

TOWN OF AMHERST
Planning Board

November 16, 2022

APPROVED

1 In attendance at Amherst Town Hall: Arnie Rosenblatt – Chair, Bill Stoughton – Board of
2 Selectmen Ex-Officio, Cynthia Dokmo, Tom Silvia, Tom Quinn, Tracie Adams, Tim Kachmar
3 (alternate) and Dan LeClerc (alternate)
4

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

8 Arnie Rosenblatt called the meeting to order at 7:00pm. He explained that a number of proposals
9 for amendments by the Zoning Ordinance and regulations have been made by members of the
10 community, the Planning Board, and Nic Strong, Community Development Director. A number
11 of working groups, containing members of the Planning Board, were established to draft
12 proposed ordinances. Those discussions occurred during open, public sessions. He thanked all
13 Planning Board members and members of the public involved in these efforts. He explained that
14 this evening, the Board will review a number of the proposals and decide if they will be moved
15 forward to a public hearing. At that public hearing, the Planning Board will determine whether to
16 recommend each change and put it on the ballot. If the Planning Board decides to move items
17 forward to the public hearing, this does not necessarily indicate approval or blessing by the
18 Board.
19

20 Arnie Rosenblatt explained that the Board is not going to entertain any additional ideas this
21 evening, in order to keep the process most efficient. Members of the public are still welcome to
22 advance proposals by petition or wait for another year. This evening's discussions will primarily
23 be among the Planning Board, with the public meeting being an opportunity for the public to
24 comment.
25

26 **1. Discussion of potential Zoning Ordinance and regulations amendments' language**
27

28 Arnie Rosenblatt asked Bill Stoughton to present the proposed amendments he had a hand in
29 drafting.
30

31 *Tim Kachmar sat for Chris Yates.*
32

33 Bill Stoughton explained that the first item deals with proposed changes to Section 4.9 -
34 Industrial Zone #5. He explained that this item was discussed by a working group consisting of
35 Cynthia Dokmo, himself, and Chris Yates, with substantial contributions from members of the
36 public and from representatives of the landowner. He applauded the residents for how they
37 approached this item, and asked Cynthia Dokmo to further explain the item.
38

39 Cynthia Dokmo explained that the group reviewed Industrial Zone zoning and came to the initial
40 conclusion that there were a lot of changes that could be made to this Zone, based on input from
41 abutters and residents. However, most of the big changes proposed will need further study. The
42 working group will continue meeting for a year to discuss some of these larger issues, in hopes
43 of proposing zoning that is in the best interest of the entire Town, not just as a certain group or
44 area. She noted that some of the concerns presented by abutters deal with one specific piece of

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45 land. She explained that there are a lot of older buildings in the industrial park, and it is not
46 inconceivable they will be purchased, torn down and rebuilt in the future. Thus, the group needed
47 to consider zoning for the whole industrial park, not just that one parcel. The group also
48 considered this area as the commercial tax base for the Town. Abutters do have legitimate
49 concerns regarding what kind of activity occurs on that land, and the intention was, to the extent
50 possible, to try to mitigate that. She noted that abutters will likely wish these proposals went
51 further, while landowners will likely wish the opposite; the goal was to find an area of
52 compromise.

53
54 Cynthia Dokmo stated that the first change is an addition that, “any use that results in off-site
55 parking of vehicles, while such vehicles await access to the site or otherwise, on roadsides within
56 the Town, on private property without the property owner’s expressed consent, or anywhere
57 within the Town if the vehicle violates the internal combustion engine idling time limits [which
58 is addressed further in the document]...” This addresses a concern regarding large vehicles
59 jamming the Town’s roads and roadsides. The second addition is that, “any lot bordering on a
60 Residential Zone or existing residential use shall have a buffer between any building and such
61 Residential Zone or use as follows: 100’ vegetative buffer from the lot line, buffer planting shall
62 be presented in a landscaping plan for Planning Board approval in accordance with Planning
63 Board Nonresidential Site Plan regulations; and between the 100’ vegetative buffer and any
64 building, an earthen berm topped by a noise attenuation panel shall be constructed for visual,
65 light, and noise attenuation, the height of the earthen berm shall be not less than 6’ feet and the
66 height of the noise panel shall be not less than 10’. The Planning Board may allow for breaks in
67 the berms, if necessary, for emergency access, and stormwater control, or otherwise, if the
68 general purpose of visual, light, and noise attenuation are maintained.” She noted that the
69 landowners will likely believe that the 100’ buffer with plantings and berm are not the best way
70 to address this, and abutters may prefer a higher berm and noise panel. Cynthia Dokmo
71 explained that the group received a noise study from the town of Hudson to review, and so some
72 of these numbers may change.

