December 1, 2021 In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Christy Houpis, Mike Akillian 1 2 (alternate), Tracie Adams, Chris Yates, Cynthia Dokmo (alternate). 3 Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner; 4 and Kristan Patenaude, Recording Secretary (remote). 5 6 Arnie Rosenblatt, Chair, called the meeting to order at 7:01pm at the Souhegan High School and 7 via Zoom concurrently. He explained the Board is requesting all present in-person to wear masks 8 over nose and mouth, as a courtesy. The Board is masked and there are extras available. 9 10 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF APPLICATION IS ACCEPTED AS COMPLETE:** 11 12 1. CASE #: PZ15044-110521 – Brian Russell (Owner & Applicant); 78 Merrimack 13 Road, PIN # 004-021-000 – Conditional Use Permit -To construct an Accessory 14 Dwelling Unit and garage. Zoned Residential/Rural. 15 In response to a question from Arnie Rosenblatt, Natasha Kypfer stated that all necessary items 16 for this application have been submitted. 17 18 Cynthia Dokmo sat for Tom Quinn. 19 Tracie Adams moved to accept the application as complete. Seconded by Chris 20 21 Yates. 22 Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia 23 Dokmo - ave, Christy Houpis - ave, and Chris Yates - ave; 6-0-0, motion carried. 24 25 Brian Russell explained that the proposal is to construct an accessory dwelling unit (ADU) in a 26 detached garage. This will be used by the applicant's mother-in-law. 27 28 Arnie Rosenblatt explained that the process for this hearing will be that the Board will first ask 29 questions and make comments, members of the public will then have an opportunity to ask 30 questions and make comments, and finally the item will come back before the Board for a 31 possible decision. 32 33 Mike Akillian and Christy Houpis had no comments at this time. 34 35 In response to a question from Tracie Adams, Brian Russell explained that the ADU will be 36 accessed by continuing down the existing driveway toward the back of the lot. 37 38 In response to a question from Tracie Adams, Brian Russell stated that the front porch of the 39 ADU will be covered and may be converted into a three-season room. 40 41 In response to a question from Tracie Adams, Brian Russell stated that the ADU is proposed to 42 be vinyl, with a farmhouse look. It will blend in with the current structure.

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44 Chris Yates had no comments at this time.

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Bill Stoughton asked if the applicant had received a copy of the Staff Report. The applicant
stated that he was not sure. Natasha Kypfer stated that it had been emailed to him the previous

- 47 stated that he was not sure. Natasha Kypter stated that it had been emaned to min the previous 48 week. Bill Stoughton confirmed with the applicant that he had no issues with the conditions
- 40 week. Bin Stoughton commed with the applicant that he had no issues with the49 proposed in the Staff Report.
- 50

51 Dwight Brew noted that the applicant is limited to the number of square feet proposed in the 52 application, due to the size of the primary structure. He asked if enclosing the porch in the future 53 would add to the square footage to the ADU. Nic Strong noted that no more conditioned/finished 54 space could be added to the ADU, but that a porch would not count towards that.

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- 56 Cynthia Dokmo had no comments at this time.
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- 58 There were no public comments at this time.
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Tracie Adams moved to approve Case # PZ15044-110521 for Brian and Coreen Russell, for a Conditional Use Permit for an 806 s.f. Accessory Apartment in a detached structure at 78 Merrimack Road, Tax Map 4 Lot 21, with the conditions listed in the Staff Report, and to assess impact fees at the single-family rate. Seconded by Chris Yates. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia

- Voting: Dwight Brew aye, Bill Stoughton aye, Tracie Adams aye, Cynthia
 Dokmo aye, Christy Houpis aye, and Chris Yates aye; 6-0-0, motion carried.
- 68 **PUBLIC HEARINGS:**
- CASE # PZ14920-101321 Clearview Subdivision (Owner & Applicant); Boston
 Post Road, PIN #: 005-159-001 & 38 New Boston Road, PIN #: 007-072-000 –
 Subdivision Application. To depict the design of a 43-unit Planned Residential
 Housing Development and WWCD CUP known as Prew
 Purchase Condominium on Tax Map 7, Lot 72 & Tax Map 5, Lot 159-1.
 Zoned Residential/Rural. Continued from November 3, 2021.
- 75 *Mike Akillian recused himself from this item.*

77 Arnie Rosenblatt explained that the public hearing for this item was continued to this evening.

78 He explained that he will be allowing public comment tonight but is hoping that it will be limited

to the requested study materials that will be addressed by the applicant tonight.

