

September 7, 2022

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1 In attendance at Amherst Town Hall: Arnie Rosenblatt – Chair, Bill Stoughton – Board of  
2 Selectmen Ex-Officio, Chris Yates, Cynthia Dokmo, Tom Quinn, Tracie Adams, Tom Silvia,  
3 Dan LeClerc (alternate), and Pam Coughlin (alternate).

4  
5 Staff present: Nic Strong, Community Development Director; and Kristan Patenaude, Recording  
6 Secretary (via Zoom)

7  
8 Arnie Rosenblatt opened the meeting at 7:00pm. He explained that there will not be a public  
9 discussion this evening regarding the agenda item for amendments to the Town’s ordinances and  
10 regulations. The Board will hear brief explanations on those items tonight and then decide if a  
11 public hearing in the future is warranted.

12  
13 **PUBLIC HEARINGS:**

14 **1. CASE #: PZ16130-080422 – EIP One Bon Terrain, LLC (Owner) & New England**  
15 **Facilities Solutions Corporation (Applicant); 1 Bon Terrain Drive, PIN #: 002-026-**  
16 **004. Non-Residential Site Plan-Sign Master Plan. To show the proposed signage**  
17 **for the site. *Zoned Industrial***

18 Arnie Rosenblatt read and opened the case. He noted that the applicant also has a compliance  
19 hearing tonight under the next agenda item.

20  
21 Sam Foisie, Meridian Land Services, explained that the proposed monument sign is  
22 approximately 50 s.f. on either side. The regulations show a not to exceed size of 80 s.f., which  
23 this sign is well below. The overall height of the sign falls well below the allowable height of 15  
24 s.f. The square footage of the directional sign is 15 s.f and the square footage of the monument  
25 sign is just shy of 50 s.f. The regulation referencing height above the adjacent grade states that it  
26 cannot exceed 5’ feet and there is approximately 2’ of difference between the grade of the road  
27 and the grade of the sign. No wall signs are proposed at this time, but the tenants are reviewing  
28 the need for them. There was a question regarding if the proposed sign can withstand the 30lbs  
29 per square foot of wind loading. He stated that he believes this is a building permit issue and will  
30 be taken care of at the time of building permit. The sign wiring will conform to National  
31 Electrical Code, and this will be taken care of at the time of building permit. A landscape plan  
32 was not presented, although the elevations and sign package do have some landscaping shown.  
33 The applicant is aware that the base will need to be landscaped to shield it from view. He  
34 explained that there are two directional signs in the sign package, but only one shown on the  
35 plan. He showed a map that references where the second directional sign will be located, to  
36 direct truck deliveries to the back.

37  
38 Tracie Adams asked if Nic Strong heard all of the data given and is accepting of it. Nic Strong  
39 stated that she heard it but that the numbers were not included in the packet for the Board. The  
40 Board may wish to see all of the numbers written down. Tracie Adams agreed with this.

41  
42 Tom Silvia and Cynthia Dokmo had no questions at this time.

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44 Bill Stoughton asked about lighting for the sign. He noted that the diagram shows external flood  
45 lights. He questioned if there could be a design that would project the light downwards only,  
46 such as dark sky lighting. John Hennessey, owner, stated that the former FW Webb sign was  
47 internally lit. The new proposed signs will have two face-mounted lights. If the Planning Board  
48 requires dark sky compliant lights, he will conform to that. Bill Stoughton stated that he would  
49 like to hear more from his colleagues on that option.

50  
51 Bill Stoughton explained that one regulation requirement is that signs must be no less than 15'  
52 from any improvements. John Hennessey stated that this is the case. Bill Stoughton noted that  
53 another requirement is that a freestanding sign has to be at least 100' from any other freestanding  
54 sign. John Hennessey stated that the directional signs and the monument sign are located more  
55 than 100' from each other.

56  
57 Chris Yates had no questions at this time.

58  
59 In response to a question from Tom Quinn, Sam Foisie stated that he will show on the plan that  
60 the signs will be located more than 15' from any improvements, including the roadway.

61  
62 Pam Coughlin and Dan LeClerc had no questions at this time.

63  
64 There was no public comment at this time.

65  
66 Tracie Adams stated that she would like to see all of the answers to the questions from this  
67 evening submitted in writing, to make sure the application is in compliance. Sam Foisie asked if  
68 submitting these answers to the Community Development Office for review could be a condition  
69 of approval. Tom Silvia stated that he does not view the items addressed this evening as very  
70 complicated compliance questions and he is thus happy to give the responsibility of reviewing  
71 the answers to Nic Strong. The Board was in agreement.

72  
73 **Bill Stoughton moved to approve case number CASE #: PZ16130-080422, EIP One**  
74 **Bon Terrain LLC, for the above cited Sign Master Plan at One Bon Terrain Drive**  
75 **Map 2 Lot 26-4, with the conditions set forth in staff report, with condition**  
76 **precedent #1 revised to say "Submission of revised plans in the number required by**  
77 **the Non Residential Site Plan Review regulations, and that include all of the**  
78 **checklist corrections and confirmation of all of the issues raised in the Compliance**  
79 **Hearing, any other corrections as noted in this hearing, and any waivers granted, all**  
80 **to the Community Development Office. Seconded by Tom Silvia.**

81  
82 **Discussion:**  
83 **Nic Strong asked when the Board was going to address the Findings of Fact.**

84  
85 **Arnie Rosenblatt explained that the legislature promulgated and passed a number**  
86 **of pieces of legislation, all of which are intended to support increased development**  
87 **and to diminish the power of local planning boards to limit and control**

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88            **development. One of the pieces of this legislation which is now required as of the end**  
89            **of August, is a requirement that planning boards provide a Finding of Fact with**  
90            **respect to any decision. If a Finding of Fact is not provided, any appeal is essentially**  
91            **automatically granted, and the Finding of Fact will be part of the basis for any**  
92            **appeal. The Planning Board has not faced this requirement until tonight and is**  
93            **working to determine how best to accomplish it.**

94  
95            **Bill Stoughton AMENDED his motion to further move that the Board finds as fact**  
96            **that the application complies with the applicable requirements of the Sign Master**  
97            **Plan provisions of the Amherst Zoning Ordinance. Seconded by Tom Silvia**

98  
99            **Motion carried unanimously 6-0-0.**

- 100  
101            **2. CASE #: PZ16131-080422 – EIP One Bon Terrain, LLC (Owner) & New England**  
102            **Facilities Solutions Corporation (Applicant); 1 Bon Terrain Drive, PIN #: 002-026-**  
103            **004. Non-Residential Site Plan – Compliance Hearing. To show the as-built**  
104            **conditions of the site in support of the project receiving a Certificate of Occupancy**  
105            **as required by the Amherst Non-Residential Plan Regulations, Section 7.1.C. Zoned**  
106            ***Industrial***

107  
108            Sam Foisie addressed the items that are still in process of being completed on the site. He noted  
109            that he will explain how these items do not affect the substantial completion of this application.  
110            The first item is the striping of the parking spaces and trailer spaces. This has not yet been  
111            completed. The binder course has been laid but the topcoat of asphalt has not yet been laid. This  
112            was delayed due to recent weather conditions. The lot is scheduled to be laid two Mondays from  
113            now and the striping will be done afterwards. The overall surface of the paved area is stable due  
114            to the binder course. Secondly, the light poles have not yet been installed due to supply issues.  
115            Those are expected to be installed in approximately 2 weeks. He stated that, regarding  
116            stormwater management, per Doug Brodeur's letter and his own visual inspection, the  
117            stormwater system is substantially complete and built per the plans. It looks as though the  
118            elevations are set and the stormwater will function as it was designed. Both proposed grates have  
119            been installed. The last item is the crab apple tree and associated island. During the construction  
120            process it was determined that the island for the crab apple tree could remain, along with the  
121            parking associated with that island. That area will be restriped with the others. Sam Foisie stated  
122            that the project is substantially complete to the point that the ground is stabilized, the site has  
123            been hydroseeded, and grass will likely begin to grow soon. The parking is complete, the curbing  
124            installed, the stormwater is located in the aprons, walkways are installed, and the septic is  
125            installed.

