

TOWN OF AMHERST
Planning Board

April 6, 2022

APPROVED

1 In attendance at Amherst Town Hall: Tracie Adams – Vice Chair, Bill Stoughton – Board of
2 Selectmen Ex-Officio, Chris Yates - Secretary, Tom Silvia, Cynthia Dokmo, and Tom Quinn.
3 Staff present: Nic Strong, Community Development Director; Nicole Stevens, Town Planner,
4 and Kristan Patenaude, Recording Secretary (via Zoom)

5
6 Tracie Adams, Vice Chair, called the meeting to order at 7:00 pm at Town Hall. She noted that
7 she will act as Chair tonight in Arnie Rosenblatt's absence. She introduced Board members and
8 Staff.

9
10 **PUBLIC HEARING:**

11 **1. CASE # PZ14920-101321 – Clearview Subdivision (Owner & Applicant); Boston**
12 **Post Road, PIN #: 005-159-001 & 38 New Boston Road, PIN #: 007-072-000 –**
13 **Subdivision Application. To depict the design of a 43-unit Planned Residential**
14 **Housing Development and WWCD CUP known as Prew Purchase Condominium**
15 **on Tax Map 7, Lot 72 & Tax Map 5, Lot 159-1. Zoned Residential/Rural. Continued**
16 **from March 2, 2022.**

17
18 Tracie Adams read and opened the hearing.

19
20 *Cynthia Dokmo recused herself.*

21
22 Nic Strong stated that the funds for the remaining engineering reviews were received on March
23 16, 2022. Keach-Nordstrom submitted the review to the Board today.

24
25 Tracie Adams explained that some of the information submitted by the applicant has not been as
26 complete as some Board members may have wanted, and so some of the votes expected by the
27 applicant tonight may not be made. The engineering review was only received late today, so the
28 Board is likely not able to comment on it. She encouraged all applicants to submit application
29 materials to the Board at least a week in advance of the meeting.

30
31 Ken Clinton, Meridian Land Services, and Erol Duymazler, Clearview Development, presented
32 to the Board. Ken Clinton explained that the third-party review of the design set was received
33 from Keach-Nordstrom earlier that day. It will likely take a week to review and comment on it.
34 The delay of receipt of this report was partly due to miscommunication about the payment for the
35 review and late payment from the applicant. There are still several items that must be discussed
36 this evening, and he is hoping the Board will vote on two items in particular.

37
38 Ken Clinton explained that he did not believe the information provided to the Board tonight was
39 new information to be provided a week ahead of time, but instead housekeeping items. This is a
40 PRD subdivision proposal, grandfathered under the previous Innovative Integrated Housing
41 Ordinance (IIHO) that is now defunct. Information for six key items have been assembled: senior
42 housing requirement compliance to be overseen by a third-party management company – to be
43 written into the condo docs; interior road signs suggested to be similar to the highway-style signs
44 referenced in the Keach Nordstrom report; well testing for two wells in the east village per the

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45 StoneHill review protocol, and hybrid well testing of the west village using the State protocol
46 with the StoneHill well requirements table; requiring state-of-the-art irrigation systems which
47 monitor and adjust for precipitation and soil moisture or ones similar to that; private roads will
48 be maintained in accordance with Green SnowPro practices; and agreement to follow items 1, 3,
49 4, 5, 7, and 8 listed in the GZA environmental study which suggested eight recommended
50 conservation measures, with #8 being a construction inspection due to the prior study's timing.
51 Ken Clinton noted that he omitted item #2, which recommended limiting the openings of catch
52 basin grates to a 1"x1" square, as this would increase the size of the catch basin required to
53 receive the same flow. The State's stormwater requirements will not favor this configuration;
54 thus, it is not listed at this time, but can be further discussed during construction if needed.
55

56 Ken Clinton explained that he had two key items to discuss with the Board. The first was a
57 potential condition of approval regarding public water supply systems. He would like a vote
58 tonight as to whether this item will be a requirement. The water supply report and subsequent
59 hydrogeological study from Sanborn Head shows that there is sufficient water supply as
60 proposed for the 27 wells on site. The Town's third-party review by StoneHill confirmed this.
61 Testing protocol recommended by StoneHill has been agreed to by the applicant. The wells,
62 which have overlapping 75' protective radii, are placed to maximize utility of the units and their
63 infrastructure, and allow for less woodland disturbance, similar to other developments. The
64 limited common areas proposed must contain septic systems, driveways, and stormwater
65 systems, thus placing the wells in the back of the property. Wells, when possible, should be
66 located close to each other, in order to leave space for septic locations, and to allow efficiency of
67 one stop to set two wells. This development cannot control the suitability of an abutter's well
68 location and their depth, nor their use/overuse. There are too many unknowns about an abutter's
69 quality and quantity to restrict the applicant's reasonable use of this land. Testimony from water
70 supply experts shows that this property can support the 27 wells proposed, regardless of the
71 abutters' well conditions. Ken Clinton stated that a public water supply system should only be
72 required if a demonstrated need can justify this condition of approval. Studies and third-party
73 reviews submitted do not show this justification. There will not be a reduction in volume of
74 water drawn on this site based on one public water supply versus 27 wells. The suitability and
75 compliance of the proposed wells is placed on the owner. The owners must ensure quantity and
76 quality based on the established standards. The cost of a public water supply system for this site
77 may cost approximately \$700,000. This would require an additional 15 +/- units to cover that
78 extra cost. Inclusion of this system would require substantial redesign of the current plans,
79 including a cross-country water main with gravel road access for maintenance through the open
80 space with additional wetland CUP approvals. Ken Clinton explained that this cannot be a
81 conditional approval at the end of this proposal but should have been considered during the CUP
82 process. There is no demonstrated need for this type of system. It is critical for the applicant to
83 know the position of the Board on this item at this time.

