

TOWN OF AMHERST
Planning Board

July 17, 2019

APPROVED

In attendance: Mike Dell Orfano- Chair, Sally Wilkins– Vice Chair, Arnold Rosenblatt, Rich Hart, Eric Hahn - Alternate, Brian Coogan – Alternate, John D’Angelo – BOS Ex-Officio, and Cliff Harris.

Mike Dell Orfano called the meeting to order at 7:31 pm. He introduced the new Community Development Director, Nic Strong.

OLD BUSINESS:

1. **CASE #: PZ11237-042219 – Adrian Menig, 27 Middle Street, PIN #:017-105-000 – Request for approval for a Conditional Use Permit for a detached Accessory Dwelling Unit. Residence is in the Historic District. Case withdrawn at applicant’s request on 7-10-19.**

Chairman Mike Dell Orfano noted that the applicant had withdrawn the application.

2. **CASE #: PZ11050-022119 – Robert & Martha Boissonneault (Owners & Applicants) – 8 Red Gate Lane, PIN #: 008-119-000 & Bevis & Susan Lebel (Owners), 45 Embankment Road, PIN #: 008-118-000 – Request for approval for a Lot Line Adjustment. Zoned Residential/Rural. Tabled from June 5, 2019.**

**Sally Wilkins moved to reopen the case. John D’Angelo seconded.
All in favor.**

Kevin Bevis, resident of 45 Embankment Road, presented the case. He explained that Robert Boissonneault’s property, at 8 Red Gate Lane, is probably the last one in their cove to have the septic system replaced. The plan is to do a very small equal land swap. This will allow each property owner better access to land near their home that is currently unusable by the other property owner. The lot line adjustment will allow Robert Boissonneault to complete the septic system replacement, which will improve the water quality of the lake. This case was also presented to the Zoning Board of Adjustment, which was in agreement with their proposal.

The ZBA heard the case [Request for relief from Article 4.3, Section D, Paragraph 1&3 for a setback requirement for a Lot Line Adjustment to accommodate a replacement septic system. Setback decreases on Lot 8-119 from 21.6 feet to 19.3 feet and on Lot 8-118 from 25 feet to 18.5 feet. Zoned Residential/Rural] on June 18, 2019. The case passed all of the 5 tests and the application was granted, as submitted, at that meeting.

Sally Wilkins read through the staff comments, regarding some items that need to be corrected on the plan before it is recorded into the Registry of Deeds.

**Arnold Rosenblatt moved to approve the application, subject to the staff recommendations [noted below]. Cliff Harris seconded.
All in favor.**

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Staff recommendations: Plan Review

- *the site location sketch should have a scale or be labeled N.T.S.;*
- *the surveyor should check the tick marks on the plan to make sure they are all there – see 20.90' measurement along northerly lot line near the boundary of Map 8 Lot 118 and 118-1 as example;*
- *the surveyor should check the legend on the plan because several symbols are missing;*
- *one correction is required to an abutter's name – according to the deed, Westley Carlson should be Wesley Carlson;*
- *arrows should be added to the plan denoting the setbacks – currently there are numbers floating around on the plan that should be tied to the setback lines;*
- *the most recent variance approvals should be added to the plans;*
- *bounds should be set on the final plat or a separate certification of bounds set will be required to be recorded at the HCRD at the applicant's expense.*

NEW BUSINESS:

3. **CASE #: PZ11382-052819 – Judith Fallon, 39 Stearns Road, PIN #:002-125-000 – Request for approval for a Conditional Use Permit to remove an existing Accessory Dwelling Unity in the house and relocate it to an existing detached barn. Zoned Residential/Rural. Case withdrawn at applicant's request.**

Chairman Mike Dell Orfano noted that the applicant has withdrawn the application.

4. SCENIC ROAD PUBLIC HEARING – EVERSOURCE

In accordance with NH RSA 231:158, the Amherst Planning Board will hold a Public Hearing on Wednesday, July 17, 2019 at 7:30 pm in the Barbara Landry Meeting Room, 2nd floor, Amherst Town Hall, 2 Main Street, Amherst, NH for maintenance trimming and risk tree removal on the following roads: Austin Road, County Road, Dodge Road, Lyndeborough Road, O'Neil Way, & Spring Road.

5. SCENIC ROAD PUBLIC HEARING – DPW DIRECTOR ERIC HAHN

In accordance with NH RSA 231:158, the Amherst Planning Board will hold a Public Hearing on Wednesday, July 17, 2019 at 7:30 pm in the Barbara Landry Meeting Room, 2nd floor, Amherst Town Hall, 2 Main Street, Amherst, NH for identifying and approval for the removal of dead trees on the scenic portion of the following roads: Chestnut Hill Road, Eaton Road, Green Road, Lyndeborough Road, Spring Road, Austin Road, Ponemah Hill Road, Old Milford Road, Col. Wilkins Road, Brook Road, Dodge Road, Baboosic Lake Road, County Road, Lynch Farm Road, Pond Parish Road, & Mack Hill Road.

