

AMHERST PLANNING BOARD
Wednesday, October 07, 2015

In attendance: G. Leedy, M. Peterman (Alt), J. D'Angelo- Selectman Ex-Officio, S. Wilkins, R. Hart, M. Dell Orfano, C. Harris, C. Mailloux- Community Development Director.

S. Wilkins called the meeting to order at 7:33pm.

It was determined that M. Peterman would vote for A. Rosenblatt.

NEW BUSINESS

1. Case #: PZ6570-090115 – Dermody Family Trust (Owner) - 6 Parker Farm Lane, PIN #: 006-028-005 & Eric & Amy Facey (Owner) – 4 Parker Farm Lane, PIN#: 006-028-004 - Request for approval of a Lot Line Adjustment between two residential properties. Zoned Residential Rural.

The applicant was not present, but had requested that the case be tabled. **M. Peterman moved to table the case for two months to December 2nd. G. Leedy seconded. The motion carried.**

3. Case #: PZ6584-090815 – 12 Broadway Realty Trust (Owner), William Wenzel, Trustee (Applicant) – 12 Broadway, PIN #: 006-092-000 – Request for approval of a subdivision of one residential lot into four and request for approval of a Conditional Use Permit for 3,205 square feet of wetland impact to construct a common driveway to serve the proposed lots. Zoned Residential Rural.

The applicant was not present, but had requested that the case be tabled. **M. Peterman moved to table the case to November 4th. G. Leedy seconded. The motion carried.**

2. Case #: PZ6583-090815 – Matthew Leighton (Owner) – 31 Brook Road, PIN #: 010-018-002 – Request for approval of a Conditional Use Permit for construction of an 840 square foot garage within the Wetland & Watershed Conservation District. Zoned Northern Rural.

G. Leedy moved to accept the plan for review. M. Dell Orfano seconded. The motion carried.

K. Anderson from Meridian and property owner M. Leighton were present.

K. Anderson stated they are before the board for a conditional use permit for a proposed garage within the wetland conservation overlay district. The wetland in this district is comprised of two parts. There is a 50 ft. wetland buffer and a 100 ft. perennial stream buffer. The application has been accepted. They have addressed storm water mitigation and meet all of those requirements. They have prepared wetlands functions and values assessment which has been submitted.

There is no other place they can put the garage that is outside the overlay district. The house is 200-300 ft. off of Brook Rd. In front of the house is the septic system. Behind the house is a pool, a porch, and patio area. The garage would be inaccessible behind it. The end of the driveway makes the most sense for placement of the garage. K. Anderson did not put it closer to the house because he is trying to maintain access to the back yard and also fire separation of 25-30 ft. between detached buildings. It's currently just under 30 ft. away from the house.

There is a small asphalt paved apron to transition into the garage, but he has tried to keep the disturbance to a minimum. The garage is an allowed use. He is not asking for any waivers or variances.

S. Wilkins asked if all 840 sq. ft. of the garage impacts the buffer. The entire garage does impact the buffer. K. Anderson explained on the map where the boundaries are and clarified the garage location.

R. Hart asked how high the garage elevation is up from the stream. Four to five feet.

S. Wilkins confirmed that there is no wetland impact- just buffer? That is true.

R. Hart asked where the 50 year flood line is. K. Anderson stated that knowing the flood elevations was not a requirement of the application and he didn't know the answer. He guessed that it's closer to the larger wetland that is on the other side of Brook Rd. R. Hart is concerned about items in a garage washing out in a flood. K. Anderson doesn't believe they will be in the flood plain based on his storm calculations. The owner confirmed that the house is 5-6 feet above the wetland elevation and they have never had an issue.

M. Peterman asked about the use of the garage. It is to keep cars, tractors, supplies inside. There is an under the house garage as well.

M. Dell Orfano asked for more description of the location of the property. He believes he has seen flooding there before. His only issue is the elevation.

S. Wilkins asked about the phrase "intends to prohibit the use of lawn chemicals and de-ice" on the plans. K. Anderson said that is a required statement for the plan. They further discussed this requirement and the enforcement of it. C. Mailloux confirmed that it is a required note.

Public comment

Bob Choquette 33 Brook Rd.

He is a direct abutter and is aware of the proposal. He has no objections to it. The proposed location is on land that the owners are already using. His house is right next door and is 100 ft. higher on a ledge. The land slopes down toward the applicant's house. There is no other place the garage can go.

