

July 5, 2023

APPROVED

1 In attendance at Town Hall: Arnie Rosenblatt – Chair, Tracie Adams, Bill Stoughton – Board of
2 Selectmen Ex-Officio, Chris Yates, Tom Quinn, Tom Silvia, Pam Coughlin (alternate), and Rob
3 Clemens (alternate)

4
5 Staff present: Kristan Patenaude (Recording Secretary)

6
7 Arnie Rosenblatt called the open meeting to order at 7:00pm.

8
9 *Pam Coughlin sat for Cynthia Dokmo.*

10
11 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING**
12 **IF APPLICATION IS ACCEPTED AS COMPLETE:**

- 13
14 **1. CASE #: PZ17445-060623 – Erin & Rory Jorgensen (Owners & Applicants); 4**
15 **Lake Outlet Road, PIN #: 008-123-000.** Conditional Use Permit -WWCD. To construct
16 a 148 square foot addition onto the pre-existing, non-conforming structure within
17 the Wetland and Watershed Conservation District. *Zoned Residential Rural.*

18
19 Arnie Rosenblatt read and opened the case.

20
21 Arnie Rosenblatt explained that the Board would first determine if each application were
22 complete and, if it is, then move forward with a public hearing. The applicant will then make a
23 presentation to the Board. The Board will ask questions or make comments and there will then
24 be a public comment portion. Finally, the Board will determine how it wishes to proceed with the
25 application.

26
27 **Tracie Adams moved to accept the application as complete. Seconded by Bill**
28 **Stoughton.**
29 **Motion carried unanimously 5-0-0.**

30
31 Taylor Hennas, Meridian Land Services, stated that this property is entirely within the Shoreland
32 Zone of Baboosic Lake and is entirely within the Wetland and Watershed Conservation District
33 (WWCD). The only buffer associated with the WWCD, as depicted on the plan, is the 100'
34 buffer associated with Baboosic Lake. This is due to an overlapping wetland to the north and a
35 wetland to the west. This lot is zoned Residential Rural and is a preexisting non-conforming lot
36 of record. The existing single-family home was constructed in 1960 and is currently serviced by
37 a septic system and a well. The existing lot currently has no stormwater management techniques.
38 The proposal intends to construct a 148 s.f. addition onto the preexisting non-conforming
39 structure. This is shown on the plan on the northeasterly portion of the preexisting structure. Th
40 proposal also includes access steps. The proposed addition will have no additional bedroom
41 counts and will not encroach further than the grandfathered setbacks of the preexisting house.
42 The proposal also intends to construct a legally approved pretreatment system, a new well, drip
43 edges, and porous paver driveway. As the existing impervious area on the lot is less than 60%,
44 all the proposed stormwater management techniques were designed based on the regulations for

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45 new development. The drip edge and porous paver driveway will reduce the post-development
46 peak runoff rates from the applicable storm events. These techniques meet the Alteration of
47 Terrain (AoT) requirements for post-development runoff, volume, and groundwater recharge
48 volume. A waiver was requested within the Conditional Use Permit (CUP) application for relief
49 from 60% total nitrogen removal. The proposed techniques provide 55% total nitrogen removal.
50 All stormwater management techniques will follow the maintenance notes as shown on the plan.
51 To address an item in the staff report, a well release was not provided because the proposed well
52 radius extends over the lot line and is within an area precluded from development. This is
53 adjacent to the wetland and the Lake, meaning that there cannot be a septic system developed
54 there in the future. This proposal was unable to receive Amherst Conservation Commission
55 (ACC) recommendations prior to this meeting, but the applicant anticipates being on the ACC
56 agenda for July 26th. This project received all other State permits, including the Shoreland
57 Impact Permit and construction approval for the proposed septic system. The total permanent
58 disturbance on this parcel is 176 s.f. and the proposed temporary disturbance on the parcel is
59 3,003 s.f. This proposal will reduce the overall impervious area on the lot from 28.1% to 25.7%
60 due to the removal of the existing gravel driveway, the removal of a ramp which is attached to
61 the existing deck, and the conversion of the paver parking area to a porous paver parking area.
62 This proposal will also improve stormwater management techniques on the lot and will improve
63 the subsurface components on the lot, creating an overall net improvement.

64
65 Rob Clemens asked if the Shoreland Permit approval included the fact that the new well is
66 proposed to be on the beach. Taylor Hennas stated that this item was included in the approval.

67
68 Rob Clemens asked if the proposed improvement of the drip edge will be for the entire building.
69 Taylor Hennas stated that the drip edge is proposed for portions of the existing building and on
70 the northerly portion of new building.

71
72 Rob Clemens asked about the proposed leach field. Taylor Hennas explained that the old septic
73 tank and leach field will be abandoned. The new leach field will be made of concrete chambers
74 to the northerly area of the existing structure.

75
76 Pam Coughlin had no questions or comments at this time.

77
78 In response to a question from Bill Stoughton, Taylor Hennas stated that the entire site is within
79 the flood zone. Bill Stoughton asked how deeply submerged the septic system is. Taylor Hennas
80 stated that the baseline elevation for this portion of the Lake is 237 and the finished grade of the
81 leach field will be 235.6. Given similar situations around Baboosic Lake, the applicant has
82 proposed a pretreatment system that treats all of the effluent prior to entering the dispersal field.
83 The septic tank will be sealed, and will have a 12" extended base, preventing buoyancy. The tank
84 will be rated H-20, allowing for additional weight of the tank so it will not float during flooding
85 events.