84
85 Ken Clinton asked if the Board would like to comment at this time. Tracie Adams asked Ken
86 Clinton to complete his whole presentation first.
87

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- 88 Ken Clinton stated that his second item of importance for this evening is pretreatment septic
89 systems. The west village is proposed to be similar to single-family condominiums. Each unit
90 has its own well, leach field, driveway, etc. The east village is proposed to have 18 senior units
91 with shared wells and leach fields. Systems similar to envirotube systems will likely be used, and
92 pretreatment systems are not considered to be necessary. The currently proposed leach fields are
93 pre-sized based on unit location, bedroom count, and the test pits performed on site. Each one on
94 the west village is pre-sized for approximately 600 gallons/day, similarly on the east side. Their
95 positions are such to maximize the gravity systems, comply with existing wetland setbacks and
96 well radii. They comply with NH DES requirements and the Town's stricter requirements.
97 Pretreatment septic systems would require a demonstrated need, and there has been none shown.
98 The Town does not have nitrate design criteria as part of their septic requirements, but the State
99 does. These do not kick in until systems are greater than 1,000 gallons/day. Up to that amount,
100 the State considers that the 50' wetland setbacks and 75' protective radii cover the systems. The
101 State also applies a 50' downgradient and 12' upgradient nitrate setback, if there is more than
102 one leach field on a lot. This does not apply to this proposal, yet these requirements are still met
103 by the proposal. The added cost for a single leach field to be converted to a pretreatment system
104 is approximately \$10,000. Additional units may be needed to cover this cost, if required, or the
105 project may be deemed economically unfeasible. There are also additional yearly maintenance
106 costs associated with these systems. There is a question as to what could happen if the power
107 goes out for several days, as pretreatment systems run on electricity. Residential systems are a
108 very minor concern with regard to nitrates as compared to fertilizers or pet waste.
109
- 110 Ken Clinton suggested condition #7, lime and low phosphate slow-release fertilizer may be
111 incorporated into the soil prior to, or at the time of, seeding. Seeding practices shall comply with
112 local USDA Natural Resource Conservation Services recommendations. Low phosphate slow-
113 release nitrogen fertilizer to contain no more than 2% phosphorus and, at a minimum 50 % slow-
114 release nitrogen components. This is a substantially better remediation of nitrates on the property
115 than adding the pretreatment systems, which he, again, does not believe are justified.
116
- 117 Ken Clinton explained that a professional opinion regarding the traffic from the site, and a third-
118 party review of that opinion have been submitted. While there are some traffic issues present at
119 nearby intersections, the percent contribution from the proposed number of units does not cause
120 those problems and does not create a significant adverse impact. He is unclear what the scope of
121 the current NRPC traffic review is for the Village area. He asked if a decision on this item is one
122 that will be held up until the NRPC study can be completed, and, if so, what the timeline for this
123 looks like.
124
- 125 Ken Clinton explained that a former Planning Board member raised concerns regarding potential
126 blasting. There is little blasting proposed, especially in the east village. The test pit results and
127 cut-and-fill designs confirm this. Any blasting will be central to the property and not impact
128 abutters. A blasting study is not required for this project due to its proposed nature. He asked if
129 the Board is concerned about blasting and what the specific concerns are.
130

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131 Ken Clinton explained that the applicant needs to know if the Board will require either the public
132 water supply or the pretreatment systems and he would like to hear specific concerns that dispute
133 the facts presented to justify either of these items.

134
135 Tracie Adams asked that the Board first address the item regarding blasting.
136

137 In response to a question from Tom Quinn, Ken Clinton stated that he does anticipate some
138 blasting to occur as part of this project. Ken Clinton stated that has not yet run the calculations
139 for estimated cubic yards needed for blasting, but he estimates 150 linear feet blasted to an
140 approximate depth of 5-7'. There may also be a trench needed below that. The nearest residence
141 to this area is approximately 850'. Ken Clinton stated that he does not believe blasting would
142 cause shaking or anything else that could damage the Historic District.
143

144 In response to a question from Tom Silvia regarding the number of days for proposed blasting,
145 Ken Clinton stated that the amount of blasting will depend on the nature of the rock on site.
146 Utilities will need to be several feet below the paved surface and some of the drainage structures
147 will likely be at the greatest depths. Ken Clinton stated that he does not want to give an estimated
148 number of days for blasting on site, because he does not yet know. There are also standards for
149 the Alteration of Terrain Bureau that need to be followed.
150

151 In response to a question from Bill Stoughton regarding comparing this to other projects in Town
152 that have involved blasting, Ken Clinton stated that he is involved with the Founder's Village
153 project that has approximately 47 clustered units. This project would propose approximately 1/5
154 of the blasting needed for that project. The phased construction of Founder's Village has
155 continued while current residents have been living in their units. There have been no reports of
156 complaints of the blasting at Founder's Village. Bill Stoughton stated that he has no concerns
157 regarding blasting as part of this project at this time.
158

159 Chris Yates stated that he has no concerns or questions regarding blasting at this time.
160

161 Tracie Adams asked the Board to address the issue regarding traffic.
162

163 Tom Quinn stated that he has no concerns or questions regarding traffic at this time.
164

165 Tom Silvia stated that he would like to have an understanding as to where the NRPC study
166 stands. He would like to incorporate this into the Board's thinking on this topic.
167

168 In response to a question from Bill Stoughton regarding the timeline for the NRPC study, Nic
169 Strong stated that she believes this will be completed by the end of April.
170

171 Bill Stoughton stated that he hopes the NRPC study would be completed in time to review it as
172 part of this application. The traffic problems addressed by that study are not wholly of the
173 applicant's making. The Town will need to do something to address traffic and the question is

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174 what role the applicant might play. He does not believe the Board will likely hold up a decision
175 on this item in order to receive the study.

176
177 Chris Yates stated that he has no concerns or questions regarding traffic at this time.
178

179 Ken Clinton noted that this project will be subject to impact fees and asked the Board to consider
180 earmarking the road impact fees toward the potential intersection projects. Bill Stoughton noted
181 that the Board of Selectmen authorizes spending of the impact fees.
182

183 Tracie Adams asked that the Board address the pretreatment septic system item.
184

185 Tom Quinn stated that pretreatment systems are important to consider as part of this project, in
186 order to maximize the amount of protection to groundwater resources.
187

188 In response to a question from Tom Silvia, Erol Duymazler stated that the cost of the units will
189 be market driven. While the bedroom count of these units is known, the square footages are not
190 yet known, and this will drive the cost. Erol Duymazler estimated the cost of units on the west
191 village to be approximately \$500,000. Tom Silvia noted that the additional \$10,000 to upgrade to
192 pretreatment septic systems is an incremental cost of 2%. Erol Duymazler stated that this could
193 still be a significant impact on the amount of profit made for this project. Ken Clinton explained
194 that the impact of this one item must be looked at with the impact of all other items on this
195 project.
196

197 Bill Stoughton stated that the pretreatment systems were suggested by StoneHill as part of their
198 report, with the rationale that the close proximity of the wells and septic systems raised concern
199 that nitrates may be introduced into the drinking water.
200

