

TOWN OF AMHERST
Planning Board

April 5, 2023

APPROVED

1 In attendance at Souhegan High School: Arnie Rosenblatt – Chair, Bill Stoughton – Board of
2 Selectmen Ex-Officio, Chris Yates, Tom Quinn [7:10pm], Tracie Adams, Tom Silvia, Cynthia
3 Dokmo, Tim Kachmar (alternate), and Pam Coughlin (alternate)

4
5 Staff present: Nic Strong, Community Development Director

6
7 Arnie Rosenblatt called the meeting to order at 7:00pm. He explained that the Board would take
8 up its election of officers at this time.

9
10 **Other Business**

11 **4. Election of Planning Board Officers**

12
13 **Bill Stoughton moved to nominate Arnie Rosenblatt as Chair of the Planning Board.**
14 **Seconded by Tracie Adams.**

15 **Motion carried unanimously 5-0-0.**

16
17 **Bill Stoughton moved to nominate Tracie Adams as Vice Chair of the Planning**
18 **Board. Seconded by Chris Yates.**

19 **Motion carried unanimously 5-0-0.**

20
21 **Bill Stoughton moved to nominate Chris Yates as Secretary of the Planning Board.**
22 **Seconded by Tom Silvia.**

23 **Motion carried unanimously 5-0-0.**

24
25 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF**
26 **APPLICATION IS ACCEPTED AS COMPLETE:**

27
28 ***CONTINUANCE REQUEST BY APPLICANT***

- 29 1. **CASE #: PZ16932-020723 – Kevin & Claudine Curran (Owners & Applicants);
30 Pond Parish Road, Baboosic Lake Road & Grater Roads, PIN #'s: 006-002-000, 006-
31 007-000 & 006-009-000 – Subdivision Application – Final Approval.** To depict the
32 consolidation and conventional subdivision of Tax Map 6 Lots 2, 7 & 9. Zoned
33 Residential Rural.

34
35 *Tim Kachmar voted for Tom Quinn until his later arrival.*

36
37 Arnie Rosenblatt read and opened the case. He noted that a continuance has been requested. Nic
38 Strong stated that the continuance has been requested to April 19, 2023. Arnie Rosenblatt noted
39 that this meeting will be held at Souhegan High School

40
41 Bill Stoughton explained that it was publicly announced earlier this week that the Town has
42 entered into a purchase and sale agreement with the Currans for this property. This agreement
43 will go through a series of public meetings and public hearings over the next month, including
44 one with the Planning Board. The Board of Selectmen has requested that the Planning Board's

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45 next meeting on April 19th be a joint meeting for the purposes of a presentation jointly with the
46 Heritage Commission. Assuming the process goes well, there will be further continuances on this
47 application until the transaction was fully complete.
48

49 Arnie Rosenblatt asked if the Planning Board is being requested to comment on this item on the
50 19th. Bill Stoughton stated that, under the applicable RSAs, the Planning Board, Heritage
51 Commission, and Conservation Commission can review and make recommendations to the
52 Board of Selectmen. The Board of Selectmen then votes on whether to complete this acquisition.
53 The Planning Board is being asked to hold a meeting jointly with the Heritage Commission as a
54 matter of efficiency. After the presentation, the two groups will deliberate and make
55 recommendations separately. The Conservation Commission will be holding a separate meeting.
56

57 **Tracie Adams moved to continue CASE #: PZ16932-020723 to April 19, 2023, at
58 7pm at the Souhegan High School, per the applicant's written request. Seconded by
59 Tim Kachmar.**

60 **Motion carried unanimously 6-0-0.**

61 **2. CASE #: PZ17059-030923 – Peter J. Hunter (Owner) & Justin Powers (Applicant);
62 6A Thornton Ferry Road I, PIN #: 016-017-001 – Subdivision Application - Final
63 Approval.** To subdivide Map 16, Lot 17 into two building lots. *Zoned Residential/Rural.*
64

65 Arnie Rosenblatt read and opened the case.
66

67 In response to a question from Arnie Rosenblatt, Nic Strong stated that there are no issues in
68 terms of completeness of this application.
69

70 **Tracie Adams moved to accept the application as complete. Seconded by Tom Silvia.
71 Motion carried unanimously 6-0-0.**