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81 Ken Clinton (remote), Meridian Land Services, explained that this item was continued from

82 November 3, 2021, for the applicant to produce additional information on certain studies/reports,

83 including hydrogeological and environmental reports. He reviewed a list of content items for the

84 hydrogeological impact study and the environmental impact study that were sent to him by the

85 Town. He noted that it is unclear to him where this list of items stemmed from, other than from

86 members of the Planning Board.

87 88 Regarding the hydrogeological impact study: 89 1) Identify stratified drift aquifers and impacts to them: there is a stratified drift aquifer in 90 the vicinity of this project area, however Ken Clinton stated that he does not believe this 91 project will impact that aquifer at all. He noted that some of this item is partially covered 92 by the previously completed water supply study. 93 94 2) Identify aguifer conservation districts and impacts to them: there are no significant 95 impacts to aquifer conservation districts from this project. This was addressed in part or 96 completely by the previously completed water supply study and information from this 97 study will be pulled from for this item. 98 99 3) Excavation restrictions from areas subject to flooding and flash flooding: this project will 100 not impact areas of flooding. The 100-year flood line has been identified and there will be 101 no work done within this area. Ken Clinton stated that he is willing to put a note on the plan regarding this item. 102 103 104 4) Wastewater and stormwater discharge impact on groundwater and surface water: Ken Clinton explained that this item is the primary purpose of this study and will be 105 106 completed. 107 108 5) Evaluate BMP's in mitigating the effects of development: Ken Clinton stated that he is 109 not entirely sure what this item means. 110 6) Blasting impact studies: Ken Clinton stated that there may be some blasting for the roads 111 112 or drives of this project, but the amount is yet unclear. He explained that there will not be 113 widespread blasting for this project, which would usually create surface impacts. He is 114 willing to make some comments on this item but this item will not have a substantial 115 amount of impact so he will not have substantive comments. 116 117 7) Implementation and review of a groundwater monitoring program in situations where 118

- development activity may introduce contaminants or otherwise impact quantity and 119 quality of water: Ken Clinton stated that this item is redundant in some ways with the 120 previously completed water supply study. He will pull some information from this 121 previously completed study for this item. He noted that monitoring wells could be recommended for this project, but it is unclear what additional authority there would be 122 123 for monitoring on this site. 124
- 125 Ken Clinton explained that item # 4 is key and critical for the hydrogeological impact study. 126 Items 1, 2, and 7 were all partially or substantially covered in the previously completed water 127 supply study. Some of the items do not apply to this project.
- 128
- 129 Regarding the environmental impact study:

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130 131	1)	threatened and endangered plants and wildlife species and habitats: Ken Clinton noted that this is part of a typical environmental impact study and will also be	
132 133		completed as part of the Alteration of Terrain (AoT) permit.	
134	2)	Air quality impacts: Ken Clinton stated that this item is not applicable, as no air	
135		quality impacts will be generated from this residential development.	
136	2)		
137 138	3)	Water quality impacts: Ken Clinton explained that this item is redundant with many of the items in the hydrogeological impact study list and the previously completed	
138		water supply study.	
140		water suppry study.	
141	4)	Floodplain alterations: Ken Clinton stated that this is redundant with item # 3 and that	
142	,	there will be no alterations to the floodplain as part of this project.	
143			
144	5)	Wetland impacts - direct and indirect: Ken Clinton explained that there will be one	
145		small direct wetland impact that requires DES approval and a Conditional Use Permit	
146		(CUP) application through the Town. Indirect impacts to the site come in the form of	
147		impacts to the 25', 50', and 100' buffers. Some of these buffers will be impacted and	
148		there will be a CUP application to address these as well.	
149	(Historical sites increased at Kan Olivton stated that this item is not equilicable. There	
150 151	6)	Historical sites impacted: Ken Clinton stated that this item is not applicable. There was a foundation found on site, but it is not of significance and there is a professional	
151		report stating such.	
152		Teport stuting such.	
154	7)	Noise levels: Ken Clinton stated that this item is also not applicable, as this is	
155		proposed to be a residential development with a substantial open space perimeter	
156		area.	
157			
158	8)	Exposure to radio frequencies: Ken Clinton stated that this item is not applicable.	
159			
160		on explained that items #1 and #5 are paramount to the environmental impact study	
161	and that he	e will note any redundant comments listed from other studies for item #3.	
162	Van Olima	an atom data data di seconda in tradici da indicato di seconda da seconda da atom data da seconda da seconda d	
163 164	Ken Clinton stated that the fiscal impact study is being prepared currently. He noted that the		
164 165	water supply study was previously completed using Sanborn Head, and Stone Hill, who reviewed it for the Town. A traffic impact study was also previously completed through Steve		
165	Pernaw, and VHB reviewed it for the Town.		
167	i cinaw, a		
168	Ken Clinton explained that the applicant is requesting that the third-party review by Keach		
169	Nordstrom Associates first concentrate on the waiver requests for private roads and drives. If		
170	waivers are granted by the Board at a future meeting, the applicant would then ask that Keach		
171	Nordstrom	n do a full third-party review on the engineering and design of the project.	
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173 Bill Stoughton stated that he created the list of items for the two studies. He explained that he 174 and Tracie Adams have been working to create uniform definitions for what is included in the 175 studies required of applicants. He explained that he then created a preliminary list to use as 176 examples of some possible expectations for these studies. He explained that item # 5 under the 177 hydrogeological impact study list deals with BMPs for stormwater management features on site. 178 as described in the State manual. 179 180 Bill Stoughton noted that one requirement of the Town's PRD ordinance is review of the number 181 of bedrooms proposed, at the time of the final plan review. He explained that the fiscal impact 182 study could vary substantially depending on the proposed number of bedrooms on site. He hoped 183 that the study would allow for that and discuss the range of the number of bedrooms. 184 185 In response to a question from Arnie Rosenblatt, Bill Stoughton stated that he did not include 186 mention of the third-party review for the waiver items. Bill Stoughton noted that the applicant 187 requested an estimate for the third-party review of these items and that the Staff Report estimated 188 this at \$1,000. 189 190 There were no questions or comments at this time from Cynthia Dokmo, Dwight Brew, or Chris 191 Yates. 192 193 Tracie Adams stated that her primary concern was with the water for the site, and she hoped that 194 the wells would be looked at collectively, if they were to be located in the same area, to ensure 195 there would be no negative impacts. 196 197 Christy Houpis stated that, if some items listed are considered redundant with items addressed in 198 the water supply study, he would like the applicant to explicitly reference the areas in the water 199 supply study where the information can be found. 200 201 Arnie Rosenblatt noted that he would like the applicant to state if certain items listed in the 202 studies are irrelevant to this project and why. He agreed with Christy Houpis that references to 203 redundant items from the previously completed water supply study should be explicitly noted. 204 He asked when the applicant plans to have these studies ready to present to the Board. Arnie 205 Rosenblatt stated that the Board also needed to discuss the idea of bifurcating the third-party 206 review. 207 208 Joanne, whose father lives on New Boston Road, expressed concerns with the traffic, citing 209 issues with speeding traffic already on the road. She was also concerned about the water supply 210 for the proposed wells. She stated that she was concerned with safety and the impact on the 211 schools with the number of units proposed in this development. 212 213 Ross Pierce, whose mother lives at 40 Boston Post Road and couldn't be here tonight, stated that 214 he had concerns with the impact of the development on the aquifer. He was also concerned with 215 wildlife in the area. He thought that the Town was trying to conserve open space rather than 216 build developments. Ross Pierce went on to say that Boston Post Road was a raceway, noting

217 that it used to be bad when he was waiting for the school bus when he was in school, and it was 218 worse today. He stated that 43 units would only make things worse.

219

220 Jeanne Ludt, 3 School Street, stated that she had concerns with the amount of traffic from the 221 development and also with the length of time for the construction of the project and construction 222 vehicles coming through the village. She stated that she would hate to see the construction last 223 more than a year. She noted that she had heard mention of phasing the project but that it would 224 be inconvenient to deal with the construction traffic for a long period of time. Jeanne Ludt asked 225 how people could get to see the traffic study previously mentioned, so that she could understand 226 the context of the study in terms of when it was done, how long it took, the time of year, and so 227 on.

