

January 3, 2023

DRAFT

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

4
5 Staff present: Kristan Patenaude (Recording Secretary) (remote)

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

8
9 *Pam Coughlin sat for Cynthia Dokmo. Brian Cullen sat for Tom Quinn. Rob Clemens sat for*
10 *Chris Yates.*

11
12 **PUBLIC HEARING(S):**

13
14 **1. Second Public Hearing on Proposed Zoning Ordinance Amendments. See separate**
15 **notice.**

16
17 Arnie Rosenblatt read and opened the case. He explained that this hearing is with respect to a
18 change that was proposed to amendment #3 at the Board's December 6, 2023, meeting. Proposed
19 amendments #1, 2, 4, and 5 have already been moved to the ballot.

20
21 There were no questions from the Board.

22
23 A member of the public asked for a review of the proposed amendment #3. Bill Stoughton
24 explained that the change has to do with the Town's floodplain ordinance. The changes were
25 requested by the State. If the Town does not make these changes, its residents are not eligible for
26 federal flood insurance. No one from the Board or public had substantive changes to make at the
27 first public hearing, but Town Counsel noticed that one of the changes that the State wanted to
28 make in one paragraph was not made in another paragraph, leading to this second public hearing.
29 The other amendments which were already placed on the ballot will be explained in the Voter's
30 Guide.

31
32 **Bill Stoughton moved to place proposed amendment #3 on the ballot. Seconded by**
33 **Tom Silvia.**

34 **Vote: 6-0-0 motion carried unanimously.**

35
36 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING**
37 **IF APPLICATION IS ACCEPTED AS COMPLETE:**

- 38
39 **2. CASE #: PZ18270-120523 – PKM Properties, LLC; 10 Howe Drive, PIN #: 002-034-**
40 **007.** Non-Residential Site Plan Review Amendment. To depict changes to the approved
41 plan to lower the site and reduce the pavement for a 24,680 s.f. building; 21,160 s.f.
42 warehouse and 3,520 s.f. office. *Zoned Industrial.*

January 3, 2023

DRAFT

44 Arnie Rosenblatt read and opened the case. He explained that this item was previously approved
45 by the Board. This application is for the purpose of depicting changes in the already approved
46 plan.

47
48 *Pam Coughlin recused herself from this item.*

49
50 **Tom Silvia moved that the application is complete. Seconded by Bill Stoughton.**
51 **Vote: 5-0-0 motion carried unanimously.**

52
53 Arnie Rosenblatt outlined the Board's process. He explained that the Board would first
54 determine whether the application is complete. If that determination is made, the Board will
55 move into a public hearing on this item.

56
57 Sam Foisie, PE, Meridian Land Services, explained that this application was approved at the end
58 of the summer/beginning of the fall. While the applicant was seeking the approvals for other
59 permits, the plan was brought to a contractor to build the site. In discussions with the contractor,
60 it was determined that the cost of the site would not allow the project to move forward. Thus,
61 there was a request to value engineer the site based off the applicant's needs today and their
62 expected needs in the future. Originally, the site was designed to allow the largest vehicle to
63 enter it, but it was determined that the applicant does not use trucks that large for deliveries,
64 leading to changes on the plan. The building size has been reduced a bit based off what the
65 builder can build. The building was pulled off the rear setback line to allow for a little flexibility.
66 There is a proposal to reduce the number of parking spaces, including an expanded waiver from
67 the previously approved waiver. There are also proposals to reduce some of the parking lot area,
68 reduce the turning movements in the loading area, and reduce the width of the pavement coming
69 onto the site. The number of overhead doors proposed was reduced from four to three, and
70 personnel doors have been added to the loading area.

71
72 Regarding drainage, Sam Foisie explained that two test pits were dug in the drainage basin. The
73 original separation to seasonal high water was proposed at 7', but the test pits show this being
74 reduced to 5 ¼', which is still above the required 4' of separation. This allowed for a reduction in
75 the pipe network in the parking area which was the original determining factor for the grading of
76 the site. The stormwater basin size has been increased on the plan, allowing for an increase in the
77 volume of stormwater that can be treated.

78
79 Sam Foisie stated that for the utilities, the preserved area for a below parking septic system has
80 been changed to a standard pipe and stone leach field located adjacent to the inbound access
81 way. Other changes include adjusting the hydrant locations to allow for the reduced parking area
82 in the northeast corner of the site. The limits of disturbance around the perimeter of the site have
83 decreased, allowing the plan to still be in compliance with the previously approved Conditional
84 Use Permit for the use of the buffer. Impacts to the site will be less than previously approved.

85
86 Rob Clemens, and Brian Cullen had no questions at this time.

87

January 3, 2023

DRAFT

88 Bill Stoughton stated that the Staff comments from the previous Staff Report have not been fully
89 addressed. Sam Foisie agreed that these have not yet been fully addressed as the changes to the
90 plan came up in the middle of that process. The comments were specific to the lighting plan,
91 which has been changed as the number of poles has been reduced and the poles have been moved
92 away from the property line, bringing the plan into compliance. Sam Foisie stated that his
93 previous preliminary submittal regarding the lighting plan is no longer valid. A letter regarding
94 Pennichuck water availability will be provided. Bill Stoughton stated that there is also a
95 comment that Staff has not yet received comments from Keach Nordstrom on this revised plan
96 and that this would be a condition of approval. Sam Foisie agreed.

97
98 Bill Stoughton asked if the previous plan included bringing in fill to raise the height of the site.
99 Sam Foisie stated that this was correct. The revised plan also includes bringing in fill, just not as
100 much. This is unfortunate as this was a gravel excavation site originally that was over-excavated.

101
102 Bill Stoughton stated that, from a stormwater standpoint, there is no increase in the stormwater
103 generated through this revised plan, and the impervious area is actually reduced a bit. There are
104 no waivers needed for stormwater from this plan. Sam Foisie agreed.

105
106 Tom Silvia had no questions at this time.

107
108 Tracie Adams asked if there were any changes to the landscape plan proposed. Sam Foisie stated
109 that there are not. He stated that he would assume the previously approved waiver from having
110 the landscape plan stamped by a licensed landscape architect would still be valid. A minor
111 adjustment was made along the entranceway to make room for the leach field.

112
113 There was no public comment at this time.

114
115 The Board discussed the requested expanded waiver. Sam Foisie explained that this is an
116 expanded waiver because the revised proposal is to remove four parking spaces in the northeast
117 corner of the site, further reducing the pavement area. There is an area on the site reserved for
118 these four spots, in case they are needed in the future, to the west of the parking spaces on the
119 south side of the building. Sam Foisie stated that the applicant thought that this proposed
120 reduction would be in compliance with the originally approved waiver.