201 Ken Clinton read from the StoneHill report, *“With respect to development impacts to the water
202 quality in the bedrock underlying the Site, it is unlikely to be measurably impacted due to
203 incidental releases of oils and/or hazardous material potentially found in roadway runoff or
204 discharged to residential septic systems. However, StoneHill does have some concern regarding
205 potential impacts to groundwater quality by nitrates from up to 25 densely located traditional
206 residential septic system leach fields, possibly in the vicinity of the same number of on-site
207 supply wells. As such, we suggest that Clearview Development Group consider the use of
208 advanced treatment septic systems to minimize impacts to groundwater quality by reducing the
209 concentration of nitrates in the effluent discharged to the septic system leach fields.”* Ken
210 Clinton stated that StoneHill’s suggestion was that Clearview consider these systems, and the
211 applicant did based on the Town and State requirements and the impact they would have on this
212 development. The focus of the review was regarding water supply, not to consider pretreatment
213 septic systems. He stated that he would be happy to compile information to refute these
214 suggestions.
215

216 Bill Stoughton stated that he thought he was going to see this additional information presented
217 tonight. Ken Clinton stated that it is unnecessary. Bill Stoughton stated that the applicant is

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218 asking the Board to rely on this professional opinion for other items, such as that the water
219 supply on site is adequate but should also disregard the same expert in terms of their opinion
220 regarding the pretreatment systems. He will need information based on the actual locations of the
221 wells and septic systems that the nitrate entering the water is not an issue, or that the cost to
222 install these systems is prohibitive. The reported cost of these systems could be a sales point and
223 is a small amount on the cost of the units.

224

225 Tracie Adams asked the Board to discuss the public water system item.

226

227 Tom Quinn stated that this is his greatest concern for the site, due to the number of abutter
228 concerns regarding their water supplies. The StoneHill report also listed a concern regarding the
229 close proximity of the wells in the development and that effect on well yields. Given that there
230 are already issues for some neighbors, adding more units would likely make this issue worse.

231

232 In response to a question from Tom Quinn, Ken Clinton explained that Pennichuck has a water
233 supply in Town but the costs to bring it down the road are approximately \$1M. The closest
234 entrance to that system is at the Wilkins School site. This would also require an additional road
235 through the site for maintenance. There are additional taxes on Pennichuck's infrastructure
236 imposed on developers. Ken Clinton stated that this may have been a possibility when the
237 applicant was originally seeking approval for approximately 63 units, but not now.

238

239 Chris Yates stated that he has no questions regarding a public water system at this time.

240

241 Bill Stoughton stated that he was not suggesting extending Pennichuck water to this site, but
242 instead suggested community-based well systems, professionally installed and managed. He
243 asked if water quality testing needs to be done on each well. Ken Clinton stated that he identified
244 the StoneHill protocol as their company's program. The east village has a mini-community
245 system proposed, with two wells serving 18 units total. The applicant is agreeable to follow the
246 StoneHill protocol for testing, which is quality and quantity.

247

248 Bill Stoughton stated that he is concerned regarding water quality issues. Both experts used for
249 testing are in agreement, in terms of water quantity for this site, and he believes the Board must
250 trust those experts, although he is still concerned. His main concern is for potential PFAS and
251 water quality of this site. There are currently over 200 residents' wells in Town that exceed the
252 current PFAS State standards. These are being connected to Pennichuck, where possible, or
253 being treated with aid from Town/State rebates. The community well he is suggesting would
254 likely reduce the number of wells to be drilled, locate them in a less susceptible area to nitrate
255 contamination by septic systems and potentially avoid the need for pretreatment systems, treat
256 the water with professional management, and the Town would know it would be delivering good
257 quality water to the residents of the development. The applicant was previously asked by former
258 Board member Dwight Brew if PFAS testing of new well water was required. Ken Clinton stated
259 that he does not know the full answer to this question.

260

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261 Ken Clinton stated that water quality has been a much less discussed concern than quantity. If
262 the applicant can leave this meeting and seek more stringent water testing regarding quality,
263 while knowing that a public water supply is not going to be required, the applicant would be
264 agreeable to this. Bill Stoughton stated that tonight was the first time he heard a potential cost of
265 a community water system, and he would like to see more information on this. The cost may be
266 prohibitive and there may be alternates, but this has not yet been shown by the applicant.
267

268 Chris Yates stated that having shared wells in the west village may be a good idea. The vicinity
269 of some of the proposed wells on that portion of the site are fairly close. Ken Clinton stated that
270 the proximity of the wells is purposeful. Sanborn Head did not have concern regarding the well
271 locations. If there is an issue with a well, the builder will need to shift it and still maintain all
272 other requirements. There are no concerns with the well locations regarding either quality or
273 quantity. He believes a level of testing that satisfies the Board but does not raise to the level of a
274 public water supply system can be achieved. He still has not heard specific reasons as to why this
275 is needed.
276

277 Tracie Adams opened the floor to public comment.
278

279 Will Ludt, 3 School Street, stated that previous large projects in Town that involved drilling and
280 jackhammering caused damage to some of the older houses in the Historic District. These
281 projects were in close proximity to his house, within 500'. He believes this could be an issue as
282 part of this development and the blasting proposed.
283

284 Bob Ellis, 7 Farmington Road, stated that he lives in a neighborhood near a previous
285 development constructed by this developer and had no bad experiences or issues. This is not a
286 national corporate developer, but a local person with good interests.
287

288 There was no additional public comment at this time.
289

290 Bill Stoughton stated that the west village hybrid testing protocol has not yet been reviewed by
291 the Board. Ken Clinton stated that he shared the DES fact sheet and the StoneHill review, but he
292 has not consolidated this into a singular protocol as it is unclear if the Board is going to require a
293 public water supply. Bill Stoughton stated that he is open to a hybrid protocol but would like to
294 first review it. Ken Clinton stated that the applicant has agreed to follow through with this item.
295

296 Bill Stoughton stated that the Board gave early comments regarding proposed bedroom counts
297 for this project. Ken Clinton stated that this will be revisited, and he will address it, along with
298 the hybrid protocols.
299

300 Bill Stoughton stated that he would like more information on the cost estimate for the public
301 water supply system, as well as information on the efficacy of using traditional septic systems in
302 this proximity to wells. He believes StoneHill was trying to alert the Board to concerns regarding
303 this item. Ken Clinton asked if the Board would allow him to follow up directly with StoneHill
304 on this item. The Board agreed with this suggestion.

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305
306 In response to a question from Tracie Adams regarding the community water supply cost
307 estimate, Ken Clinton stated that this information will largely be based on other contractor's
308 information. He will also try to get a professional engineer who designs them to weigh in, but he
309 is concerned the Board will not be satisfied with all of this information as it will not be 100%
310 applicable to this site.

311
312 Tom Quinn stated that the DPW and Fire Chief comments regarding the hammerheads also need
313 to be addressed. Tracie Adams asked that comments be focused on the items mentioned tonight
314 by Ken Clinton.