126  
127            Pam Coughlin and Dan LeClerc had no questions at this time.

128  
129            Tom Quinn stated that he would prefer a proper as-built plan, to verify that certain items are  
130            located at the correct elevations and completed as they should be. He does not feel he has enough  
131            information this evening to make that determination.

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132  
133 Chris Yates had no questions at this time.

134  
135 Bill Stoughton stated that he feels similarly to Tom Quinn. He would like to see an as built that  
136 could address a number of the questions that he feels were not broached this evening. Currently,  
137 there is no record of the answers to these questions, and it may make sense for the Board to  
138 request the applicant come back in two weeks with a proper as built.

139  
140 Cynthia Dokmo and Tom Silvia agreed with Bill Stoughton and Tom Quinn.

141  
142 Tracie Adams stated that she would also like to see a traditional as-built plan.

143  
144 Arnie Rosenblatt stated that he did not believe public comment was necessary at this time, as the  
145 Board seemed to be leaning in a certain direction.

146  
147 Sam Foisie asked what level of as built the Board would like to see. Bill Stoughton suggested  
148 that the applicant work with Community Development to know what level would be appropriate.  
149 Tom Quinn stated that he would like to see the location of underground structures on the as-built  
150 plan as well.

151  
152 **Bill Stoughton moved to continue this hearing to October 5, 2022, at 7pm, at Town**  
153 **Hall. Seconded by Cynthia Dokmo.**  
154 **Motion carried unanimously 6-0-0.**

155  
156 **DESIGN REVIEW**

157  
158 **3. PZ16159-081022 – Kevin Curran (Owner & Applicant), Pond Parish Road,**  
159 **Baboosic Lake Road & Grater Road, PIN #: 006-002-000, 006-007-000, 006-009-**  
160 **000–Subdivision Application Design Review. To depict the consolidation and**  
161 **conventional subdivision of Tax Map 6, Lots 2, 7 & 9 for Planning Board design**  
162 **review. *Zoned Residential/Rural***

163 Arnie Rosenblatt read the design review case information.

164  
165 *Cynthia Dokmo recused herself from this item.*

166  
167 Ken Clinton, Meridian Land Services, noted that, as this is a design review level meeting, it was  
168 noticed to the public but there is no binding discussion involved. He explained that his office, on  
169 behalf of Mr. Curran, sent out individual letters to abutters inviting them to contact the office  
170 directly from time of application through this evening. A set of proposed plans was also sent to  
171 direct abutters. Only one sent a general letter of information in response. He explained that he  
172 recently went before the Conservation Commission to present the plan and receive their  
173 comment or input. He noted that he has no issues with their comments.

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175 Ken Clinton stated that this project is located on the east side of Town, fairly close to the  
176 Merrimack town line. It is bounded on the north by Baboosic Lake Road, and on the west by  
177 Pond Parish Road. The existing site contains three vacant lots. Combined acreage is  
178 approximately 160 plus or minus acres. The entire boundary survey has not yet been completed.  
179 There are three wetlands that have been identified across the site, along with the remains of the  
180 Truell mill site, archaeological work on which was underway.

181  
182 Ken Clinton explained that Section A, located off Pond Parish Road, proposes seven frontage  
183 lots, consistent with the previous preliminary design. These frontage lots each have the required  
184 amount of net acreage and required frontage. There is an existing trail next to the area of the  
185 proposed Section B development. This area was previously proposed for all frontage lots off  
186 Baboosic Lake Road, however, he was concerned from sight distance and driveway access  
187 standpoints. Thus, it was decided to propose a short cul-de-sac serving seven lots, keeping all of  
188 the frontage along Baboosic Lake Road intact. Someone driving along the road would not notice  
189 that there were seven lots off the road. This is a much-improved design. Section C proposes 28  
190 lots internal to the road system, as well as two lots positioned with frontage on Grater Road.  
191 Each one of these lots is designed to be a minimum of two acres net tract area and have the  
192 required frontage and setbacks. Ken Clinton noted that in the entire 160 acres worth of  
193 development, there is not a single wetland impact proposed. The project also does not anticipate  
194 buffer impacts at this time.

195  
196 Ken Clinton stated that each lot will be served by individual wells and septic systems. This  
197 project is being proposed as a conventional subdivision design, so these are proposed to be  
198 public roads with underground utilities. There are a large number of trails that have been  
199 established on this property by private people without the full consent and knowledge of the  
200 landowner. Mr. Curran was adamant that trails be provided to move through the property. The  
201 trailhead on Pond Parish Road is proposed to lead to a trail from the west, through the nearby  
202 properties, paralleling the wetlands, wrapping around the lots on the cul-de-sac, and joining an  
203 existing trail on Town land, Lot 6-20. This then connects further into the Grater Woods property.  
204 There are also some trails to the north which cross Brett Vaughn's property, leading to Baboosic  
205 Lake. The proposal is to create a connector trail which will connect to the previously described  
206 east-west trail network. Although this is not the exact fashion in which people are currently using  
207 these trails, he stated that he believes it is a great compromise.