G. Leedy moved to approve the conditional use permit with the following staff recommended conditions:

1. Two full sized plans and one pdf of the plan set shall be delivered for signing by the Planning Board Chair.

2. Prior to the start of construction, the applicant shall cause durable discs or placards identifying the boundaries of the WWCD on the subject premises to be installed pursuant to requirements of Article IV –Section 4.11, F.6 of the Zoning Ordinance, as appropriate for this site.

3. The applicant shall install and effectively maintain all temporary erosion and sedimentation control measures and practices specified on the project plans throughout the duration of any work performed within or immediately adjacent to the WWCD boundary.

C. Harris seconded.

K. Anderson asked how the placards should be displayed on the site. C. Mailloux stated it is vaguely worded so that it can be reasonably placed on the site. She can discuss it later with him to confirm an appropriate location.

88 M. Dell Orfano asked for clarification on authority. C. Mailloux stated the board has the authority to
89 waive the provisions of the conditional use permit requirements. M. Dell Orfano asked if they have the
90 authority to strengthen the intent of the ordinance. C. Mailloux replied yes, as appropriate for the site.
91 He is concerned about the potential for flood regarding toxic chemicals. G. Leedy stated the applicant is
92 not in the hundred year flood plain.

93
94 S. Wilkins asked how steep the driveway is up from Brook Rd. The owner stated it's not too steep and he
95 rarely uses de- ice or salt. He uses sand or ash.

96
97 **Vote: all in favor. The motion passed.**

98
99 **4. Case #: PZ6587-090815 – Chesterton Capital, LLC (Owner) – 24 Brook Road, PIN #: 010-026-000 –**
100 **Concept discussion for a 39 unit planned residential development.**

101 S. Wilkins explained that this item is for the purpose of a shared discussion. Nothing discussed will be
102 binding.

103
104 Jeff Kevan of TF Moran and Attorney Gerald Prunier presented for the applicant.
105 The previous plan (copies were provided) was approved in 2006. The property has since been purchased
106 by Chesterton Capital, LLC. John Walsh from that group was present.

107
108 The property is about 127 acres. The final approval was for 77 bedrooms- 38 two- bedrooms and 1 one-
109 bedroom unit. It was set up for community water and combined septic systems for groupings of units.
110 There is 68 acres in the back that would be set aside for open space with public use along with being
111 tied into the bicentennial trail.

112
113 The permit expired in 2010. New regulations were adopted this spring including the integrated
114 innovative housing ordinance. Chesterton Capital came in hoping to be able to build the project as
115 originally designed.
116 They have been looking at the new ordinance to see how the new density calculation varies. J. Kevan
117 discussed the calculations and how he came up with 28 units then 16 units. That's a significant decrease.
118 They wanted to meet to discuss if he's applying the density calculation properly. He also discussed the
119 bonuses or senior housing, walkability and open space and how that might get them to 28 units.
120 They are looking for input and asking if there is any flexibility so they can get the unit count up. There
121 are some significant items in the project: a bridge crossing Joe English Brook. This would be expensive
122 and would need a significant magnitude project to drive that type of an expense. Is there any other
123 flexibility in this or is this the intent of the ordinance?

124
125 S. Wilkins stated the 39 unit option is gone. The applicant should stop thinking about that number.
126 J. Kevan understands that but stated the project has to be of a certain magnitude in order to make
127 economic sense. S. Wilkins stated it is an extremely flexible ordinance. That's why it is written the way it
128 was written.

129
130 M. Dell Orfano stated the intent of the ordinance is to help the town evaluate the kind of diversity that
131 makes it a more vibrant community and to attract various incomes and family sizes. It's made so that
132 the board can listen to the applicant tell us where we are lacking in that diversity and why we should
133 give accommodations for more units because we are lacking.

135 G. Leedy said when the board was going through the previous approval the board in general felt the
136 project was too extensive for that land because of all of the work that has to be done to access the land
137 and get up the hill. When the board was considering changes to the ordinance, there was an application
138 in front of the board that forced the board into the position of approving because there was no other
139 choice. The ordinance that came out of the process was geared to make an explicit connection between
140 what the town is getting for density and in general, tamp down allowed density. The base density and
141 the PRD in the elderly housing ordinance was too high and there wasn't any connection between the
142 density bonuses and something the board could look at and see that it's a benefit to the town. Now it's
143 up to the applicant to come up with a tangible statement that it's a benefit to the town and here's why.
144 Then the board has the ability to consider additional density. Just going through a formulaic approach,
145 you're going to get the number of units you came up with- 18 or 20 units. That is comparable to the
146 density that would be allowed in the zone.