72 Arnie Rosenblatt explained that the Board will hear a presentation by the applicant. Members of
73 the Board will then have an opportunity to ask questions and to comment. The public will then
74 have an opportunity to ask questions and make comments. The Board will then deliberate.
75

76 *Tom Quinn entered the meeting and took his seat on the Board.*
77

78 Earl Sandford, Sandford Surveying & Engineering, Inc., explained that the proposal is to
79 subdivide Tax Map 16 Lot 17 into two lots and legitimize Lot 17-1 as already deeded out and
80 shown on Town Tax Maps. Meridian Land Services mapped the wetlands on the lot, and it has
81 been determined that the lot is viable for subdivision. There is adequate room on the lot to be
82 subdivided for building, septic system, well, etc. These lots have been previously treated as
83 viable building lots for decades.
84

85 Tom Silvia noted that the Staff Report discussed the positioning of the driveway. Earl Sandford
86 stated that he believes the positioning is okay, but he did not complete the survey work.
87

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89
90 Tom Silvia asked about the timing of building a residence on the subdivided lot. Earl Sandford
91 stated that, though he does not find this relevant to the case, the applicant will be the one
92 pursuing this process. Justin Powers, applicant, stated that the goal is to receive approval and
93 break ground by June 1st.

94
95 Bill Stoughton asked if a single-family residence is proposed for the lot; this is important in
96 terms of determining the impact fee assessment of the residence. Earl Sandford stated that this
97 will be a single-family residence. The lot can supply well water. Justin Powers stated that he
98 would prefer municipal water, if possible. Bill Stoughton noted that the Fire Station has been
99 identified as a potential source of PFAS contamination in this area. This lot is downstream of the
100 Fire Station and has a potential for contamination. The Town is currently spending a great deal
101 of money to hook up other homes to Pennichuck Water. Bill Stoughton stated that he does not
102 want to approve this lot with a well, only to find out that the well water cannot be used without
103 treatment methods. He would like to consider conditioning approval that the lot be served by
104 municipal water, if available on Thornton Ferry Road. If not available, he would like the
105 applicant to be on notice that this is a potential issue.

106
107 Bill Stoughton noted that the Board needs to define active and substantial development of
108 building for purposes of vesting rights. He suggested foundation excavation. Earl Sandford stated
109 that he finds this unusual and unreasonable for a frontage lot, as he has many of these lots that
110 stay vacant for decades. Bill Stoughton stated that the owner does not have to build by a certain
111 date, but, if the owner wants the benefit of today's ordinances and regulations, active and
112 substantial development or building must begin within the two-year period in order to vest in
113 those rights. Attorney for the applicant, Tom Quinn noted that the applicant is anxious to break
114 ground, and this is probably a moot point.

115
116 Bill Stoughton stated that the other vesting is substantial completion, and having the foundation
117 complete and water and septic systems installed would be appropriate for this within five years.
118 Earl Sandford stated that there are no issues with that suggestion.

119
120 Arnie Rosenblatt asked for public comment.

121
122 Charles Dreyer, 6 Thornton Ferry Road I, stated that he believes the lot is a nice place in a good
123 neighborhood.

124
125 The Board addressed the waiver requests.

126
127 **Bill Stoughton moved to grant the waiver requested to the subdivision regulation**
128 **requirements for studies as the Board has determined that specific circumstances**
129 **relative to the subdivision plan, namely recognition of pre-existing separate lots and**
130 **the minor scope of the subdivision, indicate the waiver will properly carry out the**
131 **spirit and intent of the regulations. Seconded by Tom Silvia.**
132 **Motion carried unanimously 6-0-0.**

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Bill Stoughton moved to grant the waiver to the site-specific soil mapping required by subdivision regulations as the Board has determined that specific circumstances relative to the subdivision and the conditions of the land in such subdivision, namely recognition of pre-existing separate lots and minor scope of the subdivision, indicate the waiver will properly carry out the spirit and intent of the regulations. Seconded by Tom Silvia.