The Board decided to address both public hearings at the same time.

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Sally Wilkins moved to open both public hearings [items 4 & 5] at 7:45pm. Arnold Rosenblatt seconded. All in favor.

Richard Sullivan, an arborist representative for Eversource, explained that Eversource will be trimming trees on all town roads, including 16 on scenic roads in particular. He reviewed a list of the trees with the Board and indicated that a majority on the list are dead. However, there are a few ash trees on the list that are alive and appear to be in good condition. He believes that these ash trees will eventually decline, due to Ash yellows and Emerald ash borer.

In response to a question from Sally Wilkins, Richard Sullivan stated that he would leave it up to the town to decide to remove these live ash trees proactively at this time, or not.

Mike Dell Orfano explained that the Board's position for a long time has been to make sure trimmed trees are not scalped, lopped, disfigured, etc. The Board discussed with Richard Sullivan how to make sure this does not happen going forward. Richard Sullivan explained that Eversource's main concerns when trimming trees are safety and reliability. There needs to be clearance to the primary line (8 feet), unless requested by a customer.

Brian Coogan stated that there needs to be a balance between community safety, clearance to the lines, and appearance. He gave the example of white pines, which have shallow root structures. If these are trimmed 8 feet to the side of the primary line, there may be a different safety issue as their heavy boughs may pull to the other side; this is also not how nature intended these trees to grow.

Richard Sullivan explained that the circuit that serves most of Amherst is one of Eversource's worst performers, and this comes after years of trimming not as much as they would have liked to.

In response to a question from Sally Wilkins, Richard Sullivan agreed that the list contains 27 removals, and the rest will be trimmed. However, the RSA only defines a "tree" as a woody plant with a circumference of 15 inches or more, so saplings higher than the telephone lines will also be trimmed, unless otherwise requested.

Cliff Harris requested that any trees removed be cut down to the dirt level, in order to minimize the appearance of stumps around town.

Sally Wilkins noted that O'Neil Way is not a scenic road. Richard Sullivan explained that the tree in question is on Lyndeborough Road, but the property owner is on O'Neil Way.

In response to a question from Mike Dell Orfano, Richard Sullivan explained that if any trees are outside the right of way, they are not subject to a public hearing. If there are trees that obviously should be taken down outside of the primary clearance area, they try to remove those as well.

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In response to a question from Cliff Harris, Richard Sullivan stated that once the wood is cut, it is left and usually picked up by other townspeople to use. If an owner asks for it to be picked up, they will send out a truck to get it.

In response to a question from Rich Hart, Richard Sullivan explained that Eversource expects Asplundh to not disrupt any property, for example knocking rocks off of a stone wall. If this does happen, they ask people to let Eversource know.

The Board discussed with Richard Sullivan why trees that are potentially infected with diseases/infestations are allowed to be picked up by people and carted off once chopped down.

Town Administrator Shankle stated that the state has a number to call if emerald ash borers are found and best practices to get rid of trees that contain them. Richard Sullivan stated that he doesn't believe trees are still identified by Eversource/Asplundh if they contain emerald ash borers, as it is such a common infestation and the quarantine in this area has been lifted.

Mike Dell Orfano noted that Brian Coogan (alternate) will be voting for Marilyn Peterman during the meeting.

DPW Director, Eric Hahn, presented the Board with his list of dead trees on scenic roads thus far. These trees will be removed in stages, and there will be more to add to the list in the future. He is hoping to approach this issue proactively instead of reactively.

In response to a question from Sally Wilkins, Eric Hahn stated that he has identified and tagged all of the dead trees, but he will initially be taking down ones that are high risk problems.

Sally Wilkins moved to close both public hearings. Arnold Rosenblatt seconded. All in favor.

Arnold Rosenblatt moved to approve the Eversource application. Cliff Harris seconded. All in favor.

Discussion: Richard Sullivan explained that there is one very large ash tree, over 36", which will leave a huge hole in the canopy if taken down. Most of the trees are on town property, but the removals are contingent on the consent of abutting property owner.

Arnold Rosenblatt amended his previous motion to reflect not removing the one large ash tree, previously mentioned. Cliff Harris seconded. All in favor.

For the application by DPW Director Eric Hahn,
Cliff Harris moved to approve all 115 trees identified and let him go about things that way. Arnold Rosenblatt seconded.