121
122 **Bill Stoughton moved to grant the waiver requested from the parking requirements**
123 **of the regulations, as the Board has determined that strict conformity with the**
124 **requirement would pose an unnecessary hardship to the applicant because the**
125 **required spaces are not necessary given the particular use envisioned for the**
126 **property, and the waiver will not be contrary to the spirit and intent of the**
127 **regulations. Seconded by Tom Silvia.**

128 **Vote: 5-0-0 motion carried unanimously.**

129
130 **Bill Stoughton moved to approve CASE #: PZ18270-120523 for PKM Properties,**
131 **LLC, for the above cited Non-Residential Site Plan Review Amendment, of Map 2**

January 3, 2023

DRAFT

132 **Lot 34-7, 10 Howe Drive, to make changes to the approved plan to lower the site and**
133 **reduce the pavement for a 24,680 s.f. building comprised of a 21,160 s.f. warehouse**
134 **and a 3,520 s.f. office, for parking and other associated site improvements, with the**
135 **conditions listed and the other conditions from the conditional approval dated**
136 **August 16, 2023, which are not listed here but remain in full force and effect, and to**
137 **adopt the conditions recommended in the Staff Report with the understanding that**
138 **the checklist corrections required include those identified from the previous**
139 **approval to the extent they remain applicable. Seconded by Tom Silvia.**
140 **Vote: 5-0-0 motion carried unanimously.**

141
142 **Findings of Fact for 10 Howe Drive**

143
144 **Application Description**

145 Case # PZ18270-120523, Foundation Armor, Amended Non-Residential Site Plan Review for
146 Tax Map 2 Lot 34-7, lot size 6.53 acres in Amherst, New Hampshire. PKM Properties, LLC, is
147 the property owner. The property is located at 10 Howe Drive. The June 5, 2023, Non-
148 Residential Site Plan presented then is revised at this meeting. The applicant proposes to depict
149 changes to the approved plan to lower the site and reduce the pavement for a 24,680 s.f. building:
150 a 21,160 s.f. warehouse and a 3,520 s.f. office.

151
152 The Staff Report’s description and chronology is adopted by the Board as a portion of this
153 Findings of Fact and can be referred to for further details.

154
155 **Application Completeness**

156 Per Non-Residential Site Plan Review Regulations Article 3, the Planning Board was provided
157 with application documents which were reviewed. It was determined that the application was
158 sufficiently complete to proceed with consideration by the Board per RSA 676:4 I. (b).

159
160 **Land Usage Requirements**

161 Per the Zoning Ordinance, Section 4.7, the proposed land use meets the existing land uses
162 permitted in the Industrial Zoning District.

163
164 **Compliance with Regulations**

165 General Standards 2.1 requirements were achieved to the satisfaction of the Planning Board.

166
167 Section 6.1 Parking Area requirements in relation to landscaping islands and plantings are met to
168 the satisfaction of the Planning Board.

169
170 Section 7.1 Outdoor Lighting is now superseded by the Outdoor Lighting and Glare Ordinance.
171 The applicant demonstrated that the requirements were met particularly in relation to light
172 remaining on site.

173
174 Section 8.1 Parking Space Requirements the calculation was for 50 spaces and a waiver was
175 granted for 35 spaces plus 4 future spaces for a total of 39 spaces. See the waiver section for

January 3, 2023

DRAFT

176 details.

177

178 Section 12.1 Architectural Design Standards' purpose is achieved to the satisfaction of the
179 Planning Board.

180

181 **Environmental Requirements**

182 Per Section 2.1.7, environmental factors such as pollution, noise, odor, and protection of natural
183 land features were evaluated and determined that adequate provisions were made.

184

185 Per Section 2.1.8, the landscape plan was found to be in keeping with the general character of the
186 surrounding area.

187

188 Per Section 5.1, the purpose of the Landscaping section, protecting, enhancing, and promoting
189 economic, ecological, and aesthetically pleasing landscaping that improves safety and positively
190 impacts stormwater quality and quantity, is achieved to the satisfaction of the Planning Board.

191

192 **Waivers**

193 The waiver for Parking Space Requirements was requested and the Board made the decision to
194 grant this waiver.

195

196 **Stormwater Management**

197 General Standards 2.1.5 Stormwater drainage was addressed in the Stormwater Management
198 Report. It was determined that the stormwater management and erosion and sediment control
199 plans meet the Town's requirements.

200

201 **Conditions**

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

204

205 **Summary**

206 The Planning Board finds that with the conditions imposed in the approval, the application meets
207 the spirit and intent of the Ordinances and Regulations.

208

209 **Tracie Adams moved to approve the Findings of Fact as presented for 10 Howe**
210 **Drive. Seconded by Tom Silvia.**

211 **Vote: 5-0-0 motion carried unanimously.**

212

213 *Pam Coughlin retook her seat.*

214

215 **OTHER BUSINESS: *The Board took up this item at this time.***

216

217 **1. Minutes: December 6, 2023**

218

January 3, 2023

DRAFT

219 **Bill Stoughton moved to approve the minutes of December 6, 2023, as amended**
220 **[Line 414: change from “completion of” to “competition from”; Line 535: to read**
221 **“proposed housekeeping”; Line 1: Add “Chair” title for Arnie Rosenblatt.]**
222 **Seconded by Bill Stoughton.**
223 **Vote: 5-0-1 motion carried [T. Silvia abstaining.]**
224

225 3. **CASE #: PZ18271-120523 – Vonderosa Properties, LLC (Owners & Applicants);**
226 **County & Upham Road, PIN #: 004-145-000.** Subdivision Application. To subdivide
227 Tax Map 4 Lot 145 into five (5) residential lots. *Zoned Residential Rural.*
228

229 4. **CASE #: PZ18272-120523 –Vonderosa Properties, LLC (Owners & Applicants);**
230 **Cricket Corner & Upham Road, PIN #: 004-116-000.** Subdivision Application. To
231 subdivide Tax Map 4 Lot 116 into nine (9) residential lots. *Zoned Residential Rural.*
232

233 5. **CASE #: PZ18273-120523 – Vonderosa Properties, LLC (Owners & Applicants);**
234 **County, Upham & Spring Road, PIN #: 004-118-000, 004-119-000 & 004-121-000 &**
235 **006-102-000.** Subdivision Application. To subdivide Tax Map 4 Lots 118, 119 & 121,
236 and Tax Map 6 Lot 102 into seven (7) conservation lots and thirty-seven (37) residential
237 lots. *Zoned Residential Rural.*
238

239 *Rob Clemens recused himself from all three Vonderosa Properties, LLC hearings.*
240

241 Arnie Rosenblatt read and opened all three hearings for the same applicant at the same time.
242 Attorney for the applicant, Israel Piedra, Esq., of Welts, White & Fontaine, P.C., stated that the
243 applicant would like to have each application heard independently. Arnie Rosenblatt explained
244 that the Board will not be hearing new information past 10pm this evening. He believes it would
245 be more efficient for the Board to hear all three application presentations concurrently. He would
246 prefer this but will not insist on it. These items will need to be continued, at least due to the fact
247 that a site walk will be needed.
248

249 Chad Branon, PE, Fieldstone Land Consultants, stated that the three applications were submitted
250 separately, the Staff Reports treat them as separate applications, and he thus believes that the
251 Board must accept each one separately as complete. Arnie Rosenblatt agreed regarding accepting
252 each application as complete separately. Chad Branon stated that the applicant is happy to
253 present them as one large presentation. The larger application will require a lot of work.
254

255 Arnie Rosenblatt asked the applicant to address which waivers are being requested for each
256 application. Chad Branon stated that there is only one waiver being requested for each of the
257 three applications, dealing with a stormwater management plan. The Town’s regulations include
258 a stormwater management checklist that requires all three of these applications to submit an
259 individual stormwater management plan for each lot, as each application is over three lots in size
260 and the disturbances would exceed such. The only way to design a site for stormwater
261 management is to understand what is proposed to be developed. As referenced in the stormwater

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

262 management checklist, the requested waivers are that this be handled during the building permit
263 process. At that time there would be a review of the engineering design for completeness, likely
264 by the Town Engineer.