86
87 Bill Stoughton noted that the applicant may have a maintenance contract with the manufacturer
88 for the septic tank, but asked what the manufacturer recommends for post-flood conditions.

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89 Taylor Hennas stated that she believes the pumping would turn off during flood conditions and
90 this could likely be turned on after any flooding subsidizes.

91
92 Bill Stoughton stated that his concerns deal with buoyancy, the location of the electrical
93 connections above the flood level or a waterproof connection, backflow prevention, and what the
94 manufacturer recommends for operation in a post-flood condition. Bill Stoughton asked that
95 Taylor Hennas check on these items.

96
97 Bill Stoughton asked about maintenance of the proposed pervious material, such as periodic
98 vacuuming or cleaning in order for the materials to maintain their previous nature. Taylor
99 Hennas explained that monthly, seasonal, and as-needed maintenance will be needed to make
100 sure that no debris or trash blocks the porous pavers, allowing for infiltration. The proposed
101 pavers are surrounded by an aggregate material. Bill Stoughton stated that he did not see any
102 notes related to the maintenance of the pavers on the plan. In terms of pervious pavement, there
103 have been requirements to vacuum the material every six months. He requested that Taylor
104 Hennas check with the manufacturer for any requirements to maintain the pervious nature of
105 these pavers.

106
107 Bill Stoughton stated that the existing leach field is in failure. He believes the Lake is going to be
108 better off through this proposal. He will likely be favorably inclined to approve the proposal once
109 answers to his questions are received. He would also like the ACC to weigh in before a decision
110 is made.

111
112 In response to a question from Tom Silvia, Taylor Hennas stated that the existing sheds will be
113 pulled into compliance and onto the lot, out of the deeded right of way.

114
115 Tom Silvia asked what the proposed expansion will be used for. Taylor Hennas stated that she
116 believes this is for a mudroom and bathroom. This will not impact the septic loading of the site.

117
118 Tracie Adams stated that she believes proposed stormwater management and decrease in
119 impervious surfaces will be an improvement to the property.

120
121 Tom Quinn asked if the Board could approve the plan, including movement of the sheds, which
122 could result in not much of a setback from the lot line. Taylor Hennas stated that she would look
123 further into this item. She believed that moving the sheds into compliance was more beneficial
124 than leaving them in the existing location.

125
126 Tom Quinn noted that the plan states that there can be no future septic systems placed within the
127 well radius. He asked what exists within the well radius. Taylor Hennas explained that the
128 location of the abutting property, nearby wetlands, and 50' setback creates an unbuildable area
129 for future septic systems. There was no thought to having a well release recorded, as it was not
130 required for the approved septic design, either local or State.

131
132 Arnie Rosenblatt asked for public comment. There was none at this time.

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133
134 Bill Stoughton stated that he would like this item to be continued in order to receive comments
135 from the ACC and for the applicant to answer questions raised this evening.
136

137 *Rob Clemens sat for Chris Yates, as he was recused from this item.*
138

139 **Bill Stoughton moved to continue this hearing to August 16, 2023, at 7pm at Town**
140 **Hall. Seconded by Bill Stoughton.**
141 **Motion carried unanimously 6-0-0.**
142

143 **2. CASE #: PZ17450-060623 – Ballinger Properties (Owner) & Tanya & Eric**
144 **Schifone (Applicants); 10 Howe Drive, PIN #: 002-034-007.** Non-Residential Site Plan
145 Review. To depict a 20,000 square foot warehouse and 2,560 square foot office with
146 parking and other associated site improvements. *Zoned Industrial.*
147

148 Arnie Rosenblatt read and opened the case.
149

150 *Pam Coughlin recused herself from this item. Rob Clemens sat for Cynthia Dokmo.*
151

152 **Tom Silvia moved to accept the application for CASE #: PZ17450-060623, 10 Howe**
153 **Drive as complete. Seconded by Tracie Adams.**
154 **Motion carried unanimously 6-0-0.**
155

156 Sam Foisie, Meridian Land Services, explained that this request is for a Non-Residential Site
157 Plan approval, a CUP approval for wetland buffer impacts, and an approval through the Amherst
158 stormwater ordinance.
159

160 The Board agreed to hear all three items concurrently.
161

162 Sam Foisie stated that the property is roughly 6.5 acres. There is an existing Ashley Furniture
163 warehouse to the right of this site, railroad tracks to the north, and other industrial uses nearby.
164 The goal of this application is to construct a 20,000 s.f. warehouse with associated office space.
165 The third-party review noted that the proposed office space is actually 3,500 s.f, whereas it was
166 only listed as 2,500 s.f. on the plan submitted to the Board. This will likely affect some parking
167 calculations. Foundation Armor would like to construct this building to use for its business of
168 selling sealing materials to protect pavers, foundations, garage floors, etc. These products are in
169 containers of no more than five gallons. This is a requirement of being within the Aquifer
170 Protection District without needing a CUP permit. Foundation Armor currently leases a nearby
171 warehouse facility that it is outgrowing. The property in question is a flat site that drains from the
172 back to the front into two stormwater management basins. These were constructed along with the
173 gravel excavation of the site. These basins discharge to a nearby wetland that has an associated
174 100' buffer. This 100' buffer was previously impacted. The site has been loamed and contains a
175 gravel drive that runs through the center of it. A majority of the proposed building will be
176 warehouse space to be accessed off Howe Drive. Tractor trailers will make their way to the rear

