

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

In attendance at Souhegan High School: Arnie Rosenblatt – Chair, Bill Stoughton – Board of Selectmen Ex-Officio, Tracie Adams, Tom Silvia, Cynthia Dokmo, and Tim Kachmar (alternate)

Staff present: Nic Strong, Community Development Director

Arnie Rosenblatt called the meeting to order at 7:00pm.

COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF APPLICATION IS ACCEPTED AS COMPLETE:

- 1. CASE #: PZ16932-020723 – Kevin & Claudine Curran (Owners & Applicants); Pond Parish Road, Baboosic Lake Road & Grater Roads, PIN #s: 006-002-000, 006-007-000 & 006-009-000 – Subdivision Application – Final Approval.** To depict the consolidation and conventional subdivision of Tax Map 6 Lots 2, 7 & 9. Zoned Residential Rural. *Continued from April 5, 2023.*

Arnie Rosenblatt read and opened the case. He explained that this is a joint Planning Board meeting with the Heritage Commission to begin. The Heritage Commission is present to hear a presentation on this item. The Heritage Commission will then make any determinations and recommendations separately, as will the Planning Board.

Jared Hardner, Chair of the Amherst Conservation Commission (ACC), presented on the ACC's proposal to acquire Curran parcels 6-2, 6-7, and 6-9. He explained that a Master Plan process took place over the last couple of years in Town, beginning with a survey of the Town residents' preferences and priorities. One item that rose to the top of the list of priorities was related to conservation. The number one priority of residents, with 85% ranking it highest or high priority, was the protection of water resources. This is directly related to protecting forested watersheds. Preservation of the Town's rural aesthetic was the #2 priority, with 82% ranking it a highest or high priority. Overall, 91% of residents say Amherst should protect open space and natural resources. This was clearly reflected in the Master Plan that resulted from the process of integrating these findings and many other inputs.

Jared Hardner explained that the ACC drafted Warrant Article 22 in 2021, to provide the Town the means to acquire open space, to meet resident priorities and limit future development pressure on Amherst's highest value natural resources. This resulted in the approval to issue bonds in total of \$6M, not to exceed \$2M in any given fiscal year, with an overwhelming vote of 1,437 to 623 in favor. The ACC worked with the Board of Selectmen to put together an Open Space Advisory Committee to bring together the views of the ACC, Planning Board, Board of Selectmen, and residents at large.

Jared Hardner outlined the Open Space Advisory Committee's process for identifying properties. The Amherst Conservation Plan was developed by the ACC and approved by the Board of Selectmen in 2019. This included acquisition criteria for land that would be purchased using any source of funding, not just that generated by Article 22. The intent was to view all available

April 19, 2023

APPROVED

properties using a scale of irreplaceability and vulnerability. Irreplaceability relates to how valuable and rare an ecosystem is, with areas of low fragmentation and high contiguity ranked highly. Once these areas are fragmented this cannot be changed. Irreplaceability deals with the conservation of biodiversity in Amherst and maintenance of open space. Vulnerability relates to how developable a property is and how imminent the threat might be of such development. There are areas already protected in Town, by virtue of the fact that they are undevelopable, such as wetland areas. These would rank as having low vulnerability, as they are already de facto protected. There are several good sources of data to inform these acquisition criteria, including the State Wildlife Action Plan, and information related to aquifers.

Jared Hardner explained that a set of acquisition criteria was made public during the course of the voting on Article 22. 58 candidate properties in Town were then screened using the criteria. The property that ranked highest at that time were parcels 6-2, 6-7, and 6-9, owned by Kevin Curran. Around that time, a proposal was submitted to the Planning Board to develop those properties. Several attempts to contact Mr. Curran were made, with no success. The properties in question are located between two large preexisting conservation areas. When viewing these forested areas with the Curran properties, this would look like one, large contiguous piece of forest. Given the magnitude of the unfragmented habitat on these parcels, this habitat can support a wide range of species in a way that most smaller pieces of forest in Town cannot. As a result, these parcels rank as highest priority in the State and region for conservation. Protecting unfragmented habitat such as this over the long term can continue to support species such as moose. An area this large also supports a great resource for recreation. There are dozens of miles of existing trails on a nearby Amherst property that continue into Merrimack. Nearby Pond Parish also contains very highly utilized trails. The area between these parcels has connective informal trails, created by enterprising individuals over time. These are not part of any formal trail system. The Curran parcels could be used to develop a much more formal continuation of the trail networks on both sides for multi-use.

Tim Kachmar entered the meeting.