265
266 Arnie Rosenblatt asked the Board if it is prepared to determine that each application is complete
267 at this time, in order to move forward with the review of the application, recognizing that in
268 some instances the Board has approved waivers for completeness with the caveat that additional
269 information can be required to be submitted at a later time. One impact of determining that an
270 application is complete, is that the clock starts running.

271
272 Tracie Adams stated that the only item regarding completeness that does not seem to yet be
273 submitted is with regard to the legal data. Chad Branon stated that a driveway easement form
274 was submitted to address the legal data. This is the same form that was done and approved with
275 the prior subdivision. For the larger subdivision, the applicant is proposing conservation lots and
276 conservation easements, and looks forward to working with the Amherst Conservation
277 Commission (ACC) regarding appropriate restrictions. There is no requirement for that item in
278 the subdivision application. This is an offering from the applicant, with hope that the Board
279 would consider that this is not technically a required item for completeness at this stage.

280
281 Bill Stoughton stated that, with respect to the stormwater request, he would like to be clear that if
282 the Board agrees to waive submission of the report for purposes of completeness, that the need
283 for a waiver can be addressed after hearing the presentation. The Board will, in no way, be bound
284 by waiving it for purposes of completeness from raising that item later on. He stated that he has
285 some concerns substantively on whether this item should be waived. Secondly, he stated that he
286 believes some of these lots will require a Conditional Use Permit (CUP), for example to access
287 the reduced frontage lots. The ordinance requires that a CUP be submitted at the same time as the
288 subdivision application. The Board could reject the subdivision application if there is no CUP,
289 and one is required.

290
291 Tracie Adams stated that the ACC raised a few concerns regarding CUPs being needed for the
292 wetland crossings. She would like to make sure this issue can be raised again in the future by the
293 Board, if needed. Bill Stoughton stated that he would like to hear from the applicant that there
294 will be no objection to the Board raising these issues at the point of a hearing if it waives them
295 now for purposes of completeness. Attorney Piedra stated that the applicant agrees to this item.

296
297 Arnie Rosenblatt asked that the motion should provide that the Board is accepting these
298 applications as complete, with the understanding that at least the two issues identified may be
299 considered down the road, and that the applicant agree to defer any deadlines until after the next
300 meeting.

301
302 **Bill Stoughton moved to accept the application for CASE #: PZ18271-120523 as**
303 **complete, with the understanding that at least the two issues identified (stormwater**
304 **management and CUPs) may be considered down the road, and that the applicant**
305 **agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia.**

January 3, 2023

DRAFT

306 **Vote: 5-0-0 motion carried unanimously.**

307

308 **Bill Stoughton moved to accept the application for CASE #: PZ18272-120523 as**
309 **complete, with the understanding that at least the two issues identified (stormwater**
310 **management and CUPs) may be considered down the road, and that the applicant**
311 **agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia.**
312 **Vote: 5-0-0 motion carried unanimously.**

313

314 **Bill Stoughton moved to accept the application for CASE #: PZ18273-120523 as**
315 **complete, with the understanding that at least the two issues identified (stormwater**
316 **management and CUPs) may be considered down the road, and that the applicant**
317 **agrees to defer any deadlines until after the next meeting. Seconded by Tom Silvia.**
318 **Vote: 5-0-0 motion carried unanimously.**

319

320 Arnie Rosenblatt explained that the applicant would now proceed with a presentation with
321 respect to the three applications. The applicant has not waived its position that the three
322 applications are three separate applications, but this does not mean that the Board is agreeing that
323 they should not be considered concurrently. For purposes of efficiency, the applicant will present
324 with respect to each of these three applications at the same time. The Board will have an
325 opportunity to make comments and ask questions with respect to all three; the public will have
326 an opportunity to make comments with respect to all three, and this process will then go back to
327 the Board. These hearings will not be completed tonight as a site walk is needed, and Board
328 members may want additional information. There will also likely be a number of comments and
329 questions from the public.

330

331 Chad Branon explained that the applicant is seeking a conventional subdivision over Tax Map
332 parcels 4-116, 4-118, 4-119, 4-121, 4-145 and parcel 6-102. In totality, all three applications
333 consist of 332 acres. The lots have frontage along Cricket Corner Road, County Road, Upham
334 Road, and Spring Road. The applicant is proposing, through the course of three applications, a
335 conventional subdivision utilizing the existing road frontage to create 58 lots. A total of seven of
336 those lots would be conservation lots, leaving 51 buildable lots in totality. There are
337 approximately four backlots being proposed.

338

339 Chad Branon stated that the first application is for a five-lot conventional subdivision on Tax
340 Map parcel 4-145. This parcel has frontage along County Road and Upham Road, consists of
341 15.927 acres of land and has 1,334 linear feet of frontage along County Road and 885 linear feet
342 of frontage along Upham Road. The parcels for all three applications are located in the
343 Residential Rural Zone, which has a minimum lot size of two acres of non-wet, non-flood plain
344 land, with slopes of less than 20%. The frontage requirement in that Zone is 200' on a Class V or
345 better road and all of the roads in these applications meet those criteria. The topography for this
346 parcel generally slopes from south to north, to jurisdictional wetlands along the northeast portion
347 of the site. The lots proposed in this subdivision range from 2.1 acres to 4.04 acres. All lots meet
348 the buildable area requirement and the dimensional standards. Test pit data has been supplied.
349 The lots for this development will be serviced by onsite wells, onsite septic systems, and private

January 3, 2023

DRAFT

350 driveways. The applicant originally proposed six lots in this location and, after considering the
351 applicant's objective, a determination was made to preserve the field area along Upham Road.
352 These modifications reduced the density down to five lots. In order to preserve the field area, the
353 proposal is for a common driveway off County Road to service Lots 3, 4, and 5. The other two
354 remaining lots would also have access off County Road. The applicant has provided all of the
355 sight distance plans for all of the lots for these three applications and they meet all of the
356 requirements.

357
358 Chad Branon stated that the applicant has received department comments, along with those from
359 the Fire Department, the ACC, the SAU, the Heritage Commission, and the Department of
360 Public Works (DPW). One of the comments from the ACC dealt with adjusting the common
361 driveway to try to minimize any impacts to the buffer area. The applicant is willing to work with
362 the ACC on this item but has not yet made these adjustments.