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177 left of the facility to unload or pick up materials. The parking, which previously met the
178 calculations when the when the office area was proposed to be 2,500 s.f., is located on the front
179 and right sides of the building. The parking as shown is believed to be adequate, but ten more
180 spaces could be added in order to be compliant with the site plan regulations. Sam Foisie asked
181 for the Board's input as to whether or not a waiver would be needed for this item. If a waiver is
182 not needed, the parking spaces can be added as need be.

183
184 Sam Foisie stated that the stormwater ponds have been designed in compliance with Town and
185 State regulations. The applicant has not yet applied for the State Alteration of Terrain (AoT)
186 permit but is prepared to do so. The stormwater ponds consist of three ponds, with one treating
187 the majority of the site and the two additional treating the access drive. The pond proposed to the
188 right of the building is purposely 75' away from the wetlands to provide nutrient removal. This
189 will hold back some water volume before it discharges to the pond that is closer to the wetland.

190
191 Sam Foisie stated that the site will be served by Pennichuck Water, connecting to an existing 12"
192 main along Howe Drive. Pennichuck has been sent the applicant's plan and proposed meter
193 sizing to receive approval. The water main will extend through the access drive to the right of the
194 building and with an additional connection for the sprinkler system. Two fire hydrants are
195 proposed on opposite corners of the building for increased fire protection.

196
197 Same Foisie stated that information on lighting was not submitted earlier but has since been
198 provided to the third-party engineer. This plan is compliant with Amherst 's new zoning lighting
199 regulations. The plan shows more poles than are typically in a parking lot in order to provide
200 adequate lighting of that parking, due to the regulation section on pole heights. Regarding
201 landscaping, as the wetland essentially offers a landscape buffer from Howe Drive, the main
202 focus is the entranceway and blocking the view from Howe Drive into the site. The plan also
203 proposes plantings around the building. A sign is proposed to be located in the front right corner
204 of the site, to the right of the driveway.

205
206 Sam Foisie explained that the site currently has no buffer to the wetland areas in the areas in
207 which development is proposed. This buffer area was impacted during an approved gravel
208 excavation and there is stormwater currently within that buffer. During a previous conceptual
209 meeting with the Board, there was a suggestion made to move the building back as far as
210 possible. In order to address this, the applicant removed the access drive in the rear of the site,
211 which moved the building as far back as possible and reduced impervious areas, thus reducing
212 stormwater requirements and impact to the buffer area. There is also a slight jog proposed along
213 the access drive to move it a bit further away from the buffer, while still allowing for appropriate
214 site maneuverability. There is curb proposed, instead of open swales, which will convey the
215 stormwater to the front basins less impactfully. The goal was to stay at least 50' away from the
216 wetlands to bring back some form of buffer. The plan was not able to accomplish that some cases
217 but was able to accomplish it in most cases. As presented in the CUP application, the existing
218 disturbance to the buffer is roughly 90,000 s.f. The proposed disturbance of the buffer is roughly
219 36,000 s.f., with only 21,000 s.f. of permanent disturbance. Some slopes on the site are proposed
220 to remain unmaintained, as they do not have a key function to the stormwater management

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221 system. Some of the buffer will be regraded gradually in order to return it closer to its natural
222 state. This area will also be planted with a conservation seed mix and allowed to grow naturally.
223

224 Sam Foisie noted that the CUP application can likely not be approved by the Board this evening,
225 as it has not yet been in front of the ACC. He also recommended a site walk of the property.
226

227 Tom Quinn asked about the materials proposed to be stored on the site. Eric Schifone,
228 Foundation Armor, stated that the materials primarily range from water-based, non-hazardous
229 materials to UN 1263 flammable materials. The solvents are comparable to xylene, acetone-
230 based formulas, contained in one-gallon and five-gallon containers. These are prepackaged
231 before they arrive at the building and are not exposed at any time while in the facility. Tom
232 Quinn asked about special fire suppression techniques used in the current building. Eric Schifone
233 stated that simple water systems are used.
234

235 Tom Quinn asked about monitoring wells on the site. Sam Foisie stated that he is not aware of
236 any monitoring wells on the site.
237

238 Chris Yates asked if there will be any overnight deliveries to the facility. Eric Schifone stated
239 that there would not be. This is a 9:00AM to 5:00 PM business.
240

241 Tracie Adams asked about the traffic impact from the proposal. Eric Schifone stated that the
242 traffic should be exactly the same as it is at the current site. The business currently has two
243 tractor trailers that come per week to drop materials off, and FedEx and UPS trucks for pick-ups.
244

245 Tom Silvia asked if the business contains a retail aspect. Eric Schifone stated that the business
246 deals with shipping and receiving only. Occasionally people walk in, but the business does not
247 sell retail.
248