Jared Hardner explained that a plan presented by Meridian Land Services for development of the Curran subdivision showed 43 houses. This plan has completed design review and a final application for approval of the subdivision was scheduled for review this evening by the Planning Board. This is planned to be continued to allow for discussion of acquisition by the ACC. This proposed development could fragment a very large area of well over 1,000 acres of natural habitat. These parcels, per the criteria, are a very high priority for action, given their irreplaceability and vulnerability. The cost for this property has been negotiated to \$5.4M, including 178 acres. This price is the result of a nine month negotiation process with Mr. Curran, as his initial asking price was \$11M. The ACC funded an independent appraisal that showed the value to be in the range of \$4.9M-\$5.7M. The \$5.4M price is representative of a price per acre of approximately \$30,000, or \$126,000 per building lot. This compares favorably with recent developments in Town. This negotiated price is in line with market conditions. The purchase of the property will be spread over three fiscal years to lower the impact to the taxpayer. The structure of the financing is being assessed by the Board of Selectmen and Town staff. Article 22

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

requires a 10 - 20-year term on the bonds issued, with no more than \$2M borrowed per year. These bonds will be structured to qualify as tax exempt borrowing to obtain favorable interest rates. The intention is to seek refinancing opportunities to take advantage of any potential future interest rate decreases. The purchase itself will be made in three annual payments to stay in line with the annual borrowing limit. The ACC is also expected to fund \$600,000 towards the cost of this deal from the Conservation Fund, with zero impact on taxpayers.

Jared Hardner stated that, in summary, the ACC is discussing acquiring Curran parcels 6-2, 6-7, and 6-9, at an overall size of 178 acres. The three parcels' vulnerability is very high, with a 43-house planned development currently proposed. The parcels' irreplaceability is high, as this would conserve land with the highest possible conservation value in Amherst and connect existing protected areas. The price is \$5.4M and a purchase and sale agreement was signed on March 31, 2023.

Arnie Rosenblatt explained that the Planning Board and Heritage Commission are being asked to consider this proposal and make recommendations. Jared Hardner explained that the Board of Selectmen make the ultimate decision, but require a recommendation from the ACC, Planning Board, and Heritage Commission.

Tom Silvia stated that he is in support of this proposal. He asked how much money will remain in the Conservation Fund after the purchase. Jared Hardner stated that there will be approximately \$400,000 left in the Conservation Fund. This proposal will use \$5.4M of the approved authority to borrow \$6M from Article 22. The ACC has not yet discussed if it plans to pursue other properties with the leftover allotted funds.

Tracie Adams thanked Jared Hardner for the good presentation, and all involved for their work.

Bill Stoughton noted that there will be two public hearings conducted by the Board of Selectmen on this item. The first of which is next Monday evening and the second will be two weeks later. He stated that he is impressed with the work done by the ACC to act in the best interest of the Town and carry out Article 22 that the voters approved overwhelmingly several years ago.

Cynthia Dokmo thanked all those involved.

Tim Kachmar stated that he believes this is a great proposal for the Town and recommended the Planning Board make a recommendation to the Board of Selectmen.

Will Ludt stated that the Heritage Commission will make its own recommendation on this item separately. He polled the Commissioners for comments or questions on this item. There were none. Will Ludt thanked Jared Harder and the ACC for this briefing. The Heritage Commission exited the meeting at this time.

Tracie Adams moved to forward a statement to the Board of Selectmen, on behalf of the Planning Board, stating support for the proposed purchase and sale of the

April 19, 2023

APPROVED

Curran properties of Map 6 Lots -002, -007, and -009, as presented tonight and outlined in the purchase and sale agreement document. Seconded by Tom Silvia.

Discussion:

Arnie Rosenblatt thanked Jared Hardner and the ACC for their work on this item. He noted that, while he has recused himself from this item, he would vote in favor of it.

Motion carried unanimously 4-0-0.

Tracie Adams moved to continue CASE #: PZ16932-020723, per the applicant's written request, to August 2, 2023, at 7:00 PM at Town Hall. Seconded by Bill Stoughton.

Motion carried unanimously 4-0-0.

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

Arnie Rosenblatt questioned if this item should be presented concurrently with the next item on the agenda, as they are from the same applicant. Nic Strong stated that the presentation about the land conditions is the same for both hearings, but these are two very separate applications otherwise. Sam Foisie, Meridian Land Services, agreed with considering them separately.

Arnie Rosenblatt read and opened the case.

Tim Kachmar sat for Chris Yates. Tracie Adams recused herself.

Tom Silvia moved that the application for CASE #: PZ17123-032323 is complete. Seconded by Bill Stoughton.

