does.

Chris Yates noted that the farm stand will not be built for 2-3 years. He asked when the larger storage building is proposed to be built. Eric Mueller stated that this will depend on approval for this application. He already has builders lined up. It will be built before the farm stand.

Chris Yates stated that he has some concerns, as this application is being brought forth as an agricultural venue but will have a very large building constructed on the back of the property. He has questions about the size of this proposed building based on personal experience with agricultural facilities in the past.

In response to a question from Chris Yates, Eric Mueller stated that he does not plan to move any of his other businesses to this site in the future.

Chris Yates stated that he would support a Declaration of Covenants for this application.

In response to a question from Chris Yates, Eric Mueller stated that he plans to store approximately 500 gallons of fuel at this facility. He does not currently have plans in place in case of a spill. He does not plan to store rock salt or magnesium chloride on site because his landscape business will not be conducted at this property.

Dwight Brew stated that anyone who desires to build a home or business in the Town of Amherst should receive the support and encouragement of the Town as long as the Town regulations are complied with. He has never farmed and does not have the benefit of the Business Plan that EAM has for this property. If the owners feel that it is worthwhile developing this property to farm, then he will take them at their word and wish them the best of luck. Farming is a permitted use in the Residential Rural zones in Town where most other types of businesses are not permitted. While he does not expect this to be the case, he would be strongly opposed to any non-permitted uses for this property, either now or in the future. He would also strongly oppose

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any future variance request based on the financial difficulties of conducting a farming operation on this property. There are some very specific limitations placed on agricultural farming that he would like to see made as a condition of approval. He would also like to see that the approval letter is recorded on this property so that there can be no confusion should the property change hands.

Cynthia Dokmo stated that she has concerns about the proposed size of the building. She stated that Planning Board members have asked a number of times what will be located inside the building and have received non-definitive answers from the applicant. She stated that she has heard accusations regarding salt and landscaping equipment to be stored on this property. She asked the applicant what will be processed and stored on site. She noted that this 9,100 s.f building is proposed to be built right away, but the farm stand will not be built for 2-3 years. She asked what will be done in this building in the meantime.

Chad Branon stated that the applicant has answered what will be done in the building at past meetings. He stated that he cannot question the business plan of his client, as to if the proposed space is a reasonable size. He noted that he has built buildings too small in the past and believes his client is trying to avoid this happening. Chad Branon stated that the building will house equipment for the farming operation, materials such as fertilizer, office space, and an area to process and package fruits and vegetables to bring to a market until the farm stand is up and running. He explained that a snow plan is shown on the plan because it is a site plan requirement. No snow will be hauled onto the site and no landscaping operations are proposed on site. This has been stated on the record a number of times. Chad Branon stated it is unfortunate that someone trespassed onto the property and presented a non-factual narrative to the Board for public comment. He stated that the layout and design of the site have been questioned for the wrong reasons and that all of it has been proven to be correct, as presented on the plan. Chad Branon stated that the applicant may start plants growing in the storage building due to there being no greenhouse proposed on the property. This space may also be used to test plant reactions to certain soil augmentations. He reiterated that there will be only farming and agricultural uses in the building.

In response to a question from Cynthia Dokmo, Eric Mueller stated that no equipment not used on the site will be stored in the building.

Eric Mueller asked if the Board has issues with the proposed size of the building or what is being stored inside the building. Cynthia Dokmo stated that her concern is what will be going on inside the building. Eric Mueller stated that a pickup truck is 20' long. If an attachment is placed on this truck it could span approximately 70' long. There are five proposed bays in the building. One will be an office space and the other four will be used to store farming equipment. He stated that he believes if the proposed building is in compliance then the size of it should not matter. He asked if the Board would have the same concerns if the proposed building was 3,000 s.f. instead. Cynthia Dokmo explained that the proposed building is quite large and thus the Board has questions about what will be done inside it. Eric Mueller stated that he did not believe a 3,000 s.f. building would be large enough. He does not want to have to construct in the area twice, if

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the original building was too small for his business, as that would be costly and disruptive. He believes the proposed building is large enough for his business now and into the future. He plans to use the building to get farming going on site, create produce, and then build the farm stand.

