

TOWN OF AMHERST
Planning Board

August 16, 2023

APPROVED

In attendance at Souhegan High School: Arnie Rosenblatt – Chair, Tracie Adams, Cynthia Dokmo (remote), Bill Stoughton – Board of Selectmen Ex-Officio, Chris Yates, Tom Silvia, Pam Coughlin (alternate), and Rob Clemens (alternate)

Staff present: Nic Strong (Community Development Director), and Kristan Patenaude (Recording Secretary) (remote)

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

PUBLIC HEARINGS

1. **CASE #: PZ17445-060623 – Erin & Rory Jorgensen (Owners & Applicants); 4 Lake Outlet Road, PIN #: 008-123-000. Conditional Use Permit – WWCD.** To construct a 148 square foot addition onto the pre-existing, non-conforming structure within the Wetland and Watershed Conservation District. *Zoned Residential Rural. Continued from July 5, 2023.*

Arnie Rosenblatt read and opened the case.

Chris Yates recused himself from this item. Pam Coughlin sat for Tom Quinn.

Taylor Hennas, Meridian Land Services, explained that this proposal is seeking a Conditional Use Permit (CUP) for the proposed disturbance within the Wetland and Watershed Conservation District (WWCD), as this lot is located within the 100' buffer associated with Baboosic Lake and the 50' wetland buffers associated with the adjacent wetlands to the west and the north. The proposed scope of work for Lot 8-123 includes the construction of a 148 s.f. addition onto the pre-existing, non-conforming primary structure. This will not result in an increase in bedroom count, nor a further encroachment than the grandfathered setbacks. This proposal also intends to remove impervious areas on the lot, install stormwater management techniques surrounding the primary structure, install a well, and replace the existing septic system that is currently in failure. A well release form is not required for this project, as the portion of the well radius that extends over the lot line is within an area precluded from development. The septic system will be replaced with a pretreatment system with a concrete chamber disposal field, to be located north of the primary structure.

Taylor Hennas stated that the Board previously had questions regarding the pretreatment tank within the 100-year flood zone. The engineer from Advanced On-Site Solutions stated that pretreatment systems are approved to operate with the possibility of flooding due to the fact that the covers are bolted down preventing groundwater infiltration. The company has seen multiple cases in which pretreatment tanks are used in coastal areas and these have not had any issues following storm events and flooding. The engineer also reviewed some guidelines following post-flooding conditions including a septic inspection to ensure that no water has entered in the conduits or the electrical box. Typically, the pump is turned off prior to flooding conditions. Backflow prevention techniques are usually not incorporated in the proposal because backflow

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valves have been shown to have issues that prevent the valve from fully closing within the tank. The proposed stormwater management techniques for this project include drip edges and a porous paver driveway. Although not stated on the plan, it can be amended to show that the proposed drip edge and porous paver driveway will follow a similar maintenance plan, allowing for maintenance on a monthly, seasonal, and as needed basis. This will allow the stone and non-woven filter fabric to be washed as needed to remove sediment. The porous pavers should also be swept every six months to remove debris and sediment. This proposal will reduce the overall impervious area on the lot from 28.1% to 25.7%, due to removal of the existing gravel driveway, an existing ramp area, and the existing paver parking area. This proposal will improve the stormwater management techniques on the lot as there are currently no techniques. This project will also improve the subsurface components on the lot, creating an overall net improvement.

Pam Coughlin and Rob Clemens had no questions or comments at this time.

Bill Stoughton stated that, without any backflow prevention, the risk is that if the tanks do flood effluent will flow backwards into the house. Taylor Hennas noted that the owners are aware of this possibility but considering that the finished floor elevation is above the 100-year flood elevation, the risk seems to be minimal.

In response to a question from Bill Stoughton, Taylor Hennas stated that the pump and the electrical panel are intended to be above the 100-year flood level. A condition to this effect is proposed on the septic design, which was previously approved.

Bill Stoughton asked about the pervious surface maintenance. Taylor Hennas explained that the drip edges will follow a similar maintenance plan, with one exception being that the stone and non-woven filter fabric will be washed to remove any sediment as needed. Porous pavers should also be swept every six months. These items can be made conditions of approval.

