

**AMHERST PLANNING BOARD**  
**Wednesday July 6, 2016**

In attendance: A. Rosenblatt- Chair, P. Lyon- Selectman Ex-Officio, M. Peterman, R. Hart, E. Hahn, C. Harris

A. Rosenblatt called the meeting to order at 7:33pm and stated that M. Peterman will vote for S. Wilkins and E. Hahn will vote for M. Dell Orfano.

OLD BUSINESS

**CASE # PZ7394-050216. HJC Realty Trust (Norm Hebert, Trustee) –22 Hickory Drive, PIN# 002-163-064 in the Residential/Rural District. Subdivision application to convert an existing two-family dwelling to a two-unit condominium.** Continued from June 1, 2016

This application to convert the ownership of an existing two-family dwelling to a two-unit condominium was tabled at the board's June meeting and continued to July 6, 2016 in order to receive comments from Town Counsel on the condominium documents and to give the applicant the opportunity to respond to concerns expressed by the board.

The NH DES approved a septic system design for the property in 2014; and in February of this year, the Town re-issued a Certificate of Occupancy for a two-family building.

M. Dolder, attorney for the applicant, spoke about the revisions that have been made since the last meeting stating that on June 22, 2016 the applicant filed an amended plan that reflects the response to the board's concerns; specifically:

1)A note has been added to the plan (Reference Plan Note #2) that references a previously-approved Water Resource Management /Dredge & Fill Plan.

2)A note has been added to the plan (Notes #6) that states that all drainage and agricultural activities will be in accordance with the Water Resource Management Plan.

3)The licensed land has been eliminated and the fence relocated to the adjacent property line

She also mentioned that the town was looking for the septic permit for the 6 bedrooms and that has been located.

A letter was provided to the board by Town Counsel and they reviewed his comments.

A. Rosenblatt summarized that Town Counsel thinks there are no legal obstacles as long as his concerns are addressed.

A. Rosenblatt said that breaking client privilege can be an issue, so asked if everyone was ok with releasing the letter to the applicant. Yes. He did so.

C. Harris said everything we've asked for has been taken care of. Septic and fence have been addressed.

M. Peterman said Town Counsel's comments were that as long as the file is complete he is ok with it.

M. Dolder read a portion of the letter from S. Marchant from 2014 which addressed that.

E. Hahn had some questions about the septic plan-whether it's a 5- bedroom septic or a 6- bedroom septic. It is a 6-bedroom structure.

M. Dolder explained the town didn't want the applicant to rip out the perfectly good 5- bedroom septic, but they made him get a plan for a 6- bedroom septic approved so if the first one fails, the next one will need to be installed per the plans.

48 Public Comment  
49 None  
50

51 **M. Peterman moved to approve the plan as presented with the stipulation that the town office**  
52 **gathers the documentation to complete the file (building permits and septic inspections that lead to**  
53 **the CO issuance) C. Harris seconded**  
54

55 E. Hahn said that buyers should know that the septic doesn't cover all 6 bedrooms. It's all about  
56 disclosure. He wondered if it is in the condo docs. The applicant said no, but it will be added.  
57

58 A. Rosenblatt pointed out that the 2016 approved septic plan may not meet future standards. He  
59 wondered if/when that plan expires. No board members knew the answer to this. M. Peterman said  
60 there's nothing the board can really do about that issue. The applicant filled the requirements.  
61

62 R. Hart asked when the septic needs to be replaced, do the condos owners split the cost equally? Yes.  
63

64 **Vote: All in favor**  
65

66 E. Hahn has been hired by the DPW and starts on August 1<sup>st</sup>, so he recused himself from the next case.  
67

68 **M. Peterman moved to open the public hearing. R. Hart seconded. All in favor**  
69

70 NEW BUSINESS

71 **CASE # PZ7547-061316 - Scenic Road Application. A public hearing will be held on an application from**  
72 **the Town of Amherst Public Works Department to trim & cut trees on Baboosic Lake and Pond Parish**  
73 **Roads, as part of the Department's annual maintenance program.**  
74

75 DPW Director, Bruce Barry was present to explain the application. Baboosic Lake Road and Pond Parish  
76 Road are part of the Road Reconstruction Bond passed by voters in 2010 and are being moved from  
77 2017 into the 2016 road maintenance program. The Town is seeking approval to remove 25 trees  
78 (consisting of four oaks, seven pines, ten maples, three ashes, and one dead stub) on Baboosic Lake  
79 Road (3,695 linear feet by 20') between Pavilion Road and the Merrimack town line.  
80 He showed a slow motion video of traversing Baboosic Lake Rd.  
81

82 The Town is seeking approval to remove 49 trees (consisting of eighteen oaks, twenty-two pines, five  
83 maples, one ash, and three spruces) on Pond Parish Road (7,303 linear feet by 20') between Baboosic  
84 Lake Road and Spring Road.

