

AMHERST PLANNING BOARD

MINUTES
7-20-2016

1
2
3
4
5
6 Attending: Arnie Rosenblatt, Chair, Michael Dell Orfano, Selectman's Representative Peter Lyon, Conservation
7 Commission Representative Rich Hart. Eric Hahn stepped down for the entire hearing. Bruce Berry and Mike
8 Riccitelli represented the Department of Public Works. Sally Wilkins arrived at 7:35 and Chair called the meeting
9 to order.

10
11 **Sally moved to untable the Scenic Road Hearing for Pond Parish Road. Michael seconded. All in favor.**

12
13 Arnie pointed out that since this was a continuation, there was no need to repeat the presentation. He asked for
14 questions and comments from the Board. Bruce agreed but asked to clarify something: at the previous hearing
15 he indicated that there were 49 trees to be removed on Pond Parish, the correct number is 75. Peter noticed
16 that some trees were marked on their trunks and others were marked on the road. Bruce explained that in
17 deference to previous comments after trees that were not cut were left with orange paint marks, when he ran
18 out of green paint he chose to mark the road instead.

19
20 Rich – he walked the road and had a couple of questions. In the vicinity of tree 50+99 [*editor's note, is this*
21 *meant to be 50+79?*] on the opposite side of the road there is a tree that is dead and not marked. Bruce said
22 that must have been an oversight. He personally made the decisions about which trees to recommend removal.
23 Possibly the tree he overlooked was further back? He was focused on trees closer to the road. Rich said there
24 were a couple of trees further along that were also dead (one leaning on to another) and not marked. Bruce
25 confirmed that any dead trees would be removed.

26
27 Peter - asked how far back from the pavement Bruce was targeting for clearing? Bruce: 3-4 feet. If people look at
28 the previous work on Lyndeborough and Mack Hill roads they will see that in just a few years the remaining
29 trees will reach toward the light and the canopy over the road will be restored. Bruce also gave Peter the
30 accident report for Pond Parish which he had requested at the previous meeting. Peter summarized: from 2005
31 to the present, 8 accidents involving vehicles hitting trees or embankments.

32
33 Sally – noticed in the minutes that Bruce had explained that this project had been moved from next year's
34 budget into this year's, and then later stated that there was a time crunch because the project had to be moved
35 back a year. The minutes do not seem to indicate WHY the projects needed to be moved? Bruce explained that,
36 due to the terms of the bond, almost all of the roads being rebuilt have sections being funded by the bond and
37 other sections that must be funded out of his maintenance/repair budget (in order to complete a whole road in
38 one year). Because of the overlapping of the road work season over the end of one fiscal year and beginning of
39 the next, this always involves some juggling. Complicating this season's work, he did not want to rebuild
40 Naragansett in the summer and have Pennichuck dig it up again a few weeks later. So since Pennichuck isn't
41 scheduled to do their work until probably October, he wound up with a gap in the schedule. Last summer he had
42 the experience of "losing" Continental to other projects when the Town wasn't ready when they were, and not
43 being able to get them back later. So he reviewed the list of remaining projects to find something that would
44 "fit" both the time and money available, Baboosic/Pond Parish seemed like the best choice.

45
46 Sally – her recollection is that when she expressed significant discontent with the work proposed and eventually
47 carried out on Lyndeborough Road, Bruce had said that if the Planning Board wanted to adopt road

48 specifications for scenic roads, he would comply with them, but in the absence of any specifications, he would
49 continue to plan the work for the most efficient and safest results. And the Planning Board never did adopt any
50 specs, and so here we are again – about to lose another one of the few remaining really rural roads in town,
51 which will be converted, as Lyndeborough was, to a suburban road, and nothing we can do about it because we
52 didn't develop specifications as Bruce asked us to. Lots of people LIKE the way Lyndeborough turned out. It is
53 certainly an easier road to travel. But it is very different and she doesn't like it.