363
364 Chad Branon stated that the applicant submitted test pit data, supporting all the requirements.
365 The applicant also submitted a wetlands evaluation methodology report, which evaluated the
366 functions and values of all the wetlands and justified the buffers that are being proposed. There
367 were some questions from the ACC regarding that report, and the applicant will continue
368 working with them. The applicant submitted a fiscal impact study that was prepared by Fougere
369 Planning and Development that outlined in totality that the three projects would have a net
370 positive impact for the Town. The applicant also provided an archaeological report prepared by
371 Monadnock Archaeological Consulting. The report highlighted three sensitive areas within the
372 parcels, two of which the applicant is planning to preserve. One of them is on a conservation lot,
373 and one is the Upham homestead. The summary of the report recommended additional
374 excavation around the homestead to make sure the history is documented appropriately. The
375 applicant has no objections. Outside of those items, there were no other concerns of
376 archaeological significance. The applicant plans to meet the standard recommendations
377 consistent with the Heritage Commission to try to preserve stonewalls and reconstruct them if
378 there are any impacts.

379
380 Chad Branon stated that the applicant also submitted an environmental and wildlife report
381 prepared by Natural Resource Consulting Services. This report spoke to all three of the
382 applications. The applicant is proposing a conventional large lot subdivision, meaning there will
383 be buildable areas and impacted areas, but there will also be large, preserved areas around the
384 homes and, by default, a great deal of wildlife corridor and habitat being preserved. The
385 applicant ultimately incorporated some conservation lots and conservation easements. The
386 wildlife consultant felt that this plan connects the preserved areas, preserves wildlife corridors,
387 and allows for recreational connectivity.

388
389 Chad Branon stated that the applicant also submitted a hydrogeological report prepared by
390 Terracon Consultants. This report addressed the wells and water supply. The conclusion was that
391 these developments should not have a negative impact on surrounding wells and their water
392 supply. This was supported by existing data.

393

January 3, 2023

DRAFT

394 Chad Branon stated that he already reviewed the waiver request. He noted that there will be CUP
395 requirements for wetland crossings and those designs will lead to drainage details.
396

397 Chad Branon discussed the second application, for Lot 4-116. The parcel consists of 46.103
398 acres of land, has 1,333 linear feet of frontage along County Road, and 1,289 linear feet of
399 frontage along Cricket Corner Road. This parcel is also located in the Residential Rural Zone and
400 has the same lot size requirements. The topography of the site generally slopes from west to east.
401 There are some jurisdictional wetlands positioned throughout the property which drain towards
402 the east. The proposal for 4-116 is a nine-lot conventional subdivision. The lots will range from
403 2.4 acres to 12.9 acres in size and will meet the two-acre minimum buildable area requirement,
404 as well as all the dimensional standards. Each of the lots will be serviced by a private well, septic
405 system, and private driveway. Sight distance plans providing 300' of sight distance at the
406 driveway intersections were submitted. The applicant provided the same details relative to test
407 pits for this application. The applicant will be proposing one wetland crossing to access two
408 proposed large lots that are isolated by wetlands along the southwestern portion of the site. The
409 applicant will be working on designs associated with that crossing.
410

411 Chad Branon stated that the third application proposes a 44-lot subdivision over Tax Map parcels
412 4-118, 4-119, 4-121, and 6-102. These properties have frontage along County Road, Upham
413 Road, and Spring Road. Parcel 4-118, on the south side of County Road, consists of 15 lots. 14
414 of those lots will be buildable lots and one will be a conservation lot. Tax Map parcels 4-119, 4-
415 121, and 6-102 will be consolidated and ultimately re-subdivided into 23 buildable lots and six
416 conservation lots. This leads to a total of 37 lots on the north side of County Road, seven of
417 which will be conservation lots. This application, in total, consists of 270 acres. Lot 4-118 is a
418 44.2-acre property, 4-119 is 19.7 acres, 4-121 is 56.4 acres, and 6-102 is 149.6 acres. These lots
419 are all in the Residential Rural Zone. The applicant proposes 44 lots, with 37 buildable lots and
420 12,716 linear feet of road frontage. This equates to approximately a 7.3-acre average lot size.
421 These will not be small lots on average. This proposal includes three back lots, one on the south
422 side of County Road and two on the north side. All of those lots meet the dimensional standards
423 for backlot separation to intersections. The lots in this application range from 2 acres to 41.3
424 acres in size and all meet the minimum buildable area requirements. These lots will be serviced
425 by private wells, on-site septic systems, and private driveways. The applicant completed all of
426 the sight distance checks along County Road, Upham Road, and Spring Road.
427

428 Chad Branon explained that the third application proposes to permanently protect approximately
429 113 acres of land. This is accomplished through seven conservation lots and a conservation
430 easement. The conservation easement consists of 25.3 acres. In total, the conserved area
431 proposed on this portion of the overall development is 138.3 acres, or approximately 51.2% of
432 the land. Nearby Village Woods Drive is a cluster subdivision that has open space and preserved
433 area. The conservation land proposed by the applicant will connect to this area and extend to
434 Evergreen Lane. The south side of County Road includes conservation land and there is a large
435 amount of corridor connectivity being proposed with this layout. This is referenced in the
436 environmental and wildlife study as going above and beyond in preserving land. Chad Branon
437 noted that this is being offered by Vonderosa Properties, but there is no requirement in the

January 3, 2023

DRAFT

438 regulations for conservation lots or easements. The owner has enjoyed the property and is trying
439 to preserve the property while creating a very reasonable development that maintains rural
440 character. These are objective plans to continue in reviewing potential upgrades to County Road.
441

442 Chad Branon stated that the third application will require some improvements to County Road. A
443 traffic study has been completed and states that County Road is a Class V road which, under the
444 current conditions, should be 20' wide with shoulders in order to address appropriate traffic,
445 safety vehicles, etc. As this is a scenic road, it would be best to preserve its rural character. The
446 development being proposed can safely operate under the current dimensional standards. The
447 applicant is proposing reasonable improvements, which seem to be consistent with what the
448 Director of DPW, Eric Slosek, expressed in his letter. These improvements will be mindful of the
449 surroundings, trying to preserve and minimize tree cutting, and preserve stone walls. The
450 applicant looks forward to continuing to work with the DPW. The applicant walked County
451 Road with Eric Slosek to discuss safety issues, such as sight distance improvements, drainage,
452 and roadway width improvements. These applications deal with a property owner that owns, in
453 large part, both sides of the road, allowing a unique opportunity for preserving the natural
454 features and characteristics while still addressing getting drainage off the road and treating it
455 before discharging into a jurisdictional wetland. The applicant will continue to work on design
456 options and solutions for County Road.
457

458 Chad Branon stated that all of these applications will have to be phased to meet the Town
459 phasing standards. The applicant has a very practical and reasonable outlook on this project and
460 is not planning to build a large number of homes in any particular calendar year. The applicant
461 discussed phasing in order to work certain things into a budget with Eric Slosek.
462

463 Arnie Rosenblatt asked for Board comments and questions.
464

465 Pam Coughlin expressed concerns regarding the narrow sections of County Road. She asked how
466 this can be widened with stonewalls on both sides. She also expressed concerns about electrical
467 utilities and wildlife. Chad Branon stated that the applicant has opportunities to adjust the
468 alignment of the road while being sensitive to the trees. There are some trees along the right of
469 way that will have to be cut for roadway widening. The traffic study, as it pertains to County
470 Road, showed that it is currently in bad shape. It is a Class V road but is not up to road standards.
471 There are currently very narrow sections. In the areas where the applicant owns land on both
472 sides of the road, there are unique opportunities to improve the road. In order to engage in those
473 discussions, the applicant would like to submit a formal proposal to the Director of Public Works
474 and to the Board. Chad Branon stated that this Board determines the standards.
475

476 Brian Cullen stated that the applicant's proposal to preserve half of this property is pretty
477 spectacular. He asked if the field on the Upham field lot would be split, preserving the upper
478 side, and building on the back side. Chad Branon agreed. Chad Branon explained that the
479 intersection in this area is currently a bit of a nightmare. This has been discussed with the DPW
480 Director and the traffic engineer, regarding making improvements for the turning radius. These

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

481 are existing town roads, so the applicant cannot propose stop signs, but the applicant is proposing
482 some adjustments to the stopping conditions.