Cynthia Dokmo stated that this property is very close to a fragile ecological area and thus there is concern about the size and placement of the proposed building. Eric Mueller stated that Chad Branon has done a great job with the proposed stormwater management system. As such, the proposal will not affect anything negatively. The system is overbuilt, if anything. He sees the proposal as enhancing the community. It will not impact the school system and the person he bought the property from had originally proposed 18 homes to be built in back of the property. If anything proposed is shown not to be in compliance with local and state regulations, Eric Mueller stated that he is willing to change it, but speculation of these things is only that and the Board has to base their decision on facts.

Cynthia Dokmo stated that she asked these questions because she wants the applicant's answers on record. She believes that people have concerns about property values when their homes are near a proposed building site. She also believes people love the environment and have concerns about it. She stated that it is not the Planning Board's job to pretend that accusations have not been made about this project, but it is their job to get the record straight.

Tom Quinn stated that he believes farming is a great use for a number of properties in Town, including this one. He has no issue with a person's right to farm. He does have a concern that if this project does not work out in the long term, the Town will be left with a large commercial metal building, that does not look like a barn on this property. He explained that the proposed building essentially has the same footprint of the LaBelle Winery (9,600 s.f.) and is located in a residential area. He is unsure what else this building would be used for if the proposed use fails. He shares the concerns regarding the Declaration of Covenants and believes that the Board needs to think about future owners of the property.

Tom Quinn asked for a specific list of the equipment to be stored in the building. Eric Mueller stated that he plans to store 2-3 tractors, wagons, tillers, harrows, a dump truck, spreaders, water tanks, etc. Tom Quinn expressed surprise at needing all this equipment for a 20-acre farm. Eric Mueller stated that he does believe all the equipment is needed and that Fitch's Farm in Milford uses similar equipment. Tom Quinn noted that this proposed farm will not have livestock though, unlike Fitch's Farm. Eric Mueller stated that some of the proposed attachments are large, and he would prefer to service and keep all equipment inside and out of the elements. Eric Mueller noted that any speculation about this proposed business not doing well, is simply that. He stated that this is a private piece of property and he does not believe that it would be a financial burden on Amherst if this business fails.

Tom Quinn asked about the processing of food products in the building. Eric Mueller explained that he is proposing packaging, not processing. There will be no mechanical processing equipment in the building, but he will wash, clean, and package food products.

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In response to a question from Tom Quinn regarding the applicant utilizing 75% of the building right off the bat as previously stated, Eric Mueller stated that his intention is to build the structure and put equipment inside of it. He will also start building bins and racks for farm items. He may not be utilizing 75% of the building on day one, as this will be a process.

In response to a question from Tom Quinn regarding the outdoor storage spaces, Eric Mueller stated that the asphalt proposed around the outside of the building is to help keep the area clean and to easily circumnavigate the ground around the property. The proposed asphalt area is within a moderate spec for accessing a building of this size and for emergency vehicle access.

In response to a question from Tom Quinn, Chad Branon stated that approximately 3/4 of an acre around the building will be paved. This area will allow for access around the entire building, parking for employees, access for emergency vehicles, and a place for bins for materials storage for the farming operation.

In response to a question from Tom Quinn regarding the 10 storage bins proposed outside, Eric Mueller stated he is not sure he will need all 10, but the bins will likely hold compost, sawdust, mulch, woodchips, and other organic materials needed for farming.

Tom Quinn noted that the applicant is proposing to make approximately one acre at the back of the site impermeable and asked if all of the water from this area will be diverted to the drainage basin proposed in the northeast corner of the site. Chad Branon stated that there is a swale proposed along the whole perimeter of the paved area to capture all runoff, which will then be diverted to a basin that is sized appropriately. The spillway will be designed to meet all standards and was reviewed by Keach-Nordstrom. There was infiltration testing completed on site.

In response to a question from Tom Quinn regarding other fuels to be stored on site, Eric Mueller stated that there will be an underground propane tank to store fuel to heat the building. All fuel materials will be stored in certified containers.

Bill Stoughton stated that he found the abutter letters helpful in determining which questions to pose to the applicant. He stated that he believes, in looking at the plans and the applicant's experience, that this site might be better suited for a landscape business than the proposed farming/agricultural business, but he must take the applicant at his word. Bill Stoughton stated that he has a number of conditions to propose that will hopefully solidify the scope of this project now and in the future. He noted that there are two sets of BMPs for the project, one set for wetlands in agriculture and one set for agriculture. He stated that he had reviewed the BMPs and thought that some will apply to this project, and some will not. He would like the Board and applicant to both agree on which ones are applicable as a condition of approval. Bill Stoughton noted that this will allow the Code Enforcement Officer to have no questions, if he was on site, in determining which BMPs apply or not.

