

TOWN OF AMHERST
Planning Board

June 3, 2020

APPROVED-Amended

In attendance: Arnie Rosenblatt - Chair, Michael Dell Orfano, Dwight Brew-Selectman Ex-Officio, Marilyn Peterman, Bill Stoughton, Brian Coogan, Cynthia Dokmo, Tracie Adams (Alternate), Chris Yates (Alternate).
Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Minute Taker.

Arnie Rosenblatt called the meeting to order at 7:03 p.m., with the following statement. As Chair of the Amherst Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.

All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #312-626-6799 and password 892 7811 1254, or by clicking on the following website address: <https://zoom.us/j/89278111254> that was included in the public notice of this meeting.

Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Planning Board at: www.amherstnh.gov.

Providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem, please call 603-440-8248.

Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to- Know law.

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Roll call attendance: Bill Stoughton; Chris Yates; Dwight Brew; Tracie Adams; Mike Dell Orfano; Cynthia Dokmo; Marilyn Peterman; Brian Coogan; Arnie Rosenblatt; all alone and present.

Arnie Rosenblatt noted that there will be opportunity for public comment after the Board has completed its discussion. He encouraged the public present to be engaged in the discussion with the Board.

PUBLIC HEARINGS:

- 1. CASE #: PZ12172-121819 – Arboleda Realty LLC (Owner & Applicant) – The Farmhouse Marketplace, 340 Route 101, PIN #: 008-052-000 – Public Hearing/Non-Residential Site Plan. Proposed multi-use commercial building. Zoned Northern Transitional.**

*Arnie Rosenblatt recused himself. Cynthia Dokmo sat as Chair.
Chris Yates sat for Arnie Rosenblatt.*

Cynthia Dokmo read the public hearing notice. She explained that this case was previously before the Board on January 15, 2020, at which time the Board voted that there was no regional impact. The application was accepted as complete on January 22, 2020. The Board hearing of the case was then continued and postponed until now. She stated that the case will be heard until 9:30 p.m. at the latest, at which time she will ask the Board if it is ready to hear questions from the public, if the Board's questioning is not yet complete. If, after that, the Board is not yet ready to vote on the application, she will ask the applicant to agree to continue the hearing to July 1, 2020, and ask the Board if they want a site walk.

Ken Clinton, Meridian Land Services, stated that he represents Arboleda Realty in this case. The two cases on the agenda tonight are separate but related, and so he asked if the Board would consider hearing them concurrently. He intends to provide a review and update of the continued site plan review, and then ask the Board for a continuance.

In response to a question from Dwight Brew, regarding announcing the opening of the public hearing during the meeting and the right for the public to speak during a public hearing, Cynthia Dokmo stated that the public hearing on this case has been opened, and that it is clear on the agenda that this is a public hearing.

Ken Clinton stated that the site plan for this project was accepted by the Board on January 22, 2020. Waivers were also granted at that time, and then the application was postponed in order to receive a third-party review. The next step for this project is for the plans to be reviewed by an outside engineer, who will provide comments to the Board and applicant. Revisions will then be made, and the application will come back to the Board.

Ken Clinton explained that the project has been seeking to reduce the number of retaining walls needed on the site. He has met with NH DOT regarding the proposed location for a secondary

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87 site entrance. There may need to be slight adjustments made to this in terms of signage and
88 control.

89
90 Ken Clinton explained that the third-party review is needed to move this project forward. He will
91 be submitting a check to escrow to the Community Development Department. He requested that
92 the Board continue this hearing until July to hear the final presentation.

93
94 In response to a question from Cynthia Dokmo, Ken Clinton stated that he offered the Board a
95 site walk in January, but that was declined. It was noted that the minutes suggested the Board
96 had postponed a site walk until spring.

97
98 The Board agreed that they would like a site walk of the property within 30 days.

99
100 **Mike Dell Orfano moved to have a site walk on a date certain between now and July**
101 **1, 2020. Marilyn Peterman seconded.**

102 **Roll call: Dwight Brew - aye; Brian Coogan – aye; Mike Dell Orfano – aye; Marilyn**
103 **Peterman – aye; Bill Stoughton – aye; Chris Yates; aye. Motion carried**
104 **unanimously.**

105
106 In response to a question from Mike Dell Orfano, Ken Clinton confirmed that the site plan, aside
107 from the secondary egress point, should remain substantially unchanged.