73
74 Cynthia Dokmo stated that the ordinance currently reads that no structure shall be more than 40’
75 high from the Boston Maine Railroad to Route 101A, 50’ from the other side and 80’ for an
76 uninhabited structure. Abutters would like to see this changed to 40’ across the district, and the
77 landowner would like to see it changed to 55’. She explained that there are two different
78 numbers currently in the ordinance because in the 1980s the Planning Board imagined that Route
79 101A would be a gateway to the Town. The Board asked that structures built in this area have
80 colonial façades at the time; there were no architectural guidelines, just a request from the
81 Planning Board because they thought that lower buildings would be visually more appealing.
82 Once Walmart came into Town, most of this thinking was changed. The 80’ height was in the
83 ordinance because it was thought at one point that a structure like the New Hampshire Dome
84 would be located there, long before Hampshire Hills was built. This never came to fruition. The
85 current proposal is to remove the 80’ requirement and make it 44’ in front and 50’ on the other
86 side of the former Boston and Maine Railroad right of way.

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88 Cynthia Dokmo noted that Chris Yates found that the State statutes and regulations already have
89 provisions against a car or truck idling for more than a certain amount of minutes. This is based
90 on temperature and a number of other factors. Thus, the next change includes language regarding
91 trucks idling. Another proposed change is that adequate parking needs to be provided, sized to
92 accommodate the appropriate vehicles. Another proposed change is that parked vehicles shall not
93 be used as lodging for vehicle operators or passengers. She stated that she disagrees with Bill
94 Stoughton on this item. She noted that Bill Stoughton's point is that some long-haul truckers use
95 their trailers for illegal activities. Her theory is that, as this is already illegal, the Police can take
96 care of it. However, long-haul drivers should be allowed to sleep in their cabs, instead of being
97 made to continue driving on a lack of sleep. An additional change is to require that there be
98 restrooms available for truckers 24 hours/day.

99
100 Bill Stoughton noted that he would like to suggest a change to the proposed language, that the
101 height of the earthen berm and the noise panels shall be sized and determined by the Planning
102 Board to be adequate for visual, light, and noise attenuation. This can then be dealt with on an
103 application-by-application basis.

104
105 Tracie Adams noted that she likes Bill Stoughton's proposed change to the language.

106
107 Tom Quinn noted that over-the-road drivers are required to sleep, so barring allowance of trucks
108 being used as lodging is going to be a problem. He believes this may violate the National
109 Transportation Safety Board regulations.

110
111 Tracie Adams asked if the study group received any feedback regarding requiring indoor
112 restrooms versus a portable restroom. Cynthia Dokmo stated that no feedback was received, but
113 the group felt requiring indoor restrooms was more reasonable than abutters looking out their
114 windows to see people using outdoor amenities instead. A more permanent restroom option was
115 preferred.

116
117 Tim Kachmar agreed that truckers need to sleep in their large truck caps. He stated that he does
118 not believe it is up to the Board to decide if truckers have to pay for a hotel to sleep. He stated
119 that he was also surprised by the proposed idling requirement. He suggested that the actual State
120 RSA referencing this item be placed in the language. Bill Stoughton stated that language
121 referencing the regulation is already included.

122
123 Tom Silvia asked what the property owner's preferences were for the building requirement items
124 Cynthia Dokmo stated that they preferred a 55' height requirement, instead 50'. Tom Silvia
125 asked if that extra 5' increase was considered. Bill Stoughton explained that this request was
126 made in regard to the clear height inside the building. The state of the industry seems to be
127 moving toward a certain adequate clear height. Cynthia Dokmo noted that abutters preferred 40',
128 as that seems to be the height of many of the existing buildings in this Industrial Zone area. She
129 noted that the study group would like to spend a year reviewing the correct height for this item.
130 Bill Stoughton noted that there are various types of warehouses, and it will take time to study
131 what impact the various types would have to Amherst. The study group will make an informed

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132 recommendation to the Planning Board. He noted that the study group would also like to
133 consider if additional uses might be appropriate for that land and beneficial to the Town, in
134 addition to industrial uses.