Bill Stoughton listed the following proposed conditions precedent:

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1. Planning Board approval is contingent on the applicant securing any and all required certifications and permits from the NH Department of Health and Human Service and the NH Department of Agriculture, including but not limited to, all required food processing and food sale certifications and permits.
2. The Notice of Decision shall be recorded by the Community Development Office at the Hillsborough County Registry of Deeds at Applicant's expense.

Bill Stoughton noted that he sees value in a Declaration of Covenants, even if precedent condition #2 is acceptable to the Board.

Conditions Subsequent

1. The permitted use of this property pursuant to this application shall be only for (a) agricultural farming; (b) the sale of produce, plants, flowers, and trees grown on the farm; and (c) the sale of products from other locations at the farm stand, provided at least 35% of the farm stand product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner. Use of this property for the conduct of any non-agricultural business, including but not limited to a landscaping or storage business, or for the sale of "farm supplies" different from or in excess of the permitted uses above, is expressly not permitted. Such uses do not qualify as agricultural. This shall not preclude the growing and sale of plants and trees that may be used in a landscaping business.
2. No materials or equipment associated with any other current or future non-agricultural businesses shall be stored at the property unless otherwise approved by the Planning Board and, if necessary, by the Zoning Board of Adjustment. As non-exclusive examples, landscaping and storage are non-agricultural businesses.
3. All non-invasive trees within 20 feet of the property boundary along Red Gate Lane shall be retained as a visual buffer.
4. All applicable Best Management Wetlands Practices for Agriculture (2019 and as may be subsequently amended) shall be followed, except to the extent state permits may require a more restrictive practice, in which case the state permit requirements shall be observed. Applicant shall prepare and submit to the Community Development Office for Planning Board approval a listing of BMPs it considers applicable and those it considers to be non-applicable prior to the commencement of construction. The listing of applicable and non-applicable BMPs shall be revised and resubmitted for approval upon any substantive change to the BMPs or to the agricultural activities conducted on the property.
5. All applicable Best Management Practices for Agriculture (2017 and as may be subsequently amended) shall be followed, except to the extent state permits may require a more restrictive practice, in which case the state permit requirements shall be observed. Applicant shall prepare and submit to the Community Development Office for Planning Board approval a listing of BMPs it considers applicable and those it considers to be non-applicable prior to the commencement of construction. The listing of applicable and non-applicable BMPs shall be

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revised and resubmitted for approval upon any substantive change to the BMPs or to the agricultural activities conducted on the property.

6. Applicant shall install markers delineating wetland buffer boundaries.

Bill Stoughton stated that he believes landscaping is important to this application. He believes this section of Route 101 should remain the gateway to Amherst. The existing buildings along this road support the road as a residential and farming gateway to Town. Chad Branon stated that he believes the applicant is on the same page. Street trees will be left along the frontage. The use and proposal in front of the Board are consistent with the goals and objectives. Bill Stoughton stated that this bears Board discussion.

Bill Stoughton again noted that letters from the public are part of the record and have helped him to determine the right questions to ask. He stated that they do not get read aloud. He asked for public comment at this time.

Terry Robinson, 333 State Route 101, stated that he farms elsewhere in Amherst and came to the meeting to hear the farming concept. He is also a member of the New Hampshire Beef Producers Association and the New Hampshire Farm Bureau. He has similar equipment to that discussed by the applicant and is shocked by the size of the proposed building. He farms a larger piece of land than what is being proposed by this project and does not have a building of that size. He noted that the applicant mentioned storing vegetables on site and asked about the refrigerating component for this item. He noted that, without refrigerating, the only vegetable that may be able to be stored would be potatoes. He explained that he has seen other farming businesses with huge tractors and equipment that still are not stored in a building that size. He noted that sawdust is stored inside, not outside, a building. He explained that if he was beginning a farming business, the first thing he would do is go to UNH for soil testing, in order to determine what the soil on the land can produce before moving forward. He had hoped to hear more of a conversation about the farming aspect of this project.

