

TOWN OF AMHERST
Planning Board

February 16, 2022

APPROVED

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

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 16, 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/83270700296>
Dial +1 312 626 6799 Webinar ID: 832 7070 0296*

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, Tom Quinn, Chris Yates, all alone and present.

Arnie Rosenblatt noted that the next Planning Board meeting will likely also be held remotely, but that meetings may go back to in-person at some point in the future.

PUBLIC HEARINGS:

- 1. 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**

TOWN OF AMHERST
Planning Board

February 16, 2022

APPROVED

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. Continued from February 2, 2022.

Arnie Rosenblatt read this case. The case was tabled to later in the meeting, until the applicant's representative was available.

2. 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. Continued from February 2, 2022.

Arnie Rosenblatt read the case.

Bob Kilmer, Sandford Survey and Engineering, addressed the Board, representing the applicants. He explained that the Rudolph lot was created by subdivision in 2004, with the house built in 2006. The Fisher's property was created by subdivision in 1950, with the house being built in 1954. Both lots contain single-family homes, individual septic systems approved by the State, and wells. A property bound was destroyed and a previous owner of the Rudolph property was creeping and encroaching onto the Fisher property. The lot owners are now proposing a lot line adjustment for a triangle of land, 70' across and approximately 310-314' deep, containing 10,800 s.f. to be sold and added to the Rudolph property. A waiver request was suggested by Nic Strong, after the discussion held by the Board at the last meeting. This waiver request, dated February 4, 2022, is for Section 213.2 E regarding total acreage for reduced frontage lots. The lot line adjustment will add 10,800 s.f. to Map 21 Lot 20-68, therefore will not be decreasing the area required by today's standard. Map 22 Lot 8 will decrease by 10,800 s.f. and the final area will be 3.399 acres. This proposed lot line adjustment in no way facilitates further development of additional lots.

Nic Strong stated that Town Counsel's opinion is that because the language regarding the acreage size of reduced frontage lots is in the subdivision regulations and not within the zoning ordinance, the Planning Board is within its rights with discretion to consider granting a waiver.

Dwight Brew stated that he was unclear as to how these reduced frontage back lots of less than 10 acres exist throughout Town. He understands now that the Planning Board can approve any back lots if a waiver is granted. He would like to see the 10-acre item moved from the regulations to the zoning ordinances at some point in the future.

The Board members were in favor of supporting the applicant's waiver and request.

There was no public comment at this time.

February 16, 2022

APPROVED

Bill Stoughton moved to grant the waiver of Section 213.2 E regarding the acreage for reduced frontage lots to permit a lot line adjustment resulting in a back lot of less than 10 acres, for this case only. 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.

Chris Yates moved to approve Case #: PZ15283-010622 for the Jeffrey W. & Alison M. Rudolph and Thomas H. & Laura L. Fisher, Trustees, for the above cited Lot Line Adjustment of Map 21 Lot 20-68 and Map 22 Lot 8, 2 Kendall Lane and 38 Mack Hill Road, with conditions precedent and subsequent in the Staff Report. Seconded by Tracie Adams.

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.

1. 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. Continued from February 2, 2022.

The Board revisited this item at this time.

Tom Carr, Meridian Land Services, noted that he agrees with Dwight Brew’s comments regarding putting this item properly into the zoning ordinance. However, at this time, he will present a waiver request in order to accomplish this lot line adjustment request. He noted that the wetland buffer is noted as “wetland setback” on the plan. The change in language should be included as a condition. There is a well on the property that was previously unknown. An easement for the well radius will need to be created on the lot. The plan review comments by staff will also be taken care of on the plan.

Bill Stoughton moved to grant the waiver of Subdivision regulations Section 213.2 E regarding the acreage for reduced frontage lots to permit a lot line adjustment resulting in a back lot of less than 10 acres, for this case only. 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.

Chris Yates moved to approve Case #PZ15281-010622 for the Nancy Pomerleau Revocable Trust of 2003, for the above cited Lot Line Adjustment of Map 10 Lots 33 & 33-1, with frontage on Chestnut Hill Road, with conditions precedent and subsequent in the Staff Report, and conditions requiring notation of the well protection radius and change in language to “wetland buffer” on the plan. Seconded by Christy Houpis.

February 16, 2022

APPROVED

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.

OTHER BUSINESS:

**3. Discussion re: candidate for Nashua Regional Planning Commission
Commissioner**

Arnie Rosenblatt explained that there are three positions for Amherst residents as NRPC Commissioners. While the Board of Selectmen is the board to name these residents to the position, it looks to the Planning Board for recommendations. There are two applicants for the open positions. One position is currently held by Mike Dell Orfano, who has not yet indicated if he is interested in continuing. The Board will be hearing from two applicants for the open positions this evening: Jason Hennessey and Will Ludt.

Jason Hennessey explained that he moved to Amherst in 2004. He previously served as an NRPC Commissioner for three years from 2005-2008. He likes to see the Town and region prosper. He has previously served on the Amherst School Board Ways & Means Committee and the Communications Infrastructure Committee.

Tom Quinn noted that he does not have comments on this item, as there were no materials distributed regarding it in the Drop Box prior to the meeting. Arnie Rosenblatt noted that the Board is only to make a recommendation to the Board of Selectmen on these positions.

In response to a question from Tracie Adams, Jason Hennessey stated that he does have time to take on this commitment and is willing to do so.