208  
209 Sam Foisie addressed the proposed cul-de-sac geometry. He explained that the applicant will be  
210 seeking a waiver from the cul-de-sac geometry due to the fact that the regulations require a 120'  
211 radius, with 24' wide pavement and two-way directional travel. He explained that there is a  
212 similar cul-de-sac, or essentially a roundabout, located within the Town's industrial park which  
213 meets the same geometry proposed for this site. He met last week with Fire Chief Conley and  
214 DPW Director Eric Slosek to seek their support for a smaller turnaround area and was told that  
215 they do not have any opposition to it, as long as they visit the field to determine what design  
216 criteria they would prefer. Ken Clinton noted that he hopes the Town would consider adopting  
217 some additional examples of cul-de-sacs to provide better landscape layouts which fit the  
218 topography of the land. He referenced the town of Milford's regulations regarding a circular cul-

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219 de-sac. He will continue to seek, through the Fire and DPW departments, support for several  
220 alternative designs that could be options for the Board to consider noting that Milford, Bedford,  
221 Merrimack and Hollis all had alternative options.  
222

223 Sam Foisie explained that it was determined that most of the impervious area from the  
224 development, from the road, from the houses, from potential patios can be captured on site.  
225 However, there are some exceptions to that. For example, Lots C5 and C6 would be very  
226 difficult to capture stormwater from and would require individual stormwater systems. Capturing  
227 all stormwater on site and sending it to a master stormwater pond would require swales running  
228 down the road and down the property lines, as well as a swale running behind all the houses.  
229 This option would lead to a larger impact area and concern regarding maintenance of the swales.  
230 Instead, the proposal is to treat the roadway in a master system via swales, and to mitigate for the  
231 stormwater from the houses via individual stormwater systems. Those individual stormwater  
232 systems would be similar to septic systems, in that they would be specific to each house lot  
233 during construction, whereas a master system would make broad assumptions to capture  
234 impervious areas. The proposed option is less intrusive to the land and to the trail network, and  
235 less maintenance for the Town. Ken Clinton noted that the proposal is to treat the stormwater  
236 from the road, which will be turned over to the Town, and create individual systems for the  
237 majority of the lots. Some exceptions include the internal loops of Lots 25-28 and Lots 14-17.  
238 Due to their proximity to the road, the stormwater generated from those lots will automatically  
239 be collected into the master system.  
240

241 Ken Clinton explained that the project proposes six Class A and four Class B reduced frontage  
242 lots. The Class B lots are A3 and A4 off Pond Parish Road, and Lots C5 and C6 off the internal  
243 road. Four Class A lots are proposed at the end of the main road complex, Lots C14, C15, C16  
244 and C17, and two reduced frontage lots B3 and B4 off the short cul-de-sac road. He stated that  
245 there has been a fair amount of discrepancy recently regarding the interpretation for reduced  
246 frontage lots, but he fully believes the proposed lots are sized in accordance with the current  
247 ordinance and regulations. In his over 25 years of experience having applications come before  
248 this Board, he has proposed countless numbers of reduced frontage lots and they have all adhered  
249 to the two-acre net tract area, along with the frontage requirements. He stated that the regulations  
250 have never been interpreted to include a 10-acre lot requirement for a reduced frontage lot.  
251 Previous Planning Directors, or Zoning Administrators have held the same interpretation. He  
252 believes what is being proposed is fully in compliance with Amherst's ordinances and  
253 regulations.  
254

255 Brad Westgate, Winer & Bennett, LLP, and the applicant's attorney addressed the reduced  
256 frontage lot regulations. He stated that he reviewed the zoning ordinance and the subdivision  
257 regulations. In the zoning ordinance, Section 4.3, C. regulates lot size and frontage requirements  
258 in the Residential/Rural Zone. It states that each new lot shall have a minimum frontage of 200'  
259 on a publicly maintained road, unless frontage has been approved and recorded as reduced  
260 frontage lots, in which event 35' shall be sufficient. He stated that nowhere else in the zoning  
261 ordinance does it state that a lot size greater than the minimum of two acres is required in the  
262 Residential/Rural Zone. Section 3.9 of the zoning ordinance discusses the context of the issuance

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263 of building permits relative to lots on a road, including reduced frontage lots. It also references a  
264 note tying into Section 5-2 of the Subdivision Regulations. Section 5-2 of the Subdivision  
265 Regulations is the predecessor to Section 213 of the subdivision regulations and Section 5-2  
266 appears to have been adopted by the Planning Board in 1986. The key provisions in Section 5-2  
267 pertaining to reduced frontage lots, is the same as Section 213.2 in the current Subdivision  
268 Regulations. Attorney Westgate stated that this speaks to Ken Clinton's note that there has been  
269 a consistent interpretation regarding presentation of plans for reduced frontage lots before this  
270 Board over many years. Those regulations do not require 10 acres as a minimum lot size but  
271 allow for the two-acre minimum as the zoning ordinance provides for. Section 213.2, E. in the  
272 Subdivision Regulations states that no subdivision plan providing for reduced frontage lots shall  
273 be approved unless the total acreage of such plan is a minimum of 10 acres for each reduced  
274 frontage lots, so that 20 acres could produce two frontage lots, etc. He believes this is supported  
275 by the dependent clause in Section 213.2, E., that no subdivision plan providing for reduced  
276 frontage lots shall be approved unless the total acreage of such plan is a minimum of 10 acres for  
277 each reduced frontage lot. The overall plan acreage determines what is allowed. The zoning  
278 ordinance was adopted by the voters, whereas the Subdivision Regulations and their  
279 interpretation are a function of this Board. Thus, allowing the Subdivision Regulations to  
280 supersede the zoning ordinance requirements for minimal dimensional elements such as lot  
281 frontage and lot area would effectively frustrate the will of the voters. The total acreage on the  
282 design review plan set is approximately 156.6 acres, which would generate a possibility of 15  
283 reduced frontage lots. Only 10 are being proposed at this time.

284  
285 Arnie Rosenblatt explained that the Board is not making a decision tonight, but Board members  
286 may make non-binding comments. This is to provide assistance to the applicant.

287  
288 Pam Coughlin had no comments or questions at this time.

289  
290 In response to a question from Dan LeClerc regarding blasting, Ken Clinton stated that there  
291 likely will be, but it is too early to determine how much or where.

292  
293 In response to a question from Dan LeClerc regarding the well placement, Ken Clinton stated  
294 that well placement is mostly driven by Town regulations and DES regulations relative to septic  
295 designs. It is a common practice for well radii to enter a portion of the house, not necessarily the  
296 whole house, to keep it away from the septic tank.

297  
298 In response to a question from Dan LeClerc regarding in which phases the site will be built out,  
299 Ken Clinton stated that he is looking forward to discussing that more during the application  
300 phase.

301  
302 Tom Quinn stated that he personally believes the intent of the reduced frontage section of the  
303 zoning ordinance was to be able to access and use back lots. He does not believe the ordinance  
304 indicates that any particular parcel can have more than one Class A or more than one Class B  
305 reduced frontage lot. He noted that a number of the proposed reduced frontage lots are not back  
306 lots, as they directly abut the street. He is concerned regarding how the proposal will maintain

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307 the spirit of the ordinance as far as that provision is concerned. He is also concerned whether the  
308 proposed corner lots comply with the recently enacted corner lot regulations which require 200'  
309 frontage on both roads. It would appear that some of the proposed corner lots do not comply with  
310 that, specifically Lots C24, B7, C19, and C10.

311  
312 In response to a question from Tom Quinn regarding proposed cuts and fills on the property, Ken  
313 Clinton stated that it is too early to know the balance between these yet.

314  
315 Tom Quinn expressed concern regarding proposed drainage systems which rely on homeowners  
316 for maintenance, especially around an important wetland area such as in this case.

317  
318 Chris Yates asked if the homes proposed for these lots will be between 4,000 and 5,000 s.f in  
319 size. Ken Clinton stated that those are gross s.f. numbers, not necessarily footprint size. At this  
320 stage of the design, the plan is showing a variety of sized homes. This is only a design review  
321 level plan, to specifically target a handful of questions. A final design for a conventional  
322 subdivision is not restricted to a 2,000 s.f two-bedroom house or a 4,000 s.f. four-bedroom  
323 house. This will be dictated by the market. Chris Yates stated that his concern was with density  
324 and the steepness of some of the lots. He thought that the applicant was shoehorning a bunch of  
325 large homes into this pristine area.