Susan Lebel, 45 Embankment Road, stated that she recently checked the Registry of Deeds and found no transfer of title for this property from the Ciardelli's. The only change she found was that EAM Amherst Holdings, LLC, owned by the Ciardelli's, made Eric Mueller the manager. She asked if the Ciardellis are somehow still involved in this business. She noted that EAM Amherst Holdings, LLC, has a farm stand already in Peterborough and asked why this business is not being run out of that location. She explained that the property line for Red Gate Lane runs down the western stone wall of the road. She does not believe this property belongs to the applicant, and thus his offer to not cut trees on that land is "generous." She explained that, as mentioned at the August 4, 2021, meeting by the applicant, she knew the former owner of this property, Charlie Odell. Mr. Odell had a little garden at the front of the site but never farmed, sold vegetables, or blueberries from the site. She also asked about the applicant's ability to refrigerate vegetables for storage and how they would be sanitized. She explained that sanitizing vegetables could use chemicals that may go into the wastewater. She asked where this wastewater would be discharged to and its implications on groundwater. She noted that this area contains a wildlife corridor often ranked as one of the highest in the State. She asked how

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contaminated water could cause issues to this area. Susan Lebel noted that this area has had two 100-year floods in the past 15 years. If the stormwater management system is only designed for the 50-year storm, she asked where the excess water will go during larger storms. She questioned there not being a greenhouse proposed on the property and asked how the applicant can start seeds without one. She asked how the business will be profitable. She noted that an alternative may be the 1,280 s.f. garage that already exists at the front of the property. This could be used in the meantime, while testing the soils, before a larger building is built.

Kevin Bevis, 45 Embankment Road, stated that he is offended at the applicant's representative saying that he trespassed on this land. He stated that the Board asked many good questions but never heard what will actually be going on in the proposed building. He does not believe this will ever be known. Kevin Bevis also stated that there is an existing building located at the front of the property that could be utilized. He stated that he would rather the applicant answer questions from the Board, instead of the applicant's representative.

Jebb Curelop, 23 Jebb Road Merrimack, NH, stated that he served on the Baboosic Lake Association for several years. While he heard the Board discuss agricultural and wetland BMP's, he did not hear discussion of BMPs for stormwater. He does not believe a rain garden should be utilized on site, but instead a BMP. He would like to know more specifically what will be done inside the large building. He questioned that there is not a greenhouse proposed on site and that the applicant did not submit a business plan. He believes this will be a large upfront investment with no revenue for at least 2-3 years. He appreciates the comments and work from the Planning Board.

Joanne Dumas, abutter across Red Gate Lane, stated that she has lived at her property for 30 years. She also knew Mr. Odell and stated that he never hayed the fields or sold produce. She suggested that farms are usually seen at the front of the property, in order to advertise for business and farming done in the back of the property.

Bill Stoughton stated that as there was no other public comment at that time, that the public hearing portion of the application be closed.

Bill Stoughton asked the Board to comment on the waiver request for the landscaping plan.

Tom Silvia stated that he still has unanswered questions on this item and thought the conversation on this project should continue.

Chris Yates stated that he believes there needs to be good landscaping upfront, as this is along a gateway into Town. He would like to see this incorporated into the plan.

Dwight Brew did not have further comments at this time.

Cynthia Dokmo stated that, as long as trees will exist along the front of the site, she is okay with this waiver.

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Tom Quinn stated that he is in favor of additional landscaping on the site.

Chad Branon noted that the applicant typically has the opportunity to touch on concerns raised by abutters and that he also did not have a previous opportunity to address the conditions proposed by Bill Stoughton. Bill Stoughton stated that he did give the applicant a chance to address these, and Chad Branon stated that Bill Stoughton did not allow him a chance to discuss the conditions with his client. Bill Stoughton asked that Chad Branon be brief in his comments and noted that the Board is able to sort out public comments, so Chad Branon did not have to counter every single point previously made.

Chad Branon stated that the applicant is okay with all of the conditions outlined, except for the formal Declaration of Covenants, and noted that the proposed conditions clearly address the concerns anyway. He stated that the plan, as designed, meets all regulations and that this is supported by the Staff Report and Keach-Nordstrom's letter. He stated that the applicant will secure all necessary permits.

Bill Stoughton again asked for public comment.

Joanne Dumas, 333 Route 101, stated that she would like for there to be an agricultural business at this site. She would like the Board to impose restrictions to make sure that happens. She noted that the Amherst Garden Center, located just down the road, does everything the applicant is proposing to do with a small amount of equipment and space.

With no further public comment, Bill Stoughton again closed the public hearing portion of the application.

Bill Stoughton stated that the Board is bound to follow the regulations and ordinances and not substitute their judgment for that of the applicant's or abutter's. He stated that agricultural uses have a lot of latitude and, while it is unclear if this agricultural business will thrive or fail, it is not the Board's job to say if the proposed business decisions are good or bad. He believes with the conditions noted in the Staff Report and his additional conditions proposed this evening, this application does comply with the ordinance as approved, and the regulations adopted by the Town.

