

TOWN OF AMHERST  
Planning Board

February 2, 2022

**APPROVED**

In attendance via Zoom: Arnie Rosenblatt, Bill Stoughton, Christy Houpis, Tom Silvia (alternate), Mike Akillian (alternate), Tracie Adams, Chris Yates, Cynthia Dokmo (alternate)  
In attendance at Amherst Town Hall: Dwight Brew, Tom Quinn  
Staff present: Nic Strong, Community Development Director (in attendance at Amherst Town Hall); and Kristan Patenaude, Recording Secretary (via Zoom)  
Also present, Danielle Pray, Board of Selectmen

Arnie Rosenblatt, Chair, called the meeting to order at 7:00 pm via remote session. He read the following statement:

*As Chair of the Amherst Planning Board, I find that:*

- 1. the most recent information on the CDC website regarding the recent Omicron surges, including the increased transmissibility of the virus,*
- 2. the rising and dangerous rates of Covid infections evident in the CDC's statistics,*
- 3. the increased prevalence of infections even among vaccinated persons, and*
- 4. the current case and hospitalization rates in New Hampshire generally and in Hillsborough County in particular,*

*constitute an emergency within the meaning of RSA 91-A:2 III (b).*

*I also find that immediate action by the Planning Board is imperative in order to satisfy statutory deadlines for actions on applications and for public hearings on proposed ordinance changes. I also find that in light of the current state of the Covid pandemic, the physical presence of a quorum of the Planning Board is not reasonably practicable within the time period required to take action.*

*Accordingly, after consultation with members of the Board and Town Counsel, and pursuant to the authority granted by RSA 91-A:2 III (b), the Planning Board meeting on February 2, 2022, will be held via Zoom. Members of the public may, and are encouraged to, attend via Zoom using the information below. There will also be the opportunity for members of the public to attend at the Town Hall, with a connection to the Zoom meeting available there, if they wish.*

*The Zoom link is as follows: <https://us02web.zoom.us/j/82360983452>  
Dial +1 312 626 6799 Webinar ID: 823 6098 3452*

*Please note that all votes that are taken during this meeting shall be done by roll call vote.*

**Roll call attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Christy Houpis, Tom Silvia, Mike Akillian, Tracie Adams, Cynthia Dokmo, Tom Quinn, Chris Yates, all alone and present.**

Arnie Rosenblatt noted that there is not currently a Vice Chair named to the Master Plan Steering Committee. Thus, as Chair of the Planning Board, he named Tracie Adams as Vice Chair of the Master Plan Steering Committee. He noted that he broached this subject with other members of the Master Plan Steering Committee before making this decision.

**PUBLIC HEARINGS:**

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**1. 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 January 5, 2022.**

*Cynthia Dokmo and Mike Akillian recused themselves.*

Ken Clinton, Meridian Land Services, and Erol Duymazler, Clearview Development, addressed the Board. Ken Clinton explained that he was previously before the Board on December 2, 2021, seeking clarification on the hydrogeological and environmental studies as to what the Board might expect for responses. Some items were inapplicable or had little impact. Since then, the fiscal impact, hydrogeological, and environmental studies have been submitted. At that meeting, Ken Clinton noted that he also requested Keach Nordstrom as a third party to review the road waiver requests, as they pertain to the overall design. If the Board did not find items from the review to be acceptable, he noted, it would not make sense to carry forth with a full design. Ken Clinton explained that the third-party review for these waivers was submitted to the Board last week. He stated that he hoped the Board would consider voting on the road waiver items this evening, thus giving the applicant the chance to submit additional documents, such as legal documents, to give the Board assurances as to the applicant's intentions with the property. He will touch on the other studies as well, with the objective of continuing this hearing into March.

Ken Clinton reviewed the submitted studies. The fiscal impact analysis was prepared by Fougere Planning and Development, Inc. Ken Clinton stated that he believes the study overall shows that the proposed development would be a financial benefit to the Town and not an impact. The two villages were analyzed separately due to the nature of the units. The west side had an anticipated full build out tax yearly revenue of over \$120,000, and the east village has a yearly revenue of \$122,000. The combined impact of services anticipated and provided for this private development is nearly a quarter million dollars per year for the Town. This does not include impact fees to be applied or current use penalties to be paid on each side of the project. All units proposed in each village will not be built during the first year, but if the economy stays firm, the project could have a three year build out. Within three years, the Town could be seeing the proposed tax revenues for this project.

Ken Clinton explained that the hydrogeological study was completed by Sanborn Head. There were eight subtopics identified by the Board to be addressed. Although he does not believe each one was applicable, all were addressed in the report. He explained that all items in the report were largely positive. The project is proposed to be partially within the stratified drift aquifer but there are no material impacts shown. Similar findings are noted for the property being located within the Aquifer Protection District. The report also found the area has sufficient water resources. There is some contamination in the area, which is likely associated with some type of spill that occurred. While the property does have a flood zone on it, no excavation is proposed in or near the area. In the wastewater discharge impacts section, it was noted that any septic designs