249 Tom Silvia stated that, per the staff report, this plan was reviewed against the Amherst Non-
250 Residential Site Plan review checklist and the WWCD CUP checklist. There were many
251 outstanding issues noted in the staff report for these items. Sam Foisie stated that he believes
252 most of the items were previously addressed before being sent to Keach Nordstrom for a third-
253 party review. Outstanding items include the storage of five gallons or less for materials and the
254 illumination of the sign. The sign has since been included in the photometric plans, which will be
255 provided to the Board with the next round of submittals.
256

257 Tom Silvia asked about confirmation from Pennichuck. Sam Foisie stated that he sent
258 correspondence to them with the utility plan and the meter sizing form but has not yet received
259 any information back.
260

261 Bill Stoughton stated that Pennichuck is also supposed to have the opportunity to comment due
262 to the aquifer on the site. He asked that the applicant request comments from Pennichuck on this
263 item. Bill Stoughton stated that he appreciates that the plans show the wetlands having a 100'
264 buffer, as this is normally reserved for wetlands with the highest values and functions. He would

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265 like to see a report from a wetland scientist showing how those values and functions were
266 calculated, as the Town's scoring system is a bit different from the State's. This would be helpful
267 in addressing the waiver requests for permitting the proposed incursions.

268

269 Bill Stoughton stated that this business does not handle simply a few 5-gallon containers, but
270 many 5-gallon containers stacked on pallets. If there was an issue with one of these pallets, that
271 could lead to a spill of more than five gallons of some potentially hazardous materials. He asked
272 about floor drains proposed in the building and other spill protections. Eric Schifone stated that
273 there has not been any discussion regarding floor drains. The floor will have a standard pitch.
274 The company currently operates in a 10,000 s.f. space and has not really had any spills. Bill
275 Stoughton stated that he believes the applicant should have a spill prevention plan approved by
276 the Fire Department. This is a requirement of the Wellhead Protection District. He would like to
277 know the design features of the proposed building for preventing any spills from reaching the
278 aquifer.

279

280 Bill Stoughton noted that the Board has previously required warehouse truck traffic to enter and
281 leave via Caldwell Drive, not North Hollis Drive, due to railroad tracks and a difficult
282 intersection. He would like a site walk of the property.

283

284 Bill Stoughton noted that the staff report states that the applicant should address conformance
285 with the sign requirements for the proposed monument sign.

286

287 Bill Stoughton asked what the percent of impervious area is for the building and the parking lots.
288 Sam Foisie stated that he did not have that number but would look into it. Bill Stoughton stated
289 that the Town has many parking lots which sit mostly empty and create impervious materials for
290 no good reason. He would be receptive to more a realistic number of parking spots for the site
291 that could reduce impervious area. Bill Stoughton stated that he believes the Board should
292 examine its parking requirements and question whether so many parking spaces are required in
293 all cases.

294

295 Bill Stoughton noted that he would usually look at an application that proposes a fairly
296 substantial incursion into wetland boundaries and disfavor it, but the reality of this situation is
297 that the proposal will actually improve the treatment of stormwater compared to what currently
298 exists on the site. It will also allow a small business to remain in Town, which is important and
299 will help the tax base.

300

301 Rob Clemens noted that the ACC will hear this item next Wednesday night and provide
302 comments back to the Community Development Office. He stated that it is unclear how the sand
303 and gravel business was allowed to operate and wipe out the wetland buffer in the first place, but
304 there appears to be some effort on behalf of this applicant to replace some of the buffer.

305

306 Rob Clemens asked if the storage of materials will occur in one specific location on the site. Eric
307 Schifone stated that this would mostly be around the building. Storage is generally kept away
308 from the doors. Anything on pallets will be well packaged for transportation before it is moved

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309 close to the doors. There are currently no plans for storage drains, as there is not a need. The
310 company has a machine to clean the floors and work to keep all materials contained inside the
311 building. Storage drains tend to cause more problems for the forklift and other equipment.

312

313 Rob Clemens asked if the applicant is considering monitoring wells as part of the project. Sam
314 Foisie stated that none are proposed at this time.

315

316 Arnie Rosenblatt asked for public comment. There was none at this time.

317

318 The Board discussed timing for a site walk. The Board agreed to a site walk on July 12, 2023, at
319 4pm. The Board agreed to invite the ACC to this site walk.

320

321 **Bill Stoughton moved to continue this application to August 16, 2023, at 7pm at**
322 **Town Hall. Seconded by Chris Yates.**
323 **Motion carried unanimously 6-0-0.**

324

325 **DESIGN REVIEW:**

326

327 Arnie Rosenblatt read and opened all of the design review items concurrently. The Board agreed
328 to hear the items concurrently.