Dwight Brew noted that he has had the benefit of reviewing the application letters from both Jason Hennessey and Will Ludt. He explained that all three Amherst Commissioner positions have an end term date of March 25, 2022. This is confusing, as the RSA states that these three spots should be placed on staggered 2, 3, and 4-year terms. The Planning Board can leave this item up to the Board of Selectmen.

Christy Houpis thanked Jason Hennessey for his willingness to serve and noted that he is likely a good candidate due to having previously served in this role.

In response to a question from Mike Akillian regarding communication between the NRPC and the Board of Selectmen or Planning Board, Jason Hennessey stated this would depend on the amount of time the groups have available. He explained that much of what the NRPC deals with is contract work and oversight on this. However, regional plans are also developed and input to these items would be helpful.

Chris Yates, and Tom Silvia had no questions at this time.

February 16, 2022

APPROVED

Bill Stoughton echoed Mike Akillian's comment. He would like both the Planning Board and Board of Selectmen to be informed by Jason Hennessey of what occurs regarding Amherst at the NRPC. He would also like for input to be solicited from these groups to be brought back to NRPC. Jason Hennessey stated that he is willing to do both of these items. Bill Stoughton explained that he reviewed a recent set of minutes regarding multimodal transportation, during which the timing for some of Amherst's projects were altered. He would like this to be a conversation between the NRPC, Planning Board, and Board of Selectmen for future topics.

Bill Stoughton moved to recommend Jason Hennessey to be a Commissioner to the NRPC. Seconded by Christy Houpis.

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

Will Ludt stated that he has lived in Amherst for approximately 40 years and was in the military for 26 years and he retired in 2000. He is also the chair of the Heritage Commission. He has been attending Board of Selectmen and Planning Board meetings in Town for the last seven years. He has never heard feedback from the NRPC spoken of in these groups and finds this concerning. He would like to make sure that feedback is received, and conversations had between all the groups. Will Ludt stated that he would commit to meeting with the Board of Selectmen and Planning Board at least semi-annually, or as required, to get information disseminated. He thought that, unless the Town acted quickly, there could be things that Amherst would miss out on. He noted that the NRPC Commissioners were involved with things like budgets and staffing but also legislation at the State and national level and he was proud to put his name forward as a candidate.

Tom Quinn stated that he will also abstain on this vote, as he did not previously have information regarding this item, but that he supports Will Ludt's request to volunteer.

Dwight Brew, Chris Yates, and Tom Silvia had no questions at this time. Mike Akillian and Bill Stoughton had no questions but thanked Will Ludt for volunteering and thought he was an excellent candidate.

Tracie Adams thanked Will Ludt for his willingness to serve and to bring back information to the Board and stated that she supports him in this role.

Christy Houpis moved to recommend to the Board of Selectmen that Will Ludt be a Commissioner to the NRPC. Seconded by Tracie Adams.

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

4. Thornton Ferry Road I -Lot Consolidation Form

Nic Strong explained that the applicant is requesting to consolidate lots. The request to consolidate Lots 9 and 7-1 has been withdrawn. Thus, the Board is reviewing the request to consolidate Map 5 Lots 6 and 7, and Map 16 Lot 21-1.

February 16, 2022

APPROVED

In response to a question from Arnie Rosenblatt regarding why this is not listed as an agenda hearing item, Nic Strong stated that this is a statutory provision stating that the Planning Board shall approve it, as long as it does not conflict with current zoning regulation requirements. Thus, the Board is essentially acting administratively on this item.

There were no questions or comments from Chris Yates, Tracie Adams, Mike Akillian, Tom Silvia, Tom Quinn, or Dwight Brew at this time.

In response to a question from Bill Stoughton, Nic Strong confirmed that the lots in the request all have frontage on Thornton Ferry Road I. There is no aspect of the combined lot that would violate any of the current regulations.

Christy Houpis moved to approve the Lot Consolidation/Voluntary Lot Merger applications for Brian and Theresa Scanlan, Trustees, Scanlan Family Revocable Trust, to merge Tax Map 5 Lots 6 and 7 and Tax Map 16 Lot 21-1 into one lot: Tax Map 5 Lot 6, for municipal regulation and taxation purposes. No such merged parcel shall hereafter be separately transferred without subdivision approval. Payment for recording the Lot Consolidation/Voluntary Lot Merger Forms at the Hillsborough County Registry of Deeds shall be made by the applicant. 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.

5. Minutes: February 2, 2022

Christy Houpis moved to approve the meeting minutes of February 2, 2022, as written. Seconded by Tracie Adams.

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.

7. Any other business to come before the Board

Bill Stoughton explained that the Board has materials from the Master Plan Steering Committee to review. The consultant was going to write more detail and sections of the Plan in parallel with this review, and review by Department Heads. The consultant would like feedback from the Planning Board before moving forward with continuing writing the draft. Bill Stoughton stated that his concern is that there be an approved Master Plan before drafting any potential ordinance changes for next year's vote. The suggestion is to hold a special meeting only to discuss these draft materials within the next two weeks.

The Board discussed possible dates. The Board agreed to hold a special meeting on February 22, 2022, at 4pm, at Town Hall. Arnie Rosenblatt noted that he will likely not be able to attend this meeting but will pass any comments he has along to Bill Stoughton. Dwight Brew stated that the consultant will be invited to attend, but it is likely not necessary for him to be there.

TOWN OF AMHERST
Planning Board

February 16, 2022

APPROVED

263 **Christy Houpis moved to adjourn at 8:04pm. Seconded by Tracie Adams.**
264 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**
265 **aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried.**
266

267 Respectfully submitted,
268 Kristan Patenaude
269

270 Minutes approved: March 2, 2022