

1 **AMHERST PLANNING BOARD**

2 **Wednesday July 18, 2018**

3
4 In attendance: M. Dell Orfano - Chair, A. Rosenblatt, R.Hart, M. Peterman, S. Wilkins, C Harris.
5 A. Rosenblatt called the meeting to order at 7:37pm.
6

7 **NEW BUSINESS:**

- 8 **1. CASE #: PZ9888-051618 – Pathway Homes, Inc. (Owners & Applicants) – 16**
9 **Deerwood Drive, PIN #: 004-045-007 – Request for approval for a Subdivision**
10 **Application for a two-unit condominium (duplex). Zoned Residential/Rural.**
11

12 The property (PIN #004-045-007) is located at 16 Deerwood Drive and is in the Rural
13 Residential district. The lot is 1.497 acres.
14

15 Mike Dahlberg, a licensed land surveyor, stated that his client, Pathway Homes, Inc., is
16 constructing a duplex on this property. They would like a condominium subdivision in order to
17 create a 2-unit condo at this site.
18

19 **S. Wilkins moved to accept this plan for review. M. Peterman seconded. All in favor.**
20

21 **S. Wilkins moved to approve this Subdivision application, subject to approval of**
22 **condominium documents by the Town Counsel. M. Peterman seconded. All in favor.**
23

- 24 **2. CASE #: PZ10020-062018 – Grey Fox Realty LLC (Owner) & John F. Dunn**
25 **(Applicant) – 66 Spring Road, PIN #: 004-149-000 – Request for a Conditional Use**
26 **Permit for a Lot Line revision. Zoned Residential Rural.**
27

28 The property (PIN #004-149-000) is located at 66 Spring Road and is in the Rural Residential
29 district. The lot is 7.94 acres. The owner is Ben Bosowski, who resides on County Road, and the
30 applicant is John F. Dunn, who resides at 75 Spring Road.
31

32 **Project Background:**

33 The Applicant was before the Board in May requesting a lot line adjustment at the same
34 property. The application was approved for a lot line adjustment between Map 4, Lot 148-3 and
35 Map 4, Lot 150 to include "Parcel A," and increasing the gross area of the lot to 6.48 acres.
36

37 Mr. John Dunn presented the case. He stated that the application is to add 3.64 acres of
38 wetland/meadow to Lot 148-3 from Map 4, Lot 149. This land will be added to the current use of
39 the additional land across the street from it. He would like to leave the existing approval (from
40 August 5, 2009) in place. That approval allowed for the reuse of an existing building to create 7
41 units of affordable housing. Additional units could be approved under new zoning, but he would
42 like to leave the existing approval in place. The proposed addition of 3.64 acres would be kept in
43 current use and left as wetland/meadow.
44

45 S. Wilkins stated that, under IIHO, the applicant must show a public benefit to the town for this
46 proposal. M. Peterman agreed that the purpose for approving this adjustment was not clear.

Mr. Dunn stated that this piece of land, across the street from him, has no benefit to its current owner, but has benefit to him for current use. The benefit to the town is that it will be left as is – a scenic area. S. Wilkins stated that it will be left that way either way.

A. Rosenblatt stated that this plan would allow Mr. Dunn to maintain the land in current use, while also building, if he so chose, an additional property.

S. Wilkins stated that she believes approval of this application would create an illegal, non-conforming lot. G. Leedy stated that, technically, on Spring Road the center line of the road is a lot line, so the request is to adjust that line. Thus, a separate, non-conforming lot is not being created.

C. Harris moved to approve this Lot Line revision application.

C. Harris stated that he doesn't see an issue with this application. He believes it changes nothing and doesn't create a separate lot.

The motion did not receive a second.

S. Wilkins moved to deny this Lot Line revision application on the grounds that innovative housing applications must be scrutinized very thoroughly and the justifications for it must be satisfied. A. Rosenblatt seconded.

S. Wilkins stated that approval of this application would essentially create a non-buildable lot for the purpose of a tax advantage. That is not what this Board is here to do. She stated that on the plans for this application even a licensed surveyor listed the requested 3.64 acres as a new lot (149-5) – and not as simply an extension of the lot across the street.

Voting: 3-1-1. Motion carried to deny the application.

3. CASE #: PZ10023-062018 – Ducal Development LLC (Owners & Applicants) – 137 Hollis Road, PIN #:001-012-000 – Request for approval for a Non-Residential Site Plan for a 28 unit Planned Residential & Senior Housing Development. Zoned Residential/Rural.

4. CASE #: PZ10024-062018 - Ducal Development LLC (Owners & Applicants) – 137 Hollis Road, PIN #:001-012-000 – Request for approval for a Conditional Use Permit for a 28 unit Planned Residential & Senior Housing Development. Zoned Residential/Rural.

Ken Clinton presented the cases. One involves a Conditional Use Permit for the related wetland and wetland buffer impacts due to a private road and drainage construction. The other is a Non-Residential Site Plan review for the 28 unit planned residential & senior housing development being proposed for this property.

Mr. Clinton stated that he has 2 requested waivers. One for the landscape requirements, and one for the checklist for subdivision items – various reports and studies.