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Motion carried unanimously 6-0-0.
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145
Bill Stoughton moved to approve CASE #: PZ17059-030923, Peter J. Hunter (Owner) & Justin Powers (Applicant), for the above cited final minor subdivision of Map 16 Lot 17-1 with frontage on Thornton Ferry Road I, with the conditions set forth in the staff report and the following additional conditions:

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- additional condition precedent #5: to receive all required State and federal permits;
- additional subsequent condition #4: potable water supply for the residence shall be by public water utility, if existing mains pass the lot along Thornton Ferry Road I, to avoid the potential for PFAS contamination in well water;
- additional subsequent condition #5: the applicant shall obtain a driveway permit;

153
154

With respect to impact fees, impact fees are assessed at the single family, detached residential rate;

155
156
157
158

Active and substantial development or building is defined as foundation excavation is commenced; and substantial completion of the improvements is defined as the foundation is complete, and water supply and septic systems have been installed.

Seconded by Chris Yates.

159
160

Arnie Rosenblatt addressed the Findings of Fact. The determination is made this lot has functioned essentially as a lot for a fair amount of time, that it otherwise satisfies the requirements that the Board would have, and that there is no prejudice to the community in confirming this application.

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Chris Yates moved to approve the Findings of Fact, as stated. Seconded by Tom Silvia.

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167

Motion carried unanimously 6-0-0.

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3. CASE #: PZ17060-030923 – Legacy Building & Development LLC, c/o Robert Pace, (Applicant & Owner); 32 & 34 Merrimack Road, PIN #'s: 003-166-001 & 003-166-002-Subdivision Application – Lot Line Adjustment. Adjust the lot lines between Tax Map 003 Lots 166-1 & 166-2, making Lot 166-1 conforming to current Zoning requirements. *Zoned Residential Rural.*

176

Arnie Rosenblatt read and opened the hearing.

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- 177
178 In response to a question from Arnie Rosenblatt, Nic Strong noted that there are no issues in
179 terms of completeness of the application.
- 180
181 **Tracie Adams moved to accept the application as complete. Seconded by Tom Silvia.**
182 **Motion carried unanimously 6-0-0.**
- 183
184 Chris Hickey, Keach Nordstrom Associates, Inc., representing Legacy Builders, explained that
185 this proposal is for a lot line adjustment. The property is located on Tax Map 3 Lots 166-1 and
186 166-2. These are both existing lots of record and have been as such for a long time. Existing Lot
187 166-1 is substandard to today's current zoning conditions, with respect to frontage and lot area.
188 There is also a large wetland in the front of the lot. The proposal is to add two parcels of land
189 from existing Lot 166-2 into Lot 166-1 to make it a 3.3-acre lot with the required frontage and
190 lot area. A small piece of land will then be added into Lot 166-2 to help with setbacks. Existing
191 Lot 166-1 is 1.82 acres and after the adjustment would be 3.3 acres, and existing Lot 166-2 is
192 currently 8 acres and after the adjustment will be 6.6 acres. There is a proposed shared driveway
193 off Claude Street, as the wetlands cannot be easily crossed, with a proposed access easement
194 shown on the plan. There are no State permits required for this proposal and no waivers are
195 requested.
- 196
197 Bill Stoughton asked if the proposal will be to construct a single family detached residence on
198 the lot. Chris Hickey stated that this is the case, but he is unclear why impact fees would be
199 assessed, as this proposal does not create any lots but simply adjusts the existing lots. Bill
200 Stoughton explained that, when a building permit is pulled, the applicant will pay impact fees.
- 201
202 Arnie Rosenblatt asked for public comment at this time.
- 203
204 Dennis Wheeler, Claude Street, stated that Claude Street dead ends, and the Town has
205 maintained it for years. His boundary stones get knocked down repeatedly and he believes that
206 the turnaround should be extended in order to handle trailer trucks, heavy equipment, and
207 emergency equipment.
- 208
209 Arnie Rosenblatt asked if the applicant would like to comment on the public comment. Chris
210 Hickey stated that Claude Street comes off Merrimack Road and extends approximately 250'.
211 The applicant has stated that the Town maintains all the way up almost to their house. He is
212 unclear about a potential turnaround. The proposed driveway will come off the existing
213 driveway at 90 degrees.
- 214
215 Jessica Buckley, condo owner across Merrimack Road, echoed the sentiment that additional
216 traffic to this area should require some sort of adjustment to the road.
- 217
218 Chris Yates asked about the proposed location for the new driveways. Chris Hickey explained
219 that an existing gravel drive exists off Claude Street. There are no proposed improvements to the
220 roadway; the new shared driveway will come off the existing gravel drive.