Motion carried unanimously 4-0-0.

Arnie Rosenblatt explained that there will be a presentation by the applicant, and then an opportunity by the Board to ask questions and make comments. The Board will then hear comments and/or questions from abutters and interested parties. Arnie Rosenblatt noted that he would make a later decision as to whether to hear public comment after the first hearing or to wait until after both presentations have been heard, as there may be comments that will be relevant for both. He noted that the Board will likely not take a final vote on these items this evening but may schedule a site walk.

Sam Foisie suggested that public comment on the first application be limited to essentially the unit types proposed in the first application. Additional broad topics related to the actual property,

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

or the history of the property could then be heard after the second application. Arnie Rosenblatt stated that efforts to define what comments and questions will be made by the public have not been successful in the past. People will comment as they want.

Sam Foisie, representing TransFormations, stated that the first application will be called CUP 2. He stated that he was present this evening with Carter Scott of TransFormations, the applicant and future developer.

Sam Foisie explained the history of the project, noting that CUP 1 had been submitted in 2019 and denied by the Board. CUP 2 was also submitted in 2019 and denied in July of 2020. He noted that the denial was appealed to the Supreme Court and the case was remanded back to the Board to be reviewed under and governed by the ordinances and regulations in place as of December 23, 2019.

Carter Scott stated that the proposal was designed surrounding a farm and proposed net positive homes. 82% open space would be preserved. The focus was to preserve the farm and utilize a green form of development. He noted that the proposal was for 60 units, 26 of which, or 43%, would be workforce housing. He further noted that this would bring the Town \$260,000 from the State. Carter Scott stated that CUP 2 had been changed from CUP 1 based on the comments from the Planning Board, Amherst Conservation Commission, Fire Department, DPW, abutters and residents, and the Amherst Housing Needs Assessment. He noted that the Housing Needs Assessment identified that Amherst was deficient by 379 units of affordable housing. He pointed out that the workforce units would not look substandard or inexpensive.

Sam Foisie stated that the main focus of this CUP was preserving open space which was a key focus of the Town. He stated that the proposal preserved more than the required amount by using the density incentives. Sam Foisie displayed a color rendering of the plan, noting the locations of the farmhouse, barn, farm area, walking path, the new road to be constructed on the hillside with a common drive from the end, and the rest of the land in open space. He noted that the detailed plan sheets showed well and leach field locations.

Sam Foisie noted that the proposed density of the development was based on the baseline density which is the net tract area divided by the minimum lot size. He stated that the property had a net tract area of 61.8 acres. The density request breakdown was 2.1 additional units for senior housing; three additional units for attached housing; 1.3 additional units for single floor units; 0.45 additional units for single bedroom units; 2.3 additional units for two-bedroom units; 3.09 additional units for walkability; 7.73 additional units for community space open to public; 6.18 additional units for open space under restrictive covenant; and four additional units for redevelopment of existing structures. The total comes to 61.05 units allowed by the Integrated Innovative Housing Ordinance (IIHO).

Sam Foisie noted that a traffic study had been done by Stephen Pernaw in 2020 and was updated in January of 2023 with Addendum 1. This notes that there would be a 7%-9% increase in traffic at the studied intersections and that 20%-26% is normal, so the proposed development would

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

contribute less than the regular ebbs and flows of random traffic flow. He stated that the study noted that there are stop signs and a traffic control officer in place at peak hours, but the traffic report cannot introduce a traffic officer into the calculations to adjust the delays. The delay will be 1-3 seconds with an increase in queuing. The traffic study notes that there are different routes available through Town to avoid these intersections.

Arnie Rosenblatt asked for questions or comments from the Board.

Tom Silvia asked about the farm, what would be farmed and how it would operate. Carter Scott stated that Ian McSweeney, a farmland consultant, would be working on this and there was a bid out for a farmer to come on board to create a plan going forward after the subdivision is approved. The farm would likely involve a Community Supported Agriculture (CSA) element with organic vegetables. The four-unit barn would have space on the first floor for the CSA pick up and drop off, and cold- and cool-storage. There would be three greenhouses. Tom Silvia asked about livestock. Carter Scott stated there would be chickens but no cows.

Tom Silvia noted that on the plans the well radii overlapped. Sam Foisie stated that the capacity of the wells is not diminished if the radii overlap.

