

TOWN OF AMHERST
Planning Board

April 20, 2022

APPROVED

In attendance at Amherst Town Hall: Arnie Rosenblatt – Chair, Tracie Adams – Vice Chair, Bill Stoughton – Board of Selectmen Ex-Officio, Chris Yates - Secretary, Tom Silvia, Cynthia Dokmo, and Tom Quinn.

Staff present: Nic Strong, Community Development Director; Nicole Stevens, Town Planner (via Zoom); and Kristan Patenaude, Recording Secretary (via Zoom)

Arnie Rosenblatt, Chair, called the meeting to order at 7:00 pm at Town Hall.

Planning Board Alternates:

1. The Planning Board will conduct interviews for the three open Planning Board Alternate positions.

Arnie Rosenblatt stated that responses to the questionnaire have been received from each applicant. He asked that each applicant come before the Board for questions/comments before decisions are made. The Board has 1, 2, and 3-year terms open for alternate positions.

The Board first asked questions of Daniel LeClerc.

Cynthia Dokmo asked Dan LeClerc to expand on his answer to questionnaire item #6 - *How would you handle the situation if the Planning Board faced a development proposal that meets all the regulations, yet many residents appeared before the Board to stop it?*

Dan LeClerc explained that he was previously on the Planning Board in Manchester. Applications come forward and some residents will not want it in their backyard. He stated that he weighs this differently if five people versus 500 come forward to speak against an application. While Dan LeClerc said that he may not agree with an application moving forward, this is ultimately up to the rules and regulations. He prefers if more people come forward to speak for/against an application. It may be possible for the Board to ask that an application is reconsidered if enough people come forward to speak against it.

Chris Yates asked if Dan LeClerc is still involved with building of any type, as it was listed in his application that he was in this line of work for 40 years. Dan LeClerc stated that he works for a metal frame/drywall subcontractor. Most of the work involves larger projects. He does not believe he has a conflict of interest but would likely recuse himself if one arose.

Bill Stoughton asked if Dan LeClerc would vote to violate the law if an application was determined to be sufficient based on rules and regulations. Dan LeClerc stated that he would not vote to violate the law, even if there were many residents speaking against it.

In response to a question from Bill Stoughton, Dan LeClerc stated that he would be open to any of the 1, 2, or 3-year alternate positions.

In response to a question from Tom Quinn, Dan LeClerc stated that he has lived in Town since last July. He has not yet attended an Amherst Planning Board meeting and is not familiar with the Town's Master Plan.

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Tom Quinn asked Dan LeClerc to expound upon the statement made on his questionnaire that, “If 51% of the Town comes to a meeting and opposes an application, I’d have a hard time not voting with them.” Dan LeClerc responded that he would strongly feel this way but would not vote against an application if it fulfilled all the requirements. He simply likes people to come to meetings and be heard. He would hope that the applicant would respond to the wants of the public. The Board might also consider alternatives to suggest to the applicant, in this case.

Tom Quinn asked if Dan LeClerc was on the Manchester Planning Board when it was having issues with social media. Dan LeClerc stated that he was on the Board at this time but was not involved.

In response to a question from Tom Quinn regarding which initiatives in Manchester he supported, Dan LeClerc stated that he signed off on applications and approved minutes. He was part of the Master Plan update project in Manchester. He was not part of the letter to the Mayor regarding establishing a Manchester Housing Commission. Tom Quinn noted that Dan LeClerc’s name was on that letter. Dan LeClerc stated that he was unaware of this but did support the proposal and efforts going toward affordable housing. He believes developers should be asked if a percentage of the proposed housing in any given development can be made affordable.

In response to a question from Tracie Adams, Dan LeClerc stated that he has read a couple of past sets of Planning Board minutes, in order to see if there would be alternate openings. He has also watched a couple of past Planning Board meeting recordings. He has not attended a Planning Board training session in a number of years.

In response to a question from Tom Silvia regarding what he can bring to Amherst, Dan LeClerc stated that there will be a difference likely for dealing with a Town versus a City. He noted that the Planning Board seems to have seen recent applications that seem to go quite quickly. He will try to ask the right questions of developers so that everyone can understand the application at hand.

In response to a question from Tom Silvia regarding the possible housing shortage and Amherst’s role in fixing this issue, Dan LeClerc stated that he believes the Town should decide if/how it wants to address this. He is unclear if any one town should address this. He will need to get a feeling for the Town and what it wants in terms of this item. He will rely on his fellow Board members for their opinions as well.

The Board thanked Dan LeClerc for his application and time.