315
316 Tracie Adams asked if the applicant is okay waiting to see the results of the NRPC traffic study,
317 possibly at the end of April. Ken Clinton stated that he does not believe the applicant has a
318 choice, and that this will be an additional item discussed at a continuance.

319
320 In response to a question from Chris Yates regarding a requirement when blasting to post notice
321 to the Town, Ken Clinton stated this is customary, particularly for emergency services. The
322 applicant would agree to additional notices of this type.

323
324 Tom Quinn stated that he has concerns regarding if the blasting takes place over a prolonged
325 time period.

326
327 Tracie Adams noted that all of the items requested to be addressed by the applicant have been, in
328 some fashion, by the Board at this time.

329
330 Bill Stoughton stated that the applicant's IIHO CUP approval is a year old, March 17, 2021.
331 Under the regulations, the approval is good for a year and can be extended for an additional year.
332 He asked if the applicant is seeking an extension to March 17, 2023. Ken Clinton stated that he
333 has not verified this information but would trust this information and requested said extension.

334
335 **Bill Stoughton moved to extend the validity of the IIHO density CUP approval for**
336 **Clearview Development until March 17, 2023. Seconded by Chris Yates.**

337 **Voting: 5-0-0 motion carried.**

338
339 Ken Clinton asked for a continuance to the next meeting, with the understanding that he will
340 submit additional information to the Board ahead of that meeting.

341
342 **Bill Stoughton moved to continue this hearing to May 4, 2022, at 7pm at Town Hall,**
343 **with the understanding that the applicant will accept extensions to the necessary**
344 **deadlines. Seconded by Tom Quinn.**

345 **Voting: 5-0-0 motion carried.**

346
347 *Cynthia Dokmo retook her seat.*

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

351
352 2. CASE #: PZ15481-030922 – Dwayne D. Andreasen, c/o DDA Services Inc. (Owner
353 & Applicant); 13 Lake Front Street, PIN #: 024-031-000 – Conditional Use Permit.
354 To move an existing home away from the lake on the lot and set on new concrete
355 foundation. Install new pre-treatment septic system and stormwater management
356 and drill a new well. Zoned Residential/Rural.

357
358 Tracie Adams read and opened the case. She noted that the Board determined on March 16,
359 2022, that there was no regional impact from this application.

360
361 Bill Stoughton moved to accept this application as complete. Seconded by Chris
362 Yates.
363 Voting: 6-0-0 motion carried.

364
365 Tracie Adams noted that some information on this project was received late in the day. She noted
366 that materials are preferred to be received at least a week in advance.

367
368 Tom Carr, Meridian Land Services, addressed the Board. He explained that this is a
369 redevelopment project. There is an existing structure on the property. This request is a
370 combination CUP and Shoreland Water Quality Protection Act application. This was presented
371 to the Conservation Commission a couple of weeks ago and the existing plan is different than
372 shown during that meeting. This was revised due to DPW comments regarding parking in the
373 right of way. The applicant has agreed to change the plan to have a garage under the structure to
374 address these comments. Tom Carr explained that the existing structure is on the front property
375 line; the proposal is to move it back 5' and rotate it to better fit within the lot lines. The lot is
376 entirely wooded. Some trees will need to be removed, but this will comply with the Shoreland
377 Water Quality Protection Act permit. There is no current stormwater management on the
378 property, so a stone drip edge around the house and a crushed stone driveway are proposed.
379 Under the Shoreland regulations, because the situation on site is being improved, stormwater
380 management is not required. Not all Town stormwater regulations can be complied with, due to
381 the size and location of the lot. This speaks to the requested waiver. The existing septic system is
382 in an unknown location on site. The proposal includes a pretreatment septic system. The leach
383 field is 4' above the mean high-water table. There is an existing dug well on the property. A new
384 well is proposed to be drilled.

385
386 Tom Carr stated that the intention is to move the existing structure back on the lot. If this cannot
387 be done, it will need to be razed and replaced in that location. He noted that allowing the
388 Heritage Commission to document the structure, if it needs to be demolished, should be a
389 condition of approval.

390
391 Tracie Adams asked for Board questions and comments.

392

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393 Chris Yates stated that updating the septic and stormwater features on site are great
394 improvements. He is glad that the plan has been updated based on comments from DPW. Tom
395 Carr noted he had specified the elevation at the road front, the lot line, and the driveway will be
396 pitched at 1%, as suggested.

397

398 Bill Stoughton stated that he has not yet had a chance to review the new site plan, due to the
399 lateness of submittal.

400

401 In response to a question from Bill Stoughton, Tom Carr stated that he has not yet had a chance
402 to review the revised site plans with DPW. Bill Stoughton stated that he would like this to be a
403 condition of approval.

404

405 Tom Carr noted that the shrubbery in the right of way is not an issue for this proposal.

406

407 In response to a question from Bill Stoughton regarding the lot line and the driveway, Tom Carr
408 explained that the driveway extends past the end of the lot. Everyone's driveway in this area is
409 within the right of way. Bill Stoughton stated that he is okay with this, as long as it is approved
410 as part of the Town's review of the driveway permit.

411

412 In response to a question from Bill Stoughton regarding the ACC's concerns about the dam
413 materials in the dripline, Tom Carr stated that the revised plan shows 2' wide by 2' deep stone
414 block check dams.

415

416 Tom Carr explained that the infiltration trench is 600 cubic feet, 2' deep, 2' wide around the
417 structure. That equates to 240 cubic feet, or 1,795 gallons. At a 12 minute/inch perc rate, this
418 should recharge every 2.4 hours. 10,770 gallons should be able to recharge on this site every four
419 hours. If one foot of rain fell in 24 hours, that would be approximately 9,000 gallons. This should
420 handle well over a 50-year storm.

421

422 Bill Stoughton asked about separation from the groundwater table. Tom Carr stated that the test
423 pit showed approximately 48" to seasonal high-water table on a hill of the site. There was no soil
424 testing done on the lower site near the infiltration site. He cannot guarantee that the BMPs for
425 separation can be met. Bill Stoughton suggested adding conditions of obtaining a driveway
426 permit and any comments from the DPW Director.

427

428 In response to a question from Tom Silvia, Tom Carr stated that the existing structure hasn't
429 been inhabited for at least 15 years. Tom Carr stated that he is unclear on how the house is
430 proposed to be jacked up, but it will be done by a team of professionals. Tom Silvia stated that
431 the actual construction is the more disruptive part of this project and asked what the sense of this
432 will be. Tom Carr stated that the impact of moving the house is zero. The notes on the plan
433 indicate the soil removed will be placed in a dump truck and moved offsite. The risks to the
434 resource do come from construction, such as through erosion and sediment getting away from
435 the contractor. Erosion control is in place on the property and on the other side of Lake Front

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436 Street. This becomes a best management practices item for the contractor. The Town and related
437 inspectors must pay attention to what will be done on this site.