Tom Silvia asked what the term “regenerative community” meant. Carter Scott stated that the idea was to reduce waste. The net zero homes were intended to produce as much energy as they consume. He noted that it was probable that the houses would overproduce with the solar arrays proposed. Carter Scott noted that there was carbon associated with the transportation sector which was 25% of the US total. There is also carbon associated with the agricultural sector and this development was proposing to produce food which would reduce the 1,500 miles that a bite of food travels to get to the consumer. He noted that the regenerative community referred to producing more energy than what was consumed. Carbon would be added to the soil with biochar and organic matter. Cellulose insulation will store carbon in the houses. He noted that this is an evolving field.

Bill Stoughton stated that he would like to have a site walk of the property, noting this as especially important for those Board members who were not present for the first application. He noted that some 55+ houses had been proposed on the bonus sheet and asked if those particular units would be in a contiguous community or spread out throughout the development. Carter Scott stated they would be spread out. Bill Stoughton stated that he thought that the units had to be an identifiable community in order to comply with federal housing laws and urged the applicant to investigate this or it would be difficult to give a bonus credit for this.

Bill Stoughton noted that there were several traffic studies associated with this development with the original and the updated study which the Town had looked at. The updated analysis acknowledged errors in the original. Bill Stoughton stated that he thought it important for the Board to have an independent review of the traffic studies, particularly since traffic had been one of the bases on which the Board rejected the original application.

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

Bill Stoughton asked about the water, noting that the applicant had stated there was no relationship from one well to another. He said that several of the wells were very close and asked if the applicant's hydrogeologist agreed with this view. Sam Foisie stated that, in his experience, there were no circumstances indicating that wells close to each other would change the flows. He stated that he did not know if the hydrogeologist had addressed this. Bill Stoughton stated that he was concerned with drawing so much water in such close proximity. He thought that this development cried out for a community water system. A community water system would remove the problems with interference from other wells, provide for treatment for water quality where necessary, and require periodic testing, including for PFAS which is a problem for at least one home on nearby Bloody Brook. Bill Stoughton stated that it was not ideal for elderly or workforce housing to need filter systems. He suggested that the applicant investigate this further.

Cynthia Dokmo asked about where the workforce units would be located, on the farm side or the hill side of Christian Hill Road. Carter Scott stated that they would be on both sides. Cynthia Dokmo asked what the other houses on the hill side would be, four-bedroom or three-bedroom. Carter Scott stated that they would be two-, three-, and four-bedroom.

Cynthia Dokmo asked what the grade of the proposed road would be. Carter Scott stated that it would be 8% maximum.

Cynthia Dokmo stated that she would be interested in a site walk and that she would have more questions about the proposed bonuses.

Tim Kachmar stated that his main concern was the turnaround at the top of the development, noting that he would want to see that be a cul-de-sac in the final design. He thought that the Fire Department would want to comment on that. Tim Kachmar stated that he supported a community water system for this project. He thought that waivers for encroachments in the wetlands would be unnecessary for this project. He stated that he was interested in the calculations for the workforce housing and thought that this should use the State median income not the Amherst median.

Arnie Rosenblatt stated that the applicant had referenced an updated traffic study and asked what other studies the Board was being asked to rely on in determining the CUP. Sam Foisie thought that two studies were relevant to density, traffic and water, because they were directly related to unit quantity. He thought that a fiscal impact study would probably be relevant as well. Arnie Rosenblatt asked about the water study. Sam Foisie stated that it had been done in 2020. Arnie Rosenblatt asked about the fiscal impact study. Sam Foisie stated that Mark Fougere had been engaged to work on that.

Arnie Rosenblatt asked Sam Foisie if it would be appropriate, when the Board was making a decision on numbers for the CUP, that the Board consider the traffic study, the 2020 water study and the fiscal impact study not yet received. Other studies, as required by the subdivision regulations, would come to the Board at a later stage. Sam Foisie thought that was

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

appropriate. Arnie Rosenblatt stated that the ordinance was not clear on this and it was his view that the Board could exercise rational discretion on what to consider at this stage. He stated that other studies could impact the Board's decisions later on, even after the CUP number was arrived at, but would be looked at in the second stage of the Board's consideration. Sam Foisie thought that the studies required at the subdivision application stage dealt more with limits regarding quality. Arnie Rosenblatt stated that if they were not provided at the CUP stage they could impact the Planning Board's decision in the second stage. Sam Foisie said that was true of many things. He thought that the only study missing was an environmental study, and he could not see how that would impact unit quantities.

Arnie Rosenblatt asked if there were questions or comments from the public, noting that this was a CUP application, not a subdivision and there will be a second application for the subdivision. He further noted that there will be at least one more hearing on this CUP application and a site walk.