Tom Silvia asked about the shed movement and setbacks on the property line. Taylor Hennas stated that, in Meridian's opinion, pulling the sheds into conformity as proposed would create a net improvement on the lot. If the Board would prefer, these can remain in the existing locations.

Tracie Adams asked about the pump being shut off prior to flooding. Taylor Hennas explained that this would be done manually through the control panel prior to a flood event. The owners would be made aware of this, as pump failures can be expensive to replace. Tracie Adams stated that the items proposed are positive and improvements for the property.

Cynthia Dokmo stated that this seems to be an improvement to the property.

Arnie Rosenblatt asked for public comment at this time. Seeing none, he went back to the Board for additional discussion.

Bill Stoughton moved to waive the nitrogen removal requirements of the stormwater regulations and to find that granting the waiver will not impair

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achieving the spirit and intent of the regulations, compliance with these regulations is not reasonably possible given the specific circumstances relative to the site, and the proposed substitute solution is consistent with the goals of the regulations and is in the best interest of the Town. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 5-0-0.

Bill Stoughton moved that the Board finds the application satisfies the criteria of Section 4.11.I.1 of the Zoning Ordinance addressing the findings required for approval of the Conditional Use Permit in the Wetlands and Watershed Conservation District, and further to approve CASE #: PZ17445-060623 for Erin & Rory Jorgensen for a Conditional Use Permit for site improvements in the WWCD at 4 Lake Outlet Road, Tax Map 8 Lot 123, as shown on the plan dated March 17, 2023, with the conditions stated in the Staff Report and an additional condition precedent #6 Maintenance Requirements: maintenance of stormwater management features shall be added to the plan. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 5-0-0.

Tracie Adams reviewed the Findings of Fact:

Application Description

CASE #: PZ17445-060623. Erin & Rory Jorgensen are the Property Owners. The Applicant/Agent is Taylor Hennas with Meridian Land Services, Inc. The property location is 4 Lake Outlet Road PIN#: 008-123-000. This is an application for a Conditional Use Permit in the Wetland and Watershed Conservation District (WWCD). The Zoning District is Residential Rural with Aquifer Conservation & Wellhead Protection District, Flood Plain Conservation District, and Wetland and Watershed Conservation District Overlays.

The application proposes to construct a 148 sq ft addition with steps (no additional bedrooms) onto a pre-existing non-conforming structure, add a porous paver driveway, and install a pre-treatment septic system and drip edges. Impervious surfaces (paver parking, ramp, gravel) will be removed to reduce the overall impervious area within the Shoreland Zone and the WWCD.

Application Completeness

The Planning Board reviewed documents provided and determined that the application was sufficiently complete to proceed with consideration by the Board per RSA 674:4. I (b).

Dimensional Requirements

This lot is a pre-existing, non-conforming 0.29-acre lot within the Residential Rural Zoning District with a pre-existing, non-conforming structure on the lot.

Land Usage Requirements

The proposed land use meets the existing land uses permitted in the Zoning District.

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Environmental Requirements

The Wetland and Watershed Conservation District (WWCD) Purpose and Section 4.11 of the Amherst Zoning Ordinance requirements for a Conditional Use Permit in the WWCD have been met to the satisfaction of the Planning Board for this application. Any further construction would require a Conditional Use Permit. The Drainage, Environmental, Fiscal, Hydrogeological, Traffic, and Water Supply studies were not required based on the limited scope of this application.

Waivers/ Stormwater Management

The applicant requested a waiver from full compliance with the Stormwater Management Regulations. The waiver was approved by the Planning Board.

Conditions

The applicant acknowledges the conditions precedent and conditions subsequent in the Staff Report as well as any additions from the Planning Board are required.

Summary

The Planning Board finds that the application meets the spirit and intent of the Ordinances and Regulations. The application is approved.

Tracie Adams moved to approve the Findings of Fact as presented for 4 Lake Outlet Road. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 5-0-0.

2. **CASE #: PZ17450-060623 – Ballinger Properties (Owner) & Tanya & Eric Schifone (Applicants); 10 Howe Drive, PIN #: 002-034-007. Non-Residential Site Plan Review.** To depict a 20,000 square foot warehouse and 2,560 square foot office with parking and other associated site improvements. *Zoned Industrial. Continued from July 5, 2023.*

Arnie Rosenblatt read and opened the case. He noted that a site walk was held for the Board and interested parties.