329

330 **1. CASE #: PZ17446-060623 – Vonderosa Properties, LLC (Owners &**
331 **Applicants); County & Upham Road, PIN #: 004-145-000.** Design Review -
332 Subdivision Application. To subdivide Tax Map 4 Lot 145 into five (5) residential
333 lots. *Zoned Residential Rural.*

334

335 **2. CASE #: PZ17447-060623 – Vonderosa Properties, LLC (Owners &**
336 **Applicants); Cricket Corner & Upham Road, PIN #: 004-116-000.** Design Review -
337 Subdivision Application. To subdivide Tax Map 4 Lot 116 into nine (9) residential
338 lots. *Zoned Residential Rural.*

339

340 **3. CASE #: PZ17448-060623 – Vonderosa Properties, LLC (Owners &**
341 **Applicants); County, Upham & Spring Road, PIN #: 004-118-000, 004-119-**
342 **000& 004-121-000 & 006-102-000.** Design Review - Subdivision Application. To
343 subdivide Tax Map 4 Lots 118, 119 & 121, and Tax Map 6 Lot 102 into forty-one (41)
344 residential lots. *Zoned Residential Rural.*

345

346 Arnie Rosenblatt noted that these are design reviews and, thus, anything said is not binding on
347 behalf of the Board. No decisions will be made tonight. This is not a public hearing on these
348 items and, while he will give the public a chance to speak, there will be many other opportunities
349 for people to comment during the application process.

350

351 Chad Branon, Fieldstone Land Consultants, explained that the applicant is hoping for feedback
352 from the Board relative to reports needed for final submission for two of the applications.

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353

354 The applicant plans to spend additional time in design review phase for the larger 41 lot
355 subdivision, labeled as application three this evening. This item will go before the Conservation
356 Commission and the applicant has already engaged a traffic consultant.

357

358 Chad Branon stated that Tax Map Lot 4-145 consists of approximately 16 acres of land. It has
359 1,334 linear feet of frontage along County Road and approximately 900 linear feet of frontage
360 along Upham Road. This application proposes a five-lot conventional subdivision. The
361 associated zoning for this property is Residential Rural with a minimum lot size of two acres of
362 non-wetland, non-floodplain, and non-steep slopes, with a frontage requirement of 200 linear
363 feet on a Class V or better road. The topography for the lot has been examined and the
364 jurisdictional wetlands have been flagged. A jurisdictional wetland bisects the northern portion
365 of the property. There is a much larger wetland complex in the northeastern corridor of the
366 property. This proposed conventional subdivision allows each lot to have conventional frontage.
367 There are new frontage requirements for corner lots in Town which will be complied with. One
368 of the applicant's priorities is to try to maintain a nice rural setting with the proposed
369 developments. The existing field along Upham Road is proposed to be maintained, and a
370 common driveway is proposed off County Road to service Lot 4-145. The proposal includes two
371 conventional private driveways off County Road. The proposed lots will meet all dimensional
372 requirements, with lot sizes ranging from 2.1-4.5 acres in size. All lots would be serviced by
373 underground electric, on-site septic systems, and on-site wells. This project does not anticipate
374 any buffer encroachments or wetland crossings. This subdivision has field-verified all sight
375 distance requirements for the common driveway.

376

377 Chad Branon addressed the studies for this application. The applicant is anticipating completing
378 the environmental study, as that seems to be of interest. Regarding the water supply and the
379 hydrogeological studies, those studies were previously completed during research into a
380 previously proposed five lot subdivision, and both came back favorable. At that time, the Board
381 adopted a well capacity and quality standard that the applicant accepted as a condition of
382 approval for the previously proposed subdivision. The applicant anticipates accepting those same
383 conditions for this proposal. This standard will include that every lot has to have a minimum
384 yield and a minimum quality. If this is guaranteed by the applicant, a waiver for the water supply
385 and hydrogeological studies will be requested. The town of Amherst has increased its standards
386 for separation to seasonal high groundwater for septic systems, which exceeds the State
387 standards. No community septic systems are proposed for this project, and so the effluent load
388 will not be concentrated in any one place. Effluent discharge can have an impact on the
389 groundwater elevation and can cause water mounding, but this proposal includes separate
390 effluent systems. Regarding the fiscal impact study, this was completed for the previous
391 subdivision application and there was some discussion amongst the Board as to whether there
392 was agreement regarding the practice of the study. There has been some feedback from the
393 schools that they are not anticipating impacts from minor subdivisions in Town. Chad Branon
394 noted that there are no school-aged children from four of the five lots that the applicant originally
395 obtained approval for. Many of the people purchasing these homes are older and beyond having

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396 school-aged children. It is not believed that this project will have a negative impact on the school
397 system. He requested feedback from the Board regarding the fiscal impact study.
398

399 Chad Branon stated that the next item is Tax Map Lot 4-116. This is a proposed nine lot
400 subdivision, with frontage lots along County Road and Cricket Corner Road. This subdivision
401 proposes eight conventional lots that will meet the 200 linear foot minimum frontage
402 requirement, and one back lot. The site is bisected by jurisdictional wetland areas, along with a
403 couple isolated wetland pockets and four vernal pool locations. These areas and their applicable
404 buffers are shown on the plan. This proposal includes four lots serviced off Cricket Corner Road,
405 serviced by one common driveway which will include a wetland crossing. The proposal includes
406 two private driveways off Cricket Corner Road as well. All of the driveways have been field
407 checked to meet the 300' of sight distance. There are five conventional lots proposed along
408 County Road, and all of these driveways have also been field-verified. The lot sizes for this
409 subdivision range from 2.4-12.9 acres in size and all of the lots will satisfy the two-acre
410 minimum of buildable area. These lots meet the Town's dimensional standards, including the
411 back lot configuration. This subdivision would be serviced by private and common driveways,
412 and on-site septic systems. The staff report notes that this project would require a three-year
413 phase, which is not a problem. Regarding the hydrogeological study, the proposed house
414 locations will provide for adequate separation and there will be large distances between septic
415 systems. The applicant is willing to embrace the prior recommendations relative to well capacity
416 and quality. The applicant hopes the Board will consider waivers from the hydrogeological and
417 water supply studies for this project. The traffic study, environmental impact study, and
418 stormwater study will be proposed.
419

