

October 4, 2023

**APPROVED**

1 In attendance at Town Hall: Arnie Rosenblatt – Chair, Tracie Adams, Cynthia Dokmo, Bill  
2 Stoughton – Board of Selectmen Ex-Officio, Chris Yates, Tom Silvia, Pam Coughlin (alternate),  
3 Rob Clemens (alternate), and Brian Cullen (alternate).  
4

5 Staff present: Nic Strong (Community Development Director), and Kristan Patenaude  
6 (Recording Secretary) (remote)  
7

8 Arnie Rosenblatt called the meeting to order at 7:00pm.  
9

10 *Pam Coughlin sat for Tom Quinn.*

11  
12 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF**  
13 **APPLICATION IS ACCEPTED AS COMPLETE:**  
14

- 15 1. **CASE #: PZ17700-080823 – Beaver Meadow Investments, LLC (Owners &**  
16 **Applicants); 48 Ponemah Road, PIN #: 004-025-007** – Subdivision Application. To  
17 condominiumize the existing eight residential rental units in two existing  
18 buildings. *Zoned Residential Rural. Continued from September 6, 2023*  
19

20 Arnie Rosenblatt read and opened the case.  
21

22 **Tom Silvia moved to continue CASE #: PZ17700-080823 to November 1, 2023, at**  
23 **7pm, at Town Hall, with the understanding that all associated deadlines will be**  
24 **extended. Seconded by Tracie Adams.**  
25 **Vote: 6-0-0 motion carried unanimously.**  
26

- 27 2. **CASE #: PZ17708-080923 – Riley Investment Properties, LLC c/o Tom Riley**  
28 **(Owner & Applicant); 125 NH Route 101A, PIN #: 002-035-001-C.** – Non-Residential  
29 Site Plan. To amend the previous site plan approval for Phase C involving the  
30 construction of a 12,000 square foot single story retail building and propose a 2,400  
31 square foot single story drive-thru only café. *Zoned Commercial. Continued from*  
32 *September 6, 2023*  
33

34 Arnie Rosenblatt read and opened the case.  
35

36 **Chris Yates moved to continue CASE #: PZ17708-080923 to November 1, 2023, at**  
37 **7pm, at Town Hall, with the understanding that all associated deadlines will be**  
38 **extended. Seconded by Tracie Adams.**  
39 **Vote: 6-0-0 motion carried unanimously.**  
40

41 **CONCEPTUAL CONSULTATION**  
42

- 43 3. **CASE #: PZ17704-080923 – Mohamed Ali Ewiess (Owner) & Meridian Land**  
44 **Services, Inc. (Applicant); 134 Route 101A & 1 Truell Road, PIN #: 012-037-000 &**

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45           **012-036-001.** – Non-Residential Site Plan – Conceptual Consultation. To construct a  
46           restaurant with 42-49 seats on Map 12 Lots 36-1 and 37. *Zoned Commercial.*

47  
48           Arnie Rosenblatt read and opened this consultation. He explained that this conceptual  
49           consultation is entirely non-binding and any comments made by members of the Board are also  
50           non-binding and should not be relied on. The public will have an opportunity to comment on any  
51           application when an application is submitted.

52  
53           Sam Foisie, PE, Meridian Land Services, explained that Bentley's Roast Beef is proposing to  
54           raze the entire building on the site and construct a 3,600 s.f. building essentially in the same  
55           footprint of the existing building. This will function as a restaurant. The existing lot is 12-36 and  
56           the owner has purchased the adjacent lot to the rear of this to the north, known as Lot 12-36-1.  
57           This is zoned Commercial. The total property size is approximately 8.4 acres. The applicant is  
58           proposing a 3,600 s.f. restaurant with approximately 45-50 seats. The applicant will require a  
59           Non-residential Site Plan, stormwater permit, driveway permit, and Board of Health permit to  
60           allow the restaurant to exceed the septic loading requirements. A variance will also be required  
61           for the front corner that will intrude into the front setback. Some additional permits will be  
62           needed from the State, including a subsurface septic and a water connection through Pennichuck.  
63           Potential other items include a variance from the lighting requirements, specifically pole heights.  
64           Regarding access to the site, there are currently two driveways for the two lots, and these are  
65           both proposed to be used to access the site. The access proposed will help with site  
66           maneuverability for deliveries. Two spaces to the north of the building would be utilized for drop  
67           off of goods outside of business hours. During business hours, those spaces will be reserved for  
68           pickup orders. The current site is over parked and the new design could support close to 70 seats.  
69           Some of the proposed parking spaces can be used as snow storage areas. The parking calculation  
70           was done for 43 seats and six employees, and easily supports 50 seats as well. Regarding  
71           utilities, this site is served by an on-site well, on-site septic, and a natural gas connection. The  
72           proposed site will be served by a Pennichuck Water connection.