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on the property will be per the Town and State requirements, thus there will not be any wastewater discharge impacts. Similarly for stormwater discharge impacts, it was noted that any stormwater system designs on the property will be per the Town and AOT requirements, thus there will not be any stormwater discharge impacts. Sanborn Head gave links to several Best Management Practices that could be used on site (Groundwater Protection, Fueling and Maintenance of Excavation and Earthmoving Equipment, Utility Maintenance in and adjacent to Wetlands and Waterbodies, Routine Roadway Maintenance Activities in New Hampshire, and NHDES Model Groundwater Protection Ordinance). The report found that blasting impact studies are generally not part of a hydrogeological study but could be considered if there is a need. Due to the topography of the land, and the vertical alignment of the proposed drives, Ken Clinton does not believe this is needed. There is no blasting proposed in the east village. There may be 3-4 certain cuts in the west village that may find ledge. The report stated that Sanborn Head has never seen a preconstruction groundwater monitoring program put in place as part of a residential development of this type and that it would likely be costly and unnecessary. No contamination has occurred or is planned to occur on this site. Ken Clinton stated that, overall, the report does not seem to identify any significant areas of concern for or impacts from the proposal.

The Environmental Impact Study was completed by GZA GeoEnvironmental, Inc. This report also touched on the number of items requested by the Board. He explained that there were no threatened/endangered animals or plants listed on the Natural Heritage Bureau, and none were observed on site. There were three low-potential plant species and six low potential animal species that could be found on the site, due to these species being found in Amherst or in similar habitats. The report did touch on water quality; however, this was mostly in regard to a generic review of the soil types on the property. The overall comment being that the soils on the property could support the proposed development. Flood plain alteration was also examined and, with no construction proposed within the flood plain, there will be no alteration of it. All of the wetlands on the property have been mapped, along with the one proposed wetland crossing. There is one historical foundation on the site that was not determined to have any value, however, as it is proposed to be removed with construction of the east village, Monadnock Archeological stated that the area should be identified with a State site number and filed with the State. This has been completed. GZA found that the proposed air quality and noise levels were consistent with similar types of residential development. Radio frequencies were found not to be applicable to this application. Ken Clinton explained that GZA noted the applicant may request a waiver from these last three items, but he asked that this be disregarded as a waiver is not necessary as these items are clearly not applicable. The GZA report listed nine recommendations which he has reviewed. Some of these items will likely be adopted, but some of them impact other requirements and will not be adopted – “#2: incorporate stormwater inlets (e.g., catch basins, curb inlets) with openings of less than one inch by one inch to project plans to limit entrapment by small vertebrates (e.g., turtles), if possible; #9 - the proposed open space areas provide permanent conservation of natural habitats. The conservation easement holder may wish to develop a forest management plan for long term management of open space areas to promote wildlife habitats and other natural features. Long term management could include practices such

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as the maintenance/creation of snags/downed logs for wildlife cover and maintaining habitat diversity.”

Ken Clinton stated that the third-party review of the road waiver requests by Keach Nordstrom overwhelmingly supported the three proposed waivers - reduction of the required horizontal separation between centerline of successive intersections on the opposite side of the road, modest relaxation of the requirements of section 502.5 (B), and minimum pavement width, horizontal tangent length and horizontal curve radius values.

Ken Clinton stated that the three studies and third-party review overall support the project as proposed.

Arnie Rosenblatt stated that members of the Board will ask questions/make comments, the public will then be heard from, and finally the Board will again ask questions/make comments and/or potential motions.

Dwight Brew asked about page 10 of the fiscal impact study and if the number listed should be both fire and EMS calls, or only fire calls as is stated. Ken Clinton stated that the Department average is 1,004 calls/year; he believes this is both fire and EMS calls. It is unclear when this data was taken from and what the source is. Dwight Brew stated that he would like the data in the report to be accurate, as he believes the more accurate number might be 1,500/year. Ken Clinton stated that the annual cost would be \$4,000, if 1,500 was used instead of 1,004. He asked if that was materially different. Dwight Brew stated that he would like all items in the report to be accurate and that he is unclear if all of the items he wants to address together would amount to a material difference.

Dwight Brew stated that the report lists the adequacy aid Amherst receives as \$7,722,000. He does not believe this is accurate; he believes it should be closer to \$4,000,029. This is approximately a \$4M difference. Ken Clinton stated that the report was prepared by Fougere Planning and Development, Inc., and that he does not know its source, but believes the report was professionally prepared and likely accurate. Ken Clinton stated that he will address these items regarding accuracy.

Dwight Brew stated that an incremental cost was used for the school calculation in the fiscal impact study report. It calculates the cost per student of \$11,000; he does not believe this is accurate as the average cost may be more correct. While this change would likely not make the development not fiscally beneficial to the Town, the data should be correct.

Tom Quinn asked about the credentials of the person creating the report from Fougere Planning and Development, Inc. Ken Clinton stated that Mark Fougere has been a contracted Town Planner for a half dozen municipalities in the southern NH area, and a former Selectman. He is currently employed by Hollis. Ken Clinton stated that he has no concern with Mr. Fougere's qualifications but would happily get the Board a resume, if needed.

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Tom Quinn stated that the incremental cost used in the fiscal impact study may not be most accurate as this should not be viewed as a single development, but holistically with others proposed/constructed in Town. He believes it was inappropriate to use The Fells as a comparison to this proposed development, as that area mostly contains single-story units largely occupied by seniors. It is not a reasonable comparison to the proposed development which will contain 3-4-bedroom units.