135

136 Tim Kachmar stated that there are exemptions which should be included in this language. For
137 example, Section 1102.03 speaks to allowing idling if it is providing power for refrigeration,
138 liftgate pumps, or auxiliary items. Cynthia Dokmo agreed that there are also exceptions based on
139 the outside temperature. Bill Stoughton suggested that the language reference the entire Section
140 1102.

141

142 **Bill Stoughton moved to advance this item to the public hearing, with the changes**
143 **discussed this evening. Seconded by Tracie Adams.**

144 **Motion carried unanimously 6-0-0.**

145

146 Tracie Adams addressed the scenic setback proposed ordinance changes. She explained that a
147 proposal was made by a member of the public to bring the frontage requirement from 200' to
148 300' and the lot size requirement from 2 acres to 5 acres on scenic roads. The intention was to
149 balance the needs of the homeowner and the ability for landowners to use their land, as well as to
150 move forward the agenda of the Town to allow for conservation land and to honor the Master
151 Plan. There were two meetings held which were attended by members of the public. The study
152 group was made up of herself, Tom Quinn, and Tim Kachmar. A gentleman from Town drafted
153 the original letter and has a great understanding of the research done for it. She asked if Arnie
154 Rosenblatt would like to hear from this resident on this item. Arnie Rosenblatt stated that he
155 would like to follow the process he laid out in the beginning of the meeting.

156

157 Tracie Adams explained that all scenic roads in Amherst have scenic setbacks. Scenic setbacks
158 prevent structural building, and the current setback is 100'. A scenic road designation requires
159 utility companies and public works companies to come before the Planning Board for permission
160 to remove trees, to work on stone walls, etc. Additional language for the definition of 'scenic'
161 has been proposed which comes directly from the Cambridge Dictionary. The letter which was
162 written by a resident was supported by the signatures of 56 citizens. She noted that Howard and
163 Amy Muscott provided language in the letter they wrote to the Planning Board which focuses on
164 the benefits of highly rated wildlife habitat and wildlife corridors on scenic roads. An attempt
165 was made to balance and not overburden landowners, while also supporting conservation goals
166 of Amherst.

167

168 Arnie Rosenblatt commented that the proposed language looks to change for scenic roads, the
169 setback requirement, including but not limited to County Road, from 100' to 125'; the frontage
170 requirement to increase from 200' to 300'; and that, regardless of what Zone in Town, the
171 minimum lot size be 5 acres rather than 2 acres.

172

173 In response to a question from Tom Quinn, it was noted that these three items would be
174 applicable across all districts in Town.

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176 In response to a question from Cynthia Dokmo regarding how many scenic roads there are in
177 Town, Tracie Adams stated that there are 16 designated, with an additional 11 that have scenic
178 setbacks but are not scenic roads.

179
180 Cynthia Dokmo stated that she cannot support this proposal. She stated that she believes this
181 would lower the value of people's land by 50%-60%. She stated that this seems to be proposing
182 to rezone the whole Town based on certain streets. Normally, zoning is based on geographical
183 areas. This proposal could almost be considered spot zoning. She explained that this was
184 originally proposed by residents, based on the potential development of one large piece of land.
185 That plan showed all proposed houses in the back of the lots. The Planning Board asked for these
186 houses to be brought to the front, in order to retain as much of that pristine back area as possible.
187 Changing the requirement to 5 acres would force the development to the back of the land and
188 lower the land value.

189
190 Bill Stoughton noted similar concerns. He stated that lot sizes are currently proposed based on
191 the ability of the land to support development. In the northern areas of Town, there are steeper
192 slopes and different soils, so there is a higher lot size requirement. He agreed with Cynthia
193 Dokmo that frontage is a density reducing measure, and the objective of these changes seems to
194 be to reduce density. Currently, the only area in Town with larger frontage allowances is in the
195 Northern Zone where the land cannot support denser development. He is concerned about
196 making these changes under the guise of maintaining scenic appearance.