108
109 In response to a question from Bill Stoughton, Ken Clinton agreed that the staff report comments
110 and any comments from the third-party review will be addressed by the July 1, 2020, meeting.

111
112 Cynthia Dokmo set a site walk of the property for June 13, 2020, at 9:00 a.m.

113
114 Nic Strong noted that a member of the public had his/her hand up. She explained that, if the
115 Governor's orders are not changed by the 13th, that the Board may need to break up into smaller
116 groups during the site walk.

117
118 **Mike Dell Orfano moved that there be a secondary date of June 20, 2020, to hold a**
119 **site walk, if meeting in large groups is not permissible based on the Governor's**
120 **Orders on June 13, 2020. Marilyn Peterman seconded.**

121
122 **Discussion:**

123 **Dwight Brew suggested that, if necessary, the Board break into smaller groups and**
124 **hold multiple site walks back-to-back on the 13th, instead of splitting it into multiple**
125 **days.**

126
127 **Mike Dell Orfano amended his motion, to read that there be a site walk on June 13,**
128 **2020, and, that if more than nine people are present, there be multiple presentations**
129 **to the various groups made on the 13th one after another, if required under the**
130 **Governor's Emergency Orders. Marilyn Peterman seconded.**

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Discussion:

In response to a question from Brian Coogan, Ken Clinton noted that Board members were welcome to walk the site themselves, if unable to attend the site walk.

Roll call: Dwight Brew – aye; Brian Coogan – aye; Mike Dell Orfano – aye; Marilyn Peterman – aye; Bill Stoughton – aye; Chris Yates – aye. Motion carried unanimously.

Mike Dell Orfano moved to continue this hearing to July 1, 2020. Marilyn Peterman seconded.

Discussion:

In response to a question from Dwight Brew, Nic Strong noted that there will be no additional re-notice of the continued date, other than the posted agenda, if the motion passes.

In response to a question from Mike Dell Orfano, Ken Clinton stated that the applicant agrees to continue this hearing to extend the Planning Board's deadline for action until July 1, 2020, and will follow-up with a written statement to the Community Development Office.

Roll call: Dwight Brew – aye; Brian Coogan – aye; Mike Dell Orfano – aye; Marilyn Peterman – aye; Bill Stoughton – aye; Chris Yates – aye. Motion carried unanimously.

- 2. CASE #: PZ12395-030320 – Arboleda Realty LLC (Owner & Applicant) – The Farmhouse Marketplace, 340 Route 101, PIN #: 008-052-000 – Public Hearing/Conditional Use Permit/Wetland & Watershed Conservation District – Proposed multi-use commercial building. *Zoned Northern Transitional.***

Cynthia Dokmo read the public hearing notice. She explained that Bill Stoughton is a member of the Amherst Conservation Commission (ACC) and that the ACC has previously reviewed these plans. She explained that Bill Stoughton believes he can participate in the discussion on this item in a fair and impartial manner. There was no disagreement from the Planning Board.

Ken Clinton, Meridian Land Services, explained that this Conditional Use Permit (CUP) is specifically for wetlands and wetland buffer impacts. He has presented this overall project to the ACC three times, but only once for this CUP to seek their endorsement. He explained that the project has a 25 acre conservation easement as part of a requirement of the zoning variance received. This easement serves a dual purpose, as it is also part of a mitigation effort required by the state to help offset protecting the upland area of the site. The language for this easement needs to be reviewed by town counsel.

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Ken Clinton explained that buffer impact area 1 was partly dictated by DOT, as the entrance needed to be located directly across from the winery entrance across the street. This impact involves a borrow pit created when Route 101 was built. This borrow pit is manmade and the town has no buffer requirements for this. Impact area 2 involves a small depression that acts as a detention area. This wetland was previously culverted and outflows across Route 101. Impact area 3 is a more central wetland to the site with a 50' buffer. This was partially used as a pasture in the past. There is a stone wall in this area, which is where the easement line was roughly placed. This is a higher functioning wetland. Impact areas 4 and 5 are towards the back of the property. They are remote, untouched, and unaffected by development on the site. Impact area 6 was not originally identified as pertinent, but, as the drainage needs onsite have changed, so has its involvement. It is similar to impact area 2, in that it is a detention/stormwater area. The old road bed used to be in this location.