483
484 Brian Cullen asked how the applicant will access the lots on the west side of Upham Road. Chad
485 Branon stated that the applicant received some comments and concerns from the ACC relating to
486 that lot and is reevaluating if there is a better place to access that buildable area, as the driveway
487 is currently proposed more within the buffer than the applicant would like. This submission
488 proposes the driveway across from the intersection.

489
490 Bill Stoughton stated that the applicant's cover letter introduces all three of the applications and
491 includes a statement that the proposal is contingent on seven conditions. He expressed concerns
492 regarding the fact that some of these conditions are not within the purview of this Board, such as
493 the requirement that future current use penalties shall be waived for the 30 proposed lots, or that
494 future impact fees may be used toward road upgrades or repairs. These are not determinations
495 that can be made by this Board. Bill Stoughton stated that the biggest condition of concern states
496 that the applicant will pay no offsite improvement costs. He asked if this condition means that, if
497 County Road needs to be improved, the applicant will not pay for that. Chad Branon explained
498 that the current traffic study states that County Road should be brought up to a certain standard.
499 The proportionate contribution of that will be determined and would likely be owed by
500 Vonderosa Properties. The applicant hopes that there can be some tax credits for the
501 conservation land proposed in these applications. The applications include a lot of property along
502 County Road proposed to be dedicated to the Town, which has a value. The applicant discussed
503 items such as drainage easements onto nearby properties with the DPW Director, and there is a
504 lot of opportunity to work on these details. Bill Stoughton stated that, as he reads the ordinance,
505 there are only certain items that this Board is capable of doing. Chad Branon stated that the first
506 step is to determine what improvements are needed to County Road and the associated costs to
507 be borne by Vonderosa Properties. While this is being determined, there will be adjacent
508 conversations going on, with the ACC and other groups, to keep things moving forward.

509
510 Bill Stoughton stated that there is a process in the ordinance for assessing costs of road and
511 drainage improvements. The ordinance states that the DPW could get engineering assistance if
512 needed, and this would be at the applicant's expense. He asked if the applicant is willing to
513 engage in that process. Chad Branon stated that the applicant is, but the applicant believes that he
514 would prepare the design to then be reviewed by a third-party consultant. He stated that he
515 believes this is referenced in the letter from the DPW Director. The applicant would prepare a
516 proposal for County Road improvements that will then go to the Town's engineer for review and
517 comments. There would then be a construction cost estimate/proportional assessment done. That
518 has to be done by the Town's consultant. Bill Stoughton stated that the proportionality
519 assessment is done by the Board, with assistance. He stated that he has a different concept of
520 how the ordinance reads. He believes the Board should go to the DPW and ask what changes are
521 necessary for County Road, with the DPW having the ability to seek engineering assistance if
522 needed. The starting point should be what will bring County Road from its current condition to
523 one that complies with the Town's road standards. If there are then suggestions regarding the
524 road's scenic nature, there can be a consideration regarding the cost/benefit analysis. A cost

January 3, 2023

DRAFT

525 estimate can be obtained from the Town's engineer which can then be used to determine a
526 proportionate share. There can then be discussion regarding what items the applicant is
527 proposing at a benefit to the Town. The road improvements design should be completed by the
528 Town for what is necessary for growth improvements. Bill Stoughton stated that this design
529 should include County Road, the Upham Road intersection, and likely the Cricket Corner
530 intersection as well.

531
532 Bill Stoughton stated that he is very concerned regarding the requested waiver to wait until the
533 building permit stage to consider stormwater control for each lot. At the building permit stage,
534 the lot will likely have been sold to a builder or a private individual. If the lots have not been
535 reviewed for feasibility of proper stormwater control and placement of the proposed house, this
536 could create a real problem for everybody, including the then owner of the land. He stated that
537 the time to consider this item is now. This could be done similarly to septic systems, where 4,000
538 s.f. areas are set aside to determine the layout. The applicant's fiscal impact study stated that
539 these lots will assess when built out on average at \$1.2M. The footprint of a \$1.2M home and the
540 associated impervious area can be calculated in order to determine potential placement on the
541 lots. For some of these lots, there is probably only one place a house can go, if it can go
542 anywhere. He would like to see this calculated and laid out in order to determine the stormwater
543 condition and if it can be handled. Chad Branon stated that some of the lots have contours, may
544 parallel wetlands, or require areas to be preserved for stormwater. The basis of this requested
545 waiver is to find a middle road. There are a fair number of these lots that are pretty
546 straightforward and not adjacent to wetlands. Designing all of the lots would require a large
547 effort. Bill Stoughton stated that sometimes these things take a lot of effort. He understands the
548 developer's interest in minimizing the cost moving forward, but the Board has to assure that each
549 one of these lots is a buildable lot that will comply with the ordinances, including the stormwater
550 regulations. He would like to see how stormwater will be infiltrated on these sites.

551
552 Bill Stoughton stated that some of the lots that require wetland crossings are of concern. There
553 are a couple of lots with extensive wetland impacts, such as 6-102-14, and 6-102-15. He does not
554 know where the driveway access would be for those sites. It may end up at the CUP process that
555 some of the impacts are just too great to approve them as buildable lots.

556
557 Tom Silvia addressed the applicant's cover letter. The first sentence states that this proposal
558 package is contingent on some reasonable conditions. He asked if this is the beginning of a
559 negotiation process. Chad Branon stated that the objective of the cover letter was to lay out a
560 proposal for a proposed development. The applicant proposes to place a lot of land into
561 conservation restriction. There is an interest in trying to work with the Town toward tax credits,
562 or waived current use penalties for this land. The conditions mentioned are ideas and concepts
563 that the applicant wants to work through. Not all of the items can be addressed before this Board,
564 the applicant would be doing this Board a disservice if it did not openly address these items.

565
566 Tom Silvia stated that the first condition states that the seven conservation lots will be donated
567 upon execution of a reasonable appraisal of the land. He asked if this means that the applicant

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

568 will donate this land to the Town as long as he gets paid through something similar to a tax
569 credit. Chad Branon stated that this is the intention.

570
571 Chad Branon stated that the second condition discusses the lot yield of the proposal. This is a
572 very reasonable development, with 332 acres of land and 51 buildable lots. This is a reasonable
573 yield, and the applicant has very good intentions in terms of maintaining rural character and
574 positioning the homes. Tom Silvia asked if this is a communication that 51 lots is appropriate for
575 this area. Chad Branon stated that this is the intention. The applicant will have to prove it and can
576 make lot line adjustments during the subdivision process to address concerns. The applicant will
577 try to embrace the comments from the ACC and work with everyone involved.