Pam Coughlin recused herself from this item. Rob Clemens sat for Tom Quinn for this item.

Bradley Casperson, Meridian Land Services, explained that Sam Foisie previously presented this project but was unavailable tonight. He stated that there was a site walk with the Planning Board and Conservation Commission which went well. Regarding items in the Staff Report and comments from Keach Nordstrom, a septic system approval number will be needed, the project will require an Alteration of Terrain (AoT) permit through the State. There was also a comment regarding providing bonding, and a condition of approval has been proposed that bonding would need to be in place prior to the pre-construction meeting, rather than prior to the Planning Board signature. The plans previously misrepresented the building area, which created a discrepancy in

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177 parking. After reviewing this and discussing it with the owner, the understanding is that the
178 parking as proposed is more than sufficient for what is required. The Board previously supported
179 less impervious and less parking areas as possible, to meet the needs of the site. From a
180 stormwater perspective, having less impervious area will reduce stormwater pond sizes. There is
181 additional area on the site if the building changed owners or uses in the future to provide
182 additional parking.

183
184 Arnie Rosenblatt asked if the applicant is requesting a waiver from the parking requirements.
185 Bradley Casperson agreed that waivers have been submitted for this item and for the landscape
186 design being done by a landscape architect requirement. The applicant used Cynthia Boisvert of
187 Arago Land Consultants, as she has been approvable for these types of projects by the Board in
188 the past.

189
190 Bradley Casperson stated that a spill prevention plan was requested, which has been prepared
191 and submitted. Fire truck circulation on the site was questioned, and so a circulation exhibit was
192 prepared utilizing a tractor trailer instead of a fire truck to demonstrate adequacy of the turning
193 radius. As the tractor trailer has a wider turning radius, this exhibit shows there is no concern
194 regarding fire truck movements on the site. Regarding water availability, the applicant has yet to
195 receive a response from Pennichuck Water regarding connecting to the system. The hope is to
196 propose this as a condition of approval. If this connection cannot be made, the applicant will
197 need to come back before the Board and modify the condition or find another way to address it.

198
199 Cynthia Dokmo stated that the Board previously mentioned a concern regarding monitoring
200 wells for the site. Bradley Casperson stated that there are no existing monitoring wells on the
201 site, and none are proposed at this time. Requiring monitoring wells is at discretion of the Board.
202 A spill would be addressed using the spill prevention plan that was submitted.

203
204 Tracie Adams stated that some of the conditions she would like to see include a letter from
205 Pennichuck, a performance guarantee, and approved permits from NHDES AoT. She asked if an
206 NHDES approval for the subsurface sewage disposal system construction is needed. Bradley
207 Casperson stated that this is pending on the AoT permit. This design is complete and can be
208 provided to the Town.

209
210 Tracie Adams asked about comments from the Conservation Commission regarding encouraging
211 restoring the buffer, removing invasive species, and having a robust spill prevention and control
212 plan. Bradley Casperson stated that the spill prevention plan is in place as are the specifications
213 for the restoration of the site.

214
215 Tom Silvia asked about the cost of the security bond. Bradley Casperson stated that he does not
216 have this figure. He also does not have the full detail as to an estimated cost of the overall
217 project. Tom Silvia stated that he would like to know how much the security bond is for and the
218 scope of the work that it covers.

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Tom Silvia noted that the Staff Report contains six questions about lighting. Bradley Casperson stated that he believes specifications were added to the plan based on the current lighting standards. Tom Silvia noted that there is a comment regarding pole mounted light heights. Bradley Casperson stated that he believes the plans reflect compliance with the updated standards of lighting.

Tom Silvia asked if the architectural standards of the building comply with Amherst regulations. Bradley Casperson stated that making a site usable has an economic benefit from the Town's perspective. Beyond that, he is not prepared to address the architectural design standards, as he is sitting in for a coworker on this item.

Tom Silvia noted that a letter from the Fire Chief included a statement that he is not sure what will be stored in the building. Bradley Casperson stated that he believes the Fire Chief was provided with a list of what will be stored in the building but does not believe a response from the Fire Chief was received.