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Discussion: the Board discussed if there should be a time limit on the motion. The Board agreed to let Eric Hahn decide based on which are the greatest risk, and to come back to have the list reapproved when it is updated.

Eric Hahn stated that there are a number of trees initially identified that are not actually dead, and will be removed from the list. They are from the list: Green #5, #11; Eaton #7, #8, #10, #17; Dodge #10, #16.

Arnold Rosenblatt made an amended motion to approve the list that does not include the trees identified by Eric Hahn as not being quite dead, only for those labeled as dead. Cliff Harris seconded.
All in favor.

In response to a comment from Community Development Director, Nic Strong, the Board reevaluated two cases from earlier in the meeting.

Sally Wilkins moved to approve the request for withdrawal for PZ11237. John D'Angelo seconded.
All in favor.

Arnold Rosenblatt moved to approve the request for withdrawal for PZ11382. Cliff Harris seconded.
All in favor.

OTHER BUSINESS:

6. Master Plan

The Board discussed with Selectman Peter Lyon if there are pieces of the Master Plan that can be drafted before the 2020 census data is released.

Nic Strong asked the Planning Board to consider why they were updating the Master Plan. She asked if it was because they had to because of the statutory time frame recommendation; because they want to know what the townspeople are thinking; because they need to update the zoning ordinance and regulation; or to guide and manage development. The Board indicated that it was a little bit of all of the above.

The Board discussed the last Master Plan. They agreed that too much money was spent on creating a Plan which most people weren't particularly happy with. It was noted that the current Master Plan was broad and not directive and appeared to contain a lot of boilerplate language.

Arnold Rosenblatt stated that he doesn't believe the Master Plan is a meaningful document. It is a document that can be used by people to get what they want by referencing it. He believes that planning can be done without a Master Plan.

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Nic Strong explained that there are only two chapters that are required to be in the Master Plan, based on the statute: land use, and vision. The Board could choose a different format for this Master Plan; it does not have to be a book, but could be a brochure, a poster, an online experience or any combination. She also noted that the various chapters could be merged into overarching themes such as Quality of Life & Rural Character; People, Heritage, History & Culture; Managing Growth & Development; Enhanced Economic Vitality; and so on. Data and information could be tabulated in appendices or a separate document.

The Board discussed things that have changed over the past ten years in town. Peter Lyon stated that housing interest has changed, in particular there is more of a push for appropriate young family and senior citizen housing. There is also a push for different types of transportation around town.

Cliff Harris explained that there should be information on the economic development of the town; how to increase revenue and lower taxes through stronger commercial use, such as in mixed development. Sally Wilkins explained that there are also people in town who want to keep it a purely residential enclave.

John D'Angelo stated that he attended the Spring Planner's Conference in Concord. There they discussed that the theoretical purpose of the Master Plan is to lay out the vision for the town, to decide what to focus resources on, and what the town doesn't want, in order to then make the zoning ordinances for/against those items. He believes that the 2010 Master Plan reads like a wish list. Instead, there should be a consensus on what's important in town (community center, industrial zone, etc.) which the Master Plan can then be used to justify either way. There need to be town-wide objectives and tradeoffs between the nice things people want.

Nic Strong stated that the outreach and engagement needs to be multi-level. Inviting the public to a Planning Board meeting to discuss the Master Plan might have a low turnout, but having a forum run by a separate entity, along with a survey, postcards, visiting the other town boards and town buildings, might encourage engagement.

Arnold Rosenblatt suggested that the community will be more engaged when discussing real issues, such as a community center or the industrial zone, which will need real money, resources, and time. He believes energy is better served on specific issues than on policy.

Nic Strong explained that better regulations will make for a better application process for the Board. This is easier when the regulations are based on visions the public has because they will have had the opportunity to come in and say what they want to see. She suggested the Board have a work session in order to move forward in this process.

7. CIP – Planning Board designee

Mike Dell Orfano moved to appoint Brian Coogan and Rich Hart to the CIP committee. Cliff Harris seconded.

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All in favor.

8. Minutes: June 5, 2019 & June 19, 2019

**Sally Wilkins moved to accept the minutes of June 5, 2019 as amended [recommended conditions of staff notes were included where appropriate, Lines 82-92 & Lines 124-133]. Cliff Harris seconded.
Voting: 6-0-1; motion carried.**

**John D'Angelo moved to accept the minutes of June 19, 2019 as amended [Line 91 – “development” struck, replaced with “creativity]. Cliff Harris seconded.
Voting: 5-0-2; motion carried.**

**Cliff Harris moved to adjourn at 9:22 p.m. Rich Hart seconded.
All in favor.**

Respectfully submitted,
Kristan Patenaude

Minutes approved, as amended: August 7, 2019