420 Chad Branon explained that the third application is for a subdivision over Tax Map Lot parcels
421 4-118, 4-119, 4-121, and 6-102. Lot 4-118 is approximately 44 acres on the south side of County
422 Road. On the north side of County Road, parcel 6-102 is approximately 150 acres. Parcel 4-119
423 is approximately 20 acres, and parcel 4-121 is approximately 56.4 acres. In total, this area
424 consists of approximately 278 acres and has a significant amount of road frontage along County
425 Road, Spring Road, and Upham Road. The proposal includes 41 lots, with a 15-lot subdivision
426 on the south side of County Road and along Spring Road. These lots will meet the minimum lot
427 size requirements for the Residential Rural District, and the frontage requirement of 200 linear
428 feet. The average lot size is approximately 6.6 acres, and the average frontage is approximately
429 310 linear feet. There has been work done to locate house sites and verify driveway locations.
430 This subdivision would consist of 38 conventional frontage lots and three back lots. Many of the
431 houses will be set into the wood line and will fit in to maintain the rural character of these
432 roadways. The lots range in size from 2.1-29.7 acres. Test pits have been completed on each of
433 the lots and verify that there are adequate soils on all of the lots. This project would be serviced
434 by on-site wells and septic systems, as well as private driveways. There are some common
435 driveways anticipated to minimize any impacts to sensitive areas. An existing conditions survey
436 of County Road has been completed; the width of the road and which sections may require
437 drainage improvements, or some widening have been identified. The applicant is working with
438 the DPW to determine a solution to these items. Brett Vaughn, applicant, owns both sides of the
439 road in this area so there will likely be easements or right of way dedications to allow for some

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440 of these improvements. The goal is to maintain the rural character throughout this area. The
441 applicant has been speaking with the neighbors in this area and is interested in working with the
442 neighborhood. Chad Branon noted that all studies will likely be required for this larger project.
443 The applicant will speak with the Conservation Commission regarding this item in the coming
444 months. While an application will be submitted at a future date, the applicant would like to
445 continue with the design review at this time, as it allows for a bit more dialogue and feedback.
446

447 Arnie Rosenblatt again noted that this is a non-binding opportunity for the Board to make
448 comments. No individual member of the Board is obliged to make comments and the fact that
449 someone on the Board does not make a comment should not be used to infer anything. He noted
450 that he does not tend to make comments at design reviews, and no one should conclude anything
451 from that.
452

453 Tom Quinn explained that, when the Board first considered the original five lots proposed by the
454 applicant in this area, there was some discussion that each subsequent proposal would be looked
455 at cumulatively regarding impacts and studies. He is not in favor of considering these as separate
456 parcels, as this is really one large project, though it may be three separate applications. He would
457 like for all the studies to be completed for each application and all of the projects to be
458 considered in total, including the ones already approved. He noted that the Board received
459 feedback from the Heritage Commission regarding concerns about historic artifacts on the site
460 and stonewall preservation. He suggested the applicant review these comments.
461

462 Chris Yates agreed that he would like to consider the impacts and studies for these items as a
463 whole. He noted that, at one point, there were Planned Residential Developments (PRDs)
464 considered for this area and he is disappointed not to see any 55+/65+ housing offered for this
465 project. The proposal is for 3,000-5,000 s.f. homes, which will impact the community. He is
466 concerned that there is no consideration for smaller homes as part of this project. He would like
467 to see offers for other housing types.
468

469 Tracie Adams stated that she would be supportive of the items addressed by Tom Quinn and
470 Chris Yates. She also noted that this is a high value area for wildlife and that should be a
471 consideration.
472

473 Tom Silvia asked how the work would proceed if, hypothetically, all three applications were
474 approved. Chad Branon stated that a lot of that has to do with how the Board and applicant work
475 to define active and substantial completion for the projects. The applicant's interest is in
476 developing these projects slowly over time. The goal of Amherst's regulations seems to be to
477 spread development out over time. The applicant's interests are consistent with that, and maybe
478 even more conservative than that. The first two subdivisions are proposed to be much smaller in
479 size. The larger 41 lot proposal has to potentially contemplate improvements to County Road and
480 that topic is quite sensitive. The applicant is not looking to build all the homes within a fast time
481 frame and is hoping for some flexibility in defining active and substantial completion.
482

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483 Tom Silvia stated that it is helpful for him to know that the three applications have to be looked
484 in pieces but also in totality. He believes the studies will be important for this consideration. It
485 will also be good to know if the units will be built on a consistent schedule. If all of the studies
486 for the proposed larger development are needed, then they should also be needed for the smaller
487 developments to consider this in totality. Chad Branon agreed that items such as traffic and
488 drainage are cumulative for impacts. The studies would also be cumulative, and the applicant
489 agreed to that with the previous approval. The Board previously imposed a water capacity and
490 quality standard. Water supply and hydrogeological studies on large pieces of property are likely
491 to come back favorable. This area supports wells fairly well, and the GIS information on the
492 existing well data supports that.