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221
222 Tom Quinn noted that he believes Claude Street only services the one existing house at the end
223 of the road. He asked about the abutter comments regarding a potential turnaround. Chris Hickey
224 stated that the abutter has a right to use this road to access his fields in the back. Other than that,
225 it is unclear who else would use this road.

226
227 Bill Stoughton stated that the Town's current road standards require that a road terminate in a cul
228 de sac. Nothing is proposed on the public road as part of this application. The applicant is
229 proposing a shared driveway and a driveway easement off it. The lot line adjustment does not
230 appear to be doing any type of work that takes place on the public road. He stated that he will ask
231 the DPW Director for more information about this road but is not ready to hold off on approval
232 of this item at this time. He stated that he does not believe the Board has any authority to defer
233 this application on this concern. The applicant is not proposing to do anything on the public road
234 itself. There are many roads in Town that are not up to current standards and are not necessarily
235 improved until it is time to reconstruct the road.

236
237 Chris Hickey noted that the plan was distributed to the DPW, and no concerns were noted.
238

239 **Tom Silvia moved to approve CASE #: PZ17060-030923, Legacy Building &**
240 **Development LLC, for the lot line adjustment of Lots 166-1 and 166-2 with frontage**
241 **on Merrimack Road with the conditions precedent and subsequent outlined in the**
242 **staff report; and with impact fees to be assessed at the single family detached**
243 **residential rate. Seconded by Chris Yates.**

244 **Motion carried unanimously 6-0-0.**

245
246 Tracie Adams addressed the Findings of Fact relevant to CASE #: PZ17060-030923:

- 247 • the Planning Board determined no regional impact at the March 15, 2023, meeting
- 248 • Tax Map Lots 166-1 and 166-2 lie in the Residential Rural zoning district with the Wetland and
- 249 Watershed Conservation District overlay
- 250 • the proposal will take Tax Map 3 Lot 166-1 from non-conforming with the 2-acre lot size
- 251 minimum required in the Residential Rural zoning district at 1.824 acres, to conforming, with the
- 252 minimum requirement of 3.30 acres
- 253 • Tax Map 166-2 will decrease from 8.076 acres to 6.599 acres and remains conforming.

254
255 **Tracie Adams moved to approve the Findings of Fact as presented. Seconded by**
256 **Chris Yates.**

257 **Motion carried unanimously 6-0-0.**

258
259 **CONCEPTUAL DISCUSSION:**

260
261 4. CASE #: PZ17061-030923 – Ballinger Properties (Owner) & Tanya & Eric
262 Schifone (Applicants); 10 Howe Drive, PIN #: 002-034-007 – Non-Residential Site
263 Plan Application – Discussion. To depict a conceptual site plan with the associated site
264 improvements. *Zoned Industrial.*

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266 Arnie Rosenblatt read and opened the conceptual discussion. He explained that this is conceptual
267 discussion, meaning that it is not an actual application. There will not be any determinations
268 made this evening and comments made by any members of the Board are non-binding.
269

270 Sam Foisie, Meridian Land Services, explained that this is a vacant parcel which is currently
271 being used for gravel operations. This lot is located in the Industrial zoning district and is 6.5
272 acres. The intention of this project is to construct a 20,000 s.f. warehouse, with approximately
273 2,500 s.f. of office space that will be used in conjunction with the warehouse for staffing and
274 operational purposes. There have been conversations with the applicant about phasing this
275 project and building a 10,000 s.f. structure first and adding on the additional 10,000 s.f. in the
276 future if the business grows or if a tenant becomes available. Sam Foisie stated that the
277 conceptual discussion is to talk about phasing and vesting of those phases. The applicant would
278 also like to know what type of Conditional Use Permit (CUP) will be needed given the impact
279 that has already occurred to the aquifer from the gravel operations. The applicant would also like
280 to know if a variance may be needed related to infiltration within the Aquifer Protection District
281 given the potential for PFAS requirements. The existing use is a gravel pit, operating with two
282 stormwater basins. The two basins could be utilized for stormwater if they are appropriate for the
283 future design. The site will be accessed from Howe Drive. The site will be served by on-site
284 septic and there is access to Pennichuck Water at the street. The applicant will utilize the existing
285 stormwater basins as best it can. These are infiltration basins, so discussions will be held with the
286 Alteration of Terrain (AoT) Bureau regarding using these. The applicant acknowledges that a
287 Town site plan permit, CUP, potentially a variance, a driveway permit, DES, AoT, septic permit
288 and connection to Pennichuck Water are needed.
289

