

1 **AMHERST PLANNING BOARD**

2 **Wednesday October 5, 2016**

3 In attendance: A. Rosenblatt- Chair, P. Lyon- Selectman Ex-Officio, M. Peterman, S. Wilkins, E. Hahn,  
4 M. Dell Orfano, R. Hart, C. Harris and G. Leedy- Community Development Director

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6 A. Rosenblatt called the meeting to order at 7:34pm.

7 **OLD BUSINESS**

8 **CASE # PZ7717-080116: Shrek Properties, LLC - Non-Residential Site Plan Application to construct a**  
9 **4,752 square-foot multi-unit commercial building at 3 Tech Circle, PIN # 002-020-006 in the Industrial**  
10 **Zone and the Aquifer Conservation & Wellhead Protection District** *Continued from September 7<sup>th</sup>, 2016*

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12 **S. Wilkins moved to un-table the case. C. Harris seconded. All in favor**

13 The board discussed voting and appointing procedures now that Gordon is not on the board.

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15 Kevin Anderson from Meridian was present along with the property owner, Matthew Arel. Kevin stated  
16 this is a continuation of a case heard on September 7<sup>th</sup>. He has six criteria to discuss and the first two are  
17 waiver requests.

- 18 • Driveway slope 8% to 12%. Amherst EMS submitted a letter stating they are ok with this slope  
19 which takes care of that issue.
- 20 • Landscaping design by a professional. Kevin has submitted a new landscaping plan to address  
21 the issues that were brought up.
  - 22 ▪ Retaining walls. Further design was needed. Kevin has submitted new preliminary plans for that.
  - 23 ▪ Drainage. Kevin has slightly altered the design. He did a series of additional test pits. He found a  
24 boulder where the trench was to be located, so the trench location will be moved over a bit. He  
25 now has at least a foot of space from the bottom of the system to the ground water.
  - 26 ▪ Parking. Kevin has provided 27 parking spaces in the new plan.
  - 27 ▪ Septic design. Kevin has a final design plan for that. One retaining wall has been eliminated.

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29 C. Harris said that he appreciates that Kevin has redone the plans and presented all of the solutions.

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31 M. Dell Orfano asked Kevin if he has any issues with the staff memo. Kevin is fine with all of them. Kevin  
32 clarified the septic permit is filled out, but hasn't been submitted to the state yet. G. Leedy is ok with the  
33 new landscaping plan.

34  
35 M. Peterman asked if the applicant is all set with Pennichuck. Matt said he has not received a formal  
36 letter from them yet, but he spoke with them and doesn't anticipate any problems.

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38 S. Wilkins suggested that the plans show 'potential parking' in front of the garage, but not actually stripe  
39 the pavement so that the garage doesn't get blocked when the parking is not needed.  
40 Kevin mentioned for future parking that will leave only one handicapped spot in front.

41  
42 E. Hahn asked if they could address periodic catch basin cleaning and/or storm water basin  
43 maintenance. Kevin said he submitted a maintenance manual as part of the resubmission. It talks about  
44 the infiltration basin, but he can add catch basins to that plan. That will be part of the final submission.

G. Leedy said there isn't any indication on the plans for outdoor storage. The board discussed this and prefers either a note on the plans stating there won't be any outdoor storage, or a marked location on the plan for potential outdoor storage.

A. Rosenblatt summarized the three main concerns:

- What's being stored there
- An indication of the storage location (that limits the size)
- There needs to be a fence around it

Kevin stated the only location on the property where there is room for storage is the septic area. 1000 sq. ft. can be used there. He agreed that no hazardous materials would be stored, the area would be fenced (6 ft. high) and the materials would not exceed the fence height. Also the weight of the materials could not exceed the septic tank's manufacturer suggested weight limit.