- 228
- 229 Arnie Rosenblatt stated that all the documents for this application were available.
- 230

231 Marcella Dube, 48 New Boston Road, stated that she had to have her well redrilled in 2009. She

232 stated that four years ago, in the drought, she was without water for several days, which is a big 233 concern. She was also concerned with the amount of traffic and noted that she used Jones Road 234 to get to the highway during times of high traffic at the schools because it was impossible to get 235 through the Village.

236

237 Arnie Rosenblatt noted that there was a hand raised on Zoom. The attendee had technical

238 difficulties and could not join the meeting. Arnie Rosenblatt noted that the Board was not

239 making any decisions this evening, except with regard to the scope of the studies and also with

- 240 regard to bifurcating the third-party review to initially address the waiver requests and then
- 241 review the studies later on.
- 242

243 Ken Clinton explained that the applicant is requesting a bifurcated third-party review in hopes of hearing staff comments and Board discussion of the Keach Nordstrom review of the road 244

245 waivers prior to completing an overall engineering review of the project. In this way, the

246 Planning Board can discuss how to proceed, if it determines it will not approve some/any of the

247 proposed road waivers. He is proposing that the third-party review of the waivers be completed

248 before the January 5, 2022, meeting. If the Board grants the proposed waivers, the applicant will

- 249 then move forward with a full third-party review by Keach Nordstrom.
- 250

251 In response to a question from Arnie Rosenblatt, Ken Clinton explained that the Board would see 252 a third-party review of the requested road waivers, along with the hydrogeological,

253 environmental, and fiscal impact studies at the January 5, 2022, meeting. Ken Clinton noted that

254 the traffic impact study and water supply study have already been completed as part of a

- 255 previous CUP for this application and have had third party review.
- 256
- 257 Cynthia Dokmo stated that she was okay proceeding in this way.
- 258

259 Dwight Brew stated that he was okay proceeding in this way, as long as all of the information necessary is provided to the Board in advance of the meeting. He also wants to make sure that 260

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the Board is not locked into any waiver approvals at the January 5, 2022, meeting, in case future
third party reviews of the entire project impact those waivers.

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Bill Stoughton stated that he is okay with proceeding in this way, as long as the applicant recognizes that when the Board reviews the entire site plan and all studies, it may seek changes to the project that require the previously completed waiver analysis to be rendered useless. He would request that the Board consider granting the proposed road waivers at the next meeting, conditional on review of the entire plan with the ability for the Board to revisit these waivers at any time.

- 270
- 271 Chris Yates and Tracie Adams agreed with proceeding in this way.
- 272

273 Christy Houpis also agreed and further noted that there was so much material of public interest in

- this case that it was important for everyone to have the opportunity to see and hear the
- information. He thought the separate step of reviewing the waivers first was effective, as long as
- it was understood that they were conditional upon the review of the project in its entirety.
- 277

Arnie Rosenblatt stated that he likes the idea of bifurcating the third-party review because it will give the Board additional chances to review the studies and it will also give the public additional chances to review and comment on these items. He noted that this meant that there would be no decisions rendered on the application at the January meeting.

282

Ken Clinton agreed that he understands this process will require continuances of this hearing to
February at a minimum. He noted that he had been unable to hear the abutters' comments but that
he would listen to the recording.

286

Arnie Rosenblatt summarized that the third-party review can be bifurcated, with the
understanding that the review of the road waivers will be submitted to the Board prior to the
January 5, 2022, meeting for consideration and, if granted, there will be conditions placed that
these waivers may need to be modified after further Board discussion and third-party review of

- additional studies. He noted that the other studies will be deferred for discussion until the
- February meeting, as long as they are made available to the Board before the January 5, 2022, meeting in order for the Board to review them.
- 293

Ken Clinton asked if the hydrogeological impact study and environmental impact study will necessarily require third party review, without the Board yet knowing the content of these

studies. Arnie Rosenblatt stated that the applicant has a shot on January 5, 2022, to sway the

- Board that third party reviews are not necessary for these items. The Board will have the
- 298 opportunity in January to determine if they would like third party review of these studies and to
- 300 discuss the possible focus of third-party review for these items.
- 301
- Arnie Rosenblatt noted that there was a member of the public trying to address the Boardremotely.