93
94 Mr. Clinton reviewed some of the notable design features of the project:

- 95 • There will be an entrance road off of Route 122, with a private entrance road into a large
96 loop in the back. Walkability – the private road can be used by residents to walk and meet
97 each other. There are no sidewalks required, as there is not a traffic concern here. There
98 will be a 4' wide pedestrian travel lane instead of a sidewalk; it will be painted and
99 separated.
- 100 • The original plans included community space that would be open to the public, but that is
101 no longer in the best interest of the overall project. There will be access to a public trail
102 on the property, with 4 dedicated parking spaces with a sign for the trail. The trail will
103 connect with an old logging road and eventually back to the walkable internal paved
104 loop.

105
106 S. Wilkins asked about handicap accessible units. Mr. Clinton stated that the current plans don't
107 include any. Mr. Clinton showed the plan for each unit and the choices available for each based
108 on the pre-sized leach fields. The many choices give the developer and the buyer the best
109 combination. M. Peterman stated that the Town and the developer will need to keep close track
110 of these choices in order to stay on track.

111
112 Mr. Clinton stated that the senior units will have a different level of responsibility and
113 maintenance than the residential units. It will be one condominium, but more appropriate to think
114 of it as two "villages."

115
116 Mr. Clinton reviewed the wetland buffers with the Board. There is a stream that is within the
117 Pennichuck watershed. This is supposed to be given an automatic 100' buffer, but the plan is to
118 keep it at 50'. There were previously no restrictions or buffers in this area at all, as it was a beef
119 cattle pasture. He believes that the buffer will be in much better condition because of the
120 development than it is currently. There will be some shade trees replanted along the brook.

121 R. Hart stated that he's happy to hear about the shade trees being planted, but would like to see a
122 wider buffer, if possible.

123
124 Mr. Clinton stated that, in the area that the public trail crosses the stream, they will affix a small
125 sign giving information on the brook and the importance of keeping it cool and protected.

126
127 A. Rosenblatt stated that he believes there needs to be a basis to grant a waiver, and that using
128 the "nature of the project" as a reason is too broad.

129
130 Mr. Clinton stated that there is a conditional use permit for 26-30 units. They are currently at 28
131 units.

132
133 S. Wilkins stated that, according to the ordinance, other studies are not automatic, but only if
134 determined to be necessary by the Board.

135
136 C. Harris asked if Mr. Clinton would consider grading the area next to the parking lot for the
137 trails, so that overflow people could park there. Mr. Clinton stated that he believes the number of
138 spaces is adequate for the amount of land there's access to.

The Board and Mr. Clinton reviewed Keach's review. Mr. Clinton stated that there are currently 10 architectural styles presented for this project. He would like to give G. Leedy the authority to ok an 11th style, if decided on, as long as it fits the ones already presented.

In response to a question from R. Hart, Mr. Clinton stated that the storm water runoff currently goes straight into the wetland. After the development, the storm water will be collected, put in a basin, and treated before being discharged to the wetland.

Rob Clemens, chair of the ACC, stated that the group is not currently prepared to maintain the proposed trail at this property. They are happy to provide advice regarding trail standards and stewards. He asked that the Board examine the encouragement to create open space for density bonuses, which may fall outside of the ACC's budget ability to then maintain.

M. Peterman moved to accept the waiver requests as delineated: non-residential site plan landscape requirement and the subdivision other studies requirements. S. Wilkins seconded. All in favor.

S. Wilkins moved to accept both sets of plans for review. M. Peterman seconded. All in favor.

S. Wilkins moved to approve the CUP for the buffers as presented. M. Peterman seconded. All in favor.

M. Peterman moved to approve the CUP for 28 units. S. Wilkins seconded. Voting: 4-0-1. Motion carried.

S. Wilkins moved to approve the site plan as presented with the following conditions: that the numbering will be approved by the Fire Dept; that the 3rd party engineering review issues will be worked out with the Planning Director; all appropriate stamps and permit numbers will be put on the plan, that the small conservation signs will be posted as discussed; if additional drawings are submitted, G. Leedy will have the authority to approve or bring back to the Board for review; submittal of condominium documents; submittal of recording fees, etc. M. Peterman seconded. Voting: 4-0-1. Motion carried.

5. CASE #: PZ10021-062018 – John W. & William R. Day & Virginia Barbera (Owners & Applicants) – Brookwood Drive, PIN #: 005-160-000 – Request for approval for a Planned Residential Development for 10 single family homes. Zoned Residential/Rural.

Tom Carr, of Meridian Services, presented the case. The request is for a planned residential development with 10 single family homes, each up to 4 bedrooms. Part of the land will be private, and there will also be limited common area and a public trail loop.

Mr. Carr and the Board went over the comments on Keach's review.

Mr. Carr presented his waiver requests. There is currently no builder attached to this project, and thus there are no architectural plans yet. There is also no landscape plan, for the same reason. Finally he's requesting a waiver for the list of studies. Mr. Carr explained that he would come back to the Planning Department with the architectural drawings once the development is sold. He will also submit the landscape plans at that time.