326  
327 In response to a question from Bill Stoughton regarding the size of the stormwater control  
328 features, Ken Clinton stated that these are all roughly sized based on preliminary evidence at this  
329 time.

330  
331 In response to a question from Bill Stoughton, Ken Clinton stated that he does anticipate  
332 potential road design waivers being requested but does not anticipate additional waivers for  
333 driveway items at this time. Regarding the steepness of the proposed driveways, the driveways  
334 were placed in spots where it is believed they can be designed. Ken Clinton stated that, typically  
335 driveway designs are not necessary, except when leaving a public road. These can be supplied if  
336 required by the Board. Due to this being a conventional subdivision, the buyer has the choice to  
337 place the house on the lot as so chosen, thus, potential house, driveway, well, and septic  
338 locations are determined in the end by the buyer. Bill Stoughton noted that the driveways will  
339 need to meet the slope requirements of the Town. He will be looking for information during the  
340 application phase that lots can be accessed by driveways which comply with the Town standards.

341  
342 Bill Stoughton stated that he appreciates the inclusion of the proposed trails and echoed the ACC  
343 comments regarding how access rights will be defined. He also agrees with the ACC concerns  
344 regarding water quality and quantity, and impact to wildlife habitat. He stated that he is not  
345 inclined to grant waivers to the proposed cul-de-sac if it is going to be maintained by the Town.  
346 He noted that it is easier to plow a wide radius circle than a narrow radius circle. Regarding the  
347 proposed stormwater systems, he is also concerned about the compliance issue on individual lots.  
348 He hoped the applicant is considering using stormwater management features that are easily  
349 maintained by a homeowner. He also acknowledged that taking compliance out of the hands of  
350 homeowners can result in a much greater disturbance to the land. Bill Stoughton thanked

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351 Attorney Westgate for his interpretation of the ordinance but stated that he does not read the  
352 regulations the same way. He reads them as requiring 10 acres for each reduced frontage lot. He  
353 noted Section G, which essentially states that the use of reduced frontage lots should be restricted  
354 where they would be in conflict with the long-range plans of the Town. The Town's long-range  
355 plan does and will value retaining open space and retaining habitat. As indicated by the ACC that  
356 is a great concern particularly on this property as it links existing conservation areas. He would  
357 thus be disinclined to allow reduced frontage lots that were less than 10 acres.

358  
359 Bill Stoughton stated that a Planned Residential Development (PRD) would allow more latitude  
360 on frontage requirements. The Board cannot vary the frontage requirements of the ordinance;  
361 that would have to be approved by the Zoning Board. He urged the applicant to consider looking  
362 into a PRD application, as it would be very good for the Town and possibly very good for the  
363 applicant. The Board does have provisions for density bonuses, in a discretionary fashion. He  
364 noted that an abutter letter regarding potential impacts to the Baboosic Lake Road drainage  
365 system was submitted and he would like to examine the impacts to public roads in general as part  
366 of this project. He would like to be sure that sight lines and the widths of the construction of the  
367 road are adequate. Bill Stoughton stated that he believes this application will require some  
368 phasing. He would also like to have a site walk at the appropriate time.

369  
370 Regarding studies, Bill Stoughton stated that he believes it will be important to have a traffic  
371 study, and that this uses no-build traffic increase factors that are consistent with the actual  
372 experience and applies peaking factors consistently and appropriately for the build and no-build  
373 conditions. He noted that this is a criticism of a previous traffic study that the Board did not  
374 catch but another traffic analyst did. He noted that there are some abutters who are worried about  
375 the adequacy of the water supply and the potential impact on their water supply, so he would  
376 thus anticipate that a hydrogeological study would be required. An environmental impact study,  
377 given the nature of this property, will also likely be required to address any endangered species  
378 or habitat impairment. Drainage will presumably be addressed by the stormwater management  
379 plan. Bill Stoughton stated that he would plan to ask DPW whether a study of potential safety,  
380 drainage, or other improvements to public roads should be required so that the Board may  
381 determine whether an offsite exaction should be assessed based on the impacts of this  
382 development. He would not require a fiscal impact study for this project, but if one were required  
383 he would review it carefully.

384  
385 Tom Silvia emphasized that the three potential waiver items previously mentioned, cul-de-sac  
386 design, stormwater, and reduced frontage, should comply with the Town's overall ordinances as  
387 written. He stated that he also agrees with the 10-acre interpretation of the reduced frontage lots.  
388 He stated that there is a significant elevation change on this property, which adds complexity to  
389 the water and overall stormwater situations. Thus, testing of the quantity and quality of water  
390 available will be a concern. Tom Silvia stated that the plan seems to pack as many lots as  
391 possible on the property, and some of the lots look like they are too small to account for the  
392 water issues. When reviewing the overall Master Plan of Amherst, he believes that the proposal  
393 is looking to benefit the current owner without necessarily benefiting the Town. He would like  
394 some type of balance in the plan that takes this into account. Article 1 Section 201.2 of the

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395 Subdivision Regulations talks about the objectives of a subdivision. The first point is to maintain  
396 a rural character. This plan does not seem to do so. The second point is to preserve those areas of  
397 the site that have the highest ecological value. The third point is to locate buildings on those  
398 portions of the site that are most appropriate for development. Point four is to preserve historic,  
399 archaeological, and cultural features. Point five is to create contiguous networks of open spaces  
400 or greenways. While he appreciates the trails being provided as part of this plan, he would like to  
401 examine other options which may maximize the benefits to the Town. The sixth point is to  
402 reduce impacts on water resources, and the seventh point is to reduce the number of roads and  
403 sidewalks, or stormwater management structures. The final point is to minimize the impact of the  
404 residential development on the municipality. Tom Silvia stated that he would like to have more  
405 discussion regarding how this proposal can achieve these objectives.

406  
407 Tracie Adams emphasized reviewing the objectives mentioned by Tom Silvia. She also  
408 emphasized contiguous open space or greenways linked by common open spaces within the  
409 subdivision to open spaces on adjoining lands whenever possible. She stated that she appreciates  
410 that the applicant is working on the trails on this property. The ACC expressed concern about the  
411 natural habitat and fragmentation of it, so keeping the area contiguous and flowing would be  
412 best. The ACC also expressed concern for water quality and quantity which will continue to be a  
413 concern for the Board as well. Tracie Adams stated that the Board will likely be requiring all of  
414 the associated studies to be performed. She would also appreciate a site walk. She is concerned  
415 regarding traffic safety leaving the site onto the curve of Baboosic Lake Road. She is in  
416 agreement regarding the applicant complying with Town ordinances in terms of the cul-de-sac,  
417 stormwater management, and the reduced frontage lots. She is interested in what DPW, and the  
418 Fire Department think about the proposed cul-de-sac arrangement. She would like to see more  
419 information regarding the individual stormwater management systems proposed and the reduced  
420 frontage lots.