290 Sam Foisie stated that the applicant would like to know what would be required for vesting in the
291 proposed phasing to allow for a building permit to be pulled in each phase. The applicant would
292 like to use installation of stormwater features for the full buildout. Regarding the CUP, the plan
293 shows areas of the site, such as stormwater ponds, which are allowed by CUP Section 4.13.H.3.
294 These are existing on site and the applicant will utilize them to reduce any disturbance within the
295 buffer, recognizing that there will be modifications to these systems. Another item allowed by
296 CUP Section 4.13.H.2 is construction of streets, roads, and other access ways, including
297 driveways. In order to access the back of the property, the buffer will need to be impacted. The
298 buffers are already impacted to access the gravel operations. Section 4.13.H.5 allows other uses
299 which the applicant is able to demonstrate to the satisfaction of the Planning Board that will not
300 significantly interfere with wetland functional values and water quality. This is related to the
301 impervious area proposed in front the office area and in a small sliver in the parking area. That,
302 in conjunction with the stormwater, will make sure that no contaminants will be going into the
303 wetlands, essentially maintaining the functions of the wetlands.
304

305 Regarding whether or not a variance may be required, Sam Foisie stated that within the Aquifer
306 Protection District, there is a need to prevent uses, practices, and development that could reduce
307 the volume of rechargeability available to the aquifer. The applicant will have a preapplication
308 with AoT to determine whether or not the applicant can infiltrate on this site. The applicant may

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309 propose a bio-infiltration system as pretreatment, allowing this to then lead into an infiltration
310 basin. He noted that the entirety of this buffer has already been impacted on the site.
311

312 In response to a question from Tom Quinn, Sam Foisie stated that this location is across the
313 street from the furniture warehouse.
314

315 Tracie Adams asked about the amount of impervious surface considered for the site. Sam Foisie
316 stated that the plan currently shows 65% open space, and the requirement of the district is 30%.
317 The intended use of this building will be shipping and receiving. Prepackaged manufactured
318 goods will be shipped to this location and distributed.
319

320 Tom Silvia asked about proposed phasing and timing. Sam Foisie stated that the applicant may
321 choose to construct the entire building at once, instead of phasing it.
322

323 Bill Stoughton stated that there is a 100' buffer on this site showing that the wetlands are
324 significant with high values. He stated that he is not sure this design complies with the
325 requirement to minimize the impact on the wetland buffer. He asked if the driveway to the south
326 of the building, which is the portion that impacts the buffer, needs to be there, or if the routing of
327 the traffic could be around the north side of the building instead. Sam Foisie stated that site
328 circulation would allow for trips each way around the building. Bill Stoughton stated that he is
329 looking to cut the amount of impervious area and therefore the impacts on the buffer, if possible.
330 He would like to see if the impacts can be reduced by widening the northern section, which is
331 against the railroad tracks. This may require a variance due to setbacks but may be preferable
332 given protecting the wetland buffer.
333

334 Bill Stoughton noted that it may be possible for the Board to reduce the amount of parking
335 required on site, per the regulations, in order to reduce the size of the parking lot. This is in an
336 effort to reduce the amount of impervious area. Regarding the stormwater, he appreciates the
337 efforts of the applicant to do this correctly. He would prefer the wetland buffer not be used for
338 stormwater intrusion, but this may be necessary in order to complete the proposed project. He
339 does not agree with the argument that the site already causes intrusion and so it should continue
340 to be allowed. However, in essence the water quality will be made better through the proposed
341 treatment systems. Regarding a potential variance, Bill Stoughton noted that this is within the
342 purview of the Zoning Board of Adjustment (ZBA). He would guess that this is a fairly
343 transmissive aquifer but stated that he would prefer other comments be addressed by the ZBA.
344

345 **OTHER BUSINESS:**
346

347 1. Driveway discussion Map 8 Lots 83-14 & 83-15, 32 -36 Old Manchester Road
348

349 Arnie Rosenblatt explained that this is an issue the Board has previously discussed and moved on
350 but is now being asked to address again.
351