Frank Montesanto, 55 Christian Hill Road, asked about the CSA drop off and pick up and whether those numbers were factored into the traffic study. Carter Scott stated that an allowance of trips per day was included for the CSA. Frank Montesanto commented that the property was currently a farm, and the proposal was for 60 units with density bonuses.

Jim Hendrix, 44 Christian Hill Road, commented on the traffic, noting that the units in this development will force all the traffic into the village. He stated that some traffic from Bloody Brook goes over the hill to Milford. The NRPC stated that there would be 106 trips per day which is 744 per week. He noted that Spaulding Field and other choking points are well known. He further noted that, according to the Institute of Transportation Engineers (ITE), 60 units would generate 450 trips per day which was 3,150 per week, a 323% increase from 106 to 556 per day. Jim Hendrix stated that did not include any other development activity. He stated that to say there would be no impact would not hold any water with anyone who has lived in this area for any length of time.

Chris Czech, 38 Christian Hill Road, asked about walkability, noting that he runs and bikes on Christian Hill Road in the current traffic and takes his life in his hands doing so. He asked if the proposal was to add sidewalks to the village along Christian Hill Road or if it was just proposed to add a walking path on the property. Sam Foisie stated that the walkability would be within the community. He noted that the IIHO is not specific as to where walkability has to occur. He stated that there would be public trails to use the open space.

Tom Herrmann, 2 Brimstone Hill Road, asked about the aquifer, noting that he had moved to Town two years ago and his well has gone dry multiple times. The well was tested and provides 0.25-0.5 gallons per minute. 8-10 gallons per minute is considered a producing well. Tom Herrmann was concerned about 60 more units drawing further from the aquifer. Sam Foisie stated that he would be able to respond when he has accurate information.

April 19, 2023

APPROVED

Jeanne Ludt, 3 School Street, stated that she was struggling with déjà vu because nothing had changed with the application from when it was presented and rejected previously. She stated that she was hopeful, but the application seems as squishy as it did when it was originally presented and she has no confidence in it. She thought that the project still had too many questions. Jeanne Ludt stated that she was hopeful that the Planning Board would be able to hold the applicant's feet to the fire to be confident that the project would not negatively impact the community, particularly with regard to traffic and water resources. She noted that the Town decided to get rid of the IIHO in part because of this particular development and objections because of the density problems.

Arnie Rosenblatt stated that the Board would move on to the second application, then discuss a site walk and the studies that would be needed. In response to a comment made by Jeanne Ludt, Arnie Rosenblatt stated that, since the previous application by this applicant, the Town had rejected and revoked the IIHO ordinance. Although the Planning Board denied the application, it was appealed to the Superior Court which affirmed the Planning Board's decision, but the NH Supreme Court reversed the decision on the second application and remanded it back to the Planning Board. The Planning Board is required, based on the Supreme Court decision, to consider the application based on the IIHO.

Sam Foisie asked if the Board had any concerns with the proposed density, or answers to the questions he had raised. Arnie Rosenblatt thought that the Board was eager to have a site walk because it was hard to visualize the proposal on paper. He asked the Board if they had any comments on Sam Foisie's question. Cynthia Dokmo stated that she would like to discuss that at another meeting. Arnie Rosenblatt stated that the applicant should make no assumptions either way.

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

Tom Silvia MOVED to accept the application for PZ17124-032323 as complete. Second by Cynthia Dokmo.

Motion carried unanimously 4-0-0.

Arnie Rosenblatt stated that this application would follow the same procedures as the previous one.

Sam Foisie stated that CUP 1 was denied by the Board in 2019. CUP 2 was denied in December of 2019 but that was overturned by the highest court and a remand order was issued in 2023. This dictated that the regulations and ordinances, as of December 23, 2019, will govern this project.

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

Carter Scott, TransFormations, stated that CUP 3 also deals with a community built around a farm. There is more detail regarding the proposed solar on the farm in CUP 3. CUP 3 is considered the reduced density plan. At the July 23, 2020, hearing the applicant heard two things from the Planning Board, to reduce the density of the project and reduce the traffic impacts of the project. Thus, CUP 3 plans to reduce the density from 60 units down to 33 single family lots and one 4-unit barn. These units are larger in average square footage and closer to replicating the existing neighboring homes. These will have a tendency to pull up the property values in the neighborhood, as the average new home will be selling for substantially more than the Town assessed value for the abutting properties.