197
198 A resident on County Road explained that she decided to move to Amherst because, at the time,
199 there was a 5-acre minimum lot size requirement. This has since changed, and there is now a
200 developer that wants to pave County Road. She stated that she has lived in her home for 28 years
201 but now may not be able to continue to afford it based on the tax rate. Many residents are
202 concerned with building along County Road and the additional infrastructure proposed.

203
204 Dave Williams, 56 County Road, stated that he worked with the study group on this item. He
205 agreed that the Northern Zone is a large swath of Amherst that does have the privilege of having
206 a 5-acre minimum and a 300' frontage requirement. The justification for this, as stated in the
207 Town ordinance, is that lower density development is desirable, that this area has a unique rural,
208 scenic, and natural character, this area has poor soil on its slopes plus other issues such as
209 wetlands and aquifers, and it has physical limitations as well. He stated that he believes these
210 four items also apply to scenic roads in Town. The Master Plan is a guideline and vision for the
211 Town's future. It states that the challenge is to identify policies and actions for managing future
212 changes so that unmanaged growth does not destroy a community's heritage. He explained that
213 91% of residents responded to the Master Plan survey saying that they want to protect open
214 space and natural resources. That is what the Town wants for its future. He stated that he
215 believes protecting scenic roads is a real policy and action that will move the Town toward its
216 goal to preserve open space and rural character. He noted that, to address Cynthia Dokmo's
217 concern regarding diminishment of land value, the Penn Central Test states that it is not
218 incumbent upon the Planning Board to maximize the return on the investment of any developer.

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219 These proposed changes do not restrict building, but instead place guidelines to protect open
220 space and rural character.

221

222 Will Ludt, 3 School Street, suggested that all of the proposed changes apply to both scenic roads
223 and scenic setbacks.

224

225 Cynthia Dokmo reminded the Board that the Town was sued 15-20 years ago regarding 5-acre
226 zoning. The only reason the Northern Zone still has 5-acre zoning is due to the character of the
227 land. The Transitional Zone of 3.5 acres was created as a compromise. She stated that she
228 believes there needs to be more justification for 5 acres zoning than for scenic appearance.

229

230 Arnie Rosenblatt stated that he does not believe the Board can go forward with converting to 5-
231 acre zoning. While he would prefer this, he does not believe it is a realistic thing to do. He
232 believes it will diminish the credibility of the Board and open the Town up to legal battles. He
233 stated that he believes the only way to diminish development in Town is by buying the land. The
234 Town has an open space bond for land acquisitions and efforts are being made through that. He
235 would like to see other parts of this proposed ordinance change move forward.

236

237 Tom Silvia stated that he is in favor of open space but generally finds that the 5-acre requirement
238 is very heavy-handed and not consistent with other ordinances and Board history. He stated that
239 he believes the proposed changes to the setbacks and frontages will allow for some expansion of
240 lots, and that may be enough of a step forward at this time.

241

242 Tim Kachmar stated that he is in favor of all three proposals. He believes there has been enough
243 public input on these items and that the Board should listen to its constituents. He would like to
244 move all three items to the public hearing to allow both sides to speak. He also suggested that
245 Town Counsel could weigh in on any potential legality issues for this.

246

247 Tom Quinn agreed that by requiring a longer frontage and a larger setback, this will likely result
248 in a larger than 2-acre lot. He stated that the most important thing is to get some improvements to
249 scenic roads and scenic setbacks on the ballot. Placing two out of the three items on the ballot
250 would be an improvement. He did note that the 91% of residents who spoke in favor of open
251 space on the survey was striking, and thus would also be content to allow the 5-acre minimum
252 item to move forward to the ballot as well.

253

254 **Tracie Adams moved to forward the presentation of this ordinance change related**
255 **to the increase of the scenic setbacks and the addition of increased frontages from**
256 **200' to 300' on scenic roads to the public hearing. Seconded by Tim Kachmar.**

257

258 **Discussion:**

259 **Arnie Rosenblatt asked if the third item regarding lot sizes would be included in the**
260 **motion.**

261

262 **Tom Silvia requested that they be voted on separately.**

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Motion carried unanimously 6-0-0.

