

1 **AMHERST PLANNING BOARD**

2 **Wednesday January 6, 2016**

3
4 In attendance: A. Rosenblatt- Chair, J. D'Angelo- Selectman Ex-Officio, S. Wilkins, R. Hart, G. Leedy,
5 M. Dell Orfano, C. Harris, C. Mailloux- Community Development Director.

6
7 A. Rosenblatt called the meeting to order at 7:30pm.

8 **OLD BUSINESS**

9 **1.CASE#: PZ6721-100515 –Ellen & Richard Fallon (Owners) –9 Clark Avenue, PIN #: 025-048-000 –**

10 Request for approval of a Conditional Use Permit for construction of an 24' x 38' garage within the 100
11 foot shoreline buffer of Baboosic Lake. Zoned Rural Residential. Continued from December 2, 2015

12
13 The applicant has requested that Case #PZ6721 be tabled until the next regular meeting of the Planning
14 Board, scheduled for February 3, 2016.

15 **M. Dell Orfano moved and C. Harris seconded to table the case to February 3rd, 2016. All in favor**

16
17 **NEW BUSINESS**

18 **2.CASE #: PZ6983-120715 –Gerald A. Wilkins Revocable Trust (Owner) & Aubrey Family Revocable**

19 **Trust (Owner)–**Request for approval of a lot line adjustment, 101 Christian Hill Road & 75 Lyndeborough
20 Road, PIN #: 005-166-003 & 005-079-001. Zoned Rural Residential

21
22 The application is a request for approval of a lot line adjustment between Lot 5-166-3, 101 Christian Hill
23 Road, and Lot 5-79-1, 75 Lyndeborough Road. The proposed lot line adjustment would increase the area
24 of Lot 5-79-1 by one acre by shifting the common lot boundary to the west. After the adjustment, both
25 parcels will be in compliance with the minimum dimensional requirements of the zone.

26
27 **G. Leedy moved to accept the application as complete. C. Harris seconded. All in favor**

28
29 Dawn Tuomala, Monadnock Survey described how the lot would be altered if the application is granted.
30 G. Leedy clarified that the smaller of the two lots is non-conforming now, but will become conforming
31 after the change. The acreages for the lots were confirmed.

32
33 **Public Comment**

34 Stanley Vancelette 105 Christian Hill

35 What is the reason? Just to have more land on that lot? No plans to build at this time?

36 These questions were confirmed as correct by Ms. Tuomala.

37
38 **G. Leedy moved to grant conditional approval of the lot line adjustment plan for 101 Christian Hill**
39 **Road & 75 Lyndeborough Road, Lots 5-166-3& 5-79-1 in accordance with the plan prepared by**
40 **Monadnock Survey, Inc., dated December 7, 2015, last revised December 22, 2015, with the following**
41 **conditions to be fulfilled within one year and prior to plan signature:**

42 1.One mylar and three paper copies of the lot line adjustment plan be submitted for signature by the
43 Planning Board Chair and recording at the Registry of Deeds.

44 2.All fees associated with the recording of the plan be submitted.

45 **C. Harris seconded. All in favor**

3.CASE #: PZ6979-120715 –Regional Services & Education Center, Inc. (Owner) –Request for approval of a commercial subdivision of one lot into two. 94 Rte. 101A & Eastern Avenue, PIN #: 002-055-001– Zoned Commercial & Residential Rural.

The subject parcel is the site of the Regional Services Education Center and Sunrise Children’s Center, located at 94 Route 101A. The site includes a 6,100 square foot office building situated near the 101A frontage, with a 10,300 square foot daycare facility located to the rear of the parcel, and associated parking, drainage and site improvements.

The application is a request for approval of the subdivision of Lot 2-55-1 from one commercial lot into two. The existing parcel is 2.23 acres with frontage on Route 101A and Eastern Avenue. The site has an existing access driveway on Route 101A, as well as an access drive along on Eastern Avenue.

The proposed subdivision will separate the 10,300 square foot daycare structure from the office building. After the subdivision, Lot 2-55-1 will be 1.005 acres with approximately 215 feet of frontage on Route 101A with an additional 113 feet of frontage on Eastern Avenue. Proposed Lot 2-55-3 will be 1.227 acres with 200 feet of frontage on Eastern Avenue. The proposed lots will meet the minimum dimensional and setback requirements of the zone.