Ken Clinton explained that impact areas 1-5 were discussed and supported by the ACC and DES. Impact area 6 handles stormwater runoff from the site and is the most down gradient area on site. Total buffer impact square footage for area 1 is about 1,460ft². Buffer impact area 2 is more substantial at 5,420ft² of impact area. Impact areas 1 and 2 are of the lowest quality and function on site, even lower than the borrow pit areas. Impact area 3 does not involve a direct impact, but instead a buffer impact from grading and the retaining wall. The total buffer impact square footage in this area is 24,240ft²

Ken Clinton explained that the ACC recommended the three following conditions, if the Board approves the application:

1. That the applicant provide means to direct runoff from parking lots and facilities away from the wetland located to the rear of the property (as the applicant has proposed).
2. That the applicant, the town, and the state reach mutual agreement on the terms of the proposed conservation easement.
3. That the applicant allows public access to the proposed conservation easement area, at a minimum from the adjacent town-owned Bragdon Farm conservation land.

Mike Dell Orfano moved to accept the application as complete and to accept it for review. Marilyn Peterman seconded.

Discussion:

In response to a question from Dwight Brew, Nic Strong explained that accepting the application as complete does not indicate that the Board has approved it.

Roll call: Dwight Brew – aye; Brian Coogan – aye; Mike Dell Orfano – aye; Marilyn Peterman – aye; Bill Stoughton – aye; Chris Yates – aye. Motion carried unanimously.

Cynthia Dokmo noted that Nic Strong has eight items listed in the staff report regarding the purpose of the Wetland and Watershed Conservation District. She asked the applicant to confirm

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that the submittal of the application had been made under the section regarding roads, driveways, footpaths, bridges, etc., and to explain how the application meets the criteria.

Ken Clinton agreed that the CUP was proposed under Section 4.11, H. 2., regarding roads, and other access ways, including driveways. He explained that the incomplete items were commented on as part of the Non-Residential Site Plan approval process. He noted that all of the documents submitted with the greater site plan, all of the background and specifics, and a narrative of the wetland buffers by a wetlands scientist, were to be considered to supplement the CUP application.

In response to a question from Mike Dell Orfano, Bill Stoughton stated that the ACC reviewed the list of criteria from the wetlands ordinance before voting to endorse the application, except for impact area 6.

Ken Clinton explained that impact area 6 was introduced in their meetings with the ACC, although not included in the list of impacted areas. He reviewed the state score sheet for wetland area functions and values criteria: ecological integrity, dependent wildlife habitat, and fish and aquatic life habitat. Impact area 6 is similar to impact area 2, in terms of functions and values.

In response to a question from Bill Stoughton, Ken Clinton stated that impact area 6 has a 25' buffer, due to its low value.

In response to a question from Marilyn Peterman, Ken Clinton stated that he believes impact area 2 may have been manmade to some degree. This area was regraded and made a more driveable surface for the new roadway. This was a natural low point to collect runoff as well. Impact area 6 is questionable as to if it was manmade or not.

In response to a question from Mike Dell Orfano, Ken Clinton explained that a maintenance plan for the buffers is usually discussed after the third-party review of the associated site plan. At this time the maintenance plan for the site will be included as part of the larger package.

In response to a question from Bill Stoughton, Ken Clinton stated that the possible need for a Shoreland Permit was recognized about two months ago, due to the location of Beaver Brook to the property. There is a possibility that the shoreland zone could be within about 10 feet of wetland #6 on the property, and thus trigger the need for this permit. If this is necessary, it will be a submission of the permit by notification, with no real review.

In response to a question from Dwight Brew, Ken Clinton explained that the water usage on site is not addressed in the CUP because this permit deals with surface to stormwater, versus aquifer use on site.

Ken Clinton reviewed the CUP requirements, Section 3.18 a-f.

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- 259 a) That the property in question is in conformance with the dimensional requirements of the
260 zone, or meets Planning Board standards for the reduction in dimensional requirements,
261 and that the proposed use is consistent with the Amherst Master Plan. (3-10-15)
262

263 Ken Clinton noted that the lot is oversized with plenty of frontage and meets this
264 requirement.
265

- 266 b) That the proposal meets the purposes of the ordinance under which the application is
267 proposed.
268

269 Ken Clinton explained that the site plan application will utilize the zoning variances, and
270 that this CUP process addresses the buffer impacts.
271

- 272 c) That there will be no significant adverse impacts resulting from the proposed use upon
273 the public health, safety, and general welfare of the neighborhood and the Town of
274 Amherst.
275

276 Ken Clinton stated that, at the state level, with regards to the Alteration of Terrain permit
277 and DOT, this project will meet or exceed the requirements on site.
278