421  
422 Arnie Rosenblatt stated that there will be a site walk of this project as it moves further along, and  
423 all will be invited. He stated that he will likely wish to require all studies, including the fiscal  
424 impact study. Ken Clinton noted that all studies are currently underway.

425  
426 Arnie Rosenblatt asked for public comment and noted that this is a fluid, evolving process. With  
427 respect to this project, he believes everyone recognizes this is at the very beginning stages, and  
428 whatever application is ultimately presented is likely to be materially different from what is  
429 being seen now. General comments can be made, but he asked the public to keep in mind that  
430 they will have other chances to comment in the future.

431  
432 Brian Cullen, 7 Parker Farm Lane, thanked Kevin Curran for allowing use of the property,  
433 whether knowingly or not, for almost two decades. This should not be overlooked. The proposed  
434 addition of a trail on the site is a huge thing. However, if the Town wants this to be a true  
435 wildlife corridor it needs to be a lot wider. Some of the proposed lots hug that trail and it is in a  
436 very steep section. He noted that most of the wetland surveying carried out by Meridian was  
437 completed in the summer during one of the largest droughts. He suspected, if carried out at a  
438 different time, the wetlands would be considerably more pronounced.

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440 Mark Bender, Grater Road, asked about the entrance to the site from Baboosic Lake Road. Ken  
441 Clinton stated that access is west of the woods road, approximately 85-100' after it. Mark Bender  
442 noted that this is a low point in the property so drainage and stormwater management would  
443 come into play. He echoed the call for a traffic study, both regarding traffic volume and traffic  
444 safety.

445

446 Doria Brown, 7 Grater Road, explained that she would like the Town to consider potentially  
447 conserving this land because it is a wildlife corridor. She noted that this area is not vacant in  
448 terms of wildlife. She urged that affordable housing options be considered.

449

450 Thea Kepka, 6 Pond Parish Road, stated that she will be directly impacted by lots A1 and A3.  
451 She asked about the scenic road setback requirements in this area, as she believes these require  
452 100' setbacks and it seems that the plan shows only 50' setbacks. She noted that, as a former  
453 plow driver, cul-de-sacs leave nowhere to put snow and they reduce the buffer between the lots  
454 around the cul-de-sac. She stated that it would be nice to see the cul-de-sac area stay wooded.  
455 She also asked about a set of covenants for the subdivision.

456

457 Susan Langlois, 2 Pond Parish Road, stated that the 30-mph speed limit on Pond Parish Road  
458 does not make it safe for walkers and bicyclists. She would be very interested in a traffic study as  
459 part of this project.

460

461 Kelly Mullin, 48 Christian Hill Road, stated that she is concerned regarding the potential for  
462 5,000 s.f. homes as part of this project. She stated that she hears a lot of chatter in town from  
463 people criticizing the Planning Board for not supporting affordable, workforce housing. The  
464 community needs to know that workforce housing comes with a whole different set of  
465 requirements that most developers do not want to comply with because it's very costly to them.  
466 Amherst needs affordable housing. People need to realize that the Planning Board cannot make a  
467 developer build affordable housing if they do not want to.

468

469 Debra Rodd, 23 Pond Parish Road, echoed previous comments regarding a traffic study. She  
470 stated that she believes there is another development being proposed in the County Road/Spring  
471 Road area with possibly another 44 homes. Pond Parish Road is used as a cut through to go to  
472 Manchester, Nashua, and Route 101A. She is concerned about the impact of traffic in that area  
473 that could impact the whole section of Town when viewed cumulatively with other proposed  
474 projects.

475

476 Charlotte Locke, 21 Pond Parish Road, echoed the suggestion for a water supply study because  
477 larger homes often times are paired with higher water usage. Through climate change, she  
478 believes that the area may see more droughts and is concerned about the water tables and the  
479 aquifers.

480

481 Arnie Rosenblatt stated that the applicant will be back before the Board at some point in the  
482 future. He thanked everyone for their comments.

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

**4. PZ16160-081022 – Vonderosa Properties LLC (Owner & Applicant), County & Cricket Corner Roads, PIN #: 004-122-000 - Subdivision Application. Proposed five (5) lot existing road frontage residential subdivision. Zoned Residential/Rural**

Arnie Rosenblatt read and opened the case. He explained that the Board will first determine completeness of the application. If it is complete, a public hearing will be held. He asked Nic Strong is the application is complete. Nic Strong stated that the required items have been submitted.

**Bill Stoughton moved to accept the application as complete. Seconded by Tom Silvia.  
Motion carried unanimously 6-0-0.**

*Cynthia Dokmo recused herself from this item.*

Chad Branon, civil engineer with Fieldstone Land Consultants, and applicant Brett Vaughn, with Vonderosa Properties LLC, addressed the Board. Chad Branon stated that the request is for approval to subdivide Tax Map parcel 4-122 into five conventional lots. This property is located on the south side of the intersection of Cricket Corner Road and County Road. The subject property consists of 23.427 acres and has 1,154 linear feet of frontage along Cricket Corner Road, and approximately 374’ feet of frontage along County Road. The site is bordered by Cricket Corner Road to the north, County Road to the northeast, and residential properties to the east, south, and west. This property is located in the Residential/Rural district where the minimum lot size is two acres of non-wetland, non-floodplain, and steep slopes less than 20%, and the frontage requirement is 200’ along a Class V or better roadway. The topography of this site generally slopes from a high spot on the property along the back slopes, generally to the roads in the northwest and northeast direction. There is one jurisdictional wetland complex that bisects the lot, which generally runs from south to north. These wetlands are significantly less than 50’ in width, and so classified under the Wetlands Regulations as requiring a 25’ buffer and a 50’ building setback. The wetland drains under Cricket Corner Road through a 15” high density polyethylene culvert.

Chad Branon explained that the proposal for this project is to develop the site into five conventional lots. On the west side would be Lot 4-122, which is proposed to be a 3.239-acre lot with 202 linear feet of frontage. Next is Lot 4-122-1, which is proposed to be 3.65 acres in size with about 257 linear feet of frontage along Cricket Corner Road. Lot 4-122-2 is proposed to be a 7.796-acre property with 206’ of frontage along Cricket Corner Road. The fourth lot, 4-122-3, is a 3.84-acre lot that has approximately 268 linear feet of frontage along Cricket Corner Road. The final frontage lot has frontage along Cricket Corner Rd and County Road and is proposed to be a 4.926-acre lot with 593 linear feet of frontage along the existing roadways. All of the lots meet the dimensional standards. Test pits have been completed on all the lots. The soils on this

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527 site are very good and well drained. The proposal is that all lots will be serviced by underground  
528 electric and communications. The houses have been placed carefully to fit in with the topography  
529 of the site and the existing features of the land. There are no proposed wetland impacts or buffer  
530 impacts associated with this development. The proposed layout will maintain and embrace the  
531 character along this section of roadway. All of the lots will be serviced by individual driveways  
532 and driveway design plans were submitted as part of this package. Sight line profiles, showing  
533 that each of the driveways will meet the 300' of sight distance requirement in both directions,  
534 were also submitted. This development does require phasing, as outlined in Section 3.19 of the  
535 zoning ordinance. This development would have to occur over a two-year period.  
536