438
439 In response to a question from Tom Silvia regarding what the replacement structure may look
440 like if needed, Tom Carr stated that he believes the dimensions will remain very similar.
441

442 In response to a question from Tom Quinn regarding the erosion BMPs, Tom Carr stated that the
443 contractor will have three options: straw hay bales, silt fences, or silt socks. The BMPs are built
444 into the plan through the notes.

445
446 Cynthia Dokmo stated that she has no questions. The proposal will be an improvement.
447

448 Tracie Adams asked for public comment.
449

450 In response to Todd Hutchinson, 15 Lake Front Street, regarding if the applicant plans to develop
451 and resell this site, Tom Carr stated that this is not the intention. Todd Hutchinson stated that a
452 separate nearby property was recently reconstructed, and he heard a lot of commotion during that
453 time. He asked that the Board members not vote on this item until they drive by the site. He
454 stated that there is nothing special about the existing structure and it will likely not survive being
455 moved. There is a large uphill ledge on site, and he cannot believe the septic refuse will be able
456 to be pumped up it. He is concerned with how long construction will take and if any limits will
457 be placed on this. He stated that he is unable to leave his property while construction is ongoing,
458 due to the road conditions. He suggested that the applicant be made to make sure construction
459 trucks are moved off Lake Front Street during construction.
460

461 Brian Hoffman, 11 Lake Front Street, explained that the applicant has stated that he will keep the
462 existing cottage as is, due to its unique features and proximity to the Lake. If the structure has to
463 be demolished, the applicant has stated that he will try to make the cottage look as it used to. If
464 these statements are correct, he supports the project.
465

466 There were no other public comments at this time.
467

468 In response to a question from Bill Stoughton regarding the abutter's concerns, Tom Carr stated
469 that this is a sensitive site, and the applicant understands that public safety and neighborhood
470 access is important. Some of the equipment may be staged on Hillside Avenue, as this is a
471 private way and will not impact neighborhood travel.
472

473 Tom Silvia stated that he believes an additional condition should be added regarding square
474 footage, height, and footprint of the replacement structure, if one is needed.
475

476 Nic Strong stated that the Board could ask the applicant to come back in a couple of weeks with
477 more information for this proposed condition, or that the applicant come back if the structure
478 needs to be demolished and rebuilt.
479

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480 Tom Carr stated that the Shoreland permit, and the CUP are relative to ground disturbance in the
481 buffer; they do not have jurisdiction over the building code. A new structure would have to meet
482 the building code. If the house has to be demolished, the structural components will have to be
483 supplied to the Building Department, but he does not believe the Board has jurisdiction over this
484 item.

485

486 Bill Stoughton asked about a condition that the footprint for a new structure remain the same, in
487 terms of stormwater concerns through the CUP process. Tom Carr stated that he believes any
488 new construction would need to fulfill the building code requirements.

489

490 Bill Stoughton suggested an additional condition, that replacement of the structure, if necessary,
491 is limited to the same footprint as the present structure. Tom Carr stated that the applicant cannot
492 exceed the lateral extent of this structure.

493

494 **Bill Stoughton moved to grant the requested waiver to the stormwater regulations**
495 **with the findings that granting the waiver will not impair achieving the spirit and**
496 **intent of these regulations and that compliance with these regulations is not**
497 **reasonably possible given the specific circumstances relative to the CUP and the**
498 **conditions of the land for which the CUP is requested and that the proposed**
499 **substitute solution is consistent with the goals of the regulations and is in the best**
500 **interest of the Town. Seconded by Chris Yates.**

501 **Voting: 6-0-0 motion carried.**

502

503 **Bill Stoughton moved that the Board finds the application satisfies the criteria of**
504 **Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for**
505 **approval of a Conditional Use Permit in the Wetlands and Watershed Conservation**
506 **District; and, further, to approve Case # PZ15481-030922 for Dwayne D. Andreasen**
507 **2016 Revocable Trust, Dwayne D. Andreasen, Trustee, for a Conditional Use Permit**
508 **for site improvements in the WWCD at 13 Lake Front Street, Tax Map 24 Lot 31, as**
509 **shown on the plan originally dated February 14, 2022, and revised April 6, 2022,**
510 **with the conditions set forth in the Staff Report, and the additional conditions**
511 **subsequent:**

- 512 • **That the applicant obtain a driveway permit**
513 • **That the applicant satisfy the concerns of the DPW Director, as expressed in**
514 **the letter containing those comments**
515 • **That replacement of the structure, if necessary, is limited to the same**
516 **footprint as the present structure**

517 **Seconded by Chris Yates.**

518 **Voting: 6-0-0 motion carried.**

519

520 **3. CASE #: PZ15482-030922 – David R. & Ellen Constant (Applicants) & Constance**
521 **Family, LLC 2 (Owner); 32 Clark Avenue, PIN #: 025-042-000. Conditional Use**
522 **Permit. To raze and reconstruct a lakeside dwelling in the same location with no**

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523 **change in structure except to reduce one wall to square up the house and add a**
524 **porch. Zoned Residential Rural.**

525

526 Tracie Adams read and opened the case. She noted that the Board determined on March 16,
527 2022, that there was no regional impact from this application

528

529 **Bill Stoughton moved to accept this application as complete. Seconded by Tom**
530 **Silvia.**

531 **Voting: 6-0-0 motion carried.**

532

533 Tom Carr, Meridian Land Services, explained that this lot is very flat and the risks to the
534 resources from this project are much less than with the previous application. This lot is
535 approximately 3.5' above the Lake level. The proposal is to raze and rebuild the structure in the
536 same footprint. The Shoreland Protection regulations note that no walls can be moved closer to
537 the Lake than they currently exist. Thus, one section of the house will be reconfigured and
538 squared off during the rebuild. There is currently an existing wooden deck that extends over the
539 lot line. There is also a concrete patio. There is no existing driveway, as the owners park on the
540 back lawn, and a driveway is not being proposed. The proposal will allow for safety features to
541 be updated. There is a flagstone walkway which will be removed and replaced with a porous
542 walkway. The same stone drip edge will be installed on this property, as was proposed in the last
543 application. No soil testing was required for this project, but the site will not allow for the
544 required separation from the mean high-water table. The existing septic tank is an H-20 tank, due
545 to the fact that the owners park their vehicles on top of it.

546

547 Tom Quinn asked about erosion control methods. Tom Carr stated that they will run down the lot
548 line, to the Clark Ave. right of way, and around the site. Access to the site will be from the back.
549 Some excavated soil will be removed, but not a significant amount.