73  
74           Sam Foisie explained that the septic loading for the site, per the Amherst ordinances, would  
75           allow 43 seats/employees. Essentially, an employee and a seat use up the same gallons per day,  
76           per the Amherst septic regulations. The State would allow 84 seats through the septic loading,  
77           but the applicant is only seeking 50. This will allow the owner to keep the business in this  
78           location and justifies the proposed construction of the building size. The applicant is requesting  
79           the Board's input on this item. If the Board determines it is reasonable, he stated that he believes  
80           the appropriate process is to seek relief from the ordinance through the Board of Health.

81  
82           Sam Foisie stated that, regarding landscaping, the site will be compliant for the most part with all  
83           landscape regulations. Specifically, there will be a 10' landscape buffer around the perimeter of  
84           the site, leading to the proposed parking configuration. The applicant is also proposing a 6' tall  
85           opaque fence to screen the residential use that is to the rear of the site. This will allow for an  
86           extra buffer to the nearby residential use. Regarding the landscaping requirements that there be a  
87           10' deep area of trees and shrubs around a building with public access, this site is accessed by  
88           the public parking lot which would require a 10' wide landscape area around this. The applicant

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89 is intending to increase the existing building size in order to expand the business and a 10' wide  
90 buffer would lead to the loss of some of the building. Also, there is a potential stormwater pond  
91 in the middle of this area, which would require the stormwater pond to be condensed down. A  
92 basin in the middle of this area would be able to treat all the parking and small basins in the front  
93 would be able to treat the impervious area associated with patios and the building.

94  
95 Sam Foisie explained that the rights of way for Route 101A and Truell Road do not connect at  
96 90-degrees, they connect at an angle which forces an abnormal building setback. The goal of this  
97 project is for the owner to increase his building size by having a regularly shaped building, to  
98 allow his equipment to fit better inside. A regular shape will allow for a more efficient building  
99 and allow for a bit of extra square footage. There may need to be a variance granted for the  
100 building setbacks related to that front corner, and any Board input would be helpful.

101  
102 Arnie Rosenblatt asked the Board for comments and questions.

103  
104 Rob Clemens asked if the new proposed septic area is on the new lot. Sam Foisie stated that this  
105 was correct. The state allows use of 2,000 gallons per day per acre; the Amherst ordinance  
106 allows 1,000 gallons per day per acre. The proposed system is a chambered system, due to it  
107 being underneath the parking lot. The existing septic system is located underneath the patio and  
108 is a pipe and stone system. Regarding seeking relief, the applicant could propose a pretreatment  
109 system to recognize that the proposal is more than allowed by the ordinance but to mitigate for  
110 this. It is unclear how old the existing system is, but the new system would be new.

111  
112 Pam Coughlin and Brian Cullen had no questions or comments at this time.

113  
114 Bill Stoughton noted that, regarding the septic item, if the applicant were to offer an  
115 improvement in some other area, such as pretreatment, this may be an easier approval. He asked  
116 what the current status of infiltration is in this area and if NHDES will allow it. Sam Foisie stated  
117 that he is unclear about this for this site in particular, but other local sites have been able to  
118 infiltrate. He stated that he will need to be able to infiltrate on this site for the plan to work  
119 appropriately. He thought the site was far enough from the hotspot further to the west along  
120 Route 101A.

121  
122 In response to a question from Bill Stoughton, Sam Foisie stated that there are no wetlands on  
123 the site.

124  
125 Bill Stoughton asked if the parking being requested is because the owner wants that many spaces  
126 or if it was because of the requirements of the regulations. Sam Foisie explained that the required  
127 number of spots would be 23, but there are 35 proposed. Bill Stoughton stated that he is not a fan  
128 of the current parking requirements, because he looks around Town and sees a lot of empty  
129 parking spaces that are never utilized. If the applicant wants this many parking spaces, Bill  
130 Stoughton stated that he is okay with that, but if the applicant is proposing this many due to the  
131 current requirements, he would be receptive to looking at a waiver for a lower number.