**S. Wilkins moved to approve the landscape and driveway slope waivers. C. Harris seconded.**

**All in favor**

**M. Dell Orfano moved to accept the plan for review. C. Harris seconded. All in favor**

**S. Wilkins moved to approve the application subject to the staff recommendations listed on page 5 of the October 5<sup>th</sup> Staff Report, the outdoor storage restrictions agreed upon in this meeting (lines 54-57) and to include a catch basin addendum to the maintenance plan. C. Harris seconded. All in favor**

OTHER BUSINESS

**Discussion of potential zoning changes for 2017 Town Meeting**

G. Leedy informed the board that abutters have filed a request to the ZBA for a rehearing of the LaBelle case. He said if that decision had stood and the applicant had started to move forward with the site plan, perhaps the board could wait a while before addressing the Rte. 101 zoning. But now he believes the board should consider addressing Rte. 101 zoning this year on the ballot.

M. Peterman said a joint committee was formed to address this and the plan was to get it posted for Town Meeting at the next opportunity which would be November 15<sup>th</sup>.

A. Rosenblatt remembered the consensus was that the board was going to look at it. It should be clear that this board is not considering this change to facilitate any plans that are or are not already in the works.

C. Harris said they discussed at the small meeting that any property that abuts Rte. 101 that only has a curb cut on Rte. 101 would be considered for commercial zoning as long as it doesn't change the character of the neighborhood.

G. Leedy asked to get some idea from the board if they want to take this on. It has to be done in a month to make the posting deadline.

The board agreed the details shouldn't be discussed here. The subcommittee should commit to working on this. The ZBA cannot be involved in the subcommittee now that they have an open case that would be affected. The Planning Board should inform the ZBA that the Planning Board is taking over the project from the joint committee. The committee will include M. Peterman, R. Hart, C. Harris and G. Leedy.

E. Hahn said we still don't have design guidelines so if we make the change, we will be wrestling with that moving forward. They both have to be done together. C. Harris agreed the whole Rte. 101 corridor has to be analyzed and implemented with zoning and design together.

The next issue Gordon brought up was with IIHO. (housing ordinance)  
The intention was for the Planning Board to make IIHO govern with respect to density. In the Elderly Housing provision in the ordinance, one section that referred to density was removed, but it wasn't removed in the other section. There is inconsistency.

A. Rosenblatt said they need to address what seems to be an ambiguity. It is a house keeping amendment that we have to clear up. G. Leedy will draft revised language for the board.

The next issue is in 'Definitions' our existing language is contrary to the statute. G. Leedy will draft revised language for the board.

Gordon's next issue is he has received calls regarding rooster noise. There is right to farm, but there's also a nuisance ordinance. The board discussed examples of this.

G. Leedy informed the Planning Board that he asked the ZBA if they have any issues they want addressed for zoning amendments.

M. Dell Orfano asked Gordon if he is planning to work on the sign ordinance next year. Yes.  
He also asked Gordon if he has been in touch with someone regarding Innovative Housing to see if those funds are still available. He has been in touch and the money is there.

C. Harris brought up the issue of commercial use of recreational land and asked if the board wants to address what commercial use is when it's on recreational land. A. Rosenblatt said a significant effort was made on this last year and it was shot down. He suggested waiting before addressing it again.

**Minutes: September 7, 2016**

Line 37-38 to read: Gordon further asked about the impact on the roots of those nearby trees.

Line 40 to read: to the roots.

Line 71-72: strike the sentence: ~~Each tenant would have a garage bay and some sort of office space.~~

Line 85: leeching to leaching

Line 112: strike the sentence: ~~He can come back for a parking waiver if needed.~~

Line 169 to read: but she believes they don't need

Line 176 to read: The plan is done

Line 187: leeching to leaching

**C. Harris moved and P. Lyon seconded to approve the minutes of September 7<sup>th</sup> as amended.**

**All in favor**

**C. Harris moved to adjourn at 8:37pm. S. Wilkins seconded. All in favor**

Respectfully submitted,

Jessica Marchant