Tim Kachmar moved to forward the presentation of the 5-acre lot size change to the public hearing. Seconded by Tom Quinn.

Motion failed 2-4-0. [T. Kachmar and T. Quinn in favor, all else against].

In response to a question from Nic Strong regarding proposed language under the regulations for this item of the suggested establishment of a 50' buffer that had not been discussed at all this evening, Arnie Rosenblatt stated that he assumed this language would remain. All language as proposed, except for the 5-acre minimum, will remain.

Bill Stoughton explained that the next proposed change is to Section 4.19 - Offsite Improvements. The concept is that the Town has the power to require a developer to pay for a proportionate share of off-site improvements that are necessary to highways, drainage, sewer, and water upgrades necessitated by a development. These changes would formalize that process. The changes would require that, for each development, the Planning Board address the DPW and ask if there are changes necessary as part of the development. If there are, the DPW would be able to hire engineering support at the applicant's expense. DPW would then come back to the Board with a cost estimate from the engineering firm and the Board would then have the ability to determine a proportionate share of that amount to be assessed against the developer. There is some guidance from the State regarding the definition of proportionate. These fees would be set as a condition precedent by the Board, so that developers would have to make the deposit of that fee into the Town's accounts. It would be held for six years and, if not used in six years, returned to the developer. The Planning Board would not make the decision to make the improvements; that would be up to DPW and the Board of Selectmen.

Tom Quinn asked about circumstances where the developer would not be required to pay 100% of offsite improvement costs. Bill Stoughton suggested a scenario in which a road has to be paved but 25% of the distance of that road has already been developed. The proportionate share for the developer would be 75%.

In response to a question from Cynthia Dokmo, Bill Stoughton stated that this is being proposed in addition to regular impact fees and this is allowed by RSA.

Dave Williams asked if the Board would also use these changes to consult other Town departments, such as for fire services, bus services, etc. Bill Stoughton explained that the DPW typically uses Hoyle Tanner, which follows certain safety standards to design roads so that emergency safety equipment and buses can traverse roads safely. In Amherst, these changes will mostly deal with roads and drainage. Bill Stoughton explained that, as part of any application, the Board reviews it with all Town departments, such as Fire, DPW, etc., and the schools for comment.

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306 Howard Muscott, 48 County Road, stated that it seems to him that asking a developer to pay a
307 portion of the amount of the cost to develop an area is no brainer.
308

309 In response to a resident from Crystal Lane regarding if an impact fee will be assessed for each
310 house a developer tries to hook up to Pennichuck Water, Bill Stoughton stated that existing
311 homes would not be assessed any fee under this provision. The sole fee assessed under this
312 regulation is for the developer of a subdivision or a site. Pennichuck may charge individuals to
313 hook into the water main, and this is not something that the Town would pay for or require the
314 developer to pay for. The resident noted that Pennichuck will not drag water to people's houses
315 for free. Bill Stoughton explained that this language says nothing about what Pennichuck can do.
316 The only thing it says is that necessary improvements for a development must be paid by the
317 developer in a proportionate share. The resident suggested wording to help protect abutters from
318 a fee if Pennichuck has to drag the water to them. Bill Stoughton acknowledged this idea but
319 noted that this is not what the proposed language is attempting to do.
320

321 **Bill Stoughton moved to advance the proposed changes to Section 4.19 to the public**
322 **hearing. Seconded by Cynthia Dokmo.**
323 **Motion carried unanimously 6-0-0.**
324

325 Bill Stoughton stated that the next proposed change is to reduced frontage lots. Currently there is
326 a provision in the regulations that allows for reduced frontage lots, in certain cases allowing as
327 little as 35' reduced frontage. Those regulations have been questioned by applicants as to how
328 they should be interpreted. A working group was set up to review these ambiguities. The group
329 reviewed the way Hollis, Brookline, and Wilton handle reduced frontage lots, and drafted a
330 proposed ordinance. The proposed language would allow reduced frontage lots, with several
331 controls designed to lessen the likelihood of dense packing. One of the controls would say that,
332 with a reduced frontage lot, the lot size of that lot must be larger. In the Rural Residential Zone,
333 it must be a 5 acre back lot, in the Northern Transitional Zone it must be a seven-acre lot, in the
334 Northern Rural Zone it must be a 10-acre lot. This is consistent with what some of the other
335 towns have done. This essentially doubles the current lot sizes for reduced frontage lots in
336 Amherst. The other change would be that every reduced frontage lot has to be contiguous with a
337 normal frontage lot, so that a bunch of reduced frontage lots cannot be placed together. Two
338 reduced frontage lots are allowed to share a driveway. There are a few other requirements
339 regarding the back lot still meeting the net tract area, exclusive of wetlands, steep slopes, and
340 floodplains.
341