493
494 Tom Silvia stated that he finds Section 201.2, objectives of the Subdivision Regulations, to be a
495 good beacon on how to develop projects. Some of the words and comments used by the applicant
496 tonight reflect the objectives. One item he sees missing in this proposal is open space and the
497 corridor of open space for wildlife. This proposal seems to maximize development on the
498 frontage and shut open space out.

499
500 Bill Stoughton stated that, even in a traditional subdivision, there is room for applicants to be
501 creative and create wildlife protection corridors. These areas may then be privately owned but
502 could do some good for the Town and make this a much more attractive proposal. He noted that
503 these are all proposed to be market value lots, with no elderly housing, no affordable housing,
504 and no workforce housing included. He echoed Chris Yates' disappointment that different
505 housing options are not proposed. The Town offers density bonuses and PRDs to try to
506 encourage that. PRDs allow for some wildlife protection and provide a diversity of housing,
507 while allowing for density bonuses. This is a decision for the applicant to consider.

508
509 Regarding the water supply and hydrogeological studies, Bill Stoughton stated that the applicant
510 is considering these as separate reports. In previous applications, the Board has received
511 hydrogeological reports which have addressed supposed water capacity issues. Chad Branon
512 stated that he has traditionally seen them as separate reports. As there was an immense amount of
513 overlap with the last project, these would likely be addressed cumulatively. Chad Branon noted
514 that the staff report breaks them out as separate studies. Bill Stoughton stated that he is confused
515 as to what is in the hydrogeological study that is not in the water supply study. Chad Branon
516 stated that there is a lot of overlap and, if the Board does not entertain waiving these, the
517 applicant would likely combine them for the submission.

518
519 Bill Stoughton agreed that he believes it is important to look at these developments in their
520 totality. The applicant can choose to process them as separate applications, but the Board should
521 consider the cumulative impacts to the Town and to the abutters. He noted that well capacity
522 tests are now part of the Building Code and no longer need to be a condition of approval. This
523 was approved by the Town voters and approved by the State Building Code Commission. He
524 stated that he believes the applicant should plan on completing all of the reports due to the
525 proposed size of this development and the public interest. Completing the studies benefits

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526 everyone. The Board has, on occasion, asked for third party reviews of the applicant's studies for
527 particularly controversial areas and may do so again for this project.

528
529 Bill Stoughton addressed the potential County Road improvements. He explained that there is a
530 section of the ordinance which deals with off-site improvements. It states that, for developments
531 of this size, the Board should ask the DPW to obtain a study at the applicant's expense of the
532 road and drainage improvements that would be required as a result of the developments. In this
533 case, this should likely focus on County Road. An engineering firm would provide the Board
534 with a description of the improvements, as well as a high-level cost estimate. The Board then has
535 the power to determine the proportionate share that should be borne by the applicant for those
536 improvements. This is treated similarly to impact fees, in that, if they are not spent by the Town
537 in six years, they will be returned to the applicant. He will be advocating that the Board take
538 advantage of that section of the ordinance. The potential changes to County Road from the
539 proposed development and traffic suggest that there will be some significant improvements that
540 need to be made. Regarding paving County Road, Bill Stoughton stated that he believes the
541 residents of the Town would prefer that this not be done. This road is part of the rural nature of
542 Town. He would be amazed if the engineers reviewing the proposed traffic do not recommend
543 that it be paved, as the trips per day will likely be too many for a gravel road, particularly one
544 that already has problems with school buses traveling it. If the Board has to prepare for the road
545 to be paved, it may say that, as an offside exaction, the applicant should pay a proportionate
546 share for road improvements and paving. The Planning Board does not decide whether a road
547 gets paved or not; that is done by DPW and the Board of Selectmen. If the road is paved and it is
548 completed within six years, the exaction can be used to help pay for it.

549
550 Rob Clemens stated that he could not see some of the proposed access points and does not
551 understand how some of these lots could be accessed. The ACC has received these plans and will
552 be reviewing and commenting on them. He recommended that the applicant take a close look at
553 the wetlands work already completed. He noticed on a number of the plan sheets that wetlands
554 are delineated but wetland buffers are not delineated. When the wetland buffers are added, some
555 of these lots may be totally unbuildable. The ACC will be reviewing the plans to make sure the
556 buffers are delineated. It is unclear how some of the lots will be accessed once the buffers are
557 delineated. Chad Branon stated all buffers have been delineated for the lots and he is happy to
558 show this during the ACC meeting.

559
560 Pam Coughlin stated that she agrees with other Board members regarding the open space and
561 wildlife comments. Her biggest concern deals with water on these properties and how
562 development may affect abutters. As there are so many lots proposed, she asked if the applicant
563 would consider fire ponds or fire hydrants for safety of the citizens in the area.

564
565 Arnie Rosenblatt stated that there seems to be one issue that resonated with all Board members,
566 which is that all of the studies are required for each of the three proposed developments. He does
567 not believe he can be persuaded that all of the studies are not required for all of the applications.
568 He does not see these as separate and distinct applications. This was echoed by every single
569 other person on the Board.