Tom Quinn stated that, regarding the hydrogeological report, he would support a third-party review of it, as water is one of the most important concerns in this area. His concern regarding the environmental impact study is that it was completed in December and certain aspects couldn't accurately be reviewed at that time of year. He would support a third-party review of that study as well, although it's unclear if better data would be available at this time of year.

Ken Clinton stated that the water supply letter was reviewed by Stone Hill Environmental as a third-party during the Board's initial CUP meeting on this application. He does not think there is any further need for an additional review. The environmental report has a recommendation for a pre-construction investigation of the site for detection of the potential species. If these species are detected, they could either be protected or relocated.

Christy Houppis stated that he has concerns regarding the potential gaps in applying certain State/federal regulations locally. He would like to hear that certain items of concern, such as potential blasting, will be mitigated in some way. He has concerns regarding the report from Sanborn Head which notes that certain things have not been seen or done in New Hampshire before. He does not believe that this is adequate information for his concerns to be addressed.

Tom Silvia had no comments at this time.

Tracie Adams asked where the value/unit data came from in the fiscal impact study. Ken Clinton stated that he did not complete the report, but this data came from Clearview Development itself. Based on how the development is laid out, Clearview knows that certain units can be constructed for \$x, can sell for \$x and will have a certain number of amenities. Erol Duymazler stated that Mr. Fougere also completed his own market study for the report.

Tracie Adams asked if the current market was taken into consideration in this data. Erol Duymazler stated that Mr. Fougere looked at current market data and the current market environment.

Tracie Adams stated that the hydrogeological report used 70 gallons/day, but other sites have higher values per the EPA and USGS. She would rather use the higher numbers and get those projections. The trends of the water yield being less within a ¼ mile radius of the property should be fully evaluated in order to see the impacts.

Bill Stoughton stated that the age restriction and monitoring of that should be covered in the condo documents. The wetland buffer impacts are also outstanding. The NRPC study

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commissioned by the Town regarding traffic is underway and the results will hopefully be completed by the time this application is ready for final review.

Bill Stoughton stated that he relies heavily on the views of the DPW, Fire and Police Chiefs regarding the proposed road waivers. He stated that he will likely be asking for a condition that the roads be held privately in perpetuity to ensure residents could not seek to make them public in the future. He will also ask for a condition that the winter road maintenance follow the State's Green SnowPro program, to reduce salt while maintaining public safety. He noted that the use of narrower roads does have some advantage to water quality by reducing the square footage of impervious area in the development.

Bill Stoughton echoed Tracie Adam's concerns regarding the hydrogeological study. He stated that Board members and abutters have mentioned concerns numerous times in the past regarding the potential impact of wells to be drilled for this proposed development. The Board's independent review of the prior water supply study suggested both a protocol for ensuring adequate well capacity and a recommendation that advanced septic systems incorporating nitrate reduction capabilities be used. This indicates that both water quality and quantity are concerns that the applicant and Board should take care to address in any approval action. He also noted that PFAS results above the state limits have been detected in several locations around Town far from known contamination sources, suggesting extra care be taken in approvals to address appropriate steps to deal with potential contamination if it occurs here.

Bill Stoughton stated that, thusly, through Ordinance Sections 4.17.B and 3.18.C.1.e, conditions such as these are authorized and believed to be appropriate.

a) First, that the applicant be required to use septic systems employing significant nitrate reduction capabilities, for example, those meeting NSF Standard 245 for Nitrogen reducing Certified Aerobic Treatment Units. These units reduce nitrogen at the source by at least 50% before waste effluent is released to the environment. He noted that the NH DES 2020 Fact Sheet on Nitrate and Nitrite in Drinking Water, states that excessive nitrates or nitrite in drinking water is an acute health concern for infants through 6 months of age and for pregnant women. He also noted that nitrates have the effect of raising water pH levels and that Beaver Brook, which runs through the proposed development, is already a pH- impaired brook, so source control efforts as suggested may help to mitigate potential adverse effects on Beaver Brook.

b) Second, he suggested that the applicant be required to provide all groundwater used by or for dwellings through a community water system approved as a public water system under the NH Safe Drinking Water Act, RSA 485, and the State DES regulations codified at Env-Dw. His understanding is that those regulations require demonstration of acceptable water quantity and quality, including treatment if necessary, and also require a detailed analysis of the impact on surrounding groundwater users as part of the public well location and approval process. Community water systems, such as suggested, involve 15 or more service connections, or serve 25 or more people and are run

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professionally, with water treatment as necessary to reduce contaminants, and with annual reporting on water quality.

He explained that he is making these comments now to permit the applicant, abutters, and his colleagues ample opportunity to review and comment on these suggestions.

Bill Stoughton stated that, per the fiscal impact study, table ten, page 9 shows that the applicant is proposing six single-family homes at 1,500 s.f. and 19 units at 2,000 s.f. He asked how these numbers were arrived at. Erol Duymazler stated that the east village, 55+, will likely not have units that are even as large as 1,500 s.f. Mr. Fougere rounded up the proposed estimates to be conservative. The west village, based on current market demands, has targeted sizes of 1,400 s.f. – 2,250 s.f., which is consistent with other properties recently resold in Town. Bill Stoughton asked if the appraised values found earlier in the document are based on the same square footages. Erol Duymazler stated that he believes so, and that these are estimated values based on market comparable research. Bill Stoughton stated that these thus create the appraisal values and yearly revenue estimates.