132

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133 Bill Stoughton asked about the lighting. Sam Foisie stated that he believes the light poles may be  
134 placed around the stormwater basin, which may be okay, but if the poles are required to be on the  
135 outside of the property, there is a requirement that they be half the distance to the property line  
136 plus 3' and this may not allow for the required pole height. Bill Stoughton explained that these  
137 requirements are new, and the purpose is to keep the light from crossing the boundary of the site.  
138 He would want to review this more closely. Sam Foisie stated that the applicant's argument  
139 would be that the plan would meet the foot candle requirements and there would not be any  
140 spillover but there may need to be a waiver for the height of the poles.

141  
142 Cynthia Dokmo stated that she has concerns regarding the proposed lighting as there is a  
143 residential area behind this site. Over the years, when lots along Route 101A have been  
144 developed, residents generally come in and complain about lighting. She asked if these lights  
145 would be facing towards Route 101A. Sam Foisie stated that they would, and that the ordinance  
146 requires them to be shielded and dark sky compliant. He noted that it would be beneficial for  
147 lights to get shut off and for the site to have only security lighting when the building is closed.

148  
149 In response to a question from Cynthia Dokmo, Sam Foisie explained that the two sites will be  
150 merged as part of this proposal.

151  
152 Tom Silvia asked how the impervious area will be changed as part of this proposal. Sam Foisie  
153 stated that he does not have these specific numbers, but this will be increasing. The proposal will  
154 still meet the 30% open space requirement for the site. This plan has 39.8% open space,  
155 including the outdoor seating area.

156  
157 Tom Silvia asked about the nature of the expansion of the business. Sam Foisie explained that  
158 the owner is currently allowed 20-25 seats in the restaurant. The expansion of the business will  
159 almost double that size. The owner has recently noticed more pickup orders, leading to the  
160 parking proposal. In addition, the owner would like to make the business more efficient by  
161 reconfiguring the kitchen. Mohamed Ali Ewiess explained the nature of his business. He  
162 explained that he has had this business since 2003 and would like to remain in the same place.  
163 Tom Silvia asked if an expanded seat count would lead to an increase in water use. Sam Foisie  
164 stated that this is where septic loading comes into play. Pickup orders may need to be considered  
165 as part of the accumulation. Information from last Friday showed 45 carry out orders, 63 dine in  
166 orders, 34 online orders, and 35 phone orders.

167  
168 Chris Yates asked how the lot for this site compares to other commercial restaurants nearby, such  
169 as Longhorn. Sam Foisie stated that he believes these occupy a similar footprint. Chris Yates  
170 stated that Longhorn probably benefits from having parking spaces in the back.

171  
172 Chris Yates asked if there will be an employee entrance from the back of the building that goes  
173 right into the parking lot. Sam Foisie stated that an access spot in that area is being discussed.  
174 There is currently employee access at the back of the building. The applicant is also considering  
175 deliveries on the rear side of the building. This would be outside of the required landscape  
176 buffer.

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177  
178 Tracie Adams noted that this proposal will increase the volume of people accessing the site,  
179 whether dine in or takeout. She asked how this will impact the traffic pattern and the use of  
180 Truell Road. Sam Foisie stated that this has not yet been considered. The site does have  
181 immediate access to the State road, which is a high-capacity road, so he does not believe this  
182 would affect the traffic in the residential area. It may affect the nearby intersection on the State  
183 road. Tracie Adams stated that she would like to know more about the impact of doubling the  
184 size of the restaurant.

185  
186 Regarding the septic, Arnie Rosenblatt suggested speaking with Nic Strong about this item.

187  
188 Sam Foisie asked for input on the front corner potential variance item. There was no specific  
189 comment at this time. Arnie Rosenblatt wished the applicant luck in moving forward with this  
190 expansion and continuing to operate the business in Amherst.

191  
192 4. **CASE #: PZ17893-091823 – Nelson Realty Trust (Owner & Applicant); 66 NH**  
193 **Route 101A, PIN #: 002-083-000** – Non-Residential Site Plan – Conceptual  
194 Discussion –To depict a proposed 11,250 SF warehouse with the associated site  
195 improvements. *Zoned Commercial.*

196  
197 Arnie Rosenblatt read and opened this consultation. He explained that this conceptual  
198 consultation is entirely non-binding and any comments made by members of the Board are also  
199 non-binding and should not be relied on. The public will have an opportunity to comment on any  
200 application when an application is submitted.