342 Tracie Adams stated that she appreciates the effort to clarify this item.
343

344 In response to a question from Will Ludt, Bill Stoughton stated that scenic roads are not exempt
345 with this proposed change. There is language which proposes that the frontage for reduced
346 frontage lots be expanded to 50' from the 35' allowed today. There is also language that no
347 reduced frontage driveways are allowed within 750' of another reduced frontage driveway. The
348 intention is to avoid dense packing of back lots and to retain open space. Tim Kachmar noted

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349 that the proposal seems to improve scenic roads as it will not push development to the back of
350 the lots.

351

352 In response to a question from Tom Silvia, Bill Stoughton explained that if the proposal is for a
353 full lot, then a reduced frontage lot, and then another reduced frontage lot, two reduced lots
354 would share a driveway. The two lots would still have a total of 100' of frontage but the
355 driveway could be anywhere within that 100'.

356

357 **Bill Stoughton moved to advance the proposed changes to the ordinance and**
358 **regulations for reduced frontage lots to the public hearing. Seconded by Cynthia**
359 **Dokmo.**

360 **Motion carried unanimously 6-0-0.**

361

362 Bill Stoughton explained that the next set of proposed changes are for outdoor lighting
363 requirements. This would become a new Section 3.20. This item was suggested by residents and
364 has been slightly amended. This ordinance follows the policy as already set out in State law.
365 New Hampshire has a Dark Sky Policy, in which it encourages towns to adopt ordinances like
366 this. The general idea is that lighting is necessary at nighttime but there is no need to light
367 anything beyond the area around the light. The intention is to reduce light going up towards the
368 sky and reduce light escaping outside the property. This ordinance has requirements on the
369 allowable fixtures, that they be shielded so that the light does not escape upwards. It also has
370 requirements on light trespass, which is the light escaping to an abutting property. It has
371 requirements for controlling glare. Regarding how much light can escape, Nashua uses a
372 standard of two-foot candles, and Rye uses 0-foot candles. A full moon is approximately 0.03-
373 foot candles. This ordinance proposes using 0.05-foot candles, or approximately twice as bright
374 as a full moon. There would also be height and distance restrictions for mounting devices.

375

376 In response to a question from Tracie Adams regarding how 0.05-foot candles was chosen, Bill
377 Stoughton stated that he decided on this number by himself. He noted that Nashua uses 0.2-foot
378 candles, and it seems that those living in the city may expect there to be more stray light. He
379 tried to strike a balance between this, and the zero-foot candles allowed by the seashore.

380

381 In response to a question from Tom Quinn, Bill Stoughton explained that this ordinance would
382 be required for new construction or substantial renovations, for both commercial and residential.
383 There are certain exceptions included, noting that for residential purposes anything less than
384 100W is not controlled. Bill Stoughton stated that a low powered floodlight is about 50W.

385

386 In response to a question from Dan LeClerc regarding required hours for this ordinance, Bill
387 Stoughton referenced the hours of operation clause. "Outdoor lighting shall be turned off or
388 reduced in intensity by 11:00 p.m. unless an activity being lighted extends beyond that
389 time. Lighting of display lots such as, but not limited to, automobile sales or rental, recreational
390 vehicle sales, or building material sales shall be turned off within thirty (30) minutes after
391 closing at the end of the business day. Any outdoor lighting used after work/activity/event hours
392 shall be security lighting only, reduced from the level of full illumination lighting. Similarly,

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393 lighting for parking lots shall either be turned off or noticeably reduced to security levels after
394 the closing of business. The intention of this requirement is to reduce after-hours illumination to
395 the greatest extent while recognizing the need for security lighting. The Planning Board may
396 impose limitations on lighting, hours of operation, or both, consistent with the purposes of this
397 paragraph.”