The application requires waivers from the following checklist items:

1.b –Topography, 1.g –SCS Soil Mapping and 1.i –Test pits

Randy Haight, Meridian Land Services presented the case and stated the goal is to separate the two buildings so they each have their own lot. The buildings currently share septic, parking and access. A Declaration of Covenants was provided to describe who is responsible for what.

R. Haight addressed the waivers stating everything is already in place. There is already state approval for the septic system, curb cut and site plan approval by which the land was developed. These are all in place and don’t require any changes.

R. Hart said the division between lots looks like it splits the parking lot.

Yes, and the Declaration of Covenants clarifies the driveway, access, parking and septic are all to be shared- as they are now.

M. Dell Orfano wondered if the board should add chemical use conditions. The board didn’t think it was necessary.

C. Harris asked C. Mailloux about the use. Now it’s an office. If it changed to something else it would need a change of use which would come back to the board. Correct.

G. Leedy moved to approve the waivers. C. Harris seconded. All in favor

G. Leedy moved to accept the application as complete. C. Harris seconded. All in favor

G. Leedy moved to grant conditional approval of the subdivision of 94 Route 101A, Lot 2-55-1, in accordance with the plan prepared by Meridian Land Services, Inc., dated December 7, 2015, with the following conditions to be fulfilled within one year and prior to plan signature:

1.The entire lot is located within the Commercial Zone and the plans should be amended accordingly to show the appropriate district boundary, following the property line, and notes regarding Rural Residential zoning be removed.

2.The proposed lot will be assigned property identification number Map 2, Lot 55-3 and the plan should be revised accordingly.

3.The draft covenants be reviewed and approved by Town Counsel and final documents be submitted for recording with the approved subdivision plan.

4.A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.

5.One mylar and three paper copies of the plan be submitted for signature by the Planning Board Chair and recording at the Registry of Deeds.

6.All fees associated with the recording of the plan and covenants be submitted

C. Harris seconded. All in favor

4.CASE #: PZ6981-120715 –John W. & William R. Day & Virginia D. Barbara (Owners) –Request for approval of a residential subdivision of one lot into five. 50 Boston Post Road & Brookwood Drive, PIN #: 005-160-000. Zoned Rural Residential

The application is a request for approval of the subdivision of Lot 5-160 from one residential lot into five. The existing 34.67 acre parcel is situated on the easterly side of Boston Post Road. The property is bisected by Beaver Brook and an associated wetland system, and other pockets of isolated wetland are present on the property. A special flood hazard area associated with Beaver Brook encumbers a portion of the property. The property is largely wooded and undeveloped, with the exception of an existing cottage and two existing barns which are in deteriorating condition and are proposed to be removed. The property is located in the Rural Residential district and requires a minimum net tract area of 2 acres and 200 feet of frontage. After the subdivision, all of the lots will meet or exceed the minimum dimensional requirements of the zone.

Tom Carr, Meridian Land Services described the location of the property and where the driveways will be located. The existing house will be razed.

M. Dell Orfano asked if the sites perked ok. Yes. He further wondered if this is a new owner. The property has been in the family for a while. At one point there was some discussion with the Recreation department to possibly use it for athletic fields. That fell through. There is an area that has been pastures that is still in discussion for athletic fields. It was clarified that the setback is 100' from Boston Post Rd.

J. D'Angelo noted one lot is uniquely configured. T. Carr stated they tried to keep these as straight to the road as they could. That one has a bend because of the wetland area. In this location the setback from the wetland is 100' to the septic system so the house sites are up in the back. There will be long driveways.

G. Leedy asked if this is in the historic district. No. He also asked if the Heritage Commission has been informed with regard to the cabin and the barns. Yes, they were informed and had no comment.

The applicant has requested waivers from the following checklist items:

3.x.1, 2, 3, 5 & 6–Fiscal Impact, Environmental Impact, Traffic Impact Hydro-Geological, Water Supply