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570

571 Bill Stoughton asked if the Board should declare these design reviews completed. This has been
572 suggested by the Community Development Director because it marks a time for purposes of
573 vesting in the regulations that are in effect. If the design review is complete, and if the applicant
574 files applications within a year, they have the benefit of the regulations as they exist today.

575

576 The applicant's attorney Israel Piedra, Welts, White & Fontaine, asked if there is a procedure for
577 continuing the County Road improvement discussion in the design review phase. Arnie
578 Rosenblatt stated that the trouble with design reviews and conceptual plans are that they deal
579 with moving targets. As there is not yet a final plan, he is uncomfortable reacting to something
580 without an actual application. Arnie Rosenblatt stated that he does not believe there is a process
581 to do what the applicant is suggesting. Attorney Piedra stated that he believes there will be a
582 collaborative process between the Town and the applicant regarding potential improvements to
583 the road. The whole point of the design review process is that the Town is obligated to give
584 feedback to the applicant. He would hate to get to the application process and not be able to have
585 that dialogue. Arnie Rosenblatt asked how the Town is going to give non-binding feedback to an
586 unfinished application. Attorney Piedra stated that there could be a third-party review at this
587 starting point regarding what potential improvements and their cost could be to County Road.
588 The applicant could then make adjustments to the application based on that discussion. Arnie
589 Rosenblatt asked if this would be a third-party review at the expense of the applicant. Attorney
590 Piedra stated that this could go either way. Arnie Rosenblatt stated that it would not, from his
591 perspective. Attorney Piedra stated that Bill Stoughton mentioned that a third-party engineering
592 review would likely be needed as part of the final application and the applicant would likely
593 incur that cost. Thus, the cost for other third-party reviews would need to be discussed. Arnie
594 Rosenblatt agreed that County Road is a significant issue with respect to this application, but he
595 is unclear as to how this can be addressed without an application in hand. Chad Branon
596 suggested continuing the 41-lot design review application at this time in order to engage with the
597 DPW Director on the best path forward. He is concerned that the DPW Director may want to sit
598 with the applicant and Board during a design review level meeting for a discussion. Arnie
599 Rosenblatt noted that a continuation would be with the understanding that the design review
600 process is not yet complete, and the applicant thus does not get the benefit of regulation vesting.
601 Chad Branon suggested that the design review phase would likely be completed at the next
602 Board meeting.

603

604 Arnie Rosenblatt explained that the applicant is concerned about moving forward with the
605 application without having a better understanding of what improvements would be required for
606 County Road, given the fact that this could include a substantial effort and expense. The
607 applicant would like to have a handle on that before moving forward with a final application.
608 The applicant is requesting time to have an opportunity to speak with the DPW Director and then
609 come back to the Board to receive additional informal, non-binding comments. The concern is if
610 comments come back on this topic after a final submission which state that the plan needs to be
611 drastically changed in some way. The applicant could conversely continue that preemptive
612 dialogue now. The plan for County Road could impact the configuration of the project. Bill
613 Stoughton stated that he sees some value to this proposal. There is a lot of uncertainty regarding

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614 County Road, and he would like for Hoyle Tanner, the Town's engineer, to make
615 recommendations based on the proposed 41+ units. This would reduce the level of uncertainty.
616 The risk to the applicant is that, if the plans are significantly changed, the engineer may need to
617 revise the study, at the expense of the applicant. Attorney Piedra asked if this would be a review
618 from a Town employee or a third party. Bill Stoughton stated that he believes the DPW Director
619 would want Hoyle Tanner to advise him on this matter, which would come at a cost. The
620 applicant could have a discussion with the DPW Director on this item. He noted that the DPW
621 Director submitted comments on Friday, and one was that there should be a similar study
622 conducted.

623
624 Arnie Rosenblatt stated that there seems to be a consensus that the Board does not have to
625 conclude the design review this evening, in order for the applicant to have time to speak to the
626 DPW Director. He is not comfortable with the Town spending money for a third-party engineer
627 at this stage, without an actual application in hand. Bill Stoughton stated that he does not believe
628 the Town will be spending any money on these studies.

629
630 Arnie Rosenblatt stated that the Board seems to want to consider all three of these applications to
631 be related so, practically speaking, it would make sense for the studies to be considered together.

632
633 **Bill Stoughton moved to continue the three design review cases to August 16, 2023,**
634 **at 7pm at Town Hall. Seconded by Chris Yates.**
635 **Motion carried unanimously 6-0-0.**

636
637 **OTHER BUSINESS:**

638
639 4. Minutes: June 21, 2023

640
641 **Bill Stoughton moved to approve the June 21, 2023, meeting minutes, as amended**
642 **[Line 181: Cynthia Dokmo also recused herself from this item; Line 249: to read**
643 **“Bill Stoughton asked if the substance of concern in the transformer is oil.”]**
644 **Seconded by Chris Yates.**
645 **Motion carried unanimously 6-0-0.**

646
647 5. Any other business that may come before the Board.
648 None at this time.

649
650 **Tracie Adams moved to adjourn the meeting at 8:57pm. Seconded by Chris Yates.**
651 **Motion carried unanimously 6-0-0.**

652
653
654 Respectfully submitted,
655 Kristan Patenaude

656
657 Minutes approved: July 19, 2023