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352 Trevor Yandow, Meridian Land Services, stated that he was previously before the Board last
353 year in May regarding access to two existing lots of record that were approved by the Town in
354 1975 via a private way off Old Manchester Road. A previous proposed design showed driveway
355 grades that the DPW and the Fire Department were not comfortable with. That application, with
356 an associated waiver request, was subsequently denied by the DPW. That denial was appealed to
357 the Planning Board and the appeal was denied. Additional field work has since been completed,
358 with additional mitigation proposed to meet in the middle with a reasonable design given the
359 existing site constraints. The intention is not to alter the character of the neighborhood, but to be
360 able to provide safe access to these lots. The new proposal lessens the grade to 15%, as opposed
361 to the 18% previously proposed. Guardrail and edge protection along approximately 200' of the
362 curved steep section is also proposed. There is one steeper gradient section of the area, while
363 everything else shown is Town compliant. There is an 8% platform where this intersects with
364 Manchester Road and a 4% upgrade that transitions into the lots. The design works within the
365 40' right of way of the private way. This proposal keeps the disturbance and grading off the
366 abutting lots and allows for the opportunity to build a single-family dwelling on each of these
367 lots. The proposal is reasonable given the existing site constraints.

368
369 Trevor Yandow noted that other local municipalities have driveway grades which either meet or
370 exceed 15%, or at least have provisions to exceed 15%, as well as four different well-respected
371 longstanding technical organizations which have provisions for driveways and sometimes
372 roadways up to 15%. Trevor Yandow noted that Mr. Quinn previously questioned if there was a
373 previous design for this as part of the 1974 approval. Trevor Yandow stated that he did find an
374 older design with a topographic plan that depicts this specific area. The plan, dated January 1974,
375 depicts drainage infrastructure, culverts, and drainage swales along the side of the driveway. This
376 speaks to the fact that there was thought put into accessing these lots. There are no contours
377 shown, possibly proposing to follow the grade down to the termination of the right of way. The
378 proposed gradient of the driveway appears to be approximately 17% based on this plan.
379

380 Bill Stoughton stated that he appreciates the work done, but despite this, his position has not
381 changed. He will not go against the concerns of the Fire Chief and the DPW Director. It is the
382 Board's job to set up rules in order to not put Fire Department staff at undue risk. Other
383 communities decide what is best for them, and this is what Amherst has decided to do with its
384 equipment and personnel. He is not prepared to say that the DPW Director and Fire Chief's
385 concerns should be overlooked.
386

387 Tom Silvia asked if the applicant has any broader explanation as to the previous concerns of the
388 DPW Director and Fire Chief, or if these were solely to do with the slope proposed. Trevor
389 Yandow stated that, in conversations with both, the concern was not necessarily the slope in and
390 of itself, because both the DPW and Fire Department routinely access roads that have similar
391 grades, such as Highland. The concern seemed to be with the actual transition from Old
392 Manchester Road onto the driveway, where the back of the vehicle would scrape against the
393 pavement. This new design provides adequate access from a clearance and moveability
394 standpoint. The concern for emergency vehicles was for inclement weather events and potential
395 emergency calls in accessing the site. Trevor Yandow stated that, while he appreciates the

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396 concern, the regulations speak to the likelihood of endangerment to public, health, safety, and
397 welfare, and the likelihood of this occurring would be less than 1%. Everything cannot be
398 designed to be perfect for every situation. This proposal makes the best scenario of a tough site.
399 The reality of this site is that a Town compliant driveway cannot be constructed, even a driveway
400 in the 10%-12% range, without having exorbitant amounts to fill brought on site. A less steep
401 grade will have to be carried all the way through the site. This plan proposes protection with the
402 guardrail to stop anyone careening over the edge.

403
404 Tom Silvia echoed Bill Stoughton's comments that there are clear recommendations from the
405 people in these Town Departments regarding the proposal.

406
407 Tracie Adams stated that the information from the Fire Department and DPW is steadfast that
408 this is more than they want to see approved from a safety factor. She is inclined to stand behind
409 them.

410
411 Cynthia Dokmo stated that she voted against the previous motion on this item. These have been
412 two lots of records for decades and the property owners have paid taxes as such. The owners are
413 asking to be able to access these properties to build on them. The DPW and Fire Department
414 have spoken against the proposal but leave the decision up to the Planning Board. The decision is
415 left to the Board so that it can review all the circumstances and decide if there is a hardship.
416 Denial is, of course, a hardship, as this land will not be able to be used for anything. Highland
417 Drive is likely steeper than this grade, and there are many other similar driveways in Town.
418 Singling out these two lots does not make sense. If the Board is inclined to deny this again, she
419 would request it be tabled in order to bring in the DPW Director and the Fire Chief to have a
420 discussion about how realistic their concerns are.