Bill Stoughton stated that the fiscal impact study used the impact fee study, which states that average units in Amherst are 1-bedroom 997 s.f., 2-bedroom units 1,501 s.f., 3-bedroom units 1,970 s.f., and 4+ bedroom units 2,880 s.f.. He asked if there are bedroom counts anticipated for this development. Erol Duymazler stated that this will somewhat be driven by the Board's decision, as it is part of the PRD application for the Board to make this determination. This feedback has not yet been received. The east village will likely not have units larger than 2-bedrooms. The west village will likely be 3-4-bedroom units, and one 5-bedroom unit, if the Board will allow for an ADU. Bill Stoughton stated that this would lead to higher square footage numbers than used in the fiscal impact study. Erol Duymazler stated that it is unfair to look at the existing stock of houses to base what will be built today. There are new construction 4-bedroom units that can be much less than 2,880 s.f. Bill Stoughton stated that he would like to hear the number of bedrooms proposed and the Board will then evaluate that, instead of placing the responsibility on the Board to determine. Bill Stoughton stated that he believes more work is needed on the fiscal impact study.

Bill Stoughton stated that the fiscal impact study, in determining the numbers of students per dwelling, used the Town's Impact Fee Report [page 29], for a value of .439 students per single-family detached home. The table on page 31 of the fiscal impact report though, entitled Averages by Years Built – Single Family Detached Units except age restricted, appears to be the more appropriate measure. That table shows 0.567 students per dwelling for such homes built in 2000 and later, covering both the most recent boom and recession years.

Bill Stoughton asked if only the locally retained portion was considered in the motor vehicle registration revenue section. Erol Duymazler suggested that Mr. Fougere be invited to a future meeting to address all of these concerns. He pointed out that he did not micromanage Mr. Fougere's process and does not intend to do so now. Bill Stoughton stated that he would like to raise the questions now for review.

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Bill Stoughton stated that it appears by using budget figures for Police, Fire, and school expenses, that the expenses associated with voter-approved annual Capital Reserve Fund (CRF) contributions are ignored. He asked if the amounts associated with the CRFs were incorporated. There should be a pro-rata or per capita apportionment of all other town costs (administration, library, etc.) to fairly assess the burden imposed by these new homes. The consultant uses \$100/unit for such costs but there should be some detail to show whether that value is appropriate.

Bill Stoughton stated that, in Amherst the average cost per student is between \$21,000 - \$23,000, according to the most recent state figures. This is much different than the report's \$11,000 projected amount. He believes the analysis of school costs would be more meaningful, and the chance of significant analysis errors reduced if the average cost per student were used. He also echoed Dwight Brew's comments regarding Amherst's state aid totaling \$7.7M. However, over \$3.6 million of that amount is already included in the applicant's revenue calculation as the state education tax portion of the property tax, which is retained by the schools.

Bill Stoughton concluded that he is not prepared to make any decisions based on the submitted fiscal impact study. Some of these questions need to be answered and revisions need to be made.

Chris Yates echoed previous concerns and questions raised.

Arnie Rosenblatt opened the floor to public comments.

Kathleen McClaskey, 4 Arrow Lane, stated that the Town previously voted on offering senior housing. She has not heard anyone during this meeting address this. She currently lives in a 4-bedroom home and there are no offerings in Town for single-floor living. She was hoping that this development would be her hope to do so, but this application keeps continuing on. Seniors would like to continue to live in Town and she would like the Planning Board to approve a development where this may be possible instead of continuing to nickel-and-dime this application. She asked how many units the Planning Board has approved in the last two years that include 65+ housing to deal with this shortage. The Planning Board is giving no way for seniors to continue to live in Town and she would like the Board to answer to her how this will be addressed.

There was no additional public comment at this time. Arnie Rosenblatt again addressed Board members.

Arnie Rosenblatt stated that there is a pending request to address the road waivers. The application will likely need to be continued to the first meeting in March as well.

Tom Quinn stated that he does not have an issue with the road waiver requests, but his concern with a one-way in/out development is regarding having a second means of egress in case the way is blocked. He suggested an access way between the two village developments that could



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generally be gated off unless needed. A tradeoff with the roads approved to be narrower, as proposed, would be additional emergency access for the villages. Bill Stoughton stated that he would not be in favor due to additional impervious area and wetland crossings to connect the two villages.

Bill Stoughton asked if DPW and the Police/Fire Chiefs have weighed in on the current road waiver requests as they exist. Nic Strong stated that they have.