201  
202 Sam Foisie, PE, Meridian Land Services, explained that Nelson Realty Trust is proposing to  
203 construct a 11,250 s.f. +/- warehouse on Lot 2-83, located at 66 Route 101A. The property is  
204 zoned Industrial, and the lot size is approximately 1.97 acres. This site is immediately adjacent to  
205 the Resin Systems building. The site is currently being used as an auto wholesaler, with a small  
206 office within the building. The remainder of the existing building is used by Resin Systems for  
207 storage materials. Resin Systems is proposing a new building for storage of additional items  
208 associated with Resin Systems. The following permits will be needed, Non-residential Site Plan,  
209 a stormwater permit, a variance from the Zoning Ordinance to allow for relief for the building to  
210 be in the rear setback (at the closest, approximately 10'), an update to the New Hampshire DOT  
211 driveway permit, a New Hampshire DOT excavation permit for connection of the utilities,  
212 subsurface construction approval for the septic to connect to the existing septic system located on  
213 the adjacent lot, and potentially a variance for the lighting.

214  
215 Regarding access points, Sam Foisie stated that there are currently three businesses that use the  
216 access points to the site. The main access point is off Route 101A. There is an additional access  
217 point to the rear property through a narrow-paved access drive and a third access point to the  
218 adjacent property to the left. The applicant is proposing one new access connection and one  
219 expansion of an existing connection, the first one being on the left-hand side connecting to the  
220 parcel to the left. This access point was chosen to avoid an existing power pole and to not impact

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221 any of the existing parking. The proposal will not impact any of the parking area on the adjacent  
222 property. There is a large stretch of pavement to allow any vehicles that need access to the  
223 existing overhead doors. This leads to the proposed building getting pushed into the setback. The  
224 second access point is rather wide, as the property will be used in conjunction with the  
225 surrounding parcels. This includes a pavement connection that will access the overhead garage  
226 bays and allow for a forklift.

227  
228 Sam Foisie explained that it is not expected that this proposal will need additional parking  
229 spaces, as it will be used in conjunction with the neighboring properties and no new employees  
230 are expected. The intention was to prove that the site can support itself in case it was ever not  
231 used in conjunction with Resin Systems. The plan shows the required parking spaces of 29 but  
232 the site currently supports 45 spaces. Currently, many of those parking spaces are associated with  
233 the auto wholesaler.

234  
235 Regarding utilities, Sam Foisie explained that the existing utilities to the existing building are  
236 served by Pennichuck Water, an on-site septic system located in the front left corner of the site,  
237 and natural gas. The proposed building will be served by Pennichuck Water, a new gas service  
238 running parallel to the water service, and a sewer connection. A pump is proposed to be placed in  
239 the new warehouse, connecting to the existing force main, with backflow preventers.

240  
241 Sam Foisie explained that the existing site does provide some challenges for landscaping. The  
242 landscaping requirements require a 10' buffer associated with the right of way and around the  
243 perimeter. There is existing parking that sits along the right of way line and no changes are being  
244 proposed in this area. The applicant would be seeking relief from the landscaping requirements  
245 in this area. There is an existing fence along the property line. The applicant will also be seeking  
246 relief from the 10' perimeter planting requirement. He explained that this site is not open to the  
247 public and therefore this section is not required, however a waiver will be requested if the Board  
248 feels it necessary. Building perimeter plantings cannot be provided as there is access all the way  
249 around the building and placing landscaped areas in between the doors would not make sense.

250  
251 Sam Foisie stated that the site is served by two stormwater ponds. Some preliminary stormwater  
252 calculations were completed to confirm that these are sized appropriately to treat and attenuate  
253 any new stormwater runoff generated by the new impervious area. As much of the existing area  
254 would be captured as possible.

255  
256 Sam Foisie stated that the applicant is seeking input on the landscaping requirements, input on  
257 the variance required for the building setback in the rear, and any other information the Board  
258 may want the applicant to provide as part of a final application.

259  
260 Arnie Rosenblatt asked the Board for comments and questions.

261  
262 Tracie Adams stated that she believes it would be helpful for the applicant to make justifications  
263 for the proposed waivers needed from the landscaping requirements. She asked for more  
264 information about the proposed parking. Sam Foisie explained that the need for the warehouse is

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265 for Resin Systems storage. Currently, Resin Systems employees park on the adjacent lots and use  
266 forklifts to go back and forth to the warehouse. The parking calculation would require more  
267 parking based off the building footprint, but the building is not expecting more employees and  
268 thus additional parking is not needed.