Tom Silvia asked about the Staff Report comments regarding the CUP in the WWCD. Bradley Casperson stated that the soil types are likely detailed within the stormwater analysis or on the existing conditions plan. He noted that if they were not, it could be a condition of approval. He noted that because the plan showed the maximum required buffer to the wetlands of 100', a report regarding the functions and values of the mapped onsite wetlands was deemed unnecessary. The applicants intend to prohibit the use of lawn chemicals and deicing compounds, and this can be incorporated into the plan set.

Bill Stoughton stated that he will likely propose a condition precedent that the applicant must resolve Staff comments regarding compliance with Section 4.11.J, as just mentioned by Tom Silvia. There is a 100' buffer due to the Wellhead Protection District but the Board is increasingly concerned with there being adequate documentation of delineations of wetland buffer determinations and compliance, in general, with the ordinances and regulations regarding wetlands. Thus, it is important to have these items resolved and on record. Similarly, regarding lighting, there have been a number of changes to the plan to address lighting. Not all of the additions to the plan completely resolve the question of whether there will be compliance with the new ordinance. For example, the plan lists a number of fixtures with a variety of brilliances and color temperatures, but some of those color temperatures exceed those allowed by the ordinance. He will likely propose another condition precedent that the Staff lighting comments be resolved, and the resolutions indicated on the plan. He previously raised concerns regarding the materials that are being stored in this warehouse and what might happen if a pallet of them dropped and there was a spill. The plans now state that there will be no floor drains, a 15ml plastic barrier will be placed underneath the slab, and a spill prevention plan has been created and included in the plan.

Bill Stoughton noted that Keach Nordstrom recommended that the security bond also extend to wetland buffer restoration. Bradley Casperson stated that he has no objection to that item.

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Bill Stoughton suggested that a definition for active and substantial development and/or building for purposes of vesting a five-year exemption to regulation/ordinance changes could be commencement of the installation of stormwater management features. Bradley Casperson stated that this seems reasonable. Bill Stoughton proposed that, with respect to defining substantial completion of the improvements for final vesting with respect to regulations and ordinances, this be defined as installation of the finish/wearing course of pavement. Bradley Casperson stated that this seems reasonable as well.

Chris Yates had no questions or comments at this time.

Rob Clemens stated that having a spill prevention and control plan was requested by the Conservation Commission and he is happy to see it provided. He stated that he believes, if the plan is managed and implemented well, the need for monitoring wells becomes much less of a concern.

Arnie Rosenblatt asked for public comment at this time. Seeing none, he went back to the Board for additional discussion.

Tom Silvia moved to grant the waiver requested to Section 8.1.A.3 Industrial Parking of the Site Plan Review Regulations for 39 parking spaces, as the Board has determined that specific circumstances relative to the site plan, or conditions of the land in such plan, namely, to minimize the impervious area, indicate the waiver will properly carry out the spirit intent of the regulations. Seconded by Chris Yates. Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, Chris Yates – aye; and Rob Clemens – aye; motion carried unanimously 6-0-0.

Tom Silvia moved to grant the waiver requested to Section 5.1 Landscape Plan of the Site Plan Review Regulations as the Board has determined that specific circumstances relative to the site plan or conditions of the land in such site plan, namely an existing detailed plan, indicate the waiver will properly carry out the spirit intent from the regulations. Seconded by Chris Yates. Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, Chris Yates – aye; and Rob Clemens – aye; motion carried unanimously 6-0-0.

Arnie Rosenblatt asked if the applicant is comfortable accepting potential additional conditions precedent from the Board, as the original presenter for the project is not available this evening. The applicant indicated a willingness to move forward at this time.