**Dwight Brew moved that the Board grant a waiver to relax the requirements of Section 302.5 (B) of the Development Regulations to permit a reduction of the horizontal separation between the centerline of successive intersections on the opposite side of the road (Boston Post Road) from 125-feet to 116.2-feet for the West Village, as well as a waiver to relax the requirements of the same Section 302.5 (B) to permit a reduction of required horizontal separation between center lines of successive intersections on the same side of the road (New Boston Road) from 600-feet to 543.8-feet for the East Village access.**

**Bill Stoughton asked for an addition that the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

**Dwight Brew amended his motion to include that language**

**Seconded by Bill Stoughton.**

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

**Dwight Brew moved that the Board grant a waiver for a modest relaxation of the requirements of Section 502.5 (B) (1.b) of the Development Regulations to permit a planned private way to be constructed with a vertical alignment or grade of as much as 3.9% within 100-feet of a planned intersection with Boston Post Road where a maximum slope of 3.0% is required, and that the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Seconded by Bill Stoughton.**

**Discussion:**

**Tom Quinn noted that he does not particularly agree with this waiver but stated that the third-party review found it to be acceptable.**

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

**Bill Stoughton moved that the Board grant a waiver from the requirements of Table 3.1 of the Development Regulations as the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Seconded by Dwight Brew.**

**Discussion:**

**In response to a question from Bill Stoughton, regarding which sections of the road are proposed to be reduced to the 18' width and which sections are proposed to be reduced to the 20' width, Ken Clinton stated that the west village has a stem off the road that will retain 24', but the rest of the loop is proposed to be 20'. He requested from the Fire Chief that the stem to units 15-17 in that area be reduced to 18', but this request was not approved. Thus, the 18' proposal can be stricken. Similarly on the east village, the road enters the site in a 24' width and maintains this into the site. This is proposed to be reduced to 20' internally for the rest of the site. The plan submitted shows the changes in widths proposed and the center lines proposed.**

**Bill Stoughton withdrew his previous motion.**

**Bill Stoughton moved that the Board grant the waivers requested from the requirements of Table 3.1 – Geometric Roadway Design Standards for Streets of the Development Regulations as shown in Meridian's letter and on the accompanying plans, with the exception that no reduction of pavement width below 20' will be permitted, as the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Seconded by Dwight Brew.**

**Discussion:**

**Nic Strong noted that Keach Nordstrom has a few conditions to be included with this waiver.**

**Bill Stoughton amended his motion to include the conditions raised by Keach Nordstrom.**

**Ken Clinton stated that he understands the need for signage, however the specific signs mentioned by Keach Nordstrom are public road level signs and may not be appropriate for reduced width, private roads. Thus, he requested that the Board make these conditions more general for signage including "No Thru Traffic/Private**

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Way,” and “No On Street Parking,” that will be approved by the Board at a later date with examples shown at that time.

Bill Stoughton amended his motion that the Board grant the waivers requested from the requirements of Table 3.1 – Geometric Roadway Design Standards for Streets of the Development Regulations as shown in Meridian’s letter and on the accompanying plans, with the exception that no reduction of pavement width below 20’ will be permitted, as the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations, and to include the additional conditions, suggested by Keach Nordstrom, with the exception that the specific types of signs will be subject to later Planning Board approval. Dwight Brew seconded.

Tom Quinn stated that the Board is granting a concession through this waiver by reducing the road width, and if the Town Engineer called out specific items as conditions, the Board should align itself with these recommendations. Larger signs were recommended by the third-party consultant, and he believes this recommendation should be followed.

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - nay, Tom Quinn - nay, Christy Houpis – nay, and Chris Yates – aye; Arnie Rosenblatt – aye; 4-3-0 motion carried.**

Arnie Rosenblatt asked that the Board now address the studies reviewed this evening. Ken Clinton stated that he does not believe any further review of the studies is needed, but specific questions raised tonight need to be answered by the consultants. Answers will be provided to the Board prior to the next meeting for additional review at that meeting. Arnie Rosenblatt asked if Ken Clinton is planning to request that the Board vote on this application at its next meeting. Ken Clinton stated that he believes the studies as presented are adequate, aside from the few questions that need answers. He asked if the Board would require third-party review of any/all of these studies, which he does not believe to be appropriate. If the Board’s questions on these studies are answered, he would then like to use the next meeting to address technical aspects of the plan and review other documents required, for an additional continuance for a possible vote to approve the application at a then future meeting. Ken Clinton stated that he may ask for one or more of the consultants who created these reviews to be present at the next meeting to speak to them.

In response to a question from Bill Stoughton, Nic Strong stated that the Board’s agenda at its first March meeting includes a continued hearing for EAM Holdings, and any additional applications that come in before the deadline. Arnie Rosenblatt noted the hour and the number of items still on tonight’s agenda. He stated that the Board will next take up the impact fee schedule item and will not begin discussion on any of the additional hearings on tonight’s agenda after

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10pm. Thus, there is a legitimate possibility that those hearings will also need to be continued to a future date.

Bill Stoughton stated that he is not yet prepared to agree that no further third-party review of the fiscal impact study might be required.