142 A. Rosenblatt stated between the two applications, this looks like a 9 lot subdivision.
 143 T. Carr stated because they are two lots, there have to be two applications. He addressed the waivers
 144 saying this is the last tract of land on Boston Post Rd/ New Boston Rd that could produce substantial
 145 development.
 146 T. Carr explained the traffic impact is pretty insignificant - .7% and .5% for New Boston Rd and 1.4% and
 147 0.3% for Boston Post Rd.
 148 For fiscal impact, there are two existing lots and there will be seven new lots. There won't be significant
 149 impact.
 150 For environmental impact, the lots are large and there is not a lot of impervious. They are willing to
 151 include a note for best practices regarding run-off.
 152 For hydro-geological and water supply, they are in the aquifer district so most wells will be point wells,
 153 not drilled wells.
 154
 155 A. Rosenblatt confirmed the plan is to subdivide and sell off the lots. There is not one builder- buyers
 156 will build their own homes. He stated we don't know exactly what and where the homes will be so it's
 157 hard to do a full study. He further commented that there seem to be many unsold lots in town and
 158 wondered if these will have a good chance of selling.
 159
 160 **G. Leedy moved to approve the waivers. C. Harris seconded.**
 161 A. Rosenblatt stated the waiver that gives him pause is storm water drainage calculations. G. Leedy
 162 explained that he is ok with stipulating staff report note 3 which states storm water management will be
 163 to the satisfaction of the Community Development Director.
 164
 165 G. Leedy also noted with this application, there is no impact. There is no permit to build yet.
 166 He said we shouldn't restrict property owners rights based on what may or may not happen in the
 167 future.
 168
 169 M. Dell Orfano asked with the water level what it is, is there any adverse impact to the abutters for
 170 drinking water? G. Leedy said if they meet the standards for the state and for the town, which are
 171 stricter, there shouldn't be an adverse effect.
 172
 173 A. Rosenblatt asked if the builders are seeking permits one by one, does the last house constructed have
 174 a tougher time meeting the restrictions to make up for the other homes already in progress?
 175 C. Mailloux explained no, each house will have to show what accommodations it will make individually
 176 to not impact the area.
 177
 178 **Vote: All in favor to approve the waivers**
 179
 180 S. Wilkins arrived at this time.
 181
 182 **G. Leedy moved to accept the application as complete. C. Harris seconded. All in favor**
 183
 184 **G. Leedy moved to grant conditional approval of the subdivision of 50 Boston Post Road, Lot 5-160, in**
 185 **accordance with the plan prepared by Meridian Land Services, Inc., dated December 2, 2015, with the**
 186 **following conditions to be fulfilled within one year and prior to plan signature:**
 187 1.The plan should be revised to include street addresses as noted by the assessing department, pending
 188 final approval by the Fire Chief.
 189 2.The NHDES subdivision approval number shall be noted on the plans.

3.A note be added to the plan that appropriate BMPs be incorporated into the development of each lot for the management of stormwater from roofs and driveways, to satisfaction of the Community Development Director.

4.A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.

5.One mylar and three paper copies of the plan be submitted for signature by the Planning Board Chair and recording at the Registry of Deeds.

6.Prior to recording, all fees associated with the recording of the plan be submitted to the Town.

7.The existing cottage shall be removed or relocated prior to plan signature.

8.Prior to issuance of a building permit, durable discs or placards identifying the boundaries of the Wetland and Watershed Conservation District on the subject premises shall be installed at appropriate distances 50'-100'.

9.A note be added to the plan stating the Planning Board waived the requirement to submit fiscal impact, environmental impact, traffic, water supply and hydrogeological studies.

C. Harris seconded.

Discussion

S. Wilkins moved no regional impact. G. Leedy seconded. All in favor

M. Dell Orfano wondered about a driveway chemical restriction because they generally include one for properties that are steep and near the aquifer/ water shed. The board did not feel it was necessary.

Vote: All in favor to approve the subdivision with conditions. S. Wilkins abstained.

There was a discussion about chemicals before the board heard the next case.

5.CASE #: PZ6982-120715 –John W.& William R. Day & Virginia D. Barbara (Owners)-Request for approval of a residential subdivision of one lot into four. Boston Post Road, New Boston Road & Brookwood Drive -PIN #: 005-162-001. Zoned Rural Residential.

The application is a request for approval of the subdivision of Lot 5-162-1 from one residential lot into four. The subject parcel is 15.75 acres (11.19 acres net) with frontage on Boston Post Road, New Boston Road and Brookwood Drive. The property is bisected by an unnamed perennial stream and an associated wetland system that begins at the northerly portion of the property, along New Boston Road. The wetland system narrows along the stream channel near Boston Post Road where the perennial stream is carried under Boston Post Road in an existing culvert. The property is undeveloped, with the Brookwood Drive and New Boston Road frontages largely wooded, sloping down to an open field in the southerly portion of the lot. The property is located in the Rural Residential district which requires a minimum net tract area of 2 acres and 200 feet of frontage. After the subdivision, all of the lots will meet or exceed the minimum dimensional requirements of the zone.