The Board next spoke with Pam Coughlin.

Pam Coughlin stated that she has lived in Amherst for 12 years and before that in Mont Vernon for 24 years. She has previously served on the Mont Vernon School Board, and the Souhegan

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School Board. She believes developers should be careful of natural resources and protecting the nature of Amherst.

Tom Silvia asked Pam Coughlin to expand upon her answer to questionnaire item #3 - *What do you see as important land use issues confronting Amherst?* *I believe in balancing the Town's economic/residential development with the legitimate concerns regarding the natural resources and quality of life in Amherst.* He asked her what the natural resources and quality of life in Amherst are to her. Pam Coughlin stated that she was indicating water resources and the forests in Town. She is concerned with the woods, stone walls, and gravel roads in Town. She also noted that some wells in Town have been contaminated and fresh, clean water is important.

Tom Silvia asked what she believes the clearly defined goals and metrics are for the Master Plan, as mentioned in her questionnaire. Pam Coughlin stated she is mostly waiting to hear what those are through the process.

In response to a question from Tom Silvia regarding item #6 on the questionnaire, Pam Coughlin stated that there are ordinances and regulations for the Planning Board to follow. As a Register of Deeds, she previously experienced people upset with the Planning Board or Zoning Board. She believes it is important to hear from people on their issues and see if a collaborative solution can be addressed.

In response to a question from Tom Silvia regarding the possible housing shortage and Amherst's role in fixing this issue, Pam Coughlin stated that she is unclear what is available currently in Town and would need to do more research on this item.

In response to a question from Tracie Adams regarding her answer to item #5 on the questionnaire regarding what things she would like to work on for the Planning Board, Pam Coughlin stated that she has preferences for updating policies or detail items.

In response to a question from Tracie Adams, Pam Coughlin stated that she has read a couple of sets of minutes from the Planning Board meetings but has not attended an in-person meeting or reviewed any of the recordings. She has not attended previous Planning Board trainings but is open to doing so.

There were no questions or comments from Tom Quinn or Bill Stoughton.

In response to a question from Chris Yates, Pam Coughlin stated that she would be open to any of the 1, 2, or 3-year alternate positions.

In response to a question from Cynthia Dokmo regarding affordable housing in Town, Pam Coughlin stated that she is aware that there is currently a legislative bill on this item. If rents and housing prices can be reduced, it may make affordable housing more reasonable in Town. She is

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unclear if there are enough jobs in the Town to attract people. She is unclear if zoning needs to be altered at all to make this more possible.

The Board thanked Pam Coughlin for her application and time.

Finally, the Board spoke with Tim Kachmar.

Tim Kachmar noted that he is also an alternate on the Zoning Board and on the Master Plan Steering Committee.

Cynthia Dokmo asked Tim Kachmar to elaborate on his response to questionnaire item #6 - *How would you handle the situation if the Planning Board faced a development proposal that meets all the regulations, yet many residents appeared before the Board to stop it? That's an important consideration for the Planning Board. The Planning Board are now elected officials and, as such, must consider the views and expectations of the residents they represent. On the other hand, they also have to consider the rights of the landowners. I believe in each case a happy medium can be reached, but what is best for the town and the majority of residents should take precedence.*

She noted that a landowner has certain rights to develop land based on the existing rules and regulations. She asked, if an application meets all the rules and regulations, yet there are a large number of people against it, how he would vote. Tim Kachmar stated that he believes this would be on a situational basis. If chosen, he would be appointed to his alternate position, but the other Board members are elected, and he believes they should listen to those who elected them. If all items are submitted and meet the zoning requirements, there are no wetland infringements and no waivers are requested, then in all likelihood it should be passed; however, if there is a large number against it, this should still be considered on a case-by-case basis.

In response to a question from Cynthia Dokmo regarding if it was possible he would vote against an application, even if it meets all the rules and regulations, Tim Kachmar stated that this is correct.

In response to a question from Cynthia Dokmo regarding affordable housing in Town and if more should be provided, Tim Kachmar stated that the current definition for affordable housing, based on the calculation, is approximately \$450,000. He does not believe a developer would create more affordable housing than it could otherwise achieve. He does not believe the Town is set up for affordable housing due to lack of town sewer and water. This is a bedroom community with many commuters. He believes, if the definition of affordable housing was changed and appropriate projects were presented, this could be something the Town considers further.

Chris Yates noted that the calculation for affordable housing is currently \$428,000.