537 Chad Branon explained that the applicant previously requested waivers for studies and was  
538 unsuccessful, ultimately leading to this application being deemed as incomplete at that time.  
539 Since that time all of the studies have been completed. The applicant has submitted a fiscal  
540 impact study, environmental impact study, a traffic analysis prepared by VHB, a water supply  
541 study, and a hydrogeological study which touches on the water supply as well as potential  
542 impacts. The office also prepared a stormwater management report, which essentially follows the  
543 driveway design and house layouts. There is a detailed stormwater design for this project that  
544 incorporates seven bioretention areas, which are essentially infiltration areas that meet the Town  
545 standards and specifications. Those areas will address the qualitative and quantitative impacts of  
546 stormwater thereby mitigating all stormwater impacts. The report shows reductions in the peak  
547 rates during the 1" storm event, as well as the 2-, 10-, 25-, and 50-year storm events. The other  
548 studies completed by professionals in the industry support the concept and the goal to create  
549 oversized lots to minimize impacts to buffers and sensitive areas to the extent possible. The  
550 project tries to avoid some slopes but does contemplate some of the steeper slopes for driveway  
551 designs.  
552

553 Arnie Rosenblatt stated that the Board will now have the opportunity to ask questions and make  
554 comments. The Board will then hear from abutters and interested parties. The Board will make a  
555 determination as to what action, if any, it wants to take, including the possibility of scheduling a  
556 site walk.  
557

558 Tracie Adams stated that the ACC expressed concerns about water quality and quantity and  
559 recommended rigorous testing. She asked what the applicant is doing to address these concerns.  
560 Chad Branon stated that he did not receive direct comments from the ACC as it relates to this  
561 project because no impacts are proposed to the buffer area. He noted that the proposal is for a  
562 frontage subdivision and that lower maintenance stormwater practices are being proposed on  
563 each lot. There will be a stormwater management component for each homeowner. It will be  
564 important to reference the Stormwater Inspection and Maintenance Program which is required  
565 for each of those practices and to make sure that gets relayed to the homeowners.  
566

567 Tracie Adams noted that DPW Director Eric Slosek expressed concern regarding achieving sight  
568 distance and that this would be contingent on removing or maintaining vegetation on a nearby  
569 private property, Lot 4-116. There was a recommendation to grant an easement for maintaining  
570 that vegetation. Chad Branon stated that he had no issue with this recommendation.

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571  
572 Tracie Adams mentioned that the staff report listed concerns about the stormwater management  
573 inspection and maintenance on page 6. Chad Branon explained that it will be listed in the deeds  
574 that there is an ongoing inspection and maintenance requirement for each unit.  
575  
576 Tracie Adams stated that, under the legal review, there may be some documents not yet  
577 submitted for review. Chad Branon stated that the driveway access and drainage easement  
578 documents may need to be updated and finalized.  
579  
580 Tracie Adams asked about how the stone walls on site will be managed. Chad Branon stated that  
581 the project proposes to maintain the stone walls as much as possible, to maintain the rural  
582 character. The access to the site will need to go through a section of stone wall, but the plan is to  
583 utilize those stones and possibly round them into the driveway to maintain the look and  
584 character. The proposal is to maintain all the walls possible, while still meeting appropriate  
585 access standards.  
586  
587 Tracie Adams asked about the specific ways to manage certain wildlife species mentioned in the  
588 report. Chad Branon explained that the driveway designs propose a fence on the downhill side,  
589 closest to the sensitive areas. The applicant has reviewed all of the proposed conditions and plans  
590 on implementing them as part of the plan.  
591  
592 Tracie Adams noted that the hydrogeological evaluation stated that the New Hampshire Water  
593 Well Association recommends a safe yield of four gallons per minute over four hours, or 960  
594 gallons. She asked how the proposed water system for the units compares to that. Chad Branon  
595 stated that he believes the yield actually is not required to be that high as long as there is ample  
596 storage in the well casing. The well reports will be submitted to DES as required. The reports do  
597 not show any issues with this property being able to supply the water based on the bedrock  
598 information. The proposed wells will not have a negative impact on any surrounding properties  
599 based on the reports.  
600  
601 In response to a question from Tracie Adams regarding comments or questions from neighbors  
602 concerning water issues or other items, Chad Branon stated that he has not personally received  
603 any feedback from neighbors to his office relative to this project.  
604  
605 Tom Silvia stated that the staff report mentions that the Stormwater Report needs to be reviewed  
606 by the Town Engineer and he would like to see that occur. The hydrogeological report states that  
607 the wells should be 400-500' deep and he asked this was part of the plan. Chad Branon explained  
608 that the information provided shows that the surrounding wells are on average approximately  
609 400' deep. Chad Branon stated that he has never seen a plan that stipulates required depth. The  
610 wells will likely be in the 350-400' range.  
611  
612 Tom Silvia asked about the fiscal impact study being initially completed for six units. Chad  
613 Branon agreed that this was completed when the proposal was initially for six units. He would be  
614 willing to have professionals write a letter addressing the revision from six to five units but

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615 believes that the fiscal impact study as written adequately addresses the typical concerns. Tom  
616 Silvia noted that the fiscal impact study uses a calculation to determine how many students could  
617 be in the schools. For approximately 20 bedrooms on this site, the study showed three students at  
618 the Amherst Middle School and one at Souhegan High School. Tom Silvia stated that four  
619 students for 20 bedrooms seems like a very low number. Tom Silvia stated that he does not  
620 believe a revised study is necessary and this also points to some of the concerns the Board has  
621 about the methodology for fiscal studies.  
622

623 Tom Silvia stated that the staff report mentions having Town Counsel review the driveway  
624 agreement, and he would like to see that as well. Regarding questions about the Environmental  
625 Study, Chad Branon stated that Section 6 of the GZA report lists findings and conclusions and  
626 then focuses on different elements. One of these is recommendations based on potential  
627 threatened/endangered species. There are no issues with these recommendations, and they will be  
628 implemented, with notes added to the plan.  
629

630 Tom Silvia asked about submittal of evaluation information for the Wetland and Watershed  
631 Conservation District. Chad Branon stated that note 6 on the plan addresses how that evaluation  
632 was completed. A letter addressing this may also be provided. Tom Silvia asked about Section  
633 4.01 of the regulations regarding wetland areas. Chad Branon stated that, based on the  
634 dimensional study, the wetlands onsite are classified as “other,” which has a 25’ buffer and a 50’  
635 building setback. This is adhered to on the site. The only area that it could get larger would be on  
636 the very southern corner of the property, where no development is proposed. There is less than  
637 an acre of wetland on this site.  
638

639 Bill Stoughton stated that he would like a site walk. Bill Stoughton asked about the frontage of  
640 Lot 4-122-4, which is a corner lot. Chad Branon explained that the lot has 204.6’ across the  
641 frontage of Cricket Corner Road, meeting the requirements. Bill Stoughton stated that he would  
642 like to see this clearly shown on the plan.  
643