Tom Carr, Meridian Land Services said this application is very similar to the previous one. He mentioned one new point; 2 seasonal streams that were assumed to be perennial with 100' buffer have been changed to intermittent streams to correct the plans.

238 The applicant has requested waivers from the following checklist items:
 239 3.x.1, 2, 3, 5 & 6—Fiscal Impact, Environmental Impact, Traffic Impact Hydro-Geological, Water Supply
 240
 241 **G. Leedy moved to accept the waivers C. Harris seconded.**
 242
 243 Public Comment
 244 Fred Harrington
 245 He asked where the driveway on Brookland Drive will be. This was shown on the map.
 246
 247 Chris Shaver 2 Brookwood Dr.
 248 She asked if the existing house lots on the street will need to be renumbered.
 249 C. Mailloux explained the location of the existing homes and the proposed lots and why this is a valid
 250 question. They will need to work with E911. The existing homes will not be renumbered.
 251 Ms. Shaver also pointed out that the abutters all have shallow dug 15' wells.
 252
 253 Nick Bartis 1 Brookwood Dr.
 254 He asked where the house across from 1 Brookwood Dr. will go. This was shown on the map.
 255
 256 **Vote: All in favor to accept the waivers**
 257 **G. Leedy moved no regional impact. S. Wilkins seconded. All in favor**
 258 **G. Leedy moved to accept the application for review. C. Harris seconded. All in favor**
 259
 260 Further discussion on driveway locations ensued.
 261
 262 M. Dell Orfano asked if all the lots were surveyed and monumented. They will be monumented upon
 263 approval.
 264
 265 **G. Leedy moved to conditionally approve the subdivision of Boston Post Road & New Boston Road,**
 266 **Lot 5-162-1, in accordance with the plan prepared by Meridian Land Services, Inc., dated December 2,**
 267 **2015, with the following conditions to be fulfilled within one year and prior to plan signature:**
 268 1.The plan should be revised to include the street addresses as noted by the assessing department,
 269 pending final approval by the Fire Chief.
 270 2.The NHDES subdivision approval number shall be noted on the plans.
 271 3.A note be added to the plan that appropriate BMPs be incorporated into the development of each lot
 272 for the management of stormwater from roofs and driveways, to satisfaction of the Community
 273 Development Director.
 274 4.A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying
 275 that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter,
 276 the final subdivision plan to be recorded may be submitted noting that the bounds have been set.
 277 5.One mylar and three paper copies of the plan be submitted for signature by the Planning Board Chair
 278 and recording at the Registry of Deeds.
 279 6.Prior to recording, all fees associated with the recording of the plan be submitted to the Town.
 280 7.Prior to issuance of a building permit, durable discs or placards identifying the boundaries of the
 281 Wetland and Watershed Conservation District on the subject premises shall be installed in appropriate
 282 distances 50'-100'.
 283 8.If granted, a note be added to the plan stating the Planning Board waived the requirement to submit
 284 fiscal impact, environmental impact, traffic, water supply and hydrogeological studies.
 285 **C. Harris seconded. All in favor**

286 PUBLIC HEARING –ZONING AMENDMENTS
287 **G. Leedy moved to open the public hearing. C. Harris seconded. All in favor**
288 No public was present at this time in the meeting.
289
290 C. Mailloux stated this is the first public hearing. The second hearing will be in two weeks on January
291 20th. At that time the board will make recommendations for the warrant.
292 **G. Leedy moved to close the public hearing. C. Harris seconded. All in favor**
293
294 **6. Approval of Minutes:**
295 **November 18, 2015**
296 **C. Harris moved and M. Dell Orfano seconded to approve the minutes of November 18th as presented.**
297 **All in favor with G. Leedy abstaining.**
298
299 Discussion ensued about amendment 9- floor area ratio.
300 M. Dell Orfano suggested informing the ZBA of this discussion and suggested they attend the next
301 amendment hearing to discuss it if they are interested in clarifying their perspective.
302
303 **December 2nd, 2015**
304 Line 25 *policy* to *regulation*
305 Line 144 changing the form of ownership
306 Line 302 *site* to *sight*
307 **C. Harris moved and S. Wilkins seconded to approve the minutes of December 2nd as amended.**
308 **All in favor**
309
310 **6. Regional Impact**
311 C. Mailloux stated there is no regional impact yet for next month, but there will be by the work session.
312
313 **G. Leedy moved to go into nonpublic session at 9pm. C. Harris seconded. All in favor.**
314
315 Respectfully submitted,
316 Jessica Marchant