Tom Silvia stated that he believes the stipulations are important. He asked who will do the work and farming on this property, but also noted that if the application meets all requirements the owner should be able to do what is proposed whether it makes business sense or not.

Chris Yates stated that he struggles with this application, but with the proposed stipulations it might be okay. He supports agricultural uses in Town. He believes if more information was provided regarding soil testing and the farming approach, people may have been more at ease with the proposal.

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Dwight Brew stated that the Board must base its decision on facts and the associated ordinances. While this property is approved for agricultural uses, he has concerns as to what Plan B would be for the property if Plan A fails. He would oppose converting this property to a different use, only due to economic hardship of the owner. He supports the conditions proposed by Bill Stoughton, including recording the approval letter on the deed. He believes this could be as binding as a Declaration of Covenants.

In response to a question from Dwight Brew, Bill Stoughton stated that one of his conditions requires BMP's to be prepared and submitted to the Planning Board for approval prior to construction.

Cynthia Dokmo stated that she would approve this application with all conditions proposed by Bill Stoughton and present in the Staff Report, but also believes that the project needs a formal Declaration of Covenants.

Tom Quinn stated that he believes the Declaration of Covenants would be better legally then recording the approval letter. He believes the issue with this proposal is that it is to be located in a residential area. He is okay with approving the building size, if it is justified, but it will be located in a residential area, so he would assume it will become something else for a future owner. He also does not believe the size has been justified. He believes it would be a mistake for the Board to approve the proposed structure in a residential area if everyone is not comfortable with the footprint being justified.

Bill Stoughton asked the Board to comment on needing a Declaration of Covenants versus recording the approval letter.

Tom Silvia and Chris Yates stated that they need more information to understand these options.

Dwight Brew stated that he does not object to a Declaration of Covenants but believes this item could be satisfied with recording the approval.

Bill Stoughton echoed Dwight Brew's comments.

Bill Stoughton asked the Board to comment on the waiver of a formal landscaping plan.

Tom Quinn stated that he would like to see a formal landscaping plan.

Cynthia Dokmo, Dwight Brew, Chris Yates, and Tom Silvia, all stated that they would not find a formal landscaping plan necessary, with Chris Yates noting that the landscaping can be incorporated into the current drawings.

Bill Stoughton noted that if a Declaration of Covenants is a required, it will need to be reviewed by the Planning Board and Town Counsel. He asked the applicant if he would like to continue this hearing or for the Board to act on it tonight. He noted that the Board's deadline to act on this

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item is November 12, 2021. He noted that two Board members appear to want a Declaration of Covenants, two would be comfortable with the approval letter being noted in the deed with all associated conditions, and two want more information on the options.

In response to a question from Eric Mueller, Bill Stoughton stated it is unclear as to what the legal differences are between a Declaration of Covenants and recording the conditions of approval. Eric Mueller asked how the Board could vote on an item it does not have clarity on. Bill Stoughton stated that there will be no harm to the Town in requiring a Declaration of Covenants. He agreed that, while it is not typically done, it would be hard for him to say as an elected official that there should not be a Declaration of Covenants that runs with the land.

Chad Branon asked for a continuance so that the applicant may consult with the project attorney, as the project attorney previously felt the Declaration of Covenants would not be legally necessary as agriculture is a permitted use in the zone and the applicant is willing to accept other conditions proposed by the Board.

Bill Stoughton noted that the Board comments do not seem to favor an approval without a Declaration of Covenants tonight, and that the vote for this item is unclear for the next meeting, as there are many Board members absent tonight.

Chad Branon agreed to extend the 65-day deadline for decision for this application to November 22, 2021, contingent on this hearing being continued to November 17, 2021.

Dwight Brew moved to continue this application to November 17, 2021, at 7pm at Town Hall. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

Bill Stoughton stated that the Board now needs to have a discussion about the differences between a Declaration of Covenants or recording the conditions of approval letter.

In response to a question from Dwight Brew regarding sharing the proposed conditions made tonight with the applicant, Bill Stoughton stated that he would send these conditions to the Recording Secretary and Nic Strong. If appropriate, these can be incorporated into the next Staff Report for this item or placed as an addendum to it.

In response to a question from Eric Mueller, Bill Stoughton stated that the Board and applicant will each need to consult their own legal counsel regarding the differences between a Declaration of Covenants and a Notice of Decision being recorded.