Chris Yates explained that he has sat with Tim Kachmar on the Master Plan Steering Committee and enjoyed it. He stated that the Planning Board has worked over the past couple of years to reduce drama and keep transparency at the forefront. He asked about Tim Kachmar's experience

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with being very vocal on social media and if he planned to change that. Tim Kachmar stated that he will not comment on items that come before the Planning Board. He has not previously commented on any items that have come before the Zoning Board. He has been very supportive and vocally so of the Master Plan Steering Committee.

Bill Stoughton thanked Tim Kachmar for his service and asked if he would ever knowingly cast a vote that would violate the applicable laws and ordinances. Tim Kachmar stated that he would not. Bill Stoughton asked if Tim Kachmar would only vote along with those opposed to a project if it violates the laws and ordinances. Tim Kachmar stated that would depend. He noted that there are a number of reports submitted by developers. He does not believe a developer would ever concede that a proposed project could impact the Town negatively and still move forward with it. Tim Kachmar said that if he does not believe a project is in the best interest of the Town, he would likely vote against it, even if it meets all the rules and regulations.

Bill Stoughton noted that Tim Kachmar has stated that, if appointed, he will resign from the Zoning Board. Bill Stoughton stated that the Zoning Board currently has no other alternates. He asked Tim Kachmar to consider this, when examining what is in the best interest of the Town and where his service could best be placed. Tim Kachmar agreed and noted that, if staying in both positions, he may have to recuse himself from certain items that come before each board. Bill Stoughton stated that he believed Tim Kachmar was going to resign from the Zoning Board, if appointed to the Planning Board. Tim Kachmar stated that he likely would do so but does realize that an alternate for the Zoning Board is needed and may stay on that Board until an alternate can be found to take his place. He does not believe he could juggle being on both boards.

Bill Stoughton suggested that the Planning Board could hold off on Tim Kachmar's appointment until an alternate is found to fill his spot on the Zoning Board. Tim Kachmar stated that he would rather be on the Planning Board.

In response to a question from Tom Quinn, Tim Kachmar stated that he has lived in Town for 11 years. He has never put up anything on social media regarding his positions with the Town. He has previously been to Planning Board meetings and reviewed meeting recordings.

In response to a question from Tom Quinn regarding how his previous Town experience will help him in this position, Tim Kachmar stated that he understands how meetings are run, the policies and procedures, and how the ordinances work.

In response to a question from Tracie Adams regarding his time commitment, Tim Kachmar stated that he is willing to step up from the time commitment he currently has for the Zoning Board, which is why he would not be able to do both items.

In response to a question from Tom Silvia, Tim Kachmar stated that he would be open to any of the 1, 2, or 3-year alternate positions.

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219 Tom Silvia asked Tim Kachmar to expand upon his answer to questionnaire item #3 – *What do*
220 *you see as important land use issues confronting Amherst?*

221 *State regulation pushing over-development (losing local control), natural resource taxing such*
222 *as water with continued development, and working with our State representatives on getting*
223 *the new land use appeals board at the State level either replaced or better represented with*
224 *members that do not have a conflict of interest.*

225 Tim Kachmar stated that he believes keeping local control is critical and that the State should not
226 meddle in Town rules and responsibilities. There are items at the State House level that are of
227 concern regarding densification and eliminating zoning laws.

228

229 In response to a question from Tom Silvia regarding the way the Town communicates with its
230 residents, Tim Kachmar stated that residents have to fish for meeting information, versus being
231 fed it. He believes information could be pushed to residents through email notifications, or
232 similar ways.

233

234 In response to a question from Tom Silvia regarding his preference for being on the Planning
235 Board versus the Zoning Board, Tim Kachmar stated that the Zoning Board has a more rigid set
236 of procedures and regulations it follows. Only certain items come before the Zoning Board. He
237 prefers the breadth of issues that come before the Planning Board and the fact that it deals with
238 reviewing ordinances.

239

240 Arnie Rosenblatt stated that he takes comfort that Tim Kachmar would resign from the Zoning
241 Board, as there is a tension to being on that and the Planning Board. He asked if Tim Kachmar
242 would be comfortable agreeing to resign from the Zoning Board, if appointed to the Planning
243 Board. Tim Kachmar agreed.

244

245 Tom Quinn asked what the Board should do if it is not comfortable with all three candidates.
246 Arnie Rosenblatt stated that the Board always has the option to reject candidates if it is not
247 satisfied.

248

249 Bill Stoughton stated that he would support all three candidates. His only reservation is in what's
250 in the best interest of the Town, regarding removing the Zoning Board's only alternate, if Tim
251 Kachmar is appointed to the Planning Board. He considered deferring action on Tim Kachmar's
252 application for a couple of months to see if a Zoning Board alternate can be found. He suggested
253 appointing Dan LeClerc to the 3-year term, as he applied first, Pam Coughlin the 2-year term,
254 and Tim Kachmar the 1-year term.