**Bill Stoughton moved to continue this application to March 2, 2022, 7pm at Town Hall. Seconded by Dwight Brew.**

**Discussion:**

**In response to a question from Arnie Rosenblatt, Bill Stoughton agreed that he does not believe a third-party review is necessary for the hydrogeological and environmental impact studies.**

**In response to a question from Dwight Brew, Arnie Rosenblatt stated that the motion to continue should perhaps be delayed until Board members voice their opinion as to if third-party reviews should be required for any/all of the studies.**

**Arnie Rosenblatt stated that he does not believe a third-party review for the fiscal impact study is necessary, as the answers to questions raised will be enough for him to determine the legitimacy of the report.**

**Tom Quinn stated that he would like to require third-party reviews of the hydrogeological and environmental impact studies, but that he does not believe one is necessary for the fiscal impact study.**

**Tom Quinn moved that the Board require hydrogeological impact study review by a third-party and require an environmental impact study review by a third-party. Seconded by Christy Houpis.**

**Discussion:**

**Bill Stoughton withdrew his previous motion.**

**Tracie Adams noted that, if the Board is waiting to hear answers on some pending questions until the next meeting, it might be prudent to wait on requesting additional third-party reviews until these answers are known.**

**Arnie Rosenblatt agreed that this motion could take place at a later date. He noted that he would not be in favor of requesting these additional reviews at this time.**

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

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Nic Strong noted that this application is now up against the 65-day deadline and any continuance will require agreement from the application to extend. Ken Clinton confirmed the request to extend to March 2, 2022.

Erol Duymazler asked if it was appropriate for a decision on whether or not third-party review of the studies will be required, in order to seek and prepare these prior to the next meeting. Arnie Rosenblatt stated that the suggestion is that third-party review may not be required for these studies, depending on the answers received at the next meeting. Erol Duymazler noted that this is the third round of reviews for these studies and time is important. Arnie Rosenblatt stated that there have been a series of continuances made at the request of the applicant, not made by the Planning Board. Erol Duymazler stated that he has been in front of the Board many times and redundant studies have been completed and reviewed through the CUP process, with similar answers heard each time. He would like to finish the process and get all necessary information to the Board now. Arnie Rosenblatt stated that he appreciates the concern, but it is up to the Board and addressed the concern to Board members.

Tom Quinn asked to make a comment. Arnie Rosenblatt asked that he wait and noted that, in the future, he would like only one Board member to be in person at Town Hall during these hybrid meetings, as it is difficult to determine who wants to speak without being able to clearly see everyone.

Bill Stoughton stated that he believes it would be unlikely that he would vote in favor of third-party reviews of any of the studies. He does have questions, some of which he broached tonight, but he believes the continuance should be made under the thought that there will likely not be any third-party reviews requested, but that this is not certain.

Tracie Adams agreed. She stated that she was trying to save the applicant time and money by mentioning the third-party reviews now but does not believe they will likely be necessary.

Tom Quinn agreed that he was trying to move along the process by getting all of the information at hand.

**Bill Stoughton moved to continue this application to March 2, 2022, 7pm at Town Hall. Seconded by Dwight Brew.**

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

*The Board took a two-minute recess.*

*Cynthia Dokmo and Mike Akillian retook their seats.*

**OTHER BUSINESS:**

**5. Discussion re: proposed impact fee schedule update by the Board of Selectmen  
(the Board next took up this item)**

February 2, 2022

**APPROVED**

Arnie Rosenblatt apologized to the other applicants on the agenda but noted that the Planning Board needs to discuss this item this evening before taking up other business.

Dwight Brew explained that the Board of Selectmen hired Bruce Mayberry to propose updates to the current impact fee schedule. The update only focuses on the currently underway school changes but does not focus on the proposed warrant article. The schedule presented represents the total impact fees when factoring in the new school numbers. Dwight Brew stated that the Board of Selectmen had chosen Model B from the proposals. The Planning Board's comment is required before the Board of Selectman can approve these changes.

Tracie Adams stated that she reviewed the different models proposed and agrees with the one chosen by the Board of Selectmen.

Tom Silvia, Cynthia Dokmo, Mike Akillian, Bill Stoughton, Tom Quinn, and Christy Houpis were all in favor of the model proposed.

Chris Yates stated that he might rather have seen model C or D proposed due to projected school costs into the future.

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

**2. CASE #: PZ15281-100622 – Nancy Pomerleau (Owner & Applicant); 46 Chestnut Hill Road, PIN #: 010-033 & Chestnut Hill Road, PIN #: 010-033-001 – Subdivision Application – Lot Line Adjustment. To adjust the lot lines between Map 10 Lot 33 and Map 10 Lot 33-1 such that Parcel A of 0.805 acres is taken from Map 10 Lot 33 and added to Map 10 Lot 33-1. Zoned Northern Rural.**

Arnie Rosenblatt read and opened the case.

In response to a question from Arnie Rosenblatt, Nic Strong stated that all of the required items have been submitted for this application.

**Tracie Adams moved to accept this application as complete. Seconded by Christy Houpis.**

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

Tom Carr, Meridian Land Services, addressed the Board. He explained that Nic Strong has raised a question relating to the subdivision regulations regarding the reduced frontage lots. He has reviewed the zoning ordinance and subdivision regulations and submitted a summary report, with a potential waiver request depending on what Town Counsel and the Planning Board

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**APPROVED**

decides on this issue. Tom Carr explained that in 1994 Meridian Land Services worked on a subdivision of this 26-acre parcel into three lots, two reduced frontage lots (less than 10 acres per lot) and one conventional lot with approximately 300' of frontage. He stated that Nic Strong believes that the regulations require proposed lot 10-33-1 to have 300' of frontage, but he contends that the zoning ordinance is clear that a reduced frontage lot can have 35' of frontage, and this lot will remain a reduced frontage lot. Tom Carr also referenced the Planning Board's regulations Section 213.2 (E), citing 20' producing two reduced frontage lots. He asked if Town Counsel has reviewed this and rendered an opinion and the Board's opinion on these backlots.