550

551 Tom Silvia had no questions or comments at this time.

552

553 In response to a question from Bill Stoughton, Tom Carr stated that he has no objections to the
554 conditions set forth in the Staff Report and has no issue with following the suggestions outlined
555 by the Heritage Commission and Recreation Department.

556

557 Bill Stoughton noted that the requested waiver is due to being unable to meet clean up
558 percentages and separation from the mean high-water table. Tom Carr concurred.

559

560 Chris Yates and Cynthia Dokmo had no questions or comments at this time.

561

562 Tracie Adams opened the floor to public comments. There were no public comments at this time.

563

564 **Bill Stoughton moved to grant the requested waiver to the stormwater regulations**
565 **with the findings that granting the waiver will not impair achieving the spirit and**
566 **intent of these regulations and that compliance with these regulations is not**

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567 **reasonably possible given the specific circumstances relative to the CUP and the**
568 **conditions of the land for which the CUP is requested, and that the proposed**
569 **substitute solution is consistent with the goals of the regulations and is in the best**
570 **interest of the Town. Seconded by Tom Quinn.**

571 **Voting: 6-0-0 motion carried.**

572
573 **Bill Stoughton moved that the Board finds the application satisfies the criteria of**
574 **Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for**
575 **approval of a Conditional Use Permit in the Wetlands and Watershed Conservation**
576 **District; and, further, to approve Case # PZ15482-030922 for David & Ellen**
577 **Constant, for a Conditional Use Permit for site improvements in the WWCD at 32**
578 **Clark Ave, Tax Map 25 Lot 42, as shown on the plan dated March 3, 2022, with the**
579 **conditions set forth in the Staff Report, and the additional conditions subsequent:**

- 580
 - That the applicant comply with the written comment of the Heritage
 - Commission and the Recreation Department

581 **Seconded by Tom Quinn.**

582 **Voting: 6-0-0 motion carried.**

584
585 **CONCEPTUAL DISCUSSION:**

586 **4. CASE #: PZ15483-030922 – Flint Development c/o John Puent, VP of**
587 **Construction (Applicant) & TANA Properties Limited Partnership (Owners); 11**
588 **Northern Blvd/Bon Terrain Drive, PIN #: 002-026-000 & 002-012-002. Non-**
589 **Residential Site Plan Application Conceptual Consultation. To construct a 1.4m s.f.**
590 **freight terminal and warehousing facility with associated parking, truck storage**
591 **yard, and ancillary improvements. Zoned Industrial.**

592
593 Tracie Adams read and opened the case. Tracie Adams noted that a conceptual application
594 means that any comments made by Board members, or the applicant are not to be beholden to.

595
596 Doug Brodeur, Meridian Land Services, presented to the Board. He explained that the project
597 location is along the front of Hertzka Drive. This is comprised of two lots, Map 2-26 which is
598 zoned Industrial, and Map 2-12-2 which is zoned Rural/Residential. The site was formerly
599 Merrimack Sand and Gravel and operated as a gravel pit until approximately 2003. The applicant
600 intends to develop a 1.4M s.f. New England Commerce Center for a freight facility. This is not
601 intended to be something similar to an Amazon fulfillment center. A late submittal today to the
602 Board from Flint Development shows the market need for single 1.2M s.f. building or larger.
603 The market is moving toward large warehouses for freight shipping. Four variances have been
604 applied for: a use variance within the Rural/Residential zone, height variance, floor area ratio,
605 and a variance to allow for a CUP to be granted in the Wetland Watershed Conservation District
606 for impacts relative to building and parking lot. He believes the last item is within the ordinance
607 and does not need a variance. The current site is occupied by piles of sand, and several utilities.
608 There is a water main from Pennichuck and a gas line that service the nearby Summerfield
609 development. All utilities will be rerouted. The water tower and associated antennae will remain
610 on site.

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611
612 Doug Brodeur explained that much of the land north and east of the site is vacant, or used for
613 utility infrastructure, or commercial offices. Peacock Brook shields many of these uses from the
614 residential area. Peacock Brook is a tributary to Pennichuck Brook, a NH Class A waterbody, of
615 which there are only six in the State. These are classified as some of the highest-ranking waters
616 in NH. There are onsite wetland systems, including a 5.5-acre wetland system which connects to
617 Peacock Brook, and a wetland channel.

618
619 Doug Brodeur stated that there are several items the developer is seeking the Board's input on at
620 this time, before making a financial commitment: wetland buffer impacts relative to the CUP,
621 rare/threatened/endangered species habitat onsite, potential offsite improvements, a joint site
622 walk with the Conservation Commission, and application fees. He explained that the wetland
623 buffer impacts proposed are at four different locations on site. More stormwater ponds than
624 needed are being shown on the current plan. The total amount of buffer impacts proposed on site
625 is 3.4 acres out of 47 total acres of the site, and the total amount of wetland impacts is
626 approximately 2,000 s.f. The first buffer impact area is in a manmade excavated wetland,
627 15'x35', which he does not believe constitutes a buffer by definition and is 1 acre in area. The
628 second impact area is adjacent to Peacock Brook, impacts proposed of approximately 1 acre.
629 Retaining walls with guardrails are proposed to minimize impacts to the buffers. The last buffer
630 impact area is a wetland crossing which will be upgraded to an open-bottom box culvert, with
631 impacts of approximately 1/2 acre. There is a fourth area of impact will also have approximately a
632 1-acre impact. There are two additional crossings onsite which will be removed.

633
634 Doug Brodeur stated that a Supreme Court ruling stated that NH Fish & Game has consultative
635 review on projects regarding threatened and endangered species. An environmental study was
636 conducted through GZA which will be shared with the Board once completed. Simply because
637 the habitat exists for a certain species on site, does not mean it will be found on site. There are no
638 known occurrences of these species found via the NHB. It takes a long time for a gravel pit to
639 restore itself once it is no longer in use. It will likely take 50-100 years for this area to become a
640 mature oak pine forest again.

641
642 Doug Brodeur stated that the applicant has contracted with Greeman-Pedersen, Inc., to provide a
643 traffic impact analysis. Preliminary findings show, to 15-years out, that all intersections analyzed
644 will still operate at a high level of service, aside from the Route 101A/Route 122 intersection,
645 which already has existing issues. A meeting will be set up with NH DOT, Traffic Bureau, and
646 the Town to discuss this item. DPW has sent along some comments regarding the local roads,
647 which this proposal may impact further. \$626,000 of impact fees are estimated at this time. Some
648 of these funds could be used to upgrade Northern Boulevard and Bon Terrain. The applicant has
649 some funding to help with these items but cannot improve them completely as part of this
650 project.