Bill Stoughton moved that the Board finds the application satisfies the criteria of Section 4.11.I.1 of the Zoning Ordinance addressing the findings required for approval of a Conditional Use Permit in the Wetlands and Watershed Conservation District and further to approve CASE #: PZ17450-060623 – Ballinger

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Properties/CNT Investment Properties (Owner) and Foundation Armor (Applicant) for the above cited Non-residential Site Plan Review of Map 2 Lot 34-7, 10 Howe Drive for the construction of an approximately ~~200,000 s.f. warehouse~~ *(later revised to an approximately 20,000 s.f. warehouse)* with approximately 2,560 s.f. office space, parking, and other associated site improvements, with conditions set forth in the Staff Report as modified and added to as follows:

- Additional condition precedent #5: resolution of Staff comments regarding compliance with Section 4.11.J of the Zoning Ordinance.
- Additional condition precedent #6: confirmation of Pennichuck's ability and intent to supply water to the facility.
- Additional condition precedent #7: resolution of Staff lighting comments, with these resolutions indicated on the plan.
- Additional condition subsequent #2: the security to be provided shall include security for wetland buffer restoration.
- Additional condition subsequent #4: that the applicant is assessed impact fees in accordance with the Amherst Impact Fee Schedule, approved on August 14, 2023, at the Industrial rate on the warehouse portion of the structure and at the Office rate on the office portion of the structure, with the exact amount of fees to be calculated by the Community Development Office based on the final square footage determinations. Said impact fees to be collected in accordance with the Impact Fee Ordinance.
- With active and substantial development or building defined as commencement of installation of stormwater management features.
- With substantial completion of improvements being defined as installation of the finish/wearing pavement course.

Discussion:

Arnie Rosenblatt asked if a security amount was specified within the motion. Bill Stoughton stated that the security amount will be conditioned upon discussion and agreement between the applicant, Keach Nordstrom, and Staff.

Arnie Rosenblatt asked who will determine if the conditions are satisfied. Bill Stoughton stated that this likely falls to the Chair. The Chair will likely not sign the plan until he is sure the conditions precedent have been satisfied. Arnie Rosenblatt noted that he will not likely be able to look at the plans and go to the site to determine if these are satisfied. He would like for this to be considered as part of the motion, as there are many conditions included. This could be potentially handled by the Town Engineer, Keach Nordstrom.

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Nic Strong explained that the conditions precedent are usually administrative, and she will review the ones to do with the Town regulations. One of the conditions is verification from the Town Engineer that the plans and stormwater management plan are acceptable. The Town Engineer has to sign off on this.

Tracie Adams asked about a potential condition regarding the AoT permit. Bill Stoughton stated that this was included in the Staff Report as condition precedent #3.

Rob Clemens noted that the motion referenced a 200,000 s.f. warehouse, but the actual size is a 20,000 s.f. warehouse. Bill Stoughton revised his motion to reflect the correct size, an approximately 20,000 s.f. warehouse.

Seconded by Chris Yates.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, Chris Yates – aye; and Rob Clemens – aye; motion carried unanimously 6-0-0.

Tracie Adams reviewed the Findings of Fact:

Application Description

CASE # PZ17450-060623, Peter Nash, Managing Partner, Ballinger Properties/CNT Investment Properties is listed as owner. The applicant/agents are Tanya and Eric Schifone, Foundation Armor. The property is located at 10 Howe Drive, Map 2 Lot 34-7. This application is for a Non-Residential Site Plan Review, Conditional Use Permit, and Stormwater Management Plan. The Zoning District is Industrial with Aquifer Conservation & Wellhead Protection District (ACWPD), and Wetland and Watershed Conservation District (WWCD) overlays.

The application proposes to construct a 20,000 s.f. warehouse with 2,560 s.f. office space, and parking, and other associated site improvements.

Application Completeness

The Planning Board reviewed documents provided and determined that the application was sufficiently complete to proceed with consideration by the Board per RSA 674:4. I (b).

Dimensional Requirements

The minimum lot layout meets General Regulation 208 per the applicable Zoning District requirements.

Land Usage Requirements

The proposed land use meets the existing land uses permitted in the Zoning District.

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Environmental Requirements

As presented the plan does give due regard to preservation and protection of existing features as required in General Regulation 209. Per Section 4.11 of the Amherst Zoning Ordinance, Wetland and Watershed Conservation District requirements for buffers to wetlands and surface waters are met. Any future construction would require a Conditional Use Permit.

Studies

Drainage, Environmental, Fiscal, Hydrogeological, Traffic, and Water Supply studies were not required.

Waivers

The following waivers requested by the applicant were approved by the Planning Board:
Parking and Lighting.

Stormwater Management

The Stormwater Management plan was received and reviewed. The accepted Stormwater Management plan was determined to satisfy the spirit and intent of the regulations.