85 Many of the trees in question have visible rot or scarring where they have been clipped by plow wings in  
86 the past. Tree removal will be limited to only those absolutely necessary for the reconstruction. The  
87 asphalt portion of the road will be reconstructed within the existing footprint and to protect the asphalt  
88 and improve snow storage, where possible, a two-foot gravel shoulder will be included.  
89

90 While the video played, A. Rosenblatt asked when this project will start. B. Barry said the Continental  
91 Paving crew is in Bedford now. When they finish there they will go to Colonel Wilkins Rd. Mid- August is  
92 the goal for starting this project.

93 He said it's not his intention to clear cut all of the trees or to damage any stone walls. He will leave  
94 whatever trees he can that are further back. Continental's contract says if they damage stone walls they  
95 have to fix them.

96 A. Rosenblatt asked what will happen to the stumps. Stumps near stone walls will be ground up. If not  
 97 near a stone wall, the stumps will be removed.

98 C. Harris said the neighbors are concerned that the removal of trees that are close to the road will cause  
 99 drivers to speed up. B. Barry said it's his job to make sure the roads are safe, smooth and the least  
 100 amount of chemicals are used. It's the Police Department's job to monitor speed. He has worked with  
 101 the police before on monitoring the roads before and after similar improvements. The data so far shows  
 102 not much increase in speed in these areas following tree removal.

103

104 The board reviewed the video of Pond Parish Rd.

105 B. Barry said there is a good canopy there. He is only asking for 49 trees within a 1.5-mile stretch.

106

107 A. Rosenblatt asked if many of these trees are dead or dying? No, most if not all are alive on this road.  
 108 Many have been clipped/ hit.

109

110 R. Hart asked if there are telephone poles that need to move. The telephone poles will have to stay  
 111 because it takes a year to a year and a half to get the utility companies to move them. That's too long of  
 112 a process. They will have to work around them.

113 R. Hart said he is in favor of removing dangerous trees.

114

115 P. Lyon asked about the goals/reasons for the tree removal. As part of road reconstruction, the trees  
 116 interfere with the equipment. During winter road maintenance, plows are 10'-11' wide and with wings  
 117 they need 20' of space. They don't want the wings to hit these trees. If there is an oncoming car, there is  
 118 not enough space. Without the wings, it takes three passes with the plow to clear the road. With the  
 119 wing, one pass. They don't have the staff for three passes per road. These trees also have roots that  
 120 damage the asphalt.

121

122 C. Harris said they did a great job on Spring Rd. The canopy has come back. These improved roads are  
 123 safer for bikes and cars. And he likes that the stumps will be gone.

124

125 Public comment

126 Robin Nahill- Lynch Farm Rd.

127 Pond Parish is a scenic road. The criteria used to select these trees is unclear. Some are too close and  
 128 others are set back and don't look like they will impede snow plowing. The canopy now is great- people  
 129 love this road. Most of that land abuts conservation land. This is one of the few roads that has that  
 130 canopy. The reason those trees look so great is because the power lines do not pass through that  
 131 section by Lynch Farm so those trees don't need to be trimmed by the power company.

132 Some trees are 100' tall and are healthy. She would like conservation commission representatives to  
 133 have some input. If telephone poles are staying, the plow trucks have to work around them anyway so  
 134 they should work around the trees.

135

136 Sharon Flanders- 32 Parish Pond Rd.

137 She has lived here 25 years. There are trees that she's concerned about as well as the volume of trees to  
 138 come down. She understands they need to address safety concerns but would like to maintain the  
 139 beauty and scenic nature of Pond Parish road.

140

141 David Locke- 21 Pond Parish Rd.

142 B. Barry said his priority is to maintain safe, smooth roads that are easy to maintain and use less  
 143 chemicals. Another perspective the Planning Board needs to support is scenic.