644 Bill Stoughton asked about the sight distance and clearing of vegetation on a nearby lot. Chad  
645 Branon explained that, per a visual test in the field, the sight distance in this area is 300’. He  
646 believes the DPW Director was suggesting that this can change overtime, as the understory  
647 changes, so the landowner needs to be able to perform some selective cutting to maintain that  
648 sight distance. The landowner of Lot 4-122-1 will be allowed to clear land on the property across  
649 the street to maintain the sight distance. Bill Stoughton stated that he believes this is unworkable  
650 because maintaining that sight distance and safety of the road is a Town responsibility. Bill  
651 Stoughton stated that either the Town needs to be responsible for clearing this land, or there  
652 needs to be a different driveway layout. Chad Branon stated that sightline easements are not an  
653 uncommon practice, but he is not opposed to the Town maintaining the easement instead. Bill  
654 Stoughton stated that he is not okay with imposing an obligation on a lot owner or on the Town.  
655 He would like a solution in which the driveway sightline is clear with the normal maintenance  
656 that DPW does. Bill Stoughton noted that there was recently a fatality just half a mile down the  
657 road from here because these roads are winding and hilly and he does not want to see these

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658 conditions made worse through this project. Chad Branon confirmed that there is adequate sight  
659 distance from the other shared driveway.

660

661 In response to a question from Bill Stoughton regarding the steep slopes for the driveway of Lot  
662 4-122-4, Chad Branon explained that there is a short section which will parallel the steep slope  
663 section. The Town's driveway standard is 8% and this design meets the 8% requirement.

664

665 In response to a question from Bill Stoughton, Chad Branon stated that this project does not  
666 require an Alteration of Terrain (AoT) permit but does require State Subdivision Approval for all  
667 lots that are under 5 acres.

668

669 Bill Stoughton noted that the wetland soils information was excluded from the stormwater  
670 analysis. Chad Branon explained that the stormwater systems were modeled to the wetlands on  
671 site. All the water on site will be treated before it gets to the wetland soils.

672

673 Bill Stoughton asked about the cleanup percentages for sediment, nitrogen, and phosphorus for  
674 the stormwater features. Chad Branon stated that those were not included, but generally  
675 bioretention areas are very high for removal amounts.

676

677 Bill Stoughton asked about the maintenance requirements for the stormwater features. Chad  
678 Branon stated that Section 3.3 of the report contains the Stormwater Maintenance Manual which  
679 addresses all of the components. Each part of the system has its own incremental inspection  
680 requirements or recommendations which trigger maintenance needs. Bill Stoughton stated his  
681 concern with requiring homeowners to do anything more than minimal maintenance on  
682 stormwater features. Bill Stoughton noted that new owners may want to install pools, patios, etc.  
683 These may not be enough to trigger a new stormwater application but may alter the original  
684 analysis. He would like the plan to be clear regarding the square footage of impervious area for  
685 the driveway. Chad Branon noted that there is a strong stormwater practice, not usually  
686 embraced locally, which minimizes land alteration, minimizes impacts, and allows for use of  
687 buffer areas/undisturbed areas/woodland areas. This particular subdivision provides a lot of  
688 buffering and natural vegetation to sensitive areas. He asked the Board to consider allowing a  
689 patio to sheet flow onto a yard and then into a woodland area where there are underlying soils  
690 that are well drained, instead of cutting trees and routing this flow to a stormwater practice.

691

692 Bill Stoughton noted that over 60% of Lot 4-122-2 is steep slopes. He questioned if this is an  
693 appropriate lot for subdivision. He stated that he will likely have a number of conditions to any  
694 approval of this application and asked Nic Strong to provide the applicant with the water quality  
695 and quantity conditions which were proposed for the Clearview project.

696

697 Chris Yates had no questions at this time.

698

699 Tom Quinn stated that he supports third party review of the submitted reports. He asked the  
700 applicant to review the shared driveway sight line item. He would also like a site walk.

701

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702 Dan LeClerc agreed with Bill Stoughton regarding the shape of the lots and the driveway layout  
703 running along the shared lot line. He stated that these are awkwardly shaped properties. The  
704 slopes may have an impact on this as well.

705  
706 Pam Coughlin agreed with her colleagues regarding the driveway issue. She asked if the layout  
707 could be changed. There could be issues with plowing this driveway.

708  
709 Arnie Rosenblatt asked for public comment. He noted that there will be a site walk of this project  
710 and does not believe the Board will be making a decision on this item this evening.

711  
712 Dave Williams, 56 County Road, expressed concern regarding approval of this one piece of the  
713 Hazen land, instead of viewing the entire area and potential impacts cumulatively. There are  
714 wetlands and vernal pools in this area, and there could be many additional school children added  
715 into the system. Approving each of these pieces individually could eventually lead to a much  
716 larger 50-unit subdivision.

717  
718 John Coulter, 23 Cricket Corner Road, stated that there is no real sight distance along Cricket  
719 Corner Road where the driveway is proposed. He asked about a traffic study for the project and  
720 also a search for vernal pools across the street. Chad Branon stated that a vernal pool study on  
721 the property was conducted in the spring. This project does not propose any development across  
722 the street.

723  
724 Lisa Jones, 35 Thornton Ferry Road I, stated that as a finding of fact, per Amherst Subdivision  
725 Regulations Article 2 Section 206.1, no subdivision of land shall be made or land cleared for  
726 conversion purposes and no land in any subdivision shall be sold or offered for sale or lease, and  
727 no street or utility construction shall be started until a final design plat prepared in accordance  
728 with the requirements of the regulations has been approved by the Board and other required  
729 permits have been issued. She stated that no approvals have been granted for this parcel 4-122.  
730 The applicant has formally and openly engaged in marketing and offered the lots for sale. She  
731 noted that, during a recent conversation with the owner, he confirmed that he already has a  
732 reserved contract on two lots to build one home, and he's engaged in land clearing. She  
733 questioned if the applicant was in compliance with Subdivision Regulations Section 206.1. She  
734 noted concerns for water resources. According to the Amherst Watershed and Wetland resource  
735 map, there is a wellhead located on this property. Per the State's Groundwater Protection Act  
736 Section 485.C.5, all groundwater is classified for the purpose of prescribing protections and  
737 management practices. Some of the areas of this site are classified as Class A, the most protected  
738 groundwater. She stated that, according to the Fieldstone existing conditions plan, this entire  
739 parcel contains steep slopes and very stony terrain. There is a real possibility that blasting is  
740 going to be required for this project, leading to an increased potential for contamination and  
741 consequences for groundwater. She also questioned if some of these lots are truly in compliance  
742 with less than 20% slope.