Nic Strong stated that this item has been reviewed by Counsel, and this was forwarded to Board members. She explained that, in her opinion, the language requires 10 acres for any reduced frontage lots, which is generally consistent with planning requirements for backlots.

Bill Stoughton stated that there is no way he would read the regulations as allowing for reduced frontage lots with less than 10 acres. The regulations require at least 10 acres for reduced frontage lots. However, this has already been completed, and Tom Carr is asking to add land and frontage to a reduced frontage lot, which Bill Stoughton has no objection to. This is essentially a grandfathered decision, and he is okay with the proposed waiver.

In response to a question from Bill Stoughton regarding if this lot line adjustment was not completed could the lot receiving the new land still be built on, Tom Carr stated that this is correct.

Chris Yates and Mike Akillian had no questions at this time.

Tom Silvia agreed with Bill Stoughton's comments.

Dwight Brew stated that there is a lot of record, whether it was correctly granted or not. If the Planning Board grants a lot line adjustment, the results must conform to existing zoning regulations. This proposal could allow a lot to be created that does not conform with current zoning. He does not believe the Planning Board has the power to do so, and that only the ZBA could do so.

Christy Houpis agreed with Bill Stoughton but stated that he is unclear now if this is within the Board's purview.

Tracie Adams agreed with Christy Houpis.

Tom Carr explained that he is proposing to extend one of the lot lines to be straight. The owners need to downsize and move to a different location; thus, they are proposing to build on one of the lots and create additional frontage. He stated that he does not believe this is a zoning issue, but a Planning Board issue. The zoning ordinance states that a reduced frontage lot requires 35' of frontage but does not refer to acreage, and then refers to the subdivision regulations. It does not say in the subdivision regulations that the reduced frontage lot must have 10 acres but does infer

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it. This is likely how it should be interpreted in the future. He stated that Nic Strong noted in her Staff Report that the regulation in question is Section 213 of the subdivision regulations. This is a waiver the Planning Board can approve. However, if the Planning Board agrees that this lot must have 300' of frontage, he would ask for a conditional approval to grant the lot line adjustment provided that 300' is given. 23' would be added past the granite bound in order to do so. The applicants are not interested in doing this and would rather be granted this waiver, but do not wish to go before the ZBA.

In response to a question from Cynthia Dokmo, Tom Carr explained that the old lot had 35' of frontage and the new lot is proposed to have 287'. The new lot would be 7.06 acres.

Tom Quinn had no questions or comments at this time.

There was no public comment at this time.

Nic Strong explained that Town Counsel has not yet opined on the legitimacy of the Planning Board being able to carry out this request through the subdivision regulations, instead of going to the ZBA.

Arnie Rosenblatt asked Tom Carr if he would accept this hearing being continued for two weeks to get advice from Town Counsel. Tom Carr asked that Nancy Pomerleau (owner/applicant) be consulted.

Nancy Pomerleau stated that she does not desire to leave the lot as-is. There is an opportunity to straighten the lot line before selling the property. She believes, from the Town's perspective, straightening the line would be a benefit.

Arnie Rosenblatt stated that the Board could vote on this item tonight and it may be denied, or this can be continued to receive review from Town Counsel. Nancy Pomerleau agreed to continuing for two weeks.

**Bill Stoughton moved to continue this application to February 16, 2022, at 7pm at Town Hall to allow for review by Town Counsel. Seconded by Christy Houpis. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried, unanimously.**

**3. CASE #: PZ15282-010622 – Ballinger Properties/Nash Family Investment Property (Owner) & Howe Warehouse Q1, LLC (Applicant); 2 Howe Drive, PIN #: 002-034-001 – Subdivision Application/Final Approval. To create a two-unit commercial storage condominium from an existing two-unit building. No physical changes to building or site are proposed. Zoned Industrial.**

Arnie Rosenblatt read and opened the case.



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**APPROVED**

Nic Strong stated that, in order to determine completeness, there are waiver requests for studies to be considered. This includes each and every study.

Arnie Rosenblatt stated that occasionally the Board will accept an application as complete conditionally in order to hear and consider it, with the stipulation that the application may later be deemed incomplete after review and that waivers are not deemed to be given until then.

**Bill Stoughton moved to waive fiscal impact, environmental, traffic, water supply, drainage, and hydrogeological studies for purposes of completeness, with the understanding that they may be required at a later time. Seconded by Chris Yates. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried, unanimously.**

**Bill Stoughton moved to accept this application as complete. Seconded by Chris Yates.**

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

Robert Duval, engineer for TF Moran, addressed the Board. He explained that the proposal is to turn a previously approved site plan into a condominium subdivision. There will be no change to or disturbance of the land, no change to traffic, or drainage. The project was originally presented in 2019 as a two-phase project as the owner was unsure which phase would be built first, and approval was given in February 2021. Later in 2021 compliance for phase 1 of the project was given by the Board for up-to 5 units. There is no proposed change to the number of potential tenants. The owner has occupied the left portion of the building through all of phase 1, and a tenant was moved into the right side of the building during phase 1. Phase 2 is currently being built, with plans for a compliance hearing this spring. The intention is to have 1-3 potential tenants in phase 2. The reason for this subdivision proposal is to finalize financing. The second lender for phase 2 is requiring a condominiumization. This is still proposed to be a 5-unit building, all owned by Mr. Rampuria, but the space is being subdivided under two separate lender agreements. Chief Conley pointed out by email that all building and fire codes must be followed for both phases, which they will be.