421
422 Chris Yates stated that he is inclined to follow the DPW Director and Fire Chief comments. The
423 proposed contour could lead to a large drop off. Trevor Yandow stated that this would be a 20'-
424 24' drop off, but guardrails are shown in that area. Chris Yates stated that he believes the plan
425 makes it look like a 30+' drop off.

426
427 Tom Quinn stated that he has concerns regarding the issues raised by DPW and the Fire
428 Department and that these have not been fully resolved. However, he agreed that it may be
429 helpful to have the Fire Chief and the DPW Director come speak to these concerns. He is in
430 favor of tabling this item.

431
432 There was no public comment at this time.

433
434 Arnie Rosenblatt stated that he respects and sympathizes with the applicant's position. He
435 respects Cynthia Dokmo's perspective but does not agree. It does not take a perfect storm to
436 cause problems on steep areas. He does not believe it would be a rare event for there to be
437 problems with access and egress on this kind of grade. He is not prepared to second-guess
438 comments made by the DPW and Fire Departments. This site is proposed to have a 15% grade
439 which is essentially twice the grade allowed by the current regulatory structure. This new design

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440 does not materially change the proposal and the Fire Department seems to remain equally
441 concerned with it.

442
443 Tom Silvia stated that he was the other minority vote on this item last year but has since
444 switched his position. The design was improved and there is still an emphatic denial from the
445 DPW. There are potential safety issues, and he feels that he needs to support the DPW and Fire
446 Department.

447
448 **Cynthia Dokmo moved to table this item to a future date and invite the DPW**
449 **Director and Fire Chief to discuss their concerns relative to this site compared to**
450 **other similar situations in the Town of Amherst. Seconded by Tom Quinn.**
451 **Motion tied 3-3-0 [T. Quinn, T. Silvia, C. Dokmo, aye. B. Stoughton, T. Adams, C.**
452 **Yates, nay].**

453
454 **Discussion:**
455

456 Arnie Rosenblatt clarified his vote on the motion. He asked what the DPW might
457 say that has not already been stated. Cynthia Dokmo stated that the DPW almost
458 has to say no due to the steep grade. However, the ordinance allows the applicant to
459 appeal that decision to the Planning Board so that the Board can determine if there
460 is a hardship and if there is a greater threat to the public. She does not believe the
461 DPW Director and Fire Chief are as alarmed about the proposal as it appears in
462 their statements, and it is fair to the applicant to hear this. Arnie Rosenblatt asked if
463 Cynthia Dokmo believes that an economic hardship to the applicant outweighs
464 potential risk to the Town's firefighters. Cynthia Dokmo stated that she would like
465 to hear from the Fire Chief that staff lives will be risked going down this driveway
466 as opposed to going down Highland Drive. If this was the only driveway in Town
467 with this grade, or if the driveway sloped up to the public road, she would agree.
468 This is not the case, and she would like to hear from the DPW Director and Fire
469 Chief directly in fairness to the applicant.

470
471 Bill Stoughton stated that this is not a trial and, with respect to what Cynthia
472 Dokmo is suggesting, she is suggesting the Board weigh the evidence and assess the
473 credibility of what various witnesses say, but that is not the Board's role. The
474 Board's role is to look at the decision that was made and decide if it complies with
475 the standards or if there is any reason to reverse it. There is no reason to reverse the
476 decision. In this case, there is a new owner that bought this property after the Board
477 previously rejected the driveway appeal. There is no reason for the Board to
478 continue to second guess the repeated decision by two senior members of the staff.

479
480 Cynthia Dokmo disagreed that this would be a trial, but more of a fact finding.
481 Arnie Rosenblatt stated that he does not doubt there are equally steep driveways in
482 Town. Just because these situations already exist does not mean it is appropriate for
483 the Planning Board to go against the DPW and the Fire Department and approve

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484 something that is equally as bad. Also, this is not a situation in which someone has
485 owned this property for decades; this is a new owner. The decision of the Planning
486 Board has already been made on this property. It could not have been clearer to
487 someone acquiring this property that this type of driveway could not be constructed
488 on the site. Cynthia Dokmo stated that she believes this is a question of fairness and
489 would like to hear from staff directly. She asked what it would hurt to continue the
490 hearing.