Sam Foisie stated that CUP 3 has similar open space to CUP 2, with a small change that 50 acres will be available for sale to abutters. That land will have development restrictions on it. These have not yet been established, but they will likely take away the majority, if not all, development rights, especially that there would be no residential development and no commercial development on the land. The CUP 3 plan shows the preservation of the existing farmhouse, a barn with the workforce housing units mixed in, solar panels, and greenhouses. This plan includes three homes with frontage on Christian Hill Road. CUP 3 has a similar road design, with single family lots located along the road and a shared driveway with three larger homes at the top of the hill. There is a proposed walking path to access the remaining open space that will not be sold off to an abutter. CUP 3 does not take credit for workforce housing. The plan includes attached houses that will give a density bonus of 0.4. Single family units that give a density bonus 0.8, and two 1-bedroom units, increasing the density by 0.3. The four 2-bedroom units increase the density by 0.4. Regarding the bonuses for walkability, open space, community open space available to the public, and redevelopment, these increased the density totals by 3.09, 7.73, 6.18, and 4, respectively. This brings the total density of this plan to 53.8.

Carter Scott stated that the six units of workforce housing planned for CUP 3 includes 4 units in the barn and two 2-bedroom cottage design styles located behind the barn. The Town would be allowed \$10,000 per workforce housing unit, or \$60,000 for CUP 3. The mid-sized homes are clustered in Lots 8-11 on this plan, and optional accessory dwelling units (ADUs) will be available in certain models. One way to contain where ADUs can be placed, is to limit the number of bedrooms per lot. This plan contains two new all-in-one level designs geared toward empty nesters.

Sam Foisie stated that this plan has the minimum open space associated with it, as the remaining open space will have development rights restricted when sold to an abutter. While the traffic study was previously updated, an addendum for this CUP is in the works. Once completed, it will be submitted to the Town.

Arnie Rosenblatt asked the Board for any questions or comments.

Tim Kachmar noted that this CUP includes well water and septic systems again. He stated that the Fire Department discussed cistern designs being needed if public water or fire hydrants are not extended up the road to this development. He stated that CUP 3 is a bit more realistic for

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

what Amherst citizens want. He is in favor of this CUP and thanked the applicant for listening to the Town.

Cynthia Dokmo noted that the walkability of Christian Hill Road was previously mentioned. She asked if the applicant would consider adding sidewalks on one side of the road, as mentioned by the Bicycle & Pedestrian Advisory Committee. Sam Foisie stated that this has not been looked into but could be considered. Carter Scott stated that he is not seeking any off-site improvement density bonuses.

Cynthia Dokmo asked if the solar farm is a commercial operation or to provide electricity to the units. Carter Scott stated that the proposal is for 60 kW. This will be a separately financed and built item, not owned by the houses. Some houses may use solar to come from the solar field.

Cynthia Dokmo asked if trees will be saved on the non-barn side of Christian Hill Road. Carter Scott stated that his intention is to save as many trees as possible, outside of those affecting the solar.

Bill Stoughton noted that the application is proposing to sell off approximately 50 acres but is using those 50 acres to get the 30 units of baseline density. Carter Scott agreed that this is correct. Bill Stoughton stated that he does not believe this acreage can be included. The land to be sold off cannot be used for purposes of the density calculation. Carter Scott stated that the open space, or 40% of the lot, will meet all the requirements of open space as defined in the Town regulations. Beyond that, the other 60% of the property is the prerogative of the developer. Bill Stoughton agreed that the applicant meets the 40% open space requirement. However, to count the 50 acres towards the baseline, this would have to remain part of the community. Carter Scott stated that he would examine this, as he has a different conclusion. Bill Stoughton stated that he would find it very difficult to award density units for land the applicant proposes to sell.

Regarding ADUs, Bill Stoughton stated that each ADU would count against the total number of units. This is how the Planning Board has calculated this in IIHO developments in the past. Condominium documents would then be used to restrict ADUs beyond that number. Carter Scott explained that CUP 3 would not have condominium documents. CUP 3 contains single-family lots and single-family lots in New Hampshire are allowed ADUs. He is happy to come up with a number that is not exceeded but these are not condominiums. Bill Stoughton stated that the Planning Board would need to consider this.

Bill Stoughton stated that, regarding studies that might influence the numbers of units allowed, no stormwater management studies have been submitted. If this project intrudes in wetlands or wetland buffers for stormwater features, this will diminish the benefit to the Town that was the basis for the original awarding of density units and a reason to revisit that. This was handled with a condition of approval in a prior density CUP and he would contemplate doing the same here.

Bill Stoughton encouraged the applicant to select one of the two applications as soon as possible in order to narrow the focus.

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

Tom Silvia stated that he would like to get a better idea of the solar farm during the site walk. He echoed Bill Stoughton 's comments regarding two simultaneous applications, as this adds greater complexity and makes the process more difficult.

Arnie Rosenblatt echoed his questions regarding the studies for CUP 2. Sam Foisie stated that he would like to consider more thoroughly Bill Stoughton's comments regarding wetland buffers and studies.

Arnie Rosenblatt stated that he has discussed the two application issue with Town Counsel. Town Counsel believes that the applicant is entitled to proceed with both applications. This may be unwieldy and inefficient in process, but the applicant is entitled to do so. It was determined that the applicant would not be precluded from doing so.

Arnie Rosenblatt asked for public comment at this time.

Frank Montesanto, 55 Christian Hill Road, asked about the figure given that \$60,000 could come to the Town from this CUP. Sam Foisie explained that the workforce housing component of the project is essentially State funded. If the Town allows for workforce housing, the Town receives funds from the State to offset any impact to the Town. This would be a one-time incentive payment to the Town.

Frank Montesanto asked if the solar panels will be commercially run. Carter Scott stated that the solar farm lots each have just a couple of arrays. This would not be typical in a commercial solar farm, as they are limited to 60 kW AC or 80 kW DC per solar farm. Solar can also be used to shade and get increased production from certain types of vegetables. Frank Montesanto asked who would be getting money back from the power company if extra power is produced. Carter Scott stated that this would be the person or entity that owns the solar field, or a homeowner. Ownership has not yet been determined.

Jim Hendrix, 44 Christian Hill Road, stated that the stormwater runoff before putting more impervious surfaces on the hillside is a concern. In any given spring, a person could stand knee deep in mud in that field. This should be a consideration for houses built in that field.

Marilyn Peterman, 12 Scottie Way, asked if the proposed roads would be community owned or Town owned. Sam Foisie stated that the hillside road would be Town owned and the remainder of the roadways or private ways would be community owned. This is the same for both applications.

Marilyn Peterman stated that the applicant would have more units by right in a conventional subdivision than are shown in the second application. Planning Board approval would still be needed but the applicant would not need to jump through so many hoops.

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

Will Ludt, 3 School Street and Chair of the Heritage Commission, asked if the applicant has received the Heritage Commission input. Sam Foisie stated that he has received it but has not yet fully reviewed it. Will Ludt stated that he would not like to see the area across the street from the barn clear cut. He asked about the consideration for EV charging stations as part of this development. Carter Scott stated that it is included in the options for homeowners to install charging stations. There will be charging for the four units at the barn.

Arnie Rosenblatt asked the applicant to address the two application item. Carter Scott stated that he wanted to go with what the Planning Board was comfortable with. He said that assumptions were made regarding what was heard from the Planning Board back in July, which is how CUP 3 was created. CUP 2 has workforce housing, which is something that the State is strongly interested in. He asked if one application is currently preferred over the another by the Board as a whole. Arnie Rosenblatt stated that he is uncomfortable with the Board making that determination at this time because one Board member is missing, a site walk has not yet been completed, and he believes it is still early in the process.

Bill Stoughton agreed. He stated that he wants to make a careful review of the applications based on what the applicant brings forward, and not based on personal biases. The applicant should make the selection. Bill Stoughton stated he would love to hear from the public which they prefer. He said that in the Board's quasi-judicial role, he was reluctant to come out of the box and pick an application. He would like the Board to react to the application that the applicant decides to bring forward and then make sure that it complies with the ordinances.

Tim Kachmar stated that his preference statement earlier was more of a 'thank you' for listening to the Town, instead of saying that he prefers one application over the other. He would like to see the applicant present whichever application it wants the Board to review.

Sam Foisie stated that he recognizes that dual applications running concurrently does add a layer of complexity and confusion. He appreciates the Board allowing both to move forward and providing constructive feedback on both. He stated that he believes the applicant may be better able to gauge the next steps after the site walk and the next meeting. He noted that comments by Bill Stoughton regarding the legality of using the adjacent property as part of the baseline density will likely have a major impact on which application the applicant moves forward with.

Arnie Rosenblatt stated that it would be best to continue both applications to after the site walk and after the studies are completed. He asked when the fiscal impact study and amended traffic study will be completed. Sam Foisie stated that these will likely be complete within 30 days.

Arnie Rosenblatt asked the Board members if any other studies are of interest. Bill Stoughton suggested an analysis of the traffic studies completed, including advice distilled on the conclusions to be provided to the Board. A stormwater management plan does not make sense until the final application phase. His comment earlier was that if stormwater features intrude into wetlands or wetland buffers that reduces the benefit to the Town that was the basis for awarding

April 19, 2023

APPROVED

density units and would be a reason for the Board potentially to revisit the density bonuses. This was a condition included in the Clearview CUP hearing.

Tom Silvia asked about an environmental study. Arnie Rosenblatt stated that one has not been submitted but is a requirement for final approval, unless waived by the Board.

Arnie Rosenblatt asked if a hydrogeological study has been completed. Nic Strong stated that the applicant submitted a groundwater assessment, but this was not a complete study. Tim Kachmar stated that a hydrogeological study would be worthwhile because of the number of overlapping wells proposed and abutter comments that their wells have been dry lately. Cynthia Dokmo stated that she believes one will be needed for the final application. Bill Stoughton stated that he has raised concern about the well water supply because of the overlapping wells and has suggested that a community water system would be preferable. A community water system would require a host of studies, including impact on surrounding homes. The study that has been completed basically concludes that the water is coming from bedrock and there is no reason to suggest that this bedrock would not yield water similar to other bedrock in the Town. In terms of the adequacy of the water supply for the homes, the existing study says it is good enough. However, questions have been raised and the Board could require a more comprehensive analysis which may or may not provide definitive answers. Arnie Rosenblatt stated that he will be interested in it if that study potentially could have an impact on the density numbers. Sam Foisie stated that he agrees that Meridian has been a part of submitting studies in the past that typically say the same thing. He asked at what point the Town will accept that the studies all say the same thing. He guessed that the Board is likely more interested in the quality, not the quantity of water, and he is unclear how the report would relate to quality.

Arnie Rosenblatt stated that he would like the applicant to give a sense of where items are proposed to be located with respect to each of these proposals for the site walk. Sam Foisie stated that the site will generally be laid out similarly to how it was previously proposed, with the road in essentially the same location. He asked if the road layout was sufficient for the Board to visualize. Bill Stoughton stated that he believes that would be adequate. Sam Foisie stated that handheld GPS units may be available to show coordinates of some locations as well.

**Bill Stoughton moved to schedule a site walk for both Jacobson CUP applications for May 9, 2023, at 3:30pm. Seconded by Cynthia Dokmo.
Motion carried unanimously 4-0-0.**

**Bill Stoughton moved, with respect to both Jacobson CUP applications, to request a third-party review of the traffic studies to date and the amendment soon to be released. Seconded by Tom Silvia.
Motion carried unanimously 4-0-0.**

Bill Stoughton stated that it will be cleaner for all if the applicant completes a hydrogeological study. There are too many uncertainties, particularly given the concerns expressed by abutters.

April 19, 2023

APPROVED

**Bill Stoughton moved, with respect to both Jacobson CUP applications, to require a hydrogeological study. Seconded by Tom Silvia.
Motion carried unanimously 4-0-0.**

Bill Stoughton stated that the only item regarding an environmental study that could affect the density calculation would be threatened or endangered species present on the site. He would be surprised if this would radically alter the plans. He asked the applicant's view on the study. Sam Foisie stated that the applicant would like to hold off until the subdivision application to decide on this item. The Board was in agreement.

**Bill Stoughton moved to continue CASE #: PZ17123-032323 to June 7, 2023, at 7PM at Souhegan High School. Seconded by Tim Kachmar.
Motion carried unanimously 4-0-0.**

**Bill Stoughton moved to continue CASE #: PZ17124-032323 to June 7, 2023, at 7PM at Souhegan High School. Seconded by Tim Kachmar.
Motion carried unanimously 4-0-0.**

Tracie Adams retook her seat on the Board.

OTHER BUSINESS:

1. REGIONAL IMPACT:

- a. **CASE #: PZ17205-041323 – Scott & Susan Jacobs O'Connell (Owners) & Kali Construction (Applicant), 3 Mack Hill Road, PIN #: 020-029-000–
Subdivision Application – Depict a subdivision of land of existing lot 20-29 creating two new residential lots to be known as 20-29-1 & 20-29-2 within a larger remainder lot. Zoned Residential Rural.**

**Cynthia Dokmo moved that there is no regional impact. Seconded by Bill Stoughton.
Motion carried unanimously 5-0-0.**

3 . Minutes: April 5, 2023

**Tracie Adams moved to approve the meeting minutes of April 5, 2023, as presented. Seconded by Tom Silvia.
Motion carried unanimously 5-0-0.**

4. Any other business that may come before the Board.

**Cynthia Dokmo moved to adjourn. Seconded by Tracie Adams.
Motion carried unanimously 5-0-0.**

TOWN OF AMHERST
Planning Board

April 19, 2023

APPROVED

658

659 Respectfully submitted,

660 Kristan Patenaude

661

662 Minutes approved: May 3, 2023