651
652 Doug Brodeur noted that the estimated site plan fees for this project are over \$215,000. He
653 believes this is excessive. These should cover the reasonable expenses to the Town and not be a

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654 revenue generating source. He noted that this may not be in the purview of the Planning Board,
655 but instead the Board of Selectmen.

656
657 Cynthia Dokmo stated that there are concerns from nearby abutters. She asked how the effect of
658 this huge building and parking of large trucks on site can be mitigated for these neighbors. Doug
659 Brodeur stated that the Summerfield development is located to the south of this site. The closest
660 house is located approximately 450' away, through woods. There is an open space buffer
661 between the site and Summerfield, which originally came from the owner of this site. There is a
662 heavily forested buffer to another unit, situated approximately 300' away. There are additional
663 concessions that can be made to residents if they are reasonable.

664
665 In response to a question from Cynthia Dokmo regarding noise mitigation, Doug Brodeur stated
666 that the site will have tractor trailer storage, providing some noise buffering to the neighbors. He
667 will take up other ideas with the applicant.

668
669 Cynthia Dokmo stated that she believes a site walk will be necessary.

670
671 In response to a question from Chris Yates regarding if this site will be running 24/7, Doug
672 Brodeur stated that the end user is yet unknown, but typically trucks come all through the day
673 and are loaded throughout the night. Doug Brodeur stated that he believes the Board has leeway
674 on hours of operation.

675
676 Chris Yates stated that there will be many Amazon-type trucks coming/going from this site.
677 Doug Brodeur stated that this is not true. He has spoken many times with his client, who
678 expressed that there will not be an Amazon warehouse on this site. This site will service
679 primarily tractor trailers or UPS/FedEx trucks. Chris Yates stated that "last mile distribution"
680 means sprinter-style vans, putting a heavy traffic load onto Route 101A. Doug Brodeur stated
681 that this will not be a fulfillment center with small vehicles. This site design has been based off a
682 warehouse, a change in this would require a change in use and a different application.

683
684 Chris Yates stated that there are 350 tractor trailer parking spaces proposed on site. A laydown
685 yard that large will mean workers parking there and idling overnight. He is not convinced with
686 who the tenant will be. Doug Brodeur stated that his client is seeking 12 prospective tenants in
687 the New England area (such as R&L Carriers, XPO Express, etc.). Chris Yates stated that he
688 would like to see more information on traffic generation for the next meeting.

689
690 Bill Stoughton asked if a survey of this property for endangered species has been completed.
691 Doug Brodeur stated that a preliminary survey has been completed and shown to the
692 Conservation Commission. It did not note any threatened/endangered species, but it was
693 completed in February. It focuses on finding the habitat for these species, not the species
694 themselves. Generally, if Fish & Game sees that the habitat is present on site, it will assume that
695 the species is either present or will be at some future point. There will be a follow-up study in
696 June. A rare plant study will be needed as well. A preliminary meeting with Fish & Game will be
697 set up within the next couple of weeks.

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- 698
699 In response to a question from Bill Stoughton regarding if the wetlands have been graded, Doug
700 Brodeur stated that a current wetland delineation was done, along with a functions and values
701 assessment. Peacock Brook is a high value system, and most of the wetlands on site are high
702 functioning. The wetland channel will have a 100' buffer. The only wetland with little-to-no
703 value is the small, manmade excavated wetland. An assessment on vernal pools will also be
704 completed in the future.
- 705
706 In response to a question from Bill Stoughton, Doug Brodeur stated that the building is estimated
707 to have a height of 50'. This is below the Industrial zone allowed height, but above that of the
708 Rural/ Residential zone allowed height.
- 709
710 In response to a question from Bill Stoughton, Doug Brodeur stated that the estimated value of
711 the site, once built out, is likely over \$100M.
- 712
713 Bill Stoughton stated that a project of this scale would have a potential positive outcome. It
714 would be a significant increase to the tax base, likely with relatively light demands on many
715 Town services. All other things held constant (which, of course, they cannot be), a \$100 million
716 project would result in a measurable property tax decrease for the average residential home of
717 approximately \$400/year.
- 718
719 Bill Stoughton stated that his concerns fall in three major areas.
720 1) Traffic and Roads. He suspects this project would greatly alter the traffic on 101A in Amherst,
721 Merrimack, and Nashua, and potentially the traffic on 101 throughout the region and on Route
722 13 in Milford and Brookline. The Board will need to look carefully at the traffic impacts and will
723 be looking to the applicant to ameliorate those impacts. He is concerned that traffic impacts will
724 be so great that they cannot be ameliorated satisfactorily. There are already very heavy volumes
725 and traffic light delays at certain times of day on 101A. The Board will also need to address
726 substantial improvements to the Town roads in the immediate area, especially Northern Blvd,
727 which appears to be unable to handle this project in its current state. The Board will need to
728 consider asking for prohibitions on offsite parking of trucks awaiting time slots at the facility. He
729 also questioned whether the noise levels will be at levels that would be more objectionable than
730 other potential uses of this property.
- 731
732 Bill Stoughton asked if the water on site will be able to be infiltrated. Doug Brodeur stated that
733 he believes this will be able to occur, and he does not believe there will be an issue on this site
734 with PFAS. If there is PFAS in the soil, it will enter the water system each time it rains. He noted
735 that one of the best things that has been stated to do with PFAS is dilute it, as it is considered a
736 "forever chemical."
- 737
738 2) Groundwater Quality Impacts. Bill Stoughton reiterated the concerns voiced by the ACC. He
739 has read the applicant's letter to the ACC and, to be frank, the measures it proposes are much
740 closer to the minimum requirements the Board would expect of any developer than they are to a
741 model response. He would hope to see a much more robust proposal to minimize impacts

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742 wherever possible and to provide beneficial improvements where impacts cannot be avoided. He
743 suggested that there is considerable value in remediating and improving the shoreline of Peacock
744 Brook. He encouraged the applicant to work closely and cooperatively with the ACC and
745 community groups to come up with a plan that gains their support. He noted that under the
746 ordinance, manmade wetlands are not regulated. That does not affect what the State may require.
747

748 3) Air Quality Impacts. Bill Stoughton stated that he is concerned about the degradation of air
749 quality if over 300 parked diesel tractors are permitted to idle in the parking lot for hours and
750 hours. The particulates released by idling diesels are known to be harmful to human health. In his
751 view, the applicant will need to address this to present an acceptable proposal.