147
148 S. Wilkins said because of the lack of socioeconomic diversity, the ordinance is designed to push you in
149 that direction. One thing you could do is have 30% of the units affordable. That would make the project
150 more desirable than if all of the units were for the same use. There is a real need for senior housing for
151 Amherst residents that want to sell their homes and still live in town but don't have affordable options.

152
153 G. Prunier stated that after reading the ordinance he wondered if this board has the power to affect
154 density. Based on what he just heard, he understands that if they are more creative and supply what the
155 town needs, more density could be an option.

156
157 C. Harris stated creativity and diversity are the important terms. Diversity can come in many forms and
158 shapes such as affordable housing and senior housing. Also, though there is diversity, no one should
159 necessarily know from the outside that there are different uses for the units.

160
161 M. Peterman stated that before there were clusters of senior housing, affordable housing and single
162 family homes that were all separated. This ordinance allows for those diverse groups to be mixed
163 together.

164
165 M. Dell Orfano told the applicant to take into consideration what's there now. Then show the board
166 how this type of housing encourages diversity by rounding out what is already there by blending with it
167 and introducing a neighborhood of diverse ages, uses and family sizes.

168
169 S. Wilkins mentioned the access and stated it would be much less expensive if they can put in some
170 attached houses and pull it all forward down the hill. The variance expired as well so the applicant will
171 need to go before the ZBA.

172
173 G. Leedy stated the ordinance revision was an attempt to put the responsibility on the development
174 community to come up with something that responds to the needs of the community as well as their
175 own financial needs.

176
177 S. Wilkins said with regard to the walkability element, it's so far away from everything that creating
178 internal walkability to encourage people to get out is what they can do.

179
180 M. Dell Orfano heard the applicant mention they would have open space. If they made access to that
181 space public for recreation, it would help encourage the neighborhood's participation in the project.

183 R. Hart pointed out that the wetlands regulations have changed as well.

184

185 M. Dell Orfano stated the previous owner cut many of the trees that were holding back the water that
186 was down there.

187

188 G. Leedy talked about the process by which you establish any kind of benefit or density bonus. He
189 strongly suggests prior to getting full blown engineering that the applicant come back and talk to the
190 board. There are several steps to follow. G. Leedy also cautioned against letting the previous design
191 dictate where they can go with this project.

192

193 OTHER BUSINESS

194 **5. Regional Impact**

195 C. Mailloux stated there are two new applications for next month. The first is a subdivision with property
196 in both Amherst and Milford. It's Milford's board who would approve it, but this board also needs to
197 review it and sign off on it. It does not fall under regional impact. The other application is a conditional
198 use permit for the Fallons' at 9 Clark Ave on Baboosic Lake. They are putting up a garage within the
199 shore land buffer. She does not recommend that there is any regional impact. There will also be a
200 compliance hearing next month for the Limbo Ln. medical center. They are on track and looking for a CO
201 in Nov/Dec.

202

203 **M. Peterman moved there is no regional impact C. Harris seconded. The motion carried.**

204

205 **6. Approval of Minutes: September 2, 2015**

206 Line 32 *leech* to leach

207 Line 42 *plane* to plain

208 Line 152-153 Just *buying conservation land doesn't necessarily preserve...*

209 Request was made to add more page breaks between speakers/paragraphs

210 **G. Leedy moved to approve the minutes of September 2, 2015 as amended. C. Harris seconded.**

211 **The motion carried.**

212

213 **7. Other**

214 M. Dell Orfano reported that he and Colleen met with the housing authority at their invitation to discuss
215 a possible grant of \$5000.00 to help the town set up a web based calculator so a developer could go to
216 the website and do the calculations prior to coming to the board hearing. The burden is on the Planning
217 Board to get a grant application together.

218

219 C. Mailloux said she will begin working on the grant and that the housing authority said to not be limited
220 by the \$5000.00. If there is a real cost that is higher than that, to attach the real cost to the application.

221 C. Mailloux is currently looking for a web software developer who can give her a realistic number.

222

223 R. Hart is going tomorrow with ACC to Concord to talk to people about a possible storm water
224 management grant. The ACC has ideas of what they could use the money for.

225

226 **C. Harris moved to adjourn at 8:40pm. G. Leedy seconded. The motion carried.**

227

228 Respectfully submitted,

229 Jessica Marchant