491
492 Arnie Rosenblatt stated that he would vote in favor of the motion but does not
493 accept the notion that a hardship militates against the Board denying this request or
494 the fact that other existing driveways of similar or greater grades in Town is in any
495 way a factor. The only thing that might sway him, is hearing from the DPW or the
496 Fire Department that this is not a significant issue, even though they wrote letters
497 stating the contrary. He does not want these staff members subject to cross
498 examination by anyone from the applicant's team. The Board will ask subjective
499 questions only.

500
501 Motion carried 4-3-0 [T. Quinn, T. Silvia, C. Dokmo, A. Rosenblatt, aye. B.
502 Stoughton, T. Adams, C. Yates, nay].
503

504 Arnie Rosenblatt stated that this discussion will be tabled to a date of no earlier than May 3,
505 2023, and placed on the agenda under Other Business, depending on the availability of the DPW
506 Director and Fire Chief.

507 2. REGIONAL IMPACT:

508 a. CASE #: PZ17123-032323 – Robert H. Jacobson Revocable Trust, Laurie
509 Stevens, Trustee (Owner) & TransFarmations, Inc. (Applicant), 17 Christian
510 Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 - Conditional Use
511 Permit. To depict a 60-unit Planned Residential Development per the Integrated
512 Innovative Housing Ordinance (IIHO). Zoned Residential Rural.
513

514
515 *Tracie Adams and Tom Quinn recused themselves from this and the next item. Tim Kachmar sat
516 for Tracie Adams and Pam Coughlin sat for Tom Quinn.*
517

518 Tim Kachmar moved that there is regional impact to Mont Vernon and Milford.
519 Seconded by Chris Yates.
520 Motion carried unanimously 6-0-0.
521

522 b. CASE #: PZ17124-032323 – Robert H. Jacobson Revocable Trust, Laurie
523 Stevens, Trustee (Owner) & TransFarmations, Inc. (Applicant), 17 Christian
524 Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 – Conditional Use
525 Permit. To depict a 33 Single-Family Lot, and Four-Unit Barn and Planned
526 Residential Development per the Integrated Innovative Housing Ordinance (IIHO).
527 Zoned Residential Rural.

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528
529 **Cynthia Dokmo moved that there is regional impact to Mont Vernon and Milford.**
530 **Seconded by Chris Yates.**
531 **Motion carried unanimously 6-0-0.**

532
533 *Tracie Adams and Tom Quinn retook their seats.*

534
535 **3 . Minutes: March 15, 2023**

536
537 **Tracie Adams moved to approve the meeting minutes of March 15, 2023, as**
538 **amended [Line 81: change to “unit 2-bedroom count...”.] Seconded by Chris Yates.**
539 **Motion carried unanimously 6-0-0.**

540
541 **4. Election of Planning Board Officers**

542
543 *This item was previously addressed.*

544
545 **5. Any other business that may come before the Board.**

546 The Board discussed its alternate positions. Arnie Rosenblatt stated that Tim Kachmar's term
547 was a one-year term and will need to be filled. There are open three-year and two-year alternate
548 terms. He suggested that alternate applications be submitted, and the Board then vote on
549 applicants. Until an alternate is appointed, Tim Kachmar will remain an alternate.

550
551 Cynthia Dokmo agreed with the proposed process and holding interviews in mid-May. Tracie
552 Adams stated that there should be at least 30-days, once posted, for applicants to apply. The
553 Board agreed to potentially hold the interviews on May 18th, with a deadline of May 5th for
554 applications to be submitted.

555
556 Cynthia Dokmo suggested creating a template for the Findings of Fact as guidance. Arnie
557 Rosenblatt stated that if a template is not followed, it may leave the Board vulnerable. Bill
558 Stoughton stated that the risk of not having a template could be greater. Cynthia Dokmo and
559 Tracie Adams agreed to volunteer for a template creation subcommittee.

560
561 **Cynthia Dokmo moved to adjourn at 8:47pm. Seconded by Chris Yates.**
562 **Motion carried unanimously 6-0-0.**

563
564
565 Respectfully submitted,
566 Kristan Patenaude

567
568 Minutes approved: April 19, 2023