578
579 Attorney Piedra stated that the overarching point of these conditions is not the applicant's
580 demands. The applicant is trying to put all his cards on the table. The applicant has offered things
581 that he did not have to offer and has tried to work with all the stakeholders in a way that perhaps
582 other applicants might not have. Tom Silvia stated that he appreciates that.

583
584 Chad Branon stated that the next condition is a statement that the traffic reports shows that
585 improvements are needed to County Road under the current conditions. The fourth one is that no
586 offsite improvement costs will be borne by Vonderosa Properties. In working through the other
587 conditions, the applicant will have other contributions in different avenues. The fifth condition is
588 that future impact fees may be used toward road upgrades or repairs. A percentage of impact fees
589 go toward road improvements. He stated that the applicant believes that perhaps these lots do not
590 have to be assessed that portion of the impact fee, as the Board has the ability to address this
591 item. The fiscal impact report outlines the anticipated impact fees to be approximately \$832,000
592 for this development. A portion of that, approximately \$65,000-\$75,000, is road impacts. The
593 applicant has considered road upgrades and wonders if that would count toward some relief on
594 impact fees. There is another similar item regarding fire suppression/safety. The applicant may
595 bring fire ponds or cisterns to the neighborhood. These do not currently exist in this area. If the
596 applicant addresses something that the community benefits from as a whole, there should be
597 some discussion about potential relief from impact fees.

598
599 Chad Branon stated that the next condition has to do with waiving current use penalties for 30 of
600 the proposed lots. This is a discussion that needs to be had, likely not with this Board. The
601 applicant agrees to dedicate land along the roadways, as applicable, for appropriate town right of
602 way and road maintenance. This is for County Road, Spring Road, Upham Road, and especially
603 at the intersections. The road currently leaves the right of way and goes onto private property in
604 some areas. The applicant will work to correct this and make sure that the Town has the correct
605 right of way widths. Condition #8 states that the applicant will work with the Town on the
606 stormwater management improvements. Condition #9 pertains to project phasing. The applicant
607 is willing to have a discussion about the phasing. This is why the applicant submitted three
608 applications. The applicant would like to get approval on the smaller subdivision sooner, in order
609 to build homes within the next year or two. These are legally separate and distinct properties.
610 The applicant also understands the Board's concerns relative to preparing reports and looking at
611 the project in totality.

January 3, 2023

DRAFT

612
613 Tom Silvia expressed concern regarding the proposed reduced frontage lots and the amount of
614 total acreage for both the front and the back of these lots. Chad Branon stated that he believes the
615 proposal will meet requirements of the minimum lot size.

616
617 Tom Silvia asked about sight checks on the roadways without having driveway locations. Chad
618 Branon stated that the applicant designed each driveway for the first 10'. A sight distance check
619 is taken 10' off the edge of the roadway. The applicant has established the grade coming off the
620 road at 2%. The location of the driveways can be changed with the applications. A future owner
621 could choose to move it, but they would have to prove that they would meet the sight distance in
622 a new location.

623
624 Tom Silvia asked how much of the proposed 138 acres of conservation land is actually buildable.
625 Chad Branon stated that he has not yet done that calculation. A majority of the lots are buildable
626 lots. There is a fair amount of wetlands but there are also upland pockets. Tom Silvia stated that
627 he would like to see this calculation. Arnie Rosenblatt agreed that the Board would like to know
628 what portion of the proposed conservation land is buildable. Attorney Piedra stated that just
629 because it is not buildable now does not mean it will not be in the future.

630
631 Tracie Adams asked, if County Road is improved, what impact that would have on the Town in
632 terms of it being a more desirable throughway for people. Chad Branon stated that this has been
633 part of the discussion with the traffic engineers. This is a Class V road and needs to be to a
634 certain standard. Improving it may make it more desirable to travel down. Traffic calming is a
635 big discussion in a lot of other areas of Town. There may need to be some reasonable
636 improvements to address safety, maintenance, and drainage issues to make sure that the road is
637 not a continual burden for the Town. There would be some wetland impacts associated with the
638 road improvements and impacts associated with potential widening. He stated that he believes
639 those impacts exist already based on the current drainage and function. Addressing drainage in
640 this area would ultimately be an improvement for the environment.

641
642 Tracie Adams stated that she likes the conservation concept and was glad that the applicant was
643 straight forward with much of the information presented.

644
645 Arnie Rosenblatt asked how the logistics of the applicant's proposed conditions will work. The
646 applicant has stated that this proposal is contingent on certain conditions and agreements. This is
647 atypical as normally the Planning Board states conditions that are mandated by its approval. He
648 stated that he will not support the Planning Board approving these applications until all the issues
649 within the proposed conditions are addressed, and some of this cannot be done by this Board.
650 Regarding the conservation land, first the value will need to be determined, then the Board will
651 have to discuss potential tax credits with Town Counsel. A similar process will likely be needed
652 for the improvements on County Road. There may not be agreement on the Board as to how
653 these items are handled. He asked if the applicant is prepared to continue having discussions with
654 various Town entities on these items, which will require extending whatever statutory deadlines
655 there are. Chad Branon stated that, without question, the large application will need to be

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

656 extended. The applicant is hoping to work through the smaller applications. Arnie Rosenblatt
657 asked if the smaller applications impact County Road as well. He asked if there is any way to
658 realistically separate the applications for purposes of County Road. Chad Branon stated that there
659 are paved portions of County Road that, according to the applicant's traffic consultant, do not
660 need to be improved. There are distinctions between sections of County Road that could allow
661 the smaller applications to be handled separately.

662
663 Attorney Piedra stated that the applicant may not agree that there needs to be a full plan for how
664 Country Road will be dealt with before the smaller lot applications can be approved. Arnie
665 Rosenblatt stated that he has trouble separating these items. Based on the applicant's cover letter,
666 there are a number of issues that deal with County Road. He is unsure how the Board can address
667 any of the three applications without first dealing with the issues raised regarding County Road.
668 He pointed out again that the letter applies to all three projects. Chad Branon stated that the cover
669 letter was requested to deal with all three projects, but the reality is that the improvements to
670 County Road are along the section for the larger development of the three.

671
672 Arnie Rosenblatt asked if the applicant believes that all of the proposed conditions in the cover
673 letter can be determined by the Planning Board or by someone else. Attorney Piedra stated that
674 he believes all items, except #6 for the current use penalty waiver, can be determined by the
675 Board.

676
677 Arnie Rosenblatt asked for public comment at this time. He stated that public comment will be
678 taken until 9:30pm, in order to give the Board time for additional discussion.

679
680 Jerry Stankiewicz, 13 Conifer Lane, asked for additional meetings on these applications and for
681 all materials to be available online. It was pointed out that these materials are all available
682 through the Town website.