255

256 Cynthia Dokmo stated that she does not share Bill Stoughton's concern regarding the Zoning
257 Board and would prefer to appoint people this evening. Her reservation is regarding each
258 applicant's answer to questionnaire item #6. The Board is elected not to do as the public wishes,
259 but to uphold the law. If a large number of people are against a certain project, the Board
260 members may not be reelected if they vote for it, but that is okay as they have followed the law.
261 Her other concern is regarding affordable housing. The Town needs this for younger people

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coming into Town, or older people trying to downsize. Otherwise, she believes all three applicants are capable of these positions.

Chris Yates shared Bill Stoughton's concern regarding the Zoning Board. Some committees have trouble finding volunteers to sit on them. He supports all three candidates.

Tom Quinn is not concerned regarding the Zoning Board issue, as it does currently have a full board. His one concern is regarding Dan LeClerc's lack of time residing in Town, his lack of experience with reviewing this Planning Board's meetings/minutes, and his lack of knowledge with the Town's Master Plan.

Tracie Adams stated that she could support all three candidates. She is not as concerned with Dan LeClerc's lack of time in Town, as it balances with his previous experience on the Planning Board in Manchester. She supports the timeline previously laid out by Bill Stoughton regarding the Zoning Board issue. She asked if it would be appropriate to ask for comment from Danielle Pray, Zoning Board Vice Chair, who was present in the room.

Arnie Rosenblatt stated that he did not believe this was necessary at this time.

Tracie Adams agreed with possibly deferring Tim Kachmar's application for a month or so, until a Zoning Board alternate can be found.

Tom Silvia stated that he believes he learned a lot during his time as an alternate on the Planning Board. He believes it will be helpful to the Board to have new alternates with different ways of thinking about items. He agreed with the potential timeline laid out in regard to the Zoning Board item, if that puts the Town in a better position.

Arnie Rosenblatt stated that he would support all three candidates. He has lived in Town for 35 years and believes time in Town does not equate to ability to serve as an alternate. While he does not dismiss Danielle Pray's opinion regarding the Zoning Board item, he also noted that the Board has heard from its Board of Selectmen representative, Bill Stoughton, already. He believes that the Zoning Board would like to have alternates, but he also wants the Planning Board to have a complete panel. He noted that Tim Kachmar's preference is to sit on the Planning Board. He explained that, if the Board decides to defer Tim Kachmar's appointment, it would be counterintuitive to appoint him only to the 1-year term.

Bill Stoughton asked Tim Kachmar if he would prefer to be appointed to the Planning Board this evening or wait for a couple of months to see if a Zoning Board alternate can be found to take his place. Tim Kachmar stated that he would rather be appointed this evening. It could take a long time to find an alternate for the Zoning Board. Bill Stoughton agreed that Tim Kachmar's preference should be taken into consideration.

**Bill Stoughton moved to appoint Dan LeClerc to a 3-year term as alternate.
Seconded by Tracie Adams.**

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Voting: 5-1-0 motion carried (T. Quinn against).

Bill Stoughton moved to appoint Pam Coughlin to a 2-year term as alternate.

Seconded by Tracie Adams.

Voting: 6-0-0 motion carried.

Bill Stoughton moved to appoint Tim Kachmar to a 1-year term as alternate.

Seconded by Tom Quinn.

Voting: 6-0-0 motion carried.

Tom Quinn exited the meeting.

OTHER BUSINESS:

2. REGIONAL IMPACT:

**a. Case #: PZ15622-040822 – Brian Scanlan (Owner & Applicant); 17
Thornton Ferry Road I, PIN #: 005-006-000 - Conditional Use Permit. To
delineate the proposed pool and patio installation with associated
drainage improvements. Zoned Residential/Rural.**

Cynthia Dokmo moved no regional impact on this item. Seconded by Chris Yates.

Voting: 5-0-0 motion carried.

3. Minutes: April 6, 2022

The Board deferred review of these minutes to a future meeting.

4. Any other business to come before the Board

Nic Strong explained that the next meeting's agenda contains the Clearview proposal, the CUP application the Board just voted no regional impact on, and a new conceptual plan for the Brook Road development. This meeting will be held at Town Hall.

Chris Yates moved to adjourn at 8:07pm. Seconded by Tracie Adams.

Voting: 5-0-0 motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Minutes approved: May 4, 2022