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Chuck Siragusa, 39 New Boston Road, stated that he would like environmental impact study item # 7, noise levels, to be addressed by the Board. He stated that the west village is proposed to have a 100' setback from the road. There will be huge construction equipment coming in and out of the area right in front of his house and he believes that there will be a noise impact on his environment. He would like to see a noise study completed.

310

311 In response to a question from Bill Stoughton regarding if and how noise studies are usually

- 312 completed for this type of project, Ken Clinton stated that noise studies are not usually
- 313 completed for a residential development of this size. He explained that the road proposed near
- 314 Mr. Siragusa's house will be easy to create and will be at grade. He explained that the rest of the 315 construction in the site will be done on a staged timeframe. Ken Clinton explained that a noise
- 316 study would normally have decibel readers placed on and adjacent to the site to take readings.
- 317 This would give a baseline of noise for a particular day, time, and season. One cannot necessarily
- 318 apply the construction noise level of another location to a particular site due to differences in
- topography, the type of work, etc. Ken Clinton explained that, while he understands the concern
- 320 of the abutter as there is proposed to be construction across the street from his house, he noted
- that when the abutter's house was built that was a construction site across from someone else's
- 322 house. Construction is necessary to create alternate housing options in town.
- 323

Bill Stoughton stated that he believes there is a better way to address the abutters concerns
regarding noise than to complete a baseline noise study. The Board may look into requiring
certain hours for construction on the site instead.

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328 Bill Stoughton moved that the Board seek third party review of the road waiver 329 requests so that it can determine at the January 5, 2022, meeting whether or not to 330 grant the waivers, with the understanding that if it does grant them, it does so 331 conditionally with the ability to revisit the waivers based on further evaluation of 332 the rest of the application. Christy Houpis seconded the motion. Bill Stoughton 333 added that the applicant will provide information from the other studies before the 334 January 5, 2022, meeting for review at that meeting so that the Board may 335 determine if third-party review is necessary and what the scope of this review would 336 be.

338 Arnie Rosenblatt stated that he would like the motion to include that this hearing 339 will be continued to the January 5, 2022, meeting with the understanding that all studies (hydrogeological, environmental, and fiscal impact) be prepared and 340 341 provided with ample time for the Board to review them before the meeting, and that 342 the scope for these studies be as discussed during this meeting (items #1-7 for the 343 hydrogeological impact study and items #1-8 for the environmental impact study). If 344 any items are not applicable to this project, that should be noted, and if any item 345 was included as part of a previous study, it should be referenced. Also, that the 346 applicant agreed to extend all deadlines for this application so that the Board has 347 the ability to continue it into February 2022, in case of third-party reviews for the other studies. 348

349	
350	Bill Stoughton withdrew his previous motion.
351	
352	Bill Stoughton moved that the Board seek third party review of the road waiver
353	requests so that it can determine at the January 5, 2022, meeting whether or not to
354	grant the waivers, with the understanding that if it does grant them, it does so
355	conditionally with the ability to revisit the waivers based on further evaluation of
356	the rest of the application. Also, that all studies (hydrogeological, environmental,
357	and fiscal impact) be prepared and provided with ample time for the Board to
358	review them before the meeting, and that the scope for these studies be as discussed
359	during this meeting (items #1-7 for the hydrogeological impact study and items #1-8
360	for the environmental impact study). If any items are not applicable to this project,
361	that should be noted, and if any item was included as part of a previous study, it
362	should be referenced. Also, that the applicant agreed to extend all deadlines for this
363	application so that the Board has the ability to continue it into February 2022, in
364	case of third-party reviews for the other studies. Also, that this hearing be
365	continued to January 5, 2022, at 7:00 PM at Souhegan High School. Seconded by
366	Tracie Adams.
367	Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia
368	Dokmo - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried.
369	
370	Arnie Rosenblatt noted that there will be additional opportunities for the public to comment on
371	this item at the January 5, 2022, meeting.
372	
373	Natasha Kypfer explained that all upcoming hearings/applications are available through the
374	Community Development Department's webpage on the Amherst NH webpage. There is a
375	section titled What's New, which allows people to view and download PDFs of application
376	materials. She noted that the public is also welcome to visit the Community Development Office
377	to review hard copies of these application materials.
378	
379	3. CASE # PZ14921-101321 - EIP One Bon Terrain (Owner & Applicant); 1 Bon
380	Terrain Drive, PIN #: 002-026-004 – Non-Residential Site Plan Application. To
381	show the improvements necessary to permit and construct a 30,000 square foot
382	building addition to the existing facility for the purposes and use of warehousing
383	product, with associated truck parking yard and other ancillary
384	improvements. Zoned Industrial. Continued from November 3, 2021.
385	Doug Brodeur, Meridian Land Services, addressed the Board. He explained that the proposal is
385	to create a 30,000 s.f. shipping facility addition to the existing building, and to construct an
387	access road. He explained that the State septic approval is expected tomorrow, and that the
388	Town's approval for this was received a few days ago. The Alteration of Terrain permit would
389	take approximately six months.
390	and approximatory on monthly.
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391 Doug Brodeur stated that he had three items he would like to address with the Board. He was 392 hoping to receive approval of the application this evening. He would like to have the ability for 393 the applicant to construct the foundation shortly, due to the impending winter weather and the 394 fact that they had already ordered the steel prior to filing the application due to supply chain 395 issues and the long lead time on these materials. He noted that this construction would be prior to 396 all the conditions of approval being completed and without state permits all being in place so it 397 would be at the applicant's own risk. The third item was that there had been a minor modification 398 to the stormwater management system and the CUP that was already granted, because the gravel 399 wetland that was approved to be constructed on an abutting property was no longer possible due 400 to the abutter now disagreeing with the proposal. Doug Brodeur explained that the stormwater 401 management system had been modified on site to get the same amount of existing impervious 402 area treated through the new bioretention systems in the rear of the site, as would have been 403 treated in the gravel wetland. 404 405 Mike Akillian, Christy Houpis, Tracie Adams, and Chris Yates had no questions or comments at 406 this time. 407 408 Bill Stoughton asked if the proposed stormwater management feature has the capacity to 409 adequately handle increased water runoff from an additional section of the roof. Doug Brodeur 410 stated that it does and will meet all regulations with no requested waivers. 411 412 Bill Stoughton stated that he does not believe the Planning Board has the power to amend the 413 CUP approval without a public hearing. He has spoken with Rob Clemens, Chair of the Amherst 414 Conservation Commission, who agrees that this amended proposal complies with the intent of 415 what was previously proposed. 416 417 Doug Brodeur stated that he had a question regarding condition precedent #4 in the Staff Report, 418 noting that the condition cited the need for a wetlands permit from the State and none was 419 required. 420 421 Bill Stoughton stated that he has two additional conditions to include. 1) Condition Subsequent #8 - This approval is based on the plans, specifications, and 422 423 written and oral representations of the applicant. Alterations to the plans and 424 specifications or construction inconsistent with the plans [specifications and applicant's 425 representations] are not authorized. 426 2) Condition Subsequent #9 - The owner, its heirs, successors, and assigns shall comply 427 with the recommended inspection and maintenance provisions of the Stormwater 428 Management System Inspection and Maintenance Manual for all stormwater 429 management infrastructure. 430 431 Doug Brodeur stated that he has no issues with those proposed conditions. 432 433 Bill Stoughton stated that he is proposing that impact fees be assessed at the industrial rate. He also suggested that active and substantial completion within 24 months of approval be defined as 434