683
684 Dave Williams, County Road, asked what this proposal will cost taxpayers. Currently there are
685 no plans for any changes to County Road. There has been no money appropriated for any
686 changes to County Road and there have been no mandates for any changes to County Road.
687 Thus, the cost to taxpayers is \$0. The ordinance states that the Planning Board shall request the
688 Department of Public Works to identify offsite highway drainage as necessitated by the
689 development and an estimate of the cost upgrades. If the Department requires outside
690 engineering support in identifying the estimated cost structure, the applicant shall bear the
691 reasonable cost of such. This is not a debatable question. The ordinance calls for the DPW to
692 identify what the costs are going to be. If they cannot do it, they will seek an outside consultant
693 to determine what the costs are going to be for taxpayers. He asked if the Board approves the
694 applications and the studies are done, is the Town then authorized to spend taxpayer dollars for
695 this. Section 203.1.B. of the regulations, discusses excessive expenditures. If excessive
696 expenditures are needed for County Road, he asked who would authorize them. He would like to
697 see this put before the voters of Amherst regarding excessive expenditures for the improvements
698 to County Road as necessary for 37 \$1.1M homes. This should be reviewed in terms of the cost
699 to the taxpayers of Amherst.

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

700
701 Beth Sullivan, Village Woods, stated that she believes the traffic study and wildlife study need to
702 be redone as they are bogus. The traffic study was done in October 2023. The data collection was
703 a few days before Seaverns Bridge Road was closed. There were signs up telling people to find
704 an alternate route, which reduced the traffic on the road. The bridge at Thornton Ferry Road was
705 also closed, reducing the traffic going in the other direction. The numbers are not an accurate
706 portrayal of what actually drives County Road. There was no discussion of how the proposed
707 Village traffic changes could affect the traffic flow coming through County Road. The
708 Vonderosa Properties' homes that were built on Cricket Corner have three car garages, so there
709 will likely be the same in this development, adding another 150 cars and increasing traffic. The
710 traffic speeds in the report were hysterical. Nobody drives 14 mph on County Road. She stated
711 that the reason the reported speeds were so slow is due to the light gray cable across the dark
712 brown dirt road, causing people to brake. These reports were all submitted during the holiday
713 season and there was not access to most of them until a couple of days ago. The only reason
714 improvements on County Road are being discussed is because of this development. She stated
715 that she believes the Fire Chief would like the road paved for the fire trucks. This would create a
716 straight line from Route 3 in Merrimack to downtown Amherst, causing a problem. The dirt part
717 of the road acts as a safety deterrent. It decreases the traffic and decreases the speed. Once this is
718 improved, people will treat it like a highway. She asked how paving the road would be a benefit
719 to the taxpayers. She also expressed concern regarding the submitted wildlife report.

720
721 Bill Birchard, 6 Alden Lane, asked if the hydrology study addressed neighboring wells.

722
723 Jonathan Graham, 1 Martingale Road, stated that the fiscal impact study seems to be in
724 contradiction with the letter from the SAU regarding the number of expected students. He
725 expressed concern that the traffic study was done in October. He noted that the information from
726 the Fire Chief regarding bringing fire apparatuses down that road should consider the weight of
727 Tower One and the turning radius when looking at the width of the road.

728
729 Howard Muscott, 48 County Road, stated that the big issue seems to be the proposed
730 improvements to County Road and the cost. He expressed concern over the applicant's
731 suggestion that this project will continue the rural character of Amherst. There are a lot of
732 inaccuracies in the submitted reports that need to be double-checked by the Board, or other
733 experts. The fiscal impact of this will come to every taxpayer. It would be prudent to know
734 exactly what it will cost. He asked if the Board could commit the public to pay taxes on
735 something now, knowing that things such as Board makeup may change in the future. The
736 developer proposed that this is going to be a money-making apparatus for Amherst. He asked
737 how a home of this size and cost could have 0.4 of a child and only two cars when there will be
738 three-car garages. It is imperative to know the size and the scope of this development. It is
739 important to designate someone to thoroughly analyze the methodologies and the metrics. He
740 asked if the subdivision plans that the ACC called inaccurate with respect to wetlands and other
741 features can be relied upon. He asked how the traffic study can be reliable when the bridges were
742 closed. He suggested the Board consider an independent fiscal analysis.

743

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

744 Kyle Morse, County Road, stated that she appreciates the desire for collaborative dialogue. She
745 stated that the applicant noted that he owns both sides of County Road, but there are significant
746 portions of County Road that are not owned on both sides by the applicant. She asked how those
747 sections of the road that are not owned by the applicant will be handled if they also need
748 improvements. She noted that significant widening of the road might cut into her property. She
749 noted that moving stonewalls, and taking down trees is not generally done lightly.

750
751 Dave McConville, 49 County Road, expressed concern regarding increased traffic when County
752 Road becomes paved. Anyone who travels this road regularly knows it is heavily traveled and
753 will only become more so.

754
755 Will Ludt, 3 School Street and representing the Heritage Commission, stated that he is glad to
756 hear there will be an archaeological survey study done on the property. There is a potential
757 Native American artifact along County Road, which he hopes will be addressed in this study.
758 The area has already been marked with blue flags. He stated that preserving the rural character
759 through historic stonewalls and foundations is important. Blowing through some of these
760 stonewalls to get to some of the driveways along this road will lead to it not being scenic
761 anymore. Amherst has never decertified a scenic road. He asked about preservation of the
762 existing farmhouse on Upham Road. He asked if the applicant considered connecting to
763 Pennichuck Water instead of having 51 wells drilled. He expressed one additional comment that
764 he would like to make to the Chair and Vice Chair privately. Arnie Rosenblatt stated, with
765 respect to the application, he would like all public comments to be made during the public
766 meeting. Will Ludt stated that he would like the Board to acknowledge the number of inputs
767 from other Town groups, such as the DPW and Heritage Commission. These Town boards and
768 commissions take time and should be acknowledged. This is also important to detail out for the
769 public. Arnie Rosenblatt stated that this is detailed in the Board's Findings of Fact and are
770 generally reflected during the meeting. These are also consistently included both Staff comments
771 and during discussion of the Board. Bill Stoughton stated that these are posted as well. Will Ludt
772 stated that many people are not aware of these detailed areas. He would like a little pat on the
773 back for the boards and commissions for their time and effort. Arnie Rosenblatt stated that he is
774 very appreciative to those members of the community and on the various boards that provide
775 their time. Many people on this Board spend a lot of time on these items too. Everyone is
776 appreciative of everyone's efforts.

777
778 Arnie Rosenblatt moved away from public comment, noting that there will be additional time for
779 public comment at future meetings on these items.

780
781 Arnie Rosenblatt stated that he would like the applicant to submit information to the Board
782 regarding which portions of the proposed conservation lots are buildable under the current
783 regulatory framework. Secondly, he would like the Board to consider which reports it would like
784 a third-party review of. Also, he would like to know what the Board would like to do with
785 respect to the requested waiver. Finally, he would like to have a conversation with Town
786 Counsel regarding the conditions identified in the applicant's letter of December 2, 2023. The
787 Board should then consider a realistic timeline for the next meeting on these items.