398
399 In response to a question from Tim Kachmar, Bill Stoughton stated that enforcement of this
400 ordinance is well beyond the scope of this language. This ordinance will not disallow patio or
401 landscape lighting.

402
403 In response to a question from Cynthia Dokmo, Bill Stoughton agreed with the suggestion to add
404 October to the months for allowable holiday lighting.

405
406 In response to a question from Cynthia Dokmo regarding the Waiver portion of the ordinance,
407 Bill Stoughton stated that this should be stricken.

408
409 In response to a question from Cynthia Dokmo regarding an email from the Conservation
410 Commission regarding that motion sensors could be approved on a case-by-case basis, Bill
411 Stoughton noted that he considered this, but assumed that lights constantly turning on/off may
412 have more impact than a low intensity light that is always on. He noted that the proposed
413 language does not preclude motion sensors.

414
415 David Sutherland, 32 Peacock Brook Lane, asked how this ordinance will affect lighting coming
416 from a large warehouse. Bill Stoughton explained that the intent of this ordinance is that the
417 Planning Board would require that light not escape the boundaries of the lot. This would be done
418 by the developer shielding the lights and using fairly low intensity lighting. There are
419 requirements that lights be mounted no higher than 20’ in the Commercial and Industrial
420 Districts, no matter the height and size of the building.

421
422 **Bill Stoughton moved to advance the proposed Section 3.20 on outdoor lighting to**
423 **the public hearing, with the changes as discussed this evening. Seconded by Tom**
424 **Quinn.**

425 **Motion carried unanimously 6-0-0.**

426
427 Nic Strong explained that the State statute recently changed to require the Zoning Board of
428 Adjustment to approve or disapprove an application within 90 days of the date of the receipt of
429 the application. The next proposed change to the ordinance would put that statute into effect.

430
431 **Bill Stoughton moved to advance the proposed changes to this ordinance to the**
432 **public hearing. Seconded by Cynthia Dokmo.**

433 **Motion carried unanimously 6-0-0.**

434
435 Bill Stoughton explained that the next proposed change is to add well water testing requirements,
436 both for chemical impurities and for quantity, into the Town’s Building Code. The Planning

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437 Board has adopted these items as conditions in the past, but this would make them applicable to
438 all new buildings. There is also some language to eliminate conflicts with the State Building
439 Code that have arisen over the years. This language has been reviewed by Scott Tenney,
440 Building Inspector and, will now have to go before a State Board for review. The State Board
441 will not review this until January but agreed that the Town could begin to move it forward.
442

443 In response to a question from Cynthia Dokmo regarding the proposed language for 960 gallons
444 of water over a four-hour period, Bill Stoughton stated that this is the optimum amount
445 recommended by the State. The minimum amount is 600 gallons over two hours.
446

447 In response to a question from Tom Silvia, Bill Stoughton explained that the State Well Water
448 Board has minimum and optimum requirements. Those listed in the proposed Building Code
449 amendments are the optimum ones.
450

451 In response to a question from Tim Kachmar, Bill Stoughton explained that if the requirements
452 are not met, this will need to be mitigated for, and the treated water will also be required to be
453 tested.
454

455 **Bill Stoughton moved to advance the proposed changes to the Amherst Building**
456 **Code to the public hearing. Seconded by Cynthia Dokmo.**
457 **Motion carried unanimously 6-0-0.**
458

459 Bill Stoughton stated that the final proposed change is to the sign ordinance. Currently, in the
460 Zoning Ordinance there is language dealing with both permanent and temporary signs. It
461 contains language that political signs can only be up for 30 days before an election and have to
462 be taken down five days after the election. One can only tell that a sign is political by reading it.
463 There was a Supreme Court case several years ago called Reed v. Gilbert which stated that any
464 regulation of a sign which requires one to read what the sign says is unconstitutional. This would
465 essentially be a restriction of speech by the government, as some messages would be treated
466 differently from other messages. This proposal came up at the Board of Selectmen recently due
467 to complaints about political signs being placed out early. The approach proposed was adopted
468 by the town of Warner and it essentially no longer looks at what a sign says but allows a certain
469 number of signs of a certain size for a certain length of time, based on events. For example,
470 during the 30 days before an election, a certain number of signs are allowed and can say
471 anything. The Board will not regulate what the signs say. This language will be better under the
472 constitution but could result in weird signs.
473