Conditions

The applicant acknowledges the conditions precedent and conditions subsequent in the Staff Report as well as any additions from the Planning Board are required.

Summary

The Planning Board finds that the application meets the spirit and intent of the Ordinances and Regulations and is approved.

Tracie Adams moved to approve the Findings of Fact as presented for 10 Howe Drive. Seconded by Chris Yates.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Tom Silvia - aye, Chris Yates – aye; and Rob Clemens – aye; motion carried unanimously 6-0-0.

DESIGN REVIEW:

3. **CASE #: PZ17446-060623 – Vonderosa Properties, LLC (Owners & Applicants); County & Upham Road, PIN #: 004-145-000. Design Review - Subdivision Application.** To subdivide Tax Map 4 Lot 145 into five (5) residential lots. *Zoned Residential Rural. Continued from July 5, 2023.*
4. **CASE #: PZ17447-060623 – Vonderosa Properties, LLC (Owners & Applicants); Cricket Corner & Upham Road, PIN #: 004-116-000. Design Review - Subdivision Application.** To subdivide Tax Map 4 Lot 116 into nine (9) residential lots. *Zoned Residential Rural. Continued from July 5, 2023.*

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5. **CASE #: PZ17448-060623 – Vonderosa Properties, LLC (Owners & Applicants); County, Upham & Spring Road, PIN #: 004-118-000, 004-119-000 & 004-121-000 & 006-102-000. Design Review - Subdivision Application.** To subdivide Tax Map 4 Lots 118, 119 & 121, and Tax Map 6 Lot 102 into forty-one (41) residential lots. *Zoned Residential Rural. Continued from July 5, 2023.*

Arnie Rosenblatt read and opened all three design review applications for this applicant simultaneously. He explained that these are continued design reviews for one applicant. The Board will determine if it wants to hear three presentations or one presentation on these items, as the Board has already indicated it considers these three projects to be closely related and will not be considering any of them in a vacuum. The Board will have an opportunity to make comments and ask questions. He noted that there will be no public comments this evening because the Board will not be making any decisions this evening as there is not yet a formal application in front of it. The Board's comments are not binding. There will be ample opportunity to make public comments at one or more meetings in the future.

Chad Branon, PE, Fieldstone Land Consultants, noted that he was present with Israel Piedra, Welts, White & Fontaine, and Brett Vaughn, Vonderosa Properties, LLC. Chad Branon explained that the intent is to give the Board an update on what has occurred since the last meeting. The applicant met with the DPW Director regarding all three applications. The applicant team had an opportunity to walk County Road with the DPW Director, and the DPW Director gave some direction on what he was looking for regarding traffic studies. The applicant's traffic consultant attended that meeting and is proceeding with the traffic reports for these three applications. The applicant has scheduled a meeting with the Conservation Commission on August 23rd. The applicant is starting to prepare formal applications which will address the feedback received from the Board during the design reviews. The studies included will be cumulative studies, in that each study will address the future applications that will be submitted. Any formal applications are liable to change based on feedback and discussions with the Conservation Commission. Professional consultants have been obtained for the studies and the studies are anticipated to be received within the next month or two. The applicant will then be back before the Board to address the studies.

Cynthia Dokmo asked if 55 single-family houses are proposed. Chad Branon stated that this is the cumulative number. This involves approximately 350 acres of land, of which there is adequate space for the lots proposed. Cynthia Dokmo wondered how much buildable land there was approximately. Chad Branon stated that conventional, large frontage lots are proposed.

Cynthia Dokmo asked where the houses are proposed on the lots. Chad Branon stated that test pits have been dug. All lots will comply with the scenic setbacks. Some houses are proposed back from the road. Cynthia Dokmo stated that she respects property rights and an owner's right to develop land consistent with the Zoning Ordinance. However, just because one can, does not mean one should. She stated that it is disappointing that there is no variety of housing proposed as part of this project and she would like to see more diversity. This has been mentioned at previous Board meetings. The further houses are placed off the road, creating the illusion that it

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is rural, the more there may be an invasion into a wildlife corridor. She requested that this be respected and factored into the siting of the houses.

Tracie Adams stated that she is interested in seeing the study information at a future meeting.