M. Peterman stated that there's not much innovation in the project.

G. Leedy stated that most of the issues on the 3rd party review are ministerial, with the exception of an issue on bonding and a performance guarantee with the construction of a private road and amenities prior to the initial Certificate of Occupancy.

A. Rosenblatt stated that he would not like to see approval of this project until architectural renderings and a landscape design are presented. Mr. Carr agreed with him.

A. Rosenblatt moved to table this application until August 1, 2018 to allow the applicant time to obtain architectural and landscape plans and address any issues from the 3rd party review. S. Wilkins seconded. All in favor.

6. CASE #: PZ10022-062018 – Jeffrey & Patricia Affeldt (Owners & Applicants) – 13 Clark Avenue, PIN#: 025-043-000 – Request for approval for a Conditional Use Permit to raze an existing home and rebuild in the same footprint with some modifications. Zoned Residential/Rural.

Tom Carr, of Meridian Services, presented the case. Shoreline and wetlands permits have been submitted to the state. A lot line agreement with the abutters has been created. The plan is to raze the current house and barn, which are from the 1900's, and rehabilitate/build them back. The current structures are so out of code that they're too difficult to even work with. The plan will add 2 feet to the garage/barn structure, but it will actually be set back further from the lake. The existing driveway will be replaced with a porous one. The walkways will be made of the same materials, but with pavers on top. The overall impervious area will reduce from 31.9% to 28.3%. A storm water drip trench will be installed on the back of the garage/barn to collect all the water running off the roof. There is currently an existing concrete retaining wall on the lake, but it's not in the best condition. The plan is to remove and replace it with a natural round stone wall. Mr. Carr believes that this project will be an enhancement to the shoreline and a significant improvement to the surrounding dwellings and environment.

Rob Clemens, Chair of the ACC, explained to the Board that the Commission is seeing an increase in number of proposals for replacing or constructing break walls all around the lake, and they are concerned. There is guidance from DES to try to use bioengineering shoreline protections whenever possible (vegetation and other materials in combination).

Mr. Carr explained that he's aware of the state's position but unfortunately it can't match that with every property.

A. Rosenblatt moved to approve the Conditional Use Permit application as presented. C. Harris seconded. All in favor.

231 *A. Rosenblatt exited the meeting.*

232
233 **7. CASE #: PZ10014-061818 – William, Charles, & Richard Hazen (Owners) &**
234 **Green & Company (Applicant) – County, Upham, & Cricket Corner, PIN #: 004 &**
235 **006 – 116, 118, 121, 122, 145, 102, & 119 – Discussion & presentation of a potential**
236 **development layout for a proposed residential development. Zoned**
237 **Residential/Rural.**

238
239 Joseph Coronati, of Jones & Beach Engineers, and Michael Green, of Green & Company,
240 presented the conceptual review.

241
242 The proposed property is 350 acres with a wide range of terrain. There are wetlands, the
243 Sherburne Brook, and scenic roads all within the area. The property has an enormous amount of
244 frontage, and was recently logged. Housing style has not yet been determined. Part of the plan
245 could involve open space with restrictive covenants (around 240 acres), or some of the space
246 (about 200 acres) could be donated to the Town and be open to the public. There is the
247 possibility to have a small park area, with community gardens for the residents and/or the Town.
248 In terms of walkability, there would be trails throughout that could be linked to the open space.
249 They have plans to get density bonuses by rehabilitating an old house and barn that currently
250 exists on the property.

251
252 R. Hart commented that the well and aquifer on the property are very important for the Town
253 water supplies. He hopes the plan protects and keeps them available.

254
255 M. Peterman commented that she likes the idea of pocket neighborhoods, a community garden,
256 and the trails.

257
258 G. Leedy commented that this property could be incorporated into the bike/ped multi-modal
259 plan.

260
261 S. Wilkins commented that they should keep in mind that the IIHO requires them to prove how it
262 will be a public benefit.

263
264 M. Dell Orfano commented that he would like for them to look at the market for housing and
265 show the Board what kind of housing the Town is deficient in and incorporate it into the plan. He
266 would also like a village center-type feel, with places for people to gather without having to
267 drive to town.

268
269 Rob Clemens, Chair of the ACC, commented that the ACC made an effort 3 years ago to obtain
270 an area on this property of about 237 acres. There was interest in the conservation values of the
271 wetland there, with a highly transmissible aquifer that runs under the whole property. The ACC
272 is still very interested in this property and would like to try to preserve the space.

273
274 J. Coronati asked about the possibility of paving County Road during the project.

276 M. Dell Orfano asked that the next time they come before the Board they discuss how the project
277 will integrate into the town and that they look at the school capacity in regards to their numbers.
278

279 **C. Harris moved to table Case #: PZ10015-061818 – Carlson Manor to the August 15, 2018**
280 **meeting. S. Wilkins seconded. All in favor.**
281

282 **C. Harris moved to table reviewing the minutes until the next meeting. S. Wilkins**
283 **seconded. All in favor.**
284

285 **C. Harris moved to adjourn the meeting at 11:25 p.m. M. Peterman seconded. All in favor.**
286

287 Respectfully submitted,
288 Kristan Patenaude