144 At this time, he read from a document in file.  
 145 Aesthetic is harder to define than safety, but Pond Parish road has been designated a separate type of  
 146 road- a scenic road, so special consideration should be given. He suggested the road be marked as a  
 147 scenic road so drivers know. He appreciates the responsibility of B. Barry and the board regarding safety,  
 148 but asks them to look at other perspectives.  
 149  
 150 Joseph and Kathleen Sousa- 93 Baboosic Lake Rd  
 151 Those trees on Baboosic Lake road are dangerous. There have been accidents where those trees in front  
 152 of their house were hit. They are in favor of taking them down.  
 153  
 154 A. Rosenblatt stated that letters from 2 Pond Parish Rd and 29 Pond Parish Rd have been received and  
 155 the board members have copies.  
 156  
 157 Charolotte Locke- 21 Pond Parish Rd.  
 158 She walks Pond Parish road all the time and appreciates the scenery. She also asked if the stone bridge  
 159 will be dismantled. B. Barry was unaware if it, but always hosts a meeting for concerned neighbors  
 160 before working on a road and they will look into it.  
 161  
 162 Kathy Sousa 93 Baboosic Lake rd.  
 163 These two roads are very different. The canopy by Lynch Farm is her favorite place. On Baboosic Lake Rd  
 164 the trees are terrible. The issues are separate. Every tree on Baboosic Lake road that is marked is  
 165 necessary to come down. She wondered if the two roads could be voted on separately.  
 166  
 167 R. Hart understands that the Town requires that B. Barry make this presentation to the board regarding  
 168 scenic roads. Does he do anything different when working on a scenic road? B. Barry said that  
 169 everything is discussed – equipment and techniques. He holds meetings about each road to make sure  
 170 all issues are heard such as the stone bridge.  
 171  
 172 M. Peterman commented she does not like to see more trees come down than necessary but the ones  
 173 identified in the video seem necessary. The roads need to be rebuilt, not repaved, in order to create safe  
 174 roads for residents and fire/safety vehicles.  
 175  
 176 R. Hart will bring up the question of scenic road signs to the conservation commission next week.  
 177  
 178 **P. Lyon moved to approve the request to remove trees on Baboosic Lake Rd and Pond Parish Rd.**  
 179 **C. Harris seconded**  
 180 Discussion  
 181 A. Rosenblatt said Bruce has done a great job. From the video, it's not clear. It's subjective. Some trees  
 182 are further back and look healthy and others are very close and it's clear they will get hit. Is the board ok  
 183 with going with the plan, or should we scrutinize it better? He doesn't think they need a third party to  
 184 review.  
 185  
 186 B. Barry said on Pond Parish 30 of the 49 trees have evidence of being hit. A. Rosenblatt pointed out that  
 187 there may be some leeway among the remaining 19 trees. The board discussed driving by to see the  
 188 trees.  
 189 The board asked Bruce what the timeframe is for working on these roads. He would like to start with  
 190 the paving company by mid- August and the trees have to be out before they can start.

191 He outlined the schedule from here: create a plan, BOS has to vote the plan through, a bid has to go out  
192 for the tree work and the work has to be done before Continental Paving can start.  
193 He explained that they are under this tight schedule because these roads were planned for a future year  
194 but they had to be moved up to this year.  
195  
196 A. Rosenblatt is sympathetic to the time issue, but he thinks the board isn't doing their job unless they  
197 scrutinize.  
198  
199 **P. Lyon withdrew his motion.**  
200  
201 **P. Lyon moved to approve the request to remove trees on Baboosic Lake Rd. C. Harris seconded.**  
202 **The motioned carried**  
203  
204 **P. Lyon moved to table the request to remove trees on Pond Parish Rd until Wednesday July 20<sup>th</sup> at**  
205 **7:30pm to allow a review period for board members to inspect the trees on Pond Parish Rd marked**  
206 **for removal.**  
207 **Vote: 3 in favor and 1 opposed (M. Peterman)**  
208  
209 D. Locke suggested they look especially at the 's' curve of the road. That is unique. The power lines are  
210 50' back in the woods at that section so the trees are along the road and aren't needed to be cut by the  
211 power company.  
212  
213 OTHER BUSINESS  
214 **Minutes: June 1, 2016**  
215 This topic was tabled  
216  
217 **C. Harris moved to adjourn at 9:41pm. P. Lyon seconded. All in favor.**  
218  
219 Respectfully submitted,  
220 Jessica Marchant