Tom Silvia asked if the information from the traffic study will be provided to the DPW Director in order to determine the proposed roadway. Chad Branon explained that the applicant team walked the road with the DPW Director and discussed concerns regarding alignment, width, grades, maintenance, and limitations regarding drainage. The applicant has the ability to make a fair number of improvements or offer land for those improvements along the stretch of road. The traffic consultant will review road standards and safety requirements and there will be recommendations based on the traffic volume. This information will be reviewed by the Board, DPW Director, and the Town's traffic consultant. These recommendations will yield a final proposal to address road improvements. These recommendations will need to be balanced with the rural nature of the area.

Bill Stoughton stated that the DPW Director included a letter describing the walk and noted that his comments made during that were non-binding. In addition, the Town's ordinance provides that the Board can ask the DPW Director to retain an engineering firm, such as Hoyle Tanner, to prepare an estimated cost and recommendations on what needs to change. Bill Stoughton stated that, for a development of this size and with the proposed road, he will encourage the Board to require that process. If the Planning Board determines it is appropriate, an offsite exaction of a proportionate share of the estimated costs to the applicant as a form of impact fee can be required.

Chris Yates stated that he shares Cynthia Dokmo's concerns. The proposed development shows a lack of wildlife corridors and lack of diversity. He stated that he will be reviewing the plan for the road with an expectation that the existing look and feel be kept as much as possible.

Chad Branon explained that no homes are currently proposed; this proposal is only to create lots. Anyone who buys one of the lots could build a different sized house, or one with an accessory dwelling unit included. He does not understand statements that imply this proposal does not include diversity, because these lots meet the Town's regulations. Individual buyers will have goals for each lot created. Diversity is a function of the market. These statements regarding diversity can be counterintuitive to creating lots that maintain rural character and provide separation from the road. These lots will be consistent with concerns of the Board and address diversity in a different way. He asked if the Board was suggesting a Planned Residential Development. Arnie Rosenblatt explained that the applicant is only hearing individual comments from Board members regarding a design review. The applicant should not come away from this thinking that the Board is advocating for anything.

Pam Coughlin stated that she had no comments or questions at this time.

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Rob Clemens noted that this is a property that the Town tried to buy years ago for its wildlife habitat values, wetland values, underlying aquifer, and open space. Carving this up into lots is counter to all of those interests, the desires of the Town, and its Master Plan. He is concerned regarding how the wetlands have been delineated, as well as the streams crossing the property. He stated that the applicant will hear more next week from the Conservation Commission, as it seems many of the lots proposed, particularly along Spring Road, fly in the face of good development.

Bill Stoughton moved that the three design reviews are declared closed. Seconded by Chris Yates.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Rob Clemens – aye; motion carried unanimously 6-0-0.

OTHER BUSINESS:

6. Interview two Planning Board Alternate candidates.

Arnie Rosenblatt explained that the Board has received written applications from two potential alternate candidates. There is no obligation to make a statement, but applicants are welcome to make one if they so choose. Full Board members will then have an opportunity to ask questions and proceed with a motion.

Peter Hansen thanked the Board for the opportunity to apply for the position and for the suggestion that he attend the meeting. He explained that, due to some physical deficiencies and the sound in the room, he would like to withdraw his application at this time.

Arnie Rosenblatt thanked Peter Hansen for applying and attending the meeting.

Brian Cullen explained that he has sat in on some Board meetings in the past. He has lived in Town for approximately 20 years and his children have gone through the school system. He is committed to the Town and would like to give back. He has an interest in the Board and appreciates the amount of work the Board puts in. He has been on boards in the past, in particular the Soup Kitchen Board.

Cynthia Dokmo had no questions or comments at this time.

Tracie Adams thanked Mr. Cullen for his application.

Tom Silvia had no questions or comments at this time.

Bill Stoughton had no questions or comments at this time. He stated that he is encouraged by those in Town who have not previously participated in municipal boards/committees and are now applying to do so.

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Cynthia Dokmo had no questions or comments at this time.

Tracie Adams moved to appoint Brian Cullen to the position of alternate, for a two-year term, ending March 2025. Seconded by Chris Yates.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, and Tom Silvia – aye; motion carried unanimously 5-0-0.