- 279 d) That the proposed use will not be more objectionable to nearby properties by reason of
280 noise, fumes, vibration, or inappropriate lighting than any use of the property permitted
281 under the existing zoning district ordinances.
282

283 Ken Clinton stated that there will be no noise, fumes, vibrations, etc. within the buffer
284 areas.
285

- 286 e) That the proposed use will not adversely affect the ground water resources of Amherst, in
287 particular the Aquifer Conservation District as defined in Section 4-13 of the Amherst
288 Zoning Ordinance.
289

290 Ken Clinton explained that these buffer impacts deal with surface waters and wetlands,
291 but not aquifer resources.
292

- 293 f) The applicant shall file a Non-Residential Site Plan Review application in accordance
294 with the "Non-Residential Site Plan Review Regulations" with the Amherst Planning
295 Board.
296

297 Ken Clinton stated that a Non-Residential Site Plan review has been filed.
298

299 Ken Clinton stated that, to the degree possible for each item, the applicant has met items a-f.
300

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Dwight Brew stated that there seem to be loose ends, such as the wording of the easement agreement, who will manage the easement, etc. He is confused as to why the CUP would be approved without first addressing those items.

Bill Stoughton explained that the ACC agreed to manage and maintain the easement. There was some concern over the items mentioned by Dwight Brew, which is why the conditions were placed on the approval.

Ken Clinton stated that he is happy to have included as a condition the exact language as written in the ACC letter.

In response to a question from Mike Dell Orfano, Nic Strong stated that the general criteria for a CUP (Section 3.18) were not included in the Staff Report, because Section 4.11 (Wetland and Watershed Conservation District) criteria were used. The details for these criteria are listed on pages 3-6 of the staff report.

In response to a question from Dwight Brew, Mike Dell Orfano explained that information about chemicals to be used on the site is generally noted on the site plan.

In response to a question from Dwight Brew, Ken Clinton explained that he would prefer if the CUP for wetland and wetland buffers is approved first, before the site plan, as a way to know that it's reasonable to move forward with the plan. Typically, the site plan application is submitted first, with the CUP being submitted at the same time or slightly after.

Public Comment:

Tom Quinn, 30 Christian Hill Road, questioned the procedure, regarding this CUP application coming in under Section 3.18 and ignoring many of the other sections of the ordinance. He believes this could set a bad precedent, especially as this proposal is an extension of a non-conforming use in a residential area.

In response to a question from Bill Stoughton, Nic Strong explained that the Board has yet to discuss the criteria of Section 4.11, that - *The Planning Board shall, in addition to referencing the findings referenced in the preceding section, consider all relevant facts and information prior to making a decision on any application for a Conditional Use Permit; find that the proposed project is consistent with the state Purpose of this ordinance; and find, that to the extent possible, the project avoids and minimizes impacts to land situated within the District...* The Board also has yet to look at the stormwater discharge volumes, letter from the Heritage Inventory, use of lawn chemicals, etc.

Marilyn Peterman asked if all those things wouldn't be taken care of during the Site Plan Review. Nic Strong stated that it doesn't matter if some of these items will also be covered in the Non-Residential Site Plan Review, because they are required to be part of the separate CUP application.

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Cynthia Dokmo read the list of criteria:

The Planning Board shall, in addition to referencing the findings referenced in the preceding section, consider all relevant facts and information prior to making a decision on any application for a Conditional Use Permit; find that the proposed project is consistent with the state Purpose of this ordinance; and find, that to the extent possible, the project avoids and minimizes impacts to land situated within the District, including but not limited to the following:

a. The proposed activity minimizes degradation of land situated within the District and offsets potential adverse impacts to functions and values of wetlands, surface waters, and vernal pools including but not limited to their capacity to:

- i. Support fish and wildlife;*
- ii. Attenuate flooding;*
- iii. Supply and protect surface and ground water resources;*
- iv. Remove sediments;*
- v. Remove pollutants;*
- vi. Support wetland vegetation;*
- vii. Promote public health and safety; and*
- viii. Moderate fluctuations in surface water levels*

b. The proposed activity will have no significant negative environmental impact to abutting or downstream properties and/or hydrologically connect water and/or wetland resources, including:

- i. Increased potential for erosion, siltation, and turbidity of surface waters;*
- ii. Loss of fish and wildlife habitat;*
- iii. Loss of unique habitat having demonstrable natural, scientific, or educational value;*
- iv. Loss or decrease of beneficial aquatic organisms and wetland plants and their habitat;*
- v. Increased danger of flooding and/or transport of pollutants; and*
- vi. Destruction of the economic, aesthetic, recreational, and other public and private uses and values of the wetland to the community*

c. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce impact to the Wetland and Watershed Conservation District.

d. The proposed activity incorporates the use of those Best Management Practices recommended by the New Hampshire Department of Environmental Services and/or other State agencies having jurisdiction.

e. All applicable Federal and/or State permit(s) have been received for the proposed activity in accordance with New Hampshire Code of Administrative Rules-Part Env-Wt 100-800 and Section 404 of the Federal Clean Water Act, as amended. -A Shoreland permit may be required and can be a condition of approval.

f. Where applicable, proof of application to all required State and/or Federal Permits.

g. Prior to making a decision in regard to the possible approval of any Conditional Use Permit application, the Planning Board shall afford the Conservation Commission an opportunity to provide written comment. In the case of applications involving land

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situation within the watershed of the Pennichuck Brook, the Planning Board shall also afford Pennichuck Water Works (PWW) an opportunity to review and comment on the application. Both the Conservation Commission and PWW, after consideration and review of an application for a Conditional Use Permit, may recommend the Planning Board impose conditions of approval, if deemed necessary, to mitigate the potential for adverse effects caused by the proposed activity or use.

Bill Stoughton moved to find that the proposed application is consistent with the stated purpose of the Wetland and Watershed Conservation District and avoids and minimizes impacts as described in the ordinance. Mike Dell Orfano seconded. Roll call: Bill Stoughton – aye; Chris Yates – aye; Mike Dell Orfano – aye; Dwight Brew – aye; Brian Coogan – aye; Marilyn Peterman – aye. Motion carried unanimously.

Nic Strong noted that there are also a list of requirements on pages 5 and 6 to be reviewed. Cynthia Dokmo stated that these should be listed on the plans and that Ken Clinton said the site plans will include these.

Ken Clinton agreed that these will be incorporated into the entirety of the site plan application.

Nic Strong stated that, this should be okay as long as it is agreed that Section 4.11 J. will be addressed either separate to this application or as part of the site plan.

The Board discussed that some of the members hadn't seen some of the application documents because they were listed under the site plan application folder in Dropbox. Discussion took place regarding the confusion with documents being part of the site plan versus the CUP instead of everything for the CUP being in one place, and also the difficulty for the Planning Board getting a Dropbox link on a Friday to get ready for the meeting the following Wednesday. It was pointed out that if the CUP was the only application under consideration and the property didn't need a site plan as well, all of the listed items for the CUP would have to be submitted separately just for the CUP application.

Bill Stoughton moved to approve CASE #: PZ12395-030320 for Arboleda Realty, LLC, for a Conditional Use Permit for impact in the wetland buffer in the Wetland and Watershed Conservation District, at 340 Route 101, Map 8 Lot 52, with the following conditions:

The following conditions must be satisfied prior to the Planning Board Chair signing the Conditional Use Permit.

CONDITIONS PRECEDENT:

- 1. Payment of any outstanding fees for the Conditional Use Permit application, including any fees for recording at the HCRD.**

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2. Submission of a Shoreland Permit from NHDES, if required.
3. Submission of all documentation required by section 4.11.J of the Wetland and Watershed Conservation District Ordinance.
4. That the applicant must provide means to direct runoff from parking lots and facilities away from the wetland located to the rear of the property (as the applicant has proposed)
5. That the applicant, the town, and the state must reach mutual agreement on the terms of the proposed conservation easement.
6. That the applicant must allow public access to the proposed conservation easement area, at a minimum from the adjacent town-owned Bragdon Farm conservation land.

CONDITIONS SUBSEQUENT:

The following conditions subsequent shall be met during construction and on an ongoing basis.

1. The applicant shall comply with all of the Town of Amherst's Zoning Ordinance, Subdivision Regulations, Non-Residential Site Plan Review Regulations and Stormwater Ordinance.

2. This approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and may require additional Planning Board approval.
Mike Dell Orfano seconded.

Discussion:

Dwight Brew explained that the Board has three options at this point: to approve the application, to approve it with conditions, or to deny it. The first part of the proposed motion seems to say that the application won't be official until all of the conditions are followed up on; this seems different than approving the application with conditions.

Cynthia Dokmo explained that, if voted on, the conditions will have to be met before the application is signed off on.