474 Bill Stoughton reviewed a couple of changes suggested by the Selectman. First, in the Purpose
475 Section, a recommendation that one of the purposes be to enhance public health, safety, and
476 general welfare. He noted that the regulation of signs at all is to reduce clutter, which is
477 important for public safety, and the rural appearance of the Town. Another recommendation was
478 to change the requirement for signs to be 3' off the traveled way instead of 5'. There are also
479 a couple of changes regarding signs on Town property. There are three general places in Town
480 where signs are allowed in certain circumstances: the Transfer Station, the Long Common

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481 (outside of Moulton’s Market), and Huntington Commons (along Route 122). Signs will still be
482 allowed in these areas, but with controls regarding the number of signs at one time and many will
483 require a permit. For signs other than political signs at the Transfer Station and on Long
484 Common, a permit will be required.

485
486 In response to a question from Dan LeClerc regarding scrolling-type signs, Bill Stoughton stated
487 that movable display signs are only allowed in the daytime hours.

488
489 In response to a question from Tim Kachmar regarding how this ordinance deals with the new
490 sign at the High School, Bill Stoughton explained that the School District is exempt from the
491 Zoning Ordinance.

492
493 In response to a question from Bill Stoughton regarding if this ordinance addresses penalties for
494 removing or destroying other people’s signs, Bill Stoughton stated that there are criminal laws
495 which likely already address this item.

496
497 Tracie Adams stated that she appreciates the inclusion of language regarding how this will work
498 to maintain the Town’s rural aesthetic.

499
500 In response to a question from Cynthia Dokmo, Bill Stoughton stated that when signs are
501 allowed to go up and must be removed are covered by State statute.

502
503 Dave Williams stated that he believes there was a Supreme Court decision several years back
504 that allows towns the right to not allow political signs on public right of ways. He noted that the
505 Town could likely ban all signs, political or otherwise, from public right of ways. He stated that
506 he personally finds it annoying to see massive numbers of signs at every intersection. This
507 destroys the beauty of Town neighborhoods. These signs likely come up during a time of the
508 year when people flood this area for its scenic beauty.

509
510 Bill Stoughton explained that he tried to maintain the status quo of the existing sign ordinance,
511 rather than making sweeping changes. The Town could ban all signs in public rights of way, but
512 that is not what he was trying to do with this proposal.

513
514 **Bill Stoughton moved to advance the changes to Section 3.4 regarding signs to the**
515 **public hearing, with the changes as discussed this evening. Seconded by Tracie**
516 **Adams.**

517 **Motion carried unanimously 6-0-0.**

518
519 It was noted that the public hearing will be held on December 7, 2022, regarding these proposed
520 changes.

521
522 **2. Scenic Road Designation – Will Ludt**

523 *This item was not addressed at this time.*

524

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525 **OTHER BUSINESS:**

526

527

3. Minutes: November 2, 2022; and non-public November 2, 2022

528

529

Tracie Adams moved to approve the meeting minutes of November 2, 2022, as amended [Line 557: change “need” to “needed;” Line 558: change “precedent” to “subsequent”.] Seconded by Bill Stoughton.

530

531

Motion carried unanimously 6-0-0.

532

533

534

Bill Stoughton moved to approve the meeting minutes of November 2, 2022, as amended [Motion language should read that the Motion passed 7-0 and that Pam Coughlin’s votes should be removed]. Seconded by Tom Silvia.

535

536

Motion carried unanimously 6-0-0.

537

538

539

4. Any other business that may come before the Board

540

Dan LeClerc stated that he was recently voted to be a State Representative by the Town. He noted that he will be resigning from the Planning Board, in order to give this new position the energy it deserves. He thanked the Board for their time and the Town for electing him to the position on the Planning Board.

541

542

543

544

Arnie Rosenblatt thanked Dan LeClerc for his time and effort.

545

546

547

Bill Stoughton moved to adjourn at 8:57pm. Seconded by Tom Silvia.

548

Motion carried unanimously 6-0-0.

549

550

Respectfully submitted,

551

Kristan Patenaude

552

553

Minutes approved: December 21, 2022