54
55 Mike – concurs with Sally regarding the work on Lyndeborough and Mack Hill roads. He drives Mack Hill Road
56 every day and it is not the same road that he originally moved to. Asked Bruce if he is planning on digging down
57 to substrate, and anticipating that the roots will be damaged so that if the trees are not removed, they'll die
58 anyway? Bruce: typically that is what happens. Even if they are only reclaiming the pavement rather than
59 rebuilding the road, the big rototiller goes down 8" and that will damage the surface roots. This is of course is
60 most damaging to pines, but even for some hardwoods the damage will be significant. Bruce pointed out that
61 there is a significant difference between Mack Hill and Lyndeborough and Pond Parish, which is that Pond Parish
62 is essentially flat, so there will not be a need for curbs and catch basins to handle the drainage, just sheet
63 drainage off the shoulders.

64
65 Michael - asked if Pond Parish is difficult to maintain in its current condition? Bruce said that the accidents on
66 the road were attributed to road conditions, so it would appear that it is. In part because of all the sand that
67 gets put down every winter as we are using less salt, the sides of the road are actually higher than the pavement
68 in some places, even covering the stone walls. What he needs to do on Pond Parish is get the sides of the roads
69 sloped away from the pavement so that the sheet-drainage will work.

70
71 Michael – do all of the 75 trees have to come down? Bruce: what he proposed is what he thinks is needed.

72
73 Peter asked Sally to clarify what she dislikes about the work on Lyndeborough? Is it the number of trees? The
74 width of the pavement? Sally – it is really the visual width of the road – not just the pavement but the grassy
75 verges on either side. Changes the way the road feels, even after the canopy leans back over.

76
77 Arnie – not sure he agrees with – or even understands – this rural vs suburban distinction. In his mind a rural
78 road is not treed but open, with pastures full of cows on either side. And actually, he likes the way Mack Hill
79 Road looks, now. He thought most of what was cut along that road was scrubby and rubbishy-looking. However,
80 he also went out and looked at the trees. Although many of the marked trees are clearly damaged or dead, he is
81 concerned about apparent inconsistency in the selection of which trees are marked. Why are "nice" trees
82 equally close to the road marked or not? He noted a few – not all – that he questioned: 62+36, 58+25, 58+48,
83 59+08, 59+22, 56+47, 56+20, 54+18, 55+50, 49+48, 48+56. He is not a tree expert, but each of these seemed
84 equally as healthy and equally far from the pavement as others that were not marked. And these are all
85 deciduous, not pines. Why are they being removed?

86
87 Arnie – disagrees with Sally that there is nothing we can do. He sees four options – we can try to specify certain
88 trees that should not come down, or tell Bruce to go back and figure out how to reduce the number of trees to
89 cut, or we can accept and approve Bruce's recommendation, or we can deny the application.

90
91 Rich – had a similar observation about the inconsistency. Wonders how the decision was made. (A brief
92 discussion ensued about whether the definition of "tree" in the RSA was 15" dbh or cbh, it is circumference –
93 which includes a lot of quite small trees.)

94

95 Sally – asked Bruce if perhaps the road is being straightened as the work is carried out? That might explain trees
96 on one side being taken and others across the street left. Bruce – no, the intent is to rebuild it in the same
97 footprint. Otherwise he might be laying pavement over inferior substrate. Sally – but you’re digging down to
98 substrate and starting over anyway. Bruce confirmed that the centerline is not moving.

99
100 Mike Riccitelli – He remembers when this was a dirt road – he has worked on every road in town. People are
101 talking about the old bridge on this road, it’s not old – it’s a pipe that he laid there, with granite blocks on either
102 side. The problem is with the increase in traffic. We can’t expect the town to keep just resurfacing the roads,
103 they have to be rebuilt properly. We have to take out the roots and rocks so the road will last. There is a lot
104 more traffic, and most people like the nicer roads. The trees will grow back, there are other trees right behind
105 them. Notice that the tree that fell across Pond Parish and took out the power lines just this week wasn’t even
106 one of those that was marked.

107
108 Rich – according to one of the letters we received, there are reports that the trees are being eliminated to
109 accommodate Continental’s larger equipment. Is that accurate? Bruce, I think that came from my observation
110 that Continental can finish in a day what the DPW’s small grinder would take a week to complete. And that’s a
111 whole week of people having to drive over really rough roads, sometimes even damaging their cars. This is the
112 27th-largest town in the state, we can’t expect to have small-town roads.