743  
744 Howard Muscott, 48 County Road, stated that the proposed application represents one proposed  
745 subdivision, but it is clear that this developer intends to propose significant development on

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746 most, if not all, of the seven parcels recently purchased. He respectfully requested that the  
747 Planning Board treat this five-lot conventional subdivision not as a solo application, but as part  
748 of a larger development by gathering all the necessary data and completing any relevant reports  
749 and studies to understand the full impact on Amherst and the regional impacts to the adjacent  
750 towns of Merrimack and Milford. He stated that he believes these studies will reveal significant  
751 impacts to Town services, public safety, and the clean, safe water supply. Building upwards of  
752 40-50 homes on this parcel will require massive upgrades to County Road, resulting in millions  
753 of dollars in cost, likely putting tremendous stress on public safety and resources, and putting the  
754 clean drinking water at risk. He stated that he believes there will be significant impact to the  
755 schools, given the size of the houses proposed. If assuming approximately two children from  
756 each home and the cost per pupil to educate a student in 2021/20222 in Amherst being about  
757 \$22,000, this equates to an annual cost of approximately \$44,000 per home. This results in an  
758 annual school deficit of \$33,000 per household that will have to be made up by the taxpayers.  
759 Based on the information provided, this development might contain 44 homes at approximately  
760 \$700,000 each, resulting in an annual deficit of \$1.45M, which pales in comparison to the one-  
761 time impact fee of \$7,000 that developer will pay. There would also need to be capital  
762 improvements to support these increased costs.

763  
764 Kelly Mullin, 48 Christian Hill Road, stated that the schools are ready to burst at the seams and  
765 have significant maintenance costs that cannot be accommodated. This proposal may incur new  
766 transportation and road issues, and increased need for services such as Fire and Fire Rescue. The  
767 Town cannot accommodate the number of developments currently being proposed across Town.  
768 She urged the Planning Board to consider all of the developments, as they consider each  
769 development application, because if all of the developments get approved she is unclear how  
770 anyone in the Town will be able to afford to live. She stated that this is not about being a  
771 NIMBY but about creating a balance.

772  
773 There was no other public comment at this time.

774  
775 In response to a question from Arnie Rosenblatt, Nic Strong stated that the deadline for final  
776 action for this application is December 11, 2022.

777  
778 In response to a question from Bill Stoughton regarding land clearing or selling of lots, Brett  
779 Vaughn stated that he received permits to clear the lot in question. The website shows that he is  
780 working with the Planning Board to create this development. There are no purchases and sales at  
781 this time. Bill Stoughton stated that any concerns of this sort from the public should be addressed  
782 with the Community Development Office.

783  
784 Chad Branon asked if the stormwater report will be sent to the Town Engineer. Arnie Rosenblatt  
785 stated that the Board will need to decide if it wants any of the studies reviewed by a third party.  
786 Tom Quinn suggested that he would like to see a third-party review of traffic,  
787 stormwater/drainage, and hydrogeological studies. Bill Stoughton stated that he would like to see  
788 third party reviews of the stormwater and fiscal impact reports because he disagrees with the  
789 reasonableness of many of the assertions made in it. He would also like to see the driveway

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790 agreement reviewed by Town Counsel. Tracie Adams stated that she would like to see a third-  
791 party review of the stormwater, hydrogeological, and traffic impact studies.  
792

793 Arnie Rosenblatt stated that he believes he is capable himself to review the assertions made in  
794 the fiscal impact study. Bill Stoughton stated that there would be no expert opinion in the record.  
795 In response to a question from Arnie Rosenblatt, Bill Stoughton confirmed that his concern is  
796 that, as a fact finder, even if the Board concludes that underlying assumptions of an expert's  
797 report are so flawed that the Board does not deem it to be credible that, without an opposing  
798 report, the Board cannot reach a conclusion that is inconsistent with what it believes is a flawed  
799 report.

800  
801 In response to a question from Tom Quinn, Chad Branon stated that his office prepared the fiscal  
802 impact study, as it has for many other developments. Tom Quinn stated that a third-party review  
803 might be helpful from someone who does this full-time as a job.  
804

805 Arnie Rosenblatt asked if the Board believes this development needs to be reviewed in a larger  
806 context, with respect to the entirety of the property it is associated with. Bill Stoughton explained  
807 there is common ownership in the same area for lots all slated to be developed at some time. He  
808 does not think the Board should ignore the combined effect. The next slated development cannot  
809 ignore the traffic contributed by this project. The developer should be put on notice now that this  
810 is what the Board will expect for future proposals.  
811

812 Tom Quinn stated that turning down this application based on reviewing the whole area  
813 cumulatively, could cause problems for the Board because it would be considering theoretical  
814 development. Arnie Rosenblatt stated that he believes Bill Stoughton is saying to let the  
815 developer know that these potential cumulative impacts will need to be considered for future  
816 applications.  
817

818 **Tracie Adams moved that the Board require a third-party review of the**  
819 **hydrogeological study. Seconded by Tom Quinn.**  
820 **Motion carried 5-1-0 [B. Stoughton against].**  
821

822 **Tracie Adams moved that the Board require a third-party review of the stormwater**  
823 **management report. Seconded by Bill Stoughton.**  
824 **Motion carried unanimously 6-0-0.**  
825

826 **Bill Stoughton moved that the Board require a third-party review of the fiscal**  
827 **impact study. Seconded by Tom Quinn.**  
828 **Motion failed 2-3-0 [C. Yates, T. Silvia, and T. Adams against].**  
829

830 In response to a question from Arnie Rosenblatt, Nic Strong stated that she will need to find a  
831 consultant to complete the hydrogeological study review. This may be possible within a month.  
832 Chad Branon stated that he would like to come back before the Board in early October to at least  
833 discuss the stormwater management review and the site walk.

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834  
835 **Bill Stoughton moved to continue this application to October 5, 2022, at 7pm, at**  
836 **Town Hall. Seconded by Tracie Adams.**  
837 **Motion carried unanimously 6-0-0.**

838  
839 **Bill Stoughton moved to schedule a site walk of this property on September 19,**  
840 **2022, at 4:30pm, off Cricket Corner Road. Seconded by Tracie Adams.**  
841 **Motion carried unanimously 6-0-0.**

842  
843 **OTHER BUSINESS**

844  
845 **5. Discussion regarding suggestions for amendments to the Town's ordinances and**  
846 **regulations**

847 Arnie Rosenblatt noted that the normal cutoff time for Board meetings is 10pm. He is concerned  
848 with taking up this issue at this time.

849  
850 Bill Stoughton stated that he believes it is important to have the proposed Planning Board  
851 ordinances heard in time, so that the public can move forward with petitions, if they so choose.

852  
853 The Board discussed the lateness of the hour and being able to reasonably hear each suggestion  
854 this evening. It was determined that a special meeting would be required to fit in this discussion  
855 and the Board members determined that Friday, September 16<sup>th</sup> was good for all.

856  
857 **Tracie Adams moved to continue this item to September 16, 2022, at 5pm, at Town**  
858 **Hall. Seconded by Bill Stoughton.**  
859 **Motion carried unanimously 6-0-0.**

860  
861 **6. Minutes: August 17, 2022; non-public minutes of July 6, August 3, & August 17,**  
862 **20223**

863 The Board tabled discussion on these minutes to a future meeting.

864  
865 **7. Any other business that may come before the Board**

866  
867 **Chris Yates moved to adjourn at 10:35pm. Seconded by Tom Quinn.**  
868 **Motion carried unanimously 6-0-0.**

869  
870  
871 Respectfully submitted,  
872 Kristan Patenaude  
873