269  
270 Chris Yates stated that he had no questions or comments at this time.

271  
272 Tom Silvia asked if the front lot parking lot area will be changed. Sam Foisie explained that no  
273 changes are proposed to this area. Landscaping in this area would require a change to the  
274 existing feature of the property. Tom Silvia stated that a waiver from this landscaping  
275 requirement seems reasonable as the proposed construction will not disturb this area. Sam Foisie  
276 agreed that there will be no visual change from the public right of way.

277  
278 Cynthia Dokmo asked what is located behind the site. Sam Foisie stated that there is an  
279 additional Industrial lot behind this, also controlled by Resin Systems. There is a residential use  
280 along the nearby corner of the lot. This area was inspected for wetlands regarding potential  
281 stormwater issues and, while there are some wetlands near this site, there is no development  
282 proposed adjacent to them.

283  
284 Bill Stoughton noted that the applicant was before the Board approximately a year ago to further  
285 extend an old existing plan for Resin Systems. He asked how this proposal fits into that. Sam  
286 Foisie explained that this proposal satisfies an immediate need, while the previous application  
287 that was extended satisfies future needs. Bill Stoughton stated that the Board did place a “no  
288 kidding” deadline on that extension. Dan Prawdzik, the owner, explained that this is understood  
289 and that the process is currently being worked though. He noted that this proposal is a faster  
290 build with very little site work needed, in close proximity to the existing buildings for the needs  
291 of the business.

292  
293 Bill Stoughton asked about the percentage of impervious area on this lot. Sam Foisie stated that  
294 there is currently 30.3% open space on this lot, where the requirement is 30%. The first proposal  
295 for this site was at 25% open space, but the applicant navigated the process to reduce the amount  
296 of impervious area. Bill Stoughton stated that it is okay if the applicant needs all this impervious  
297 area for parking, but if the applicant is only doing this to meet the requirements, he would be  
298 receptive to a waiver request for less pavement on the site.

299  
300 In response to a question from Bill Stoughton, Sam Foisie stated that there are no wetlands  
301 within 100’ of this site.

302  
303 Bill Stoughton asked about the nature of the materials that will be stored on this site. Sam Foisie  
304 explained that the owner has had conversations with the Fire Chief regarding this item, as the  
305 goal is not to sprinkle the building and that dictates which materials can be stored. Bill Stoughton  
306 stated that he is also concerned about spills that could go into the ground. Dan Prawdzik stated  
307 that the building just to the north of this proposed building is currently being used for storage and  
308 will be replicated in the proposed building. This building also does not require sprinklers and has

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309 been walked with Matt Conley, Fire Chief, many times. Dan Prawdzik stated that nothing will be  
310 stored in this building that would trigger the sprinkler requirement. It would also not be heated  
311 but kept just above freezing.

312  
313 Rob Clemens asked about the current land cover of the site. Sam Foisie stated that the lot is  
314 partially open where some vehicles are stored and there is also a small, wooded area. Rob  
315 Clemens asked if the applicant would consider rain gardens for a stormwater feature in order to  
316 get some landscaping/vegetation. Sam Foisie explained that what can be stored in an infiltration  
317 basin exceeds what can be stored in a rain garden.

318  
319 Pam Coughlin and Brian Cullen had no questions or comments at this time.

320  
321 Arnie Rosenblatt thanked the applicant and wished him good luck in the process.

322  
323 **OTHER BUSINESS:**

324  
325 10. Minutes: September 6, 2023

326  
327 **Tracie Adams moved to approve the minutes of September 6, 2023, as amended**  
328 **[Line 313: remove the word “stated”; Line 497: add “Tracie Adams retook her seat**  
329 **on the Board;” Line 522: change “come” to “comes;” Line 545: change to “dead-end**  
330 **road length;” Line 982: add a period at the end of the sentence; Line 988: change to**  
331 **“this will then infiltrate.”] Seconded by Chris Yates.**  
332 **Vote: 5-0-1 motion carried [B. Stoughton abstaining.]**

333  
334 11. Any other business that may come before the Board.

335 **Cynthia Dokmo moved to adjourn the meeting at 7:51pm. Seconded by Tom Silvia.**  
336 **Vote: 6-0-0 motion carried unanimously.**

337  
338 Respectfully submitted,  
339 Kristan Patenaude

340  
341 Minutes approved: October 18, 2023