Tom Quinn, Cynthia Dokmo, Mike Akillian, Christy Houpis, Tom Silvia, and Tracie Adams had no questions or comments at this time.

In response to a question from Dwight Brew regarding why the two condominiums are proposed to have one owner, Mr. Duval explained that there are two different lenders, one financing phase 1 and one financing phase 2. The second is asking for condominiumization for financial protection.

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Bill Stoughton noted that Town Counsel will need to review the condo documents. Mr. Duval stated that he understood this and has no issue with the conditions laid forth in the Staff Report.

There was no public comment at this time.

**Tracie Adams moved to approve CASE #: PZ15282-010622 – Ballinger Properties/Nash Family Investment Property & Howe Warehouse Q1, LLC for the above cited subdivision condominium site plan of Map 2 Lot 34-1 with conditions precedent and subsequent in the Staff Report. Seconded by Chris Yates. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried, unanimously.**

**4. CASE #: PZ15283-010622 – Jeffrey & Allison Rudolph (Owner & Applicant); 2 Kendall Lane, PIN #: 021-020-068 & Thomas & Laura Fisher, Trustees (Owners), 38 Mack Hill Road, PIN #: 022-008-000 – Subdivision Application/Lot Line Adjustment. To adjust the lot lines taking a 10,800 square foot triangle from Lot 22-8 and add it to Lot 21-20-68. Zoned Residential/Rural.**

Arnie Rosenblatt read and opened the case.

Nic Strong stated that all required items for completeness of the application were submitted.

**Tracie Adams moved to accept this application as complete. Seconded by Chris Yates.**

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

Bob Kilmer, Sandford Surveying and Engineering, and Thomas Fisher addressed the Board. Mr. Kilmer explained that the proposal is to adjust a common lot line, transferring a triangle of 10,800 s.f. from the Fisher lot to the Rudolph lot. He explained that the Rudolph lot was created by subdivision in 2004, with the house built in 2006. Between 2006 and 2019, the northwest property marker of the Fisher lot was lost, and this area was being claimed/cleaned up as part of Kendall Lane. Both lots contain single-family homes, individual septic systems approved by the State, and wells. The Fisher property is currently 3.647 acres, and the proposal is to have it become 3.399 acres. The Rudolph property is currently 3.178 acres, and the proposal is it will become 3.425. A new granite bound is proposed for the corner, as long as it can be properly placed.

Mr. Fisher stated that the granite stone marker embedded in the ground at the corner of his lot was not lost; it was intentionally removed by the previous owners of the Rudolph's house. That owner also landscaped and took down trees in that area of his lot. The proposal is to make things clear for all parties.

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**APPROVED**

Tom Quinn, Cynthia Dokmo, Mike Akillian, Christy Houpis, Tom Silvia, and Tracie Adams had no questions or comments at this time.

In response to a question from Dwight Brew regarding frontage of the lot, Mr. Kilmer stated that the lots have frontage of 35' as backlots. These lots are not 10+ acres but did meet the zoning requirements at the time they were built.

Dwight Brew expressed concern regarding taking an existing, conforming lot and making a non-conforming lot. He does not believe the Planning Board has a right to do so.

Chris Yates stated that this approval does not change the 35' frontage; it only adjusts it. The frontage will remain the same.

Nic Strong stated that she had not considered Dwight Brew's concern as this proposal does not alter the frontage of the lots.

Bill Stoughton stated that the question is if this approval is within the Planning Board's authorization or if it must go before the ZBA. He suggested that this be continued to hear from Town Counsel.

Bob Kilmer pointed out that none of the reduced frontage lots in the 2004 subdivision had ten acres, but that the lots were deemed viable by the Planning Board in that year.

Arnie Rosenblatt stated that his instinct is that the legal concerns are not as significant as they may seem.

**Christy Houpis moved to continue this application to February 16, 2022, at 7pm at Town Hall to allow for review by Town Counsel. Seconded by Dwight Brew.**

**Discussion:**

**Arnie Rosenblatt stated that this meeting will be held virtually, with the option of an in-person location at Town Hall.**

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

**OTHER BUSINESS:**

**6. Minutes: January 19, 2022**

**Christy Houpis moved to approve the meeting minutes of January 19, 2022, as written. Seconded by Tracie Adams.**

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**APPROVED**

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

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832           **7. Any other business to come before the Board**

833       None at this time.

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835           **Christy Houpis moved to adjourn at 10:09pm. Seconded by Tracie Adams.**

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

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842       Respectfully submitted,  
843       Kristan Patenaude

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845       Minutes approved: February 16, 2022