113
114 Sally – so it is true that the tree-cutting is being driven by the size of Continental’s equipment? Bruce – no, that
115 (the wider pavement grinder) is not influencing which trees are being cut.

116
117 Chair asked for input from abutters and interested parties. Hoped that they would not feel it necessary to repeat
118 what was said at the first meeting.

119
120 Robin Nahill, 4 Lynch Farm Road – Agrees with Sally and Michael about changing the character of the road. She
121 is not sure why but the report that APD generated when she asked about the number of accidents on the road
122 (referenced in her letter) was much smaller (from the letter, on file): three minor accidents, two alcohol-related,
123 and one driving off the road. If you drive appropriately it is not a difficult road to navigate. She is not convinced
124 that the trees are making it dangerous, particularly in comparison with other roads in town.

125
126 Sharon Flanders, 32 Pond Parish Road – Pond Parish serves as a cut-through from Baboosic to Spring Road –
127 there are other options if people think it’s too difficult, they could choose to go around it.

128
129 Marilyn Shaughnessy, 51 Pond Parish Road – She just found out that the orange marks on the road indicates
130 trees that are to be taken – many more in front of her house than she had thought. She asked Bruce why he
131 would cut trees on her side of the road when there is plenty of room on the opposite side without trees. It’s a
132 designated scenic road. She’s been there 49 years, it is a shame to cut so many trees. She realized that Bruce has
133 spent a great deal of time on this plan, but perhaps he can find a way to take fewer trees.

134
135 David Locke, 21 Pond Parish – He spent the day taking photographs and made a presentation, but he can’t show
136 it to us because of a missing bit of technology. He submitted a paper copy for the file. He found and
137 photographed trees on Baboosic Lake Road and Mack Hill Road that were only 12-14 inches from the road and
138 were not removed, why? In contrast the proposed cutting on Pond Parish includes trees that are 3-5 feet from
139 the edge of the road, and where there are no ripples in the pavement to indicate that those trees are damaging
140 the surface – particularly in front of the Shaughnessy’s. He recognizes that Bruce does his job, and as Sally said
141 there are no standards to distinguish a scenic road from any other road. He did find, in an old Traffic Master Plan
142 from 1990, that Baboosic Lake Road and Mack Hill Road were designated as Collector Roads while Pond Parish

143 was called a Local Road. Obviously since then there has been more construction and more traffic, but it is still a
144 short little road, definitely different from those others. The stretch with the curves, where the utility lines go
145 straight through the woods and not along the road, is unlike any other in town, as there has been no trimming
146 for wires. There are irreplaceable, century-old pines, maples and oaks that are designated for removal under this
147 proposal. Pond Parish, like Lyndeborough, will not be the road we know it as now. Ironically, when the Scenic
148 Road RSA was passed, it was to provide the Towns with a way to resist pressure from the State to upgrade all
149 their roads to state specifications, allowing them to preserve their local (dirt) roads. Now we are finding that the
150 pressure to change our road is within the town.

151
152 Michael – asked Bruce, of the 75 trees, how many are pines with roots encroaching in the roadbed? Bruce:
153 actually many of the pines are already higher than the road. Michael – if most of the marked trees are
154 deciduous, why the emphasis in the presentation on the risk posed by pines? Bruce: sand building up along the
155 sides of the road raises the shoulders, with these deluge storms we get now, that causes washout gullies in the
156 surface, he gets phone calls. We need to create a place for sheet drainage. Repeated overlays of pavement wind
157 up costing a lot of money. Sally – no one is suggesting a return to just overlaying pavement. Michael – yes, it is
158 best to do a road properly the first time. He is questioning whether it is necessary to remove the deciduous
159 trees, especially the oaks, which have a substantial tap root – it is possible to do quite a bit of work on one side
160 of the tree without killing it. He’s trying to come up with a compromise.

161
162 Arnie – first we need to ascertain whether or not the Board wants to find a compromise. Sally – not comfortable
163 enough with the approach to approve a bandaid. Once the work is done, it cannot be undone.

164
165 Peter – thoughts on giving Bruce some direction regarding how to reduce the total number of trees to be cut.
166 What about allowing the removal of all the dead and dying trees, and any healthy trees within 30” of the
167 pavement?

168
169 General discussion of options. If we say “no,” what happens? The project goes back into next year’s schedule.
170 Next year is the last year of the bond. Bruce is having trouble staying ahead of Continental. Is the town obligated
171 to keep them busy all summer? Will the cost change from this year to next year? Last year’s budget was rolled
172 into this year’s. Next year what is left will go out to bid again. Bruce is concerned that if Continental pulls their
173 equipment to go do some other project, he won’t be able to get them back for Narragansett Road when
174 Pennichuck is ready in the fall.

175
176 Mike Riccitelli asked what about a 3’ diameter tree that is half within the 30” line, would they have to work
177 around those? Can’t cut the tree in half. Peter, no anything encroaching within 30” of the pavement would be
178 removed.

179
180 Peter Lyon – Moved to approve the request on Pond Parish Road to remove all the dead and dying trees within
181 the right of way, and any of the designated trees encroaching within 30” of the pavement. Michael Dell Orfano
182 seconded for purposes of discussion.

183
184 Discussion: what is the right-of-way? Bruce: it varies. Short of having the whole thing surveyed, he can’t be sure,
185 so he just works with “between the stone walls.” Arnie – would the 30” line allow him to do the rebuild
186 properly? Is it viable mechanically? Bruce – he would do his best. Arnie – can Bruce tell us which trees are within
187 the 30” zone? Bruce: not without looking at them again. Arnie – could he report back in two weeks? Yes.

188

189 Sally – worried about where the 30” line falls at the narrow (Baboosic Lake Road) end of the road. Is that where
190 the very old maples and oaks are? No, they start about 1/3 of the way up the road toward Spring Road. She
191 observed that it would be useful if they were having this discussion on site.

192
193 Arnie, what if we were to meet out there? Maybe at 6:30 on the third, before our next meeting?

194
195 Mike – could the roadbed be shifted away from the mature trees? Bruce – lots of issues. It’s theoretically
196 possible.

197
198 Peter - Could the job still be done if it is put off again? Bruce – it would be really tight. If he rolls the tree work
199 into Continental’s contract and has them hire the tree guys as subcontractors, it saves him the time of going out
200 to bid for that work. But it depends on when the subcontractors are available.

201
202 Peter – withdrew the motion. Michael withdrew the second.

203
204 General discussion about on-site meeting vs. site walk, and about scheduling.

205
206 Michael moved to retable the Pond Parish scenic road hearing to August 3rd, with a site walk Tuesday, July 26 at
207 4:30pm. Sally agreed to notify the rest of the Board.

208
209 Minutes of June 1 and July 6 deferred to next meeting.

210
211 Arnie had two messages from Carol (interim Community Development Director). 1) Generally the Board starts
212 working on warrant articles in August. She had not expected to be here this long – but she is. Should she start on
213 warrant article prep? General agreement: no, wait to see if the new Director is hired soon. If it gets to be
214 September, we’ll have to reconsider. 2) There was an application for Elderly Housing which the Planning Board
215 never saw because Colleen determined it was not in compliance with the ordinance. The applicant appealed
216 that Administrative Decision to the ZBA, and they upheld the Administrator. The applicant has now applied for a
217 rehearing, and the ZBA said they wanted the Planning Board to hear and deny the application first. (editorial
218 note – this is what I think Carol said – Arnie will confirm). General discussion. Arnie will re-confer with Carol and
219 if necessary get an opinion from Bill.

220
221 Meeting adjourned at 9:20 pm

222
223 Eric Hahn asked if the Board thought he should resign from the Planning Board, having taken the position of
224 assistant to the Public Works Director? General discussion – no. Obviously he’ll have to step down for
225 applications from the DPW. Eric observed that he would probably be presenting those, anyway.

226
227 Respectfully submitted,

228
229
230 Sally Wilkins, acting recording secretary