OTHER BUSINESS:

3. REGIONAL IMPACT:

a. CASE # PZ14920-101321 - Clearview Subdivision (Owner & Applicant); Boston Post Road, PIN #: 005-159-001 & 38 New Boston Road,

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870 **PIN #: 007-072-000** – Subdivision Application. To depict the design of a 43-unit
871 Planned Residential Housing Development and WWCD CUP known as Prew
872 Purchase Condominium on Tax Map 7, Lot 72 & Tax Map 5, Lot 159-1.
873 *Zoned Residential/Rural.*
874

875 Bill Stoughton noted that the Board previously acted on an Integrated Innovative Housing
876 Ordinance (IIHO) CUP for this property and is now set to hear the subdivision application. The
877 Board previously voted regional impact to Mont Vernon on the IIHO CUP.
878

879 **Dwight Brew moved that there is regional impact to Mont Vernon with respect to**
880 **this application. Seconded by Tom Quinn.**

881 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn -**
882 **aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.**
883

884 **b. CASE #PZ14921-101321 - EIP One Bon Terrain (Owner & Applicant);**
885 **1 Bon Terrain Drive, PIN #: 002-026-004** – Non-Residential Site
886 Plan Application. To show the improvements necessary to permit and construct
887 a 30,000 square foot building addition to the existing facility for the purposes
888 and use of warehousing product, with associated truck parking yard and
889 other ancillary improvements. *Zoned Industrial.*
890

891 Bill Stoughton noted that the Board previously acted on a CUP for this property and found it to
892 have regional impact on Nashua, Merrimack, Hollis, and Milford.
893

894 **Dwight Brew moved that there is regional impact to Nashua, Merrimack, Hollis,**
895 **and Milford with respect to this application. Seconded by Chris Yates.**

896 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn -**
897 **aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.**
898

899 **c. CASE #PZ14922-101321 – David & Laura Wang (Owners) &**
900 **Bennett Chandler (Applicant); 4 Gatchel Way, PIN #: 005-059-021** –
901 Conditional Use Permit Application. To add a 998 square foot apartment within
902 the footprint of a 40'x42' pool house and garage already permitted for
903 construction under PO13151-092220. *Zoned Residential/Rural.*
904

905 **Dwight Brew moved that there is no regional impact with respect to this application.**
906 **Seconded by Tom Quinn.**

907 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn -**
908 **aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.**
909

910 **4. Letter dated October 7, 2021, from SAU 39, re: Nonconforming Sign at High School**

911 It was noted that there was no one present from the school district to present this item.
912

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Bill Stoughton stated that the schools are not subject to Town ordinances or regulations. They must still comply with State laws. The Board has no say in this matter; the schools submitted this letter for informational purposes only.

Bill Stoughton stated that, without knowing more, he is disappointed when Town entities do not follow the same rules as their citizens.

Chris Yates agreed that he would have liked to have more description about this project. He has concerns about an electronic sign with residences located nearby. He believes there is pride in this community in regard to less lighting allowing for more natural spaces. He also thought that Town entities should follow the same rules.

In response to a question from Dwight Brew regarding the Town not allowing electronic signs elsewhere, Bill Stoughton stated that he believes there are limited commercial areas that can have a sign displaying the time and temperature only.

Dwight Brew stated that, with no additional information provided, he will be interested to see if this project can be tastefully done.

Tom Quinn stated that he is bothered by this proposal. He understands the State law but believes that Town entities should comply with Town ordinances, unless it is absolutely not possible to do so. He believes Amherst needs to get better at this. He has heard concerns regarding a recent expansion and renovation project at the DPW not coming in front of the Planning Board.

Cynthia Dokmo stated that she would have liked to see someone from the school district come in to present this proposal and receive input from the Board.

5. Minutes: October 6, 2021

Tom Silvia moved to approve the meeting minutes of October 6, 2021, as presented. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

The next Board meeting will be held at the Souhegan High School on November 3, 2021. There will also be a non-public meeting on Thursday, October 28, 2021, at 4:30 PM.

Cynthia Dokmo moved to adjourn the meeting at 10:01 pm. Tom Quinn seconded.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Cynthia Dokmo - aye, Tom Quinn - aye, Tom Silvia - aye, and Chris Yates – aye; motion carried unanimously.

Respectfully submitted,

Kristan Patenaude

Minutes approved: November 3, 2021