7. Regional Impact:

- a. **CASE #: PZ17697-080823 – Clearview Development Group, LLC c/o Erol Duymazlar (Owner) & Meridian Land Services, Inc., c/o Ken Clinton (Applicant); Boston Post Road, PIN #: 005-159-001.** Subdivision Application Amendment – To amend the phasing of the Prew Purchase -West Village and the length of the dead-end road. *Zoned Residential Rural.*

Bill Stoughton noted that this upcoming application included some of the changes required to the West Village to carry out the land purchase by the Town. This would amend the plans only if the Town was unable to carry through the phase two land purchase.

Bill Stoughton moved no regional impact. Seconded by Chris Yates.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 6-0-0.

- b. **CASE #: PZ17700-080823 – Beaver Meadow Investments, LLC (Owners & Applicants); 48 Ponemah Road, PIN #: 004-025-007 – Subdivision Application.** To condominiumize the existing eight residential rental units in two existing buildings. *Zoned Residential Rural.*

Tracie Adams moved no regional impact for CASE #: PZ17700-080823 Beaver Meadow Investments. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 6-0-0.

- c. **CASE #: PZ17701-080823 – Scott R. McEttrick (Owner & Applicant); 6 North End of Lake, PIN #: 008-066-000 – Conditional Use Permit.** To construct a detached garage with an ADU and approved ISDS and reclaim areas of the existing gravel driveway to be restored back to an unaltered state. *Zoned Residential Rural.*

Chris Yates moved no regional impact. Seconded by Bill Stoughton.

Discussion:

Tom Silvia asked if the Board had determined there was regional impact when this

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application was last before the Board. Bill Stoughton did not recall but stated that the Board did not necessarily have to be consistent and was supposed to be liberal in the determination. Tom Silvia stated that since all traffic to this lot had to go through Merrimack to get there, he would suggest there was regional impact to Merrimack.

Chris Yates withdrew his previous motion.

Tom Silvia moved that there is regional impact to Merrimack for CASE #: PZ17701-080823. Seconded by Bill Stoughton.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 6-0-0.

d. CASE #: PZ17707-080923 – The Raymond Family Rev. Trust of 2019, c/o Steven Raymond, 125 Hollis Road & 7 Golden Pond Lane, PIN #: 001-014-000 & 001-014-001. Subdivision Application – Lot Line Adjustment. To adjust the lot lines between Map 1 Lot 14 & Map 1 Lot 14-1. *Zoned Residential Rural.*

Chris Yates moved no regional impact. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 6-0-0.

e. CASE #: PZ17708-080923 – Riley Investment Properties, LLC c/o Tom Riley (Owner & Applicant); 125 NH Route 101A, PIN #: 002-035-001-C. Non-Residential Site Plan. To amend the previous site plan approval for Phase C involving the construction of a 12,000 square foot single story retail building and propose a 2,400 square foot single story drive-thru only café. *Zoned Commercial.*

Chris Yates noted that the Pressed Café in Nashua was usually very busy with traffic backed up and thought that there would be regional impact to Merrimack. The Board determined that there was also regional impact to Milford and Hollis as well as the NRPC.

Tracie Adams moved that there is regional impact to Milford, Hollis, and Merrimack for CASE #: PZ17708-080923. Seconded by Tom Silvia.

Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye, Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried unanimously 6-0-0.

9. Minutes: August 2, 2023

Tracie Adams moved to approve the minutes of August 2, 2023, as presented. Seconded by Tom Silvia.

TOWN OF AMHERST
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653 **Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - abstain, Bill Stoughton – aye,**
654 **Chris Yates - abstain, Tom Silvia - aye, and Pam Coughlin – aye; motion carried 4-**
655 **0-2.**

656
657 10. Any other business that may come before the Board.

658 **Chris Yates moved to adjourn the meeting at 8:29pm. Seconded by Tom Silvia.**
659 **Roll Call Vote: Tracie Adams - aye, Cynthia Dokmo - aye, Bill Stoughton – aye,**
660 **Chris Yates - aye, Tom Silvia - aye, and Pam Coughlin – aye; motion carried**
661 **unanimously 6-0-0.**

662
663 Respectfully submitted,
664 Kristan Patenaude

665
666 Minutes approved: September 6, 2023