TOWN OF AMHERST
Planning Board

January 3, 2023

DRAFT

788

789 Bill Stoughton stated that he believes the assessment of County Road needs to be the first item
790 discussed. He suggested asking the DPW Director whether he will do it himself or whether he
791 needs engineering assistance. The DPW Director will likely want engineering assistance. If this
792 is the case, a cost estimate from an engineering firm should be obtained. The ordinance provides
793 that this would be funded by the applicant. With assistance, a report would be provided to the
794 Board regarding proposed improvements which are occasioned by this development, and what
795 the estimated cost is of making those improvements.

796

797 The Board discussed having a third-party review of the traffic report. Tom Silvia expressed
798 concern that the traffic report does not give the Board any information about the potential
799 increase in traffic that may occur if the road is paved and/or widened. Bill Stoughton explained
800 that some other entity in Town may, at some point, decide that County Road needs to be paved.
801 This is the perfect opportunity to try traffic calming measures along the roadway. He would like
802 to know what it would cost to improve the existing road to the current standard. He stated that he
803 believes the State law and ordinance are set up that the applicant can be made responsible for a
804 proportionate share of the cost of improvements that are necessary.

805

806 Pam Coughlin agreed with the comments about the traffic report. She stated that any proposed
807 improvements should consider the whole project. The Board needs to know the cost of the entire
808 thing. Arnie Rosenblatt stated that this deals more with road improvements. Pam Coughlin stated
809 that these two items work together. Improving the road could see impacts on traffic.

810

811 Brian Cullen stated that he believes Eric Slosek's letter indicates that County Road already does
812 not comply with the Town's road standards. It is not necessarily proper to place the entire cost of
813 this improvement on the applicant. He agreed that the large application will take a lot of time and
814 work. He noted that the applicant requested that the Board consider each application separately
815 and was then willing to present them all together as requested. He wants the Board to be fair to
816 the applicant and consider moving forward with the three applications separately, without
817 holding up two due to legitimate concerns regarding the third.

818

819 Chad Branon stated that the offsite improvements contemplate a lot of work on the applicant's
820 property, not just within the Town's land. The right of way is very narrow, and the design should
821 be initiated by the applicant. Typically, when relying on the DPW or the Town's engineer, an
822 offsite exaction does not impose on an applicant's land. The applicant does not own land on both
823 sides of the road for the entirety of County Road. In certain areas, this would require judgments
824 onto someone else's property. The design should be initiated in this instance by the applicant.

825

826 Arnie Rosenblatt asked if the applicant is requesting to prepare a road plan, rather than the Town
827 to start with. Chad Branon agreed.

828

829 The Board discussed a date for the site walk. Bill Stoughton stated that the frontage along
830 County Road is critically important and should be reviewed on the site walk. The Board agreed
831 to hold a site walk on January 31, 2024, at 1:30pm.

January 3, 2023

DRAFT

832
833 There was discussion regarding the fiscal impact study. Arnie Rosenblatt stated that this will be a
834 shifting target and may not be able to be evaluated until the other conditions are clear.
835

836 There was discussion regarding the road design plan. Tom Silvia stated that he believes the
837 engineering of the road needs to be considered before the amount of traffic impact can be
838 determined. Arnie Rosenblatt stated that he believes a new road proposal needs to be submitted
839 to start. He does not have a problem with the applicant creating this design, knowing that the
840 Town will weigh in. Bill Stoughton stated he believes the Board should ask the DPW Director
841 for a recommendation on what should be done. The applicant can also provide some input.
842 Tracie Adams agreed that she believes the Board needs to hear from the DPW Director initially.
843 Brian Cullen stated that he has no problem with the applicant drafting an initial road plan. Bill
844 Stoughton stated this is not what the ordinance envisions. The DPW Director has a charge when
845 examining a road, in terms of building it to the existing road standards. This is based on long-
846 term viability of the road. Arnie Rosenblatt stated that he has not been persuaded that the
847 ordinance does not allow for the DPW Director to review a proposed design from the applicant
848 and weigh in on it. Bill Stoughton stated that the Board should ask the DPW Director what
849 should be done to this road that is compliant with the road standards first. He does not want the
850 DPW Director to react to a proposed design, but instead consider the applicant's thoughts when
851 working with the engineer regarding what is necessary for the road. He does not want the DPW
852 Director to be constrained by the applicant's design, but instead start from the road standards. He
853 noted that the DPW Director would consider what is of interest to the applicant during the
854 design. Tom Silvia and Tracie Adams agreed that this process should begin with the DPW
855 Director, and the collaborative effort can then move forward. Bill Stoughton stated that the
856 ordinance envisions that the DPW Director will then report back to the Board. The applicant can
857 make any submission to the DPW Director during the process for consideration.
858

859 **Bill Stoughton moved to request the DPW Director to provide an assessment of road**
860 **and drainage improvements necessary and the estimated cost of those**
861 **improvements, in accordance with Zoning Ordinance Section 4.19 N.2., noting that**
862 **the applicant can submit its perspective to the DPW Director. Seconded by Tracie**
863 **Adams.**

864 **Vote: 5-0-0 motion carried unanimously.**
865

866 Regarding the stormwater waiver, Bill Stoughton stated that he does not agree with granting a
867 waiver at this time. He believes there should be an assessment regarding how stormwater is
868 managed on each of the lots using at least a notional building and driveway design. This does not
869 need to include fully engineered details. Tom Silvia, Tracie Adams, and Pam Coughlin agreed
870 that they are not in favor of granting the waiver request at this time. Brian Cullen agreed with not
871 granting the waiver at this time, but again noted that these are three separate applications which
872 should be handled in that way. It may be possible to consider a waiver for the first and/or second
873 application alone.
874

January 3, 2023

DRAFT

875 **Bill Stoughton moved to deny the requested waiver to provide stormwater**
876 **management reports only upon application for a building permit. Seconded by Tom**
877 **Silvia.**

878 **Vote: 5-0-0 motion carried unanimously.**
879

880 The Board discussed the timeline for discussion of each application. Tom Silvia stated that
881 condition #2 in the applicant's cover letter mentions the total yield for the three properties and it
882 thus seems as though they should all be considered in totality. Chad Branon stated that this is
883 unfair, as the applicant was requested to create the cover letter addressing all three applications
884 in one. Bill Stoughton stated that, regarding the traffic study, the intersection of County Road
885 and Upham Road affects all three applications. Chad Branon stated that changing this
886 intersection would not impact any of the houses proposed in the two smaller applications at all.
887 This would only impact the turning movement from County Road from Upham Road.
888

889 Arnie Rosenblatt stated that conversation on these items should be deferred until the Board's
890 mid-February meeting. He stated that he would communicate with Town Counsel prior to that
891 time. Bill Stoughton stated that he would communicate with Eric Slosek and Nic Strong prior to
892 that time.
893

894 **Bill Stoughton moved to continue the three applications to February 21, 2023, at**
895 **7pm at Town Hall. Seconded by Tom Silvia.**

896 **Vote: 5-0-0 motion carried unanimously.**
897

898 **OTHER BUSINESS:**
899

900 2. Any other business that may come before the Board.

901 **Tom Silvia moved to adjourn the meeting at 10:15pm. Seconded by Bill Stoughton.**

902 **Vote: 5-0-0 motion carried unanimously.**
903

904 Respectfully submitted,
905 Kristan Patenaude

906
907 Minutes approved: