

TOWN OF AMHERST
Planning Board

October 23, 2019

APPROVED

In attendance: Michael Dell Orfano- Chair, John D'Angelo-Selectman Ex-Officio, Marilyn Peterman, Sally Wilkins, Arnold Rosenblatt, Rich Hart, Brian Coogan, Cliff Harris, Christy Houpis (Alternate), and Lisa Eastland (Alternate).
Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Minute Taker.

Michael Dell Orfano called the meeting to order at 7:33 pm at the Amherst Town Hall.

- 1. CASE #: PZ11724-091019 -Friends of Young Judaea (Owner & Applicant), 9 Camp Road, PIN #: 008-059-000–** Public Hearing/Wetland and Watershed Coservation District Conditional Use Permit. 1,551 sqaure foot impact to 50' buffer area adjacent to jurisdictional wetland. *Zoned Residential/Rural. Tabled from October 2, 2019.*

**Sally Wilkins moved to untable the application. John D'Angelo seconded.
All in favor.**

**Arnold Rosenblatt moved to untable the application for [CASE #: PZ11723-091019 – Friends of Young Judaea (Owner & Applicant), 9 Camp Road, PIN #: 008-059-000 – Public Hearing/Non-Residential Site Plan review. Replacement of existing dorms in the Boy's area of the camp. Zoned Residential/Rural. Tabled from October 2, 2019.] Sally Wilkins seconded.
All in favor.**

Paul Chisholm, from Keach-Nordstrom Associates, explained that he presented the plans to the Amherst Conservation Commission (ACC) at their most recent meeting. A letter of recommendation was sent to the Board by the ACC. He reviewed a few of the items on the most recent staff report. He explained that any fertilizer on site will be used in a certain manner and not anywhere near the wetland buffer. The camp's operational and maintenance plan will be revised to further restrict the usage. He also questioned when the construction will be considered complete, as per the CUP process. Construction will take place in several phases, depending on the timing of and amount fundraised. The hope is to start construction of cabin 4A as soon as possible, but the exact timeline is dependent.

In response to a question from Marilyn Peterman, Paul Chisholm stated that the old cabins will not be torn down all at once. Each cabin will not be torn down until the group has the funding to build a new cabin in its place.

Nic Strong, Community Development Director, explained that the language in the zoning ordinance for the CUP states the construction must commence within one year, and if it is not started within an additional year, the CUP is null and void.

Sally Wilkins suggested that construction of the first cabin could be considered commencement, and the pulling of the final certificate of occupancy could be considered completion.

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In response to a statement from Mike Dell Orfano, Sally Wilkins explained that the municipality adopted the IBC (International Building Code) by reference. This would require the Friends of young Judaea to return to the Zoning Board of Adjustment (ZBA) each time they need to pull a certificate of occupancy over the years that this project will take place. She would like to waive this requirement.

In response to a question from Mike Dell Orfano, Paul Chisholm stated that if the ZBA refuses to waive the IBC requirements for the plans, the group will have to return to the Planning Board with an amended site plan.

In response to a question from Mike Dell Orfano, Paul Chisholm explained that the camp has a temporary handicap ramp that can be used when needed, instead of building a permanent structure.

Mike Dell Orfano read through the five conditions outlined on the staff report: that the property in question is in conformance with the dimensional requirements of the zone, and that the proposed use is consistent with the Amherst Master Plan; that the proposal meets the purposes of the ordinance under which the application is proposed [to mitigate impacts to the wetlands]; there will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the town of Amherst; that the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances; that the proposed use will not adversely affect the ground water resources of Amherst.

Rich Hart commented that the proposed pools for collecting drainage water are better than what currently exists on the site.

Cliff Harris suggested that a plaque be installed noting where the wetlands are on site.

Arnold Rosenblatt moved to approve the CUP as requested, consistent with any staff notes, and including the request to install a wetlands placard. Cliff Harris seconded.

Discussion:

In response to a question from Sally Wilkins regarding the second part of this CUP application, Mike Dell Orfano read through the conditions related to that case including: that the proposed activity minimizes degradation of land situated within the district, and offsets potential adverse impacts to functions and values of wetlands, surface water and vernal pools; that the proposed activity will have no significant negative environmental impact to abutting and downstream properties of the hydrological connected waters or wetland resources; that the proposed activity or use cannot practically be located otherwise on the site to eliminate or reduce impact to the wetland or watershed conservation district; that the Board impose conditions of approval, if

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deemed necessary, to mitigate the potential for adverse effects caused by the proposed activity or use [placards].

Arnold Rosenblatt explained that the unstated parenthetical to his motion was that these criteria have been fulfilled to the Board's satisfaction, that the ACC has supported the application, and that his motion stands as such.

All in favor.

Sally Wilkins moved to approve the site plan, with the modifications to the plans that were discussed at the previous meeting, with the determination that pulling a building permit for the first cabin constitutes active and substantial development and pulling a CO for the last one constitutes completion, and that they have up to five years to complete the project, or come back to ask for an extension. Cliff Harris seconded.

All in favor.

OTHER BUSINESS:

2. Master Plan Discussion

Sally Wilkins explained that, after hearing from Nic Strong regarding a possible Master Plan process at the last Board work session, Mike Akillian approached the group with a different possible approach. This approach would use a broader umbrella of themes versus the silos of function approach that has been used in the past. It was decided that a small group of seven individuals from various parts of the community would meet for one focus session in order to evaluate and discuss the possible themes and the approach. This was a public meeting and minutes were kept. The Board can now evaluate the process and possible themes that came out of that focus group and decide how best to move forward.

Mike Dell Orfano explained that the threshold issue is to decide if the Board would like to pursue the theme approach or the more traditional silo approach. The newly proposed theme approach does not limit public involvement, but helps to create focus in the process.

Mike Akillian explained that there are only two required sections of the Master Plan: Vision (what's to be achieved) and Land Use (how to achieve it). The Master Plan and CIP (Capital Improvement Plan) processes are two ways to engage residents, businesses, and institutions to envision and achieve a desired future.

Mike Akillian explained that the state sets up municipal government to work most effectively in silos. These silos either have a vertical or horizontal focus. The only two places in municipal government for there to be a look across the silos and community are through the Master Plan and CIP. He believes that residents are more likely to be engaged with the Master Plan process if questions and framed in ways that matter to them.

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He stated that there are four main themes currently being presented: 1) Character of the town, 2) Living for one's entire life in the town, 3) Business in town, 4) Infrastructure of the town. The focus group wanted to make sure that two items, education and transportation, stand out amongst these theme questions.

Rich Hart suggested that there be a possible question under the Infrastructure section regarding how the town plans to deal with climate change, and also if there is a possibility for the town to move towards being a 100% renewable energy community in the future.

Mike Akillian explained that the Planning Board could use these themes to form a task force/steering committee, with five groups under it. One group for each of the four themes, and the fifth group to deal with communication and engagement. These groups would look at data, analyses, and possible scenarios or tradeoffs involved.

He proposed there be a public information campaign to explain the Master Plan process, the timeline, and the community involvement the Board is looking for. The working groups could then start tackling their questions, determining what data and analyses are needed, and laying out some scenarios to offer suggestions in a conceptual manner. Possibilities will come up in each area, and the public will be able to decide which ideas rank above others, as there is only a certain amount of money that can be put towards all projects. This can then tie into the CIP process and town's multi-year budget.

He explained that there are two types of communication flows in this process: 1) informing and educating the general public regarding the Master Plan process, 2) engagement of the general public, which requires going to where they are, and giving them access to information.

He believes that a public information campaign could start in November, and proposed budget could be discussed as part of the FY21 planning and budget process. He suggested that the group seek data and information from NRPC.

In response to a question from Marilyn Peterman, Mike Akillian suggested that the Board see what kind of data NRPC has that could help, as the 2020 census data won't yet be available for the process. Sally Wilkins added that the American Community Survey was mentioned in a previous meeting as a way to get interim data.

Nic Strong commented that she has a concern regarding presenting the public with a set of pre-determined, narrow issues, where the Board might receive more questions and possible themes using a broader based community input session first. These themes may stop additional comments or questions from being brought up.

Mike Akillian explained that, as part of the engagement process, the public would be asked for their input on the themes, but also in regards to what may be missing or what needs to be added.

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Mike Dell Orfano and Sally Wilkins stated that the process took about 18 months last time. There was a lot of public interest in the beginning, but that petered out quickly.

Mike Dell Orfano stated that it is the Planning Board's job to integrate all of the different Board and Departments into the Vision process.

Sally Wilkins stated that she believes the theme approach is more engaging to others on a deeper level than the traditional approach. This method should help to create a Vision for the town from the bottom up.

Brian Coogan stated that he believes the theme approach is a good notional direction to start the process in. He believes that the Master Plan should be recalibrated year after year in order to drive towards changing goals.

John D'Angelo stated that he likes the theme approach as a way to suss out a vision from the community and to layout various scenarios to see what people like. He hopes that data and scenarios will help people to understand the implications of the things they want. He also noted that the town's industrial zone sits on an aquifer and has no gas or sewer running to it, and that he looked through Board of Selectmen minutes from 30 years ago that mention wanting to develop that area. He believes the public needs to understand the tradeoffs for their different wants.

Arnold Rosenblatt noted that he asked in a previous meeting for an example of a single New Hampshire town that has completed a Master Plan that actually works; one that people are pleased with and that has actually given them something to implement from. He would also like to see a successful Master Plan pointed to that has used the thematic approach.

Nic Strong stated that she received many comments from towns that liked the Master Plan process or document they received from the process, but none that has successful projects stem from it. She gave the example of the Community Profile in New Boston that led to the creation of a footbridge across the river. This was a library action project, not a Master Plan.

Mike Akillian stated that the thematic approach has been discussed by many groups in the state. This idea has gained a fair amount of traction and interest. Amherst would not be the 1st to use this approach.

Arnold Rosenblatt stated that he doesn't believe the process for the last Master Plan served any purpose, and he is not aware of any other town in the state that has implemented this approach successfully. However, he is in favor of trying the thematic approach, as it is a more imaginative and creative way to approach the process. He believes the Board should move forward with the process as outlined by Mike Akillian. He also believes it is important to try to have as little bias in the theme questions as possible, in order to attract conversations. He stated that the subgroups for each theme should have at least one Planning Board member on each.

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In response to a question from Christy Houpis, Arnold Rosenblatt explained that, during the last Master Plan process, a consultant was contracted by the town for about \$100,000. There were a number of outreach efforts undertaken, none of which were particularly successful, and none of which brought in a large variety of perspectives. In the end, the Plan was perceived as very generic and could not be used as a useful document by the Board. He does not believe the process was meaningful or effective.

In response to a question from Christy Houpis, Mike Akillian stated that he is going to have a conversation with OSI, Office of Strategic Initiatives, regarding the thematic approach to make sure the town will be ok to move forward with possible grant opportunities in the future.

In response to a question from Christy Houpis regarding some of the “chronic issues” the town faces, Mike Akillian explained that the thematic approach can be a more holistic way of addressing these issues, with more context behind them.

Christy Houpis suggested that the Board be cautious regarding the process, procedure and transparency in getting community involvement for the process.

Lisa Eastland stated that the thematic approach appears to provide structure for the process and will seek engagement from both high level and “in the weeds” people from the community. This approach is accessible and will get the process started more quickly. She suggested starting with an article in the Citizen and then including information in the tax bills.

Public Discussion:

Doug Chabinsky, 89 Boston Post Road, asked how the Board is going to develop a plan if they don’t know where they want to go. He believes the theme approach is a valid one and that the questions mentioned aren’t meant to lead anyone. The questions will lead to input and then a conversation can be had regarding competing factors. The town will then have a Plan that should be revisited every year because the world changes and the plan will need to adapt.

Kelly Schmidt, 11 Patricia Lane, stated that she believes a successful plan will only be accomplished with the buy-in of the public and other entities in town. She cautioned the Board regarding the public pre-planning meeting they had, as she believes it was not notified and thus should not be considered “public.” There is a concern from the public regarding the Board’s proceedings and she believes it may be a challenge to get buy-in from the public for the Master Plan due to this.

Danielle Pray, 7 Stearns Road, stated that the meeting was public and was noticed on the town’s website; she attended the meeting. She questioned the price difference between the theme approach planning process and the silo approach.

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Nick Loy, 15 Willow Lane, stated that he found the consultants used for the last Master Plan process to be astute and thus he wonders why that Plan failed. He believes there should be a couple of large public meetings to gather the opinions of many townspeople.

Jeanne Ludt, 3 School Street, explained that there was a Community Profile sponsored by the UNH Cooperative Extension back in the late 90's. This was a two-day event which saw more than 100 people gather at the Souhegan High School to come up with recommendations. She saw this as a great community building experience. She recommends this type of meeting as a kick-off for the planning process.

Eugene Ancil, 7 Brook Road, stated that there is an algorithm for an innovative approach to integrating the community in this process. He believes the key linchpins in the community need to be identified. A certain demographic is moving into this town certain reasons. He encourages the Board to do analyses and data mining to see what the future could be and to see what that demographic wants. He believes a Master Plan should be no more than 3-5 years old, and that anything older would create a stagnant plateau, leading to no economic growth for the town.

The Board discussed how to craft a budget amount for this planning process, while still being so early in its development. If the Board wants to have funding for this project in next year's budget, they will need to incorporate a number by next month.

Eugene Ancil stated that he believes the Board's fiscal planning should be more advanced and intelligent than looking only a month out. The Board should already have a budget for this process if the Master Plan update is supposed to occur in 2020.

Arnold Rosenblatt moved to proceed with the Master Plan process, based on establishing the steering committee which will work with the themes that Mike Akillian has identified, with the understanding that there's nothing to preclude one from modifying those or adding to them; the steering committee will be made up of Planning Board members and members from various groups, and there will be subcommittees, as identified by Mike Akillian as well. Cliff Harris seconded. All in favor.

In response to a question from Mike Dell Orfano regarding a community profile, Mike Akillian stated that he would like the Board to begin a public information and engagement campaign in November. He believes NRPC should be consulted regarding the cost of their analyses. He believes the education and outreach will cost more than the Board might think. He doesn't believe the community profile should be rushed into, but still budgeted for.

The Board discussed the number of members that should be on each subcommittee. Sally Wilkins suggested that there should be one member on each subcommittee and one member as a general coordinator. After those people are identified, the Board can approach the public to see who is interested in being involved. The Board should also work to identify the skill sets that will be needed in each subgroup.

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The Board agreed to meet on October 30th for a work session on this. Christy Houpis agreed to try crafting a community plan for the Board.

3. Discussion regarding quantification of the benefits to the Town of the Integrated Innovative Housing Ordinance

Mike Dell Orfano stated that this conversation is to look at the process the Board uses to allocate bonuses to developers and how to decide what qualifies, or not, for these bonuses. He stated that the burden is on the applicant to show why they deserve any bonus for the proposed development.

Sally Wilkins explained that different housing types (age-restricted, handicap accessible, rentals, etc.) are all allowed as distinct amenities for the same unit under the regulation and that this is not contrary to the spirit of the ordinance.

Marilyn Peterman stated that this ordinance was written, discussed and these bonuses were also discussed. The ordinance was voted on by the Board because it was believed these items were things the town needed. She believes the term “double-dipping,” in regards to these bonuses gives the connotation of being pejorative. In housing, the town lacks the diversity that this community has looked for for a very long time, and this ordinance tried to bring that together. A unit providing three types of opportunities in the same unit is allowed not only because the town needs it, but also because the area needs it. The town, according to the last census, has a housing stock of only 7% attached housing; the rest is likely single-family, 3-4 bedroom homes, which is what the Board was trying to get away from with the PRD plan. Developers are sometimes trying to supply the things the Board enumerated in the ordinance.

Arnold Rosenblatt stated that this conversation is inappropriate and that the Board should not be having it. This discussion can be had with respect to specific applications but it is not a debate to be had at this meeting. He does not believe that anything that any Board member says in the abstract, with respect to this ordinance should not have any weight. The bottom line is that the burden is on the applicant in each instance to demonstrate that there is a need for that type of bonus and that they are entitled to that bonus. That should be addressed on an application-by-application basis. The Board is not here to provide principal views about when bonuses are or are not appropriate.

Cliff Harris agreed that the discussion should end with the applicant having the ultimate burden of proof.

Marilyn Peterman stated that the Board does this all the time at the discussion of these submissions and is not usually on the same page as to how to make these applications apply because each members has its own views.

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Mike Dell Orfano stated that the Board has three new members to discuss this with. He wants to drive home to them that the ordinance gives the Board a tremendous amount of latitude to determine the appropriateness of the applicant's density bonus requests.

Lisa Eastland stated that she likes the term "stacking," instead of "double dipping."

Mike Dell Orfano stated that he needs everyone to understand the basis for why the ordinance was written the way it was, so that members can speak in a common voice towards applications.

Sally Wilkins stated that it is important for Board members to read the ordinance so that they understand how they are written and the idea behind them.

Mike Dell Orfano stated that the ordinance came from the Master Plan process ten years ago. The Board took the initiative to understand what the town needed for housing and created the IIHO to get diversity for human, economic, and housing needs, to accommodate a changing demographic. This was built into a single ordinance for a single process.

Jeanne Ludt, 3 School Street, stated that the ordinance was created ten years ago to meet certain needs, but the Board may now need to re-clarify the demographic.

Mike Dell Orfano stated that the ordinance is only two years ago and the Board continues to make changes to it and develop it to make it easier to understand.

Danielle Pray, 7 Stearns Road, stated that she looked at the ordinance information presented to voters back in 2014/15. A large section of the ordinance deals with bonuses, however there was no mention of density bonuses to the voters, in that wording. She believes the town may be dealing with a perfect storm of no impact fees, density bonuses, good schools, and a nice community. She has spoken to many people who don't remember voting for density bonuses, and that's because it was not in the wording presented to them. With a new Master Plan coming in, this could be a time for the Board to rethink the ordinance or the density bonus section. She isn't aware of any other towns that have density bonuses and no impact fees. The Board can do something to fix this situation.

Mike Dell Orfano stated that the ordinance is not something that can be turned on/off and that many other towns are looking to doctor this type of ordinance for their own use.

Danielle Pray suggested that the Board look only at revising Section E (density bonuses) of the ordinance. A change can be made by this Board, by the Board of Selectmen, or by public petition.

4. REGIONAL IMPACT:

- a. Clearview Development Group, Tax Map 7 Lot 72 and Tax Map 5 Lot 159-01, Boston Post Road and New Boston Road, Planned Residential Development, Design Review, 66 units.**

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Sally Wilkins recused herself.

Nic Strong explained that all land use Boards have to consider regional impact, but there is no specified time when the discussion must be had, other than “upon receipt of application.” If the Board waits to discuss regional impact until the application hearing, and it is decided that there is regional impact, the whole process comes to a halt until the impacted community is notified.

Marilyn Peterman explained that there has been past conversation on this topic regarding the schools. However, this decision is difficult to make without knowing what types of housing will be in these proposed developments. Smaller units have not shown a significant impact on the schools in the past. Many of these applications don’t yet have enough information to determine if there will be an impact on the schools.

Christy Houpis stated that, however the Board decides to move forward with these discussions, it should be a consistent process because the Board currently has a huge public relations issue.

Arnold Rosenblatt moved that there is potential regional impact to Mont Vernon from this project’s application. Marilyn Peterman seconded.

Discussion:

In response to a question from Rich Hart, Mike Dell Orfano stated that, if regional impact is determined, the Board notifies the other community and the burden is then on that town to come to the Planning Board meeting to hear the facts of the case.

John D’Angelo stated that the proposed impact might be to the schools, but not to Mont Vernon itself.

Doug Chabinsky, 89 Boston Post Road, stated that the Board appears to be looking at each high-density housing proposal individually. The Board needs to look at the impact of all of the proposed developments together. The current Master Plan allows for each development to be looked at piecemeal, instead of in total, but the Board should keep these impacts in mind.

Mike Dell Orfano stated that this is a procedurally bound Board that is obligated to respond to regional impact on each application irrespective of the rest.

Voting: 5-1-1 (John D’Angelo voted against, Brian Coogan abstained); motion carries.

b. Dennis & Elise Jaques and Charlies Benjamin & Shera Allen Brown, Tax Map 7 Lots 33-5 & 33-6, High Meadow Lane, Lot Line Adjustment.

**Marilyn Peterman moved no regional impact. Cliff Harris seconded.
All in favor.**

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The Board discussed that the Board of Selectmen will be talking about impact fees at their next meeting.

5. Minutes: October 2, 2019

**Arnold Rosenblatt moved to accept the October 2, 2019 minutes as amended [Line 147: to add the word “residential” before the word “project.” Line 210: to remove the apostrophe after “ACC”]. Cliff Harris seconded.
All in favor.**

**Brian Coogan moved to adjourn at 10:42 pm. Cliff Harris seconded.
All in favor.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: November 20, 2019