commencement of construction of stormwater management infrastructure, and that substantial completion of improvements be defined as finished paving of driveway and parking areas.
In response to a question from Bill Stoughton, Doug Brodeur stated that he is requesting that the concrete work for the foundation walls, not the slab, on this project commence, even though not all conditions have yet been satisfied. Bill Stoughton stated that he had no objection to this, noting that it would be at the applicant's risk and that, if State permits were not received, the applicant would have to restore the site to previous condition. Doug Brodeur stated that he believes this is legal to do.
Dwight Brew and Cynthia Dokmo had no questions or comments at this time.
There was no public comment at this time
There was no public comment at this time.
Arnie Rosenblatt asked whether it was possible for the applicant to proceed with some of the work prior to all of the conditions of approval being fulfilled. Nic Strong stated that it was if the Board so determined but should be carefully documented in the motion.
In response to a question from Bill Stoughton, Doug Brodeur stated that the project can proceed with pouring concrete without its AoT permit, as long as it does not disturb more area than allowed.
Arnie Rosenblatt asked what the repercussions and disruption to the property would be if the Board allowed this and the State does not grant the permits.
Bill Stoughton noted that the applicant is requesting to pour concrete on site due to weather conditions, so that it can begin to erect steel over the winter. He would recommend that the Board consider issuing a building permit for the concrete for the addition on site, with the condition that if any of the other conditions are not satisfied, this will come back to the Planning Board and the Board will have the right to tell the applicant to restore the area built to its existing condition. Doug Brodeur agreed with that condition.
Arnie Rosenblatt noted that the Board could also request that the applicant post a bond.
Nic Strong stated that it was important that the Board require the security for the project to be in place at the time the building permit was issued so that restoration would be assured if necessary.
Bill Stoughton moved to approve Case #PZ14921-101321 for EIP One Bon Terrain Drive, LLC, for the above cited Non-Residential Site Plan Review of Map 2 Lot 26- 4, 1 Bon Terrain Drive, with the conditions precedent and subsequent in the Staff Report, and with the additional conditions:
1) Condition Subsequent #8 - This approval is based on the plans, specifications, and written and oral representations of the applicant submitted to the Planning

478 479 480	2)	Board. Alterations to the plans and specifications or construction inconsistent with the plans are not authorized. Condition Subsequent #9 - The owner, its heirs, successors, and assigns shall comply
481 482		with the recommended inspection and maintenance provisions of the Stormwater Management System Inspection and Maintenance Manual for all stormwater
483		management infrastructure.
484		
485		That impact fees are to be assessed at the industrial rate. Also, that active and
486		substantial completion within 24 months of approval be defined as commencement
487 488		of construction of stormwater management infrastructure, and that substantial completion of improvements be defined as finished paving of driveway and parking
400 489		areas. That the Community Development Department be authorized to issue a
490		building permit for the building addition, prior to all conditions being satisfied, with
491		the understanding that if any conditions ultimately cannot be satisfied it is at the
492		owner's risk and that the Planning Board may require restoration.
493		
494		Discussion:
495		In response to a question from Dwight Brew, Bill Stoughton suggested that all
496 407		conditions be satisfied within six months of approval.
497 498		Bill Stoughton amended his motion to include that all conditions are required to be
499		satisfied within six months of approval. Seconded by Tracie Adams.
500		substice within six months of upprover. Secondou by Trucke Truths.
501		Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia
502		Dokmo - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried.
503		
504	<u>OTHI</u>	ER BUSINESS:
505		4. Minutes: November 17, 2021
506		Tracie Adams moved to approve the meeting minutes of November 17, 2021, as
507		presented. Seconded by Chris Yates.
508		Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia
509 510		Dokmo - abstain, Christy Houpis - aye, and Chris Yates – aye; 5-0-1, motion carried [C. Dokmo abstaining].
510		[C. Dokino abstanning].
512		5. Discussion re: previously approved amendment to November 3, 2021 minutes
512		
513		Adams noted that the correction she previously made to the meeting minutes of
514 515		nber 3, 2021, [Line 370 change "bases" to "basis."], was not necessary and that the
515 516	mnute	es should remain as originally written.
517		Tracie Adams moved to approve the meeting minutes of November 3, 2021, as
518		originally presented, with her correction removed. Seconded by Chris Yates.
-		

TOWN OF AMHERST Planning Board

December 1, 2021

APPROVED

519	Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia
520	Dokmo - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried.
521	
522	Tracie Adams moved to adjourn at 8:35pm. Seconded by Bill Stoughton.
523	Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Cynthia
524	Dokmo - aye, Christy Houpis - aye, and Chris Yates – aye; 6-0-0, motion carried.
525	
526	
527	
528	Respectfully submitted,
529	Kristan Patenaude
530	
531	Minutes approved: December 15, 2021