

The Community Development Connection

VOLUME 1, ISSUE 1

JANUARY 24, 2013

Town of Amherst
Community Development Department



2012 Year in Review

Inside this issue:

2012 Year in Review	2
2012 Statistics	3
Meeting Results	4
Right To Know Law	5
NRPC Annual Report	6

Save the Dates:

**Wednesday
Feb 6, 2013
7:00pm
DELIBERATIVE
SESSION**

**March 12, 2013
VOTING DAY**

The Community Development Office strives to effectively manage community change in accordance with the Town's Master Plan and the Town's ordinances and regulations by providing professional advice and technical expertise in a consistent and fair manner to citizens, boards and commissions, departments, and regional agencies on the implementation of land use ordinances, regulations, and policies for both the short- and long-term physical, economic, and community development of the Town. The office provides a variety of services including:

- Land development review
- Master planning/long-range planning
- Economic development:

Commercial, Industrial, and Small Business

- Building permitting and inspections

- Health and safety

The Office of Community Development was created through a reorganization of Staff and responsibilities in 2012 in an effort to effectively and efficiently provide for the Building, Code Enforcement, Planning, Zoning, and Economic Development Departments. This dynamic department is supported by three Staff members:

- Pam Crook, Community Development Secretary
- Richard Keyes, Building Inspector, Deputy Health Officer, and Code Enforcement

- Sarah Marchant, Community Development Director, Zoning Administrator, and Code Enforcement

The Office also provides support to the Town's Zoning Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, and the Heritage Commission.

2012 has been an exciting year. The economic downturn which characterized the last several Town Reports has finally started to reverse course with development in Town picking up significantly. Several businesses have expanded operations or come to Amherst in 2012, including the beautiful new LaBelle Winery and

Did You Know?

The most popular building permit related question in 2012 was, "What do I need to install a new generator in my home?".

There are two kinds of generators: Portable and Standby. Both types of generators require an Electrical Permit and inspection by the Building Inspector, to ensure the required separate service-rated disconnect is installed per the National Electric Code.

Standby generators also require a Gas Piping Permit and Inspection from the Fire Inspector. Both permits can be obtained and applied for through the Community Development Office. All permit application forms are available online at www.amherstnh.gov/forms-permits-fees/.



(Continued) 2012 Year in Review

Event Center on Route 101.

Route 101A has seen some major renovations, including the former Cassidy's Grill morphing into Style Salon and Susan's Consignment Jewelry; Hendrix Wire and Cable expanding their operations from Milford into Amherst by retrofitting the former Ceratec building on 101A; and the new Goodwill facility has risen from the ashes of the former Amherst plaza. Many more smaller shops and businesses have remolded existing spaces including the Meat Shop, Studio X, the Chocolate Fanatic, Time to Clay, and Vouli Dance; to name a few. As the economy slowly turns around, we are excited with the expansion of some amazing Amherst businesses and welcome the new.

Residential development was up in 2012 as well, due largely to breaking ground on the new Hidden Pond Affordable Housing project off of Amherst St, which includes 28 townhouse style apartments in five buildings. While new single family home starts are still low with only five new permits, the number of homes undergoing significant renovations or complete remodels was up.



Several major Department projects this year include:

- Economic Revitalization Zones (ERZ) were created throughout the Town with the support of the Planning Board and Board of Selectmen. The State's ERZ program allows businesses which significantly expand or invest in their business and hire new full-time staff to be eligible for state tax credits towards their Business Profits Tax or Business Enterprise Tax. Check out the Town's Economic Development webpage for more information.
- The Planning Board received a Round 1 Community Planning Grant to complete a Regulatory Review of the Town's existing Ordinances and Regulations in relation to the 2010 Master Plan. The grant will provide for a final Regulatory Review report in early 2013 to help guide the Planning Board and other stakeholders to identify and prioritize revisions in preparation for the 2014 town ballot. The Board intends to apply for a Round 2 Grant in early 2013 to further aid in the drafting of revisions to the Zoning Ordinance and Land Use Regulations.

A new software system was implemented to manage all permits and applications coming through the Office. The former software could only handle a small portion of the permits and applications which regularly come through the office; and as the company that created it went bankrupt in 2009, there was no support for issues. The new software is a first step towards creating digital records of all the plans and records housed in this office, while reorganizing existing files for better access.

Check out our website for more information on any one of the above-listed departments or feel free to contact us anytime. The Community Development has made significant strides this year with the support of the Board of Selectmen and Town Administration. Thank you for all your support in 2012!



2012 Building Permits	
New SF Residential (including Condos)	34
Condos only	0
Residential Additions/Alterations	109
Commercial/Industrial (new & additions/alterations)	15
Commercial/Industrial new	1
Commercial/Industrial additions/alterations	25
Signs	32
Pools	7
Demolition	12
Septic Systems	50
Electrical	146
Plumbing	5
Mechanical	33
Home Occupations	7
Total # of Building Permit Applications	476

(Continued) 2012 Year in Review

Planning Board Applications January 1, 2012, to December 31, 2012	
Type of Application	# of Applications
Scenic Road Hearings	2
Non-Residential Site Plans (NRSP)	7
Water Resource Management Plans	5
Affordable Housing Suitability	1
Zoning Changes Public Hearing	3
Subdivision	3
LLA	6
Discussions	3
Sign Master Plan	3
Compliance Hearings	2
Total	35

Zoning Board of Adjustment Applications January 1, 2012, to December 31, 2012	
Type of Application	# of Applications
Variance	23
Special Exception	2
Appeal of Administrative Decision	3
Equitable Waiver	1
Variance for the Handicapped	1
Total	30



Historic District Commission Applications January 1, 2012, to December 31, 2012	
Type of Application	# of Applications
Building modifications	36
Tree Removal	31
Fence/Landscaping	13
Mechanical Equipment	3
Total	83

Meeting Results:



Each month this column will bring you a quick update on the results of the Zoning Board, Planning Board, and Historic District Commission's deliberations:

Zoning Board (ZBA)

The ZBA untabled all applications from the December 18th Public Hearing on January 3rd for deliberations. Due to the breath of the December agenda and time needed for testimony, deliberations were tabled to January.

1. Case #12-1489: Special Exception - *Application Approved*

The applicants Terry and Kelly Connor, owners of Map 3, Lots 28-1 and 29, Merrimack Road/Route 122/Smith Lane, Residential Rural Zone, requested a special exception to Article V, Section 5.4.3 of the Amherst Zoning Code, to allow Elderly Housing in the Residential Rural Zone.

2. Case #12-1491: Variance - *Application Approved*

The applicant, Auburn Acquisitions Development, LLC, owner of Map 6, Lot 59, 2 Limbo Lane, General Office Zone, requested a Variance from Article IV, Section 6.1 of the Amherst Zoning Code to allow residential use of 100% of the property in the General Office Zone.

3.a Case #12-1492: Variance - *Application Approved*

The applicant, Skillings & Sons, Inc. (9 Columbia Drive Realty Holdings, LLC), owner of Map 2, Lot 28-15, 9 Columbia Drive, Industrial Zone, requested a variance from Article IV, Section 4.9.1 of the Amherst Zoning Code for an accessory use of auto repair and inspections in the Industrial Zone.

3.b Case #12-1493: Variance - *Application Denied*

The applicant, Skillings & Sons, Inc. (9 Columbia Drive Realty Holdings, LLC), owner of Map 2, Lot 28-15, 9 Columbia Drive, Industrial Zone, requested a variance from Article IV, Section 4.13.4 of the Amherst Zoning Code to allow the use of auto repair and inspections in the Aquifer Conservation District.

4.a Case #12-1494: Variance - *Application Denied*

The applicant, Brad Knight, owner of Map 4, Lot 65-1, 12 Stearns Road, Residential Rural Zone, requested a variance from Article IV, Sections 4.3.1, Permitted Uses, of the Amherst Zoning Code to allow commercial recreation, sports and events facility with seasonal lighting in the Residential Rural Zone.

4.b Case #12-1495: Variance - *Application Denied*

The applicant, Brad Knight, owner of Map 4, Lot 65-1, 12 Stearns Road, Residential Rural Zone, requested a variance from Article IV, 4.10.5, Floodplain Conservation District, Permitted Uses, of the Amherst Zoning Code to allow commercial recreation, sports, and events facility with seasonal lighting in the Flood Plain Conservation District.

4.c Case #12-1496: Variance - *Application Denied*

The applicant, Brad Knight, owner of Map 4, Lot 65-1, 12 Stearns Road, Residential Rural Zone, requested a variance from Article IV, Section 4.11.2, Wetland Conservation District Permitted Uses of the Amherst Zoning Code to allow for a commercial recreation, sports, and events facility with seasonal lighting in the Wetland Conservation District.

4.d Case #12-1497: Variance - *Application Denied*

The applicant, Brad Knight, owner of Map 4, Lot 65-1, 12 Stearns Road, Residential Rural Zone, requested a variance from Article IV, Section 4.12.2 Watershed Protection District, Permitted Uses of the Amherst Zoning Code to allow for a commercial recreation, sports, and events facility with seasonal lighting in the Watershed Protection District.

Meeting Results (continued)

4.e Case #12-1498: Variance - *Application Denied*

The applicant, Brad Knight, owner of Map 4, Lot 65-1, 12 Stearns Road, Residential Rural Zone, requested a variance from Article IV, Section 4.13.3, Aquifer Conservation District, Permitted Uses, of the Amherst Zoning Code to allow for a commercial recreation, sports, and events facility with seasonal lighting.

Planning Board (PB)

The PB held the final Public Hearing in January to prepare the two proposed Zoning Amendments for the 2013 Town Vote. Information on the proposed amendments is available at <http://amherstnh.gov/2013-zoning-changes/>. The PB tabled the one application on the agenda:

John Woods – Old Mail Rd, Map 8, Lot 51-2: Re-submission of a conditional approved, expired, Water Resource Management Plan (WRMP) to address prior wetlands impacts on a vacant lot.

The application was tabled to the February 13th meeting.

Historic District Commission (HDC)

The HDC heard its one tabled application from its December meeting:

Christy Day – 110 Boston Post Road, Map 17, Lot 87: Fire Escape and deck from ground to third floor egress required to meet safety code.

The application was approved with the fire escape to be constructed below the roof line, all non-compliant windows will be replaced within one year.

Changes to the Right to Know Law

Effective January 1, 2013, the remedy section of the Right To Know law changed in very significant and important ways. See, [Ch. Law 206](#) (2012).

The law that now makes it possible for a court, if it is found that an officer, employee, or other official (i.e. Board member) has violated any provision of the Right To Know law in bad faith, to impose a civil penalty of not less than \$250 and not more than \$2,000. Such person or persons may also be required to reimburse the public body or public agency for any attorney's fees or costs paid by the public body or public agency in defending a Right To Know law suit.

In addition to the changes in the Right To Know law made in 2012, it is also important to remember that RSA 91-A:8 also allows the award of reasonable attorney's fees and costs incurred as a result of litigation to implement the law. It also allows a court to invalidate an action of a public body or agency taken in violation of the law "if the circumstances justify such invalidation." And lastly, the law empowers the court to enjoin future violations and can require any public officer or employee found to have violated the Right To Know law to undergo appropriate remedial training at their expense.

So what does this mean for you? As a Board member please limit email communication to one way disseminations of information. If any discussion does occur over email, please ensure Staff are cc'd on the email so we can add the communications to our Right To Know Law folders. It is also strongly recommended to provide Staff with a personal, non-work related email address, for communications to protect your employers email from any Right To Know Law requests.



**Town of Amherst
Community Development Department**

2 Main Street
PO Box 960
Amherst, NH 03031
Phone: 603.673.6041
Fax: 603.673.4138
E-mail: smarchant@amherstnh.gov



WE ARE ON THE WEB!

WWW.AMHERSTNH.GOV

The Community Development Office strives to effectively manage community change in accordance with the Master plan and the Town's ordinances and regulations, by providing professional advice and technical expertise in a consistent and fair manner to citizens, boards and commissions, departments, and regional agencies on the implementation of land use ordinances, regulations, and policies for both the short and long term physical, economic, and community development of the Town.

The Community Development Office is comprised of the Building, Zoning, Planning, Code Enforcement, and Economic Development Departments. The Office provides support to the Planning Board, Zoning Board, Amherst Conservation Commission, Historic District Commission, Heritage Commission, and the CIP Committee. The office provides one-stop location for all land development processing in the Town.

2012 ANNUAL REPORT OF NRPC ACTIVITIES FOR THE TOWN OF AMHERST



The Nashua Regional Planning Commission is formed by the thirteen communities of Amherst, Hollis, Pelham, Litchfield, Merrimack, Nashua, Hudson, Brookline, Milford, Mont Vernon, Lyndeborough, Wilton, and Mason.

NRPC serves as a resource to support and enhance local planning, provides a forum for communities to coordinate land use, environmental and transportation planning at the regional level, and provides a

clear voice for the region at the state and federal levels. Our core planning programs are transportation, land use, environment, and mapping. NRPC is also the designated Metropolitan Planning Organization (MPO) for the region and is responsible for developing and maintaining the region's official transportation planning program for transportation projects that are funded through Federal or State sources.

In 2012, NRPC provided the assistance summarized below directly to Town Departments, land use boards and commissions and the

Board of Selectmen. Town officials, staff and board members also have access to the many training and educational programs NRPC offers and may request customized services through NRPC programs. ([click here to read the full article...](#))