752 4) He is also concerned whether the Town fire equipment is adequate to address potential issues
753 with this building. The Town only has one ladder truck and he questioned whether that is
754 sufficient to protect life and property with a building of this scale. While this building will likely
755 be sprinkled, this is still a concern.
756

757 Bill Stoughton stated that, to respond to one of Doug Brodeur's questions, the Planning Board
758 does not determine how impact fees will be used. That is the responsibility of the Board of
759 Selectmen. The Board of Selectmen does not yet have a policy regarding spending these fees and
760 has not yet expended any fees collected.
761

762 Tom Silvia asked where the trucks for this site are coming from/going to. Doug Brodeur stated
763 that this will depend on the end user. The closest building similar to this is located in Raymond,
764 NH. This could be the largest distribution center in NH, aside from the Amazon building being
765 considered in Hudson. The applicant sought three different sites in southern NH to place this
766 proposed building, including Durham and Amherst. There is very flat land area along 101A that
767 affords itself to large buildings. The area is a deep sands glacial sandplain outwash and is on a
768 productive aquifer.
769

770 Tom Silvia stated that he has many concerns regarding traffic, noise, etc. with this proposed to
771 be the largest distribution center in NH.
772

773 In response to a question from Tom Quinn, Doug Brodeur stated that there is no intention to
774 store fuel on this site. The smaller building will be marketed as a separate building, not part of
775 the proposed facility, or it may be used for additional parking area. He stated that there may be
776 approximately 100 employees of the site.
777

778 Tom Quinn stated that this site has sat empty for a long time, and it would be nice to have
779 something occur there. However, he has many concerns regarding proximity to the neighbors,
780 traffic, etc. There are also residences near Hertzka Drive/Old Nashua Road. Doug Brodeur stated
781 that truck traffic can be restricted down Hertzka Drive.
782

783 Tom Quinn stated that he would be more excited about this project if it was smaller and further
784 away from the abutters. Doug Brodeur stated that his client originally wanted a 1.8M s.f.
785

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786 building, which he believed could be completed and approved through the State, but possibly not
787 through the Town process.

788
789 Tracie Adams opened the floor to the public.
790

791 Steve Nelson, 9 Beacon Lane and President of the Summerfield Condo Association, stated that
792 none of the abutters were notified regarding this proposal. This area has sat undeveloped for
793 decades. This is commercial property, but houses have been built around it over time, so the
794 character of the area has changed. Noise and light pollution are a concern. Without a clear tenant,
795 it is unknown as to how the area will be used and how many trucks will be onsite. There is
796 concern regarding the trucks accelerating/decelerating and using their jake brakes on occasion.
797 The trucks will need to be cleaned off when covered with snow, which will also create a lot of
798 noise. This could bring a lot of pollution to Peacock Brook. There are beavers and fish in the area
799 that could be impacted from diesel fuel and antifreeze. Traffic is also a concern, as Northern
800 Blvd will be mainly used to access the site, which will then empty onto Route 101A. He asked if
801 there is an alternative to be built, such as an office park, affordable housing, or a solar farm. He
802 is not sure if the proposal is the right fit for Amherst.
803

804 Barbara Staffiere, 9 Crystal Lane, stated that she is concerned about noise pollution, light
805 pollution, wildlife, and traffic. She is concerned about hearing the noise from back-up beeping
806 all night long, along with idling. She noted that Doug Brodeur mentioned redirecting of some
807 Summerfield utilities, with no disruption to residents. She has concerns regarding this. She
808 invited Board members to come tour the property.
809

810 Richard Bagley, 10 Summerfield Way, stated that the number of tractor trailer spaces listed on
811 the plan is approximately 700. This could have a huge impact on air pollution while idling.
812

813 Deb Keough, 16 Summerfield Way, echoed the sentiments of her neighbors. She added that the
814 Conservation Plan for Amherst from 2015 showed the highest ranked wildlife habitat in NH and
815 the biological region along the perimeter of this area. This is the beginning of a pine barrens
816 habitat, after being left uninhabited for a number of years. There are bobcats, owls, fox, and
817 beaver in the area. This behemoth of a building would block her view of this area. She asked
818 about the carbon footprint. She does not believe this fits in with the Town of Amherst.
819

820 Dewitt Taylor, 5 Crystal Lane, stated that he would potentially lose money on the value of his
821 property from this proposal. He stated that he believes, with the potential value of this building,
822 it is not being built on spec and an end tenant is likely already known. He asked who will control
823 what will exist in this building and the hours of operation. There are a number of mitigation
824 efforts that could be put in place to help control some of the noise concerns.
825

826 Eleanor Chmiel, 17 Summerfield Way, asked why a warehouse can be built in the
827 residential/rural zone.
828

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829 Will Ludt, 3 School Street, stated that four years ago there was an application to construct a
830 furniture storage warehouse across the street on Bon Terrain Drive. That is a 70-80 bay
831 warehouse, and this will be placed right near it. He believes the traffic study will be telling.
832

833 Barbara Dalton, 14 Summerfield Way, stated that Summerfield is approximately 16 years old,
834 with 77 homes, and the average taxes paid by a unit are approximately \$10,000/year. None of
835 these units have children and the roads are not plowed by the Town. She stated that the residents
836 haven't asked a lot from the Town but were asking the Board to help them now, as this proposal
837 is not what they moved here for.

838
839 Attorney Morgan Hollis, representing the applicant, stated that he is hoping to hear feedback
840 from the Board regarding the CUP. There will be a permit needed to fill the manmade wetland
841 and encroach in the buffer areas. It is not clear under the ordinance if these can be done through a
842 CUP only. This can be done if the proposed use is a driveway or passageway but is unclear
843 regarding a building or parking area. A variance is being requested from the ZBA to allow the
844 fill to be listed in a CUP category, which would then come before the Planning Board. He asked
845 if the Board believes this variance is necessary. The ZBA meeting on April 19, 2022, will be
846 noticed to abutters.
847

848 Bill Stoughton stated that he believes, under the wetlands ordinance, if the area discussed was
849 manmade, then it is not considered a wetland and not under the purview of the ordinance; thus, a
850 CUP is not needed to fill it. Doug Brodeur noted that there are also buffer impacts proposed to
851 wetland area #3. Bill Stoughton stated that the provision under the ordinance is quite broad.
852

853 Tracie Adams reiterated that this was a non-binding discussion between the Board and applicant.
854

OTHER BUSINESS:

5. Minutes: March 16, 2022

Tom Silvia moved to approve the meeting minutes of March 16, 2022, as written.

Seconded by Chris Yates.

Voting: 6-0-0 motion carried.

6. Any other business to come before the Board

Tom Silvia moved to adjourn at 10:46pm. Seconded by Tom Quinn.

Voting: 6-0-0 motion carried unanimously.

867 Respectfully submitted,

868 Kristan Patenaude

869

870 Minutes approved: May 4, 2022

871