Roll call: Bill Stoughton – aye; Chris Yates – aye; Mike Dell Orfano – aye; Dwight Brew – aye; Brian Coogan – aye; Marilyn Peterman – aye. Motion carried unanimously.

Mike Dell Orfano requested that Nic Strong send out calendar reminders for the upcoming Planning Board events.

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Cynthia Dokmo stated that she hoped Arnie Rosenblatt was still in attendance and ready to come back to Chair the meeting. Chris Yates noted that two hands were up in the attendees. Nic Strong stated that Arnie Rosenblatt was still present and she would bring him back as a panelist. She also noted that there were two hands up.

Arnie Rosenblatt rejoined the meeting and resumed his place as Chair.

Cynthia Dokmo noted that there were two hands up and she didn't know if it was in relation to the application. Arnie Rosenblatt stated that the application was completed so the Board should move on to the next scheduled item.

NEW BUSINESS:

3. Discussion, re: scheduling future public hearings on pending applications

Nic Strong explained that, aside from hearing the continued Arboleda Realty case in July, the Board still has pending applications from Carlson Manor, the second Jacobson application, and a request from Eversource regarding scenic road tree cutting.

Arnie Rosenblatt stated that the threshold issue for the Jacobson case is whether, after their first application was denied, this second application is sufficiently different. Town Counsel has recommended that the Board first determine that threshold issue before moving forward after the initial denial.

In response to a question from Arnie Rosenblatt, Nic Strong stated that the Carlson Manor application came in first, then the second Jacobson application.

The Board discussed how to schedule the next hearings.

Brian Coogan stated that he would like to get through the applications as fast as possible.

Dwight Brew suggested that the Board possibly meet more often in order to not hear more than one application in an evening.

Arnie Rosenblatt pointed out that the Board has work sessions to deal with as well.

Tracie Adams agreed that the Board might need to meet more often. She will need to recuse herself for the Jacobson case.

Cynthia Dokmo agreed that the Board should meet more often. She believes the threshold question for the Jacobson case could take an entire meeting itself.

Marilyn Peterman agreed that the Board could meet more often.

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Mike Dell Orfano agreed and asked if the applicant would be providing testimony during the Carlson case. Arnie Rosenblatt stated that the applicant is entitled and obliged to provide information to the Board.

In response to a question from Mike Dell Orfano, Nic Strong stated that the Carlson Manor application has not yet been accepted as complete.

Mike Dell Orfano suggested that the Eversource tree item be discussed at the next work session.

Chris Yates agreed that the applications should be stacked about a week apart.

Bill Stoughton agreed, and stated that he also believes it important to keep moving forward with discussions on the Master Plan and impact fees.

Arnie Rosenblatt stated that the Board will keep its scheduled monthly work session, this month to discuss the Master Plan process and impact fees. The Board will also schedule an extra meeting each month to keep up with applications. He explained that the Board of Selectmen will hold a public hearing on June 15th regarding impact fees. The Planning Board will then have a work session on the 17th to discuss the outcome of the public hearing. He suggested that the Board hear the Carlson application in June and begin discussing the Jacobson application in July.

Arnie Rosenblatt asked if there were any public members with their hands up.

Public Comment:

Tom Quinn, 30 Christian Hill Road, stated that his hand was raised during the last application discussion. He stated that, if the Board chooses to hear these larger applications via Zoom, it will be critical to give the public the chance to speak. He explained that he has sat in on many of the town's board Zoom meetings, and has had a hard time being called on to speak. He believes that, in a public hearing venue, everyone should have the right to speak, and that Zoom isn't great in this respect.

Cynthia Dokmo explained that, while she was acting as Chair, she asked Arnie Rosenblatt to re-enter the meeting before realizing that there were hands up. The motion on the application had already been voted on. She was unaware that the public with their hands up wanted to comment on the vote.

Arnie Rosenblatt stated that Tom Quinn made a similar comment during the last Board meeting. He explained that, while members of the public may not have been called on, it is not that the raised hands weren't noticed. During the last application, the vote had already been taken, and thus there was nothing more for the public to comment on in regard to that application. He explained that he believes the Board has been doing a good job at noticing when hands are up, and that it is not an issue with Zoom if the Board doesn't always choose to call on members of the public to speak.

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Tom Quinn stated that he agrees that the Board has been doing a good job. He explained that, in order to make these meetings occur through the most legitimate process, members of the public should be allowed to speak multiple times if they so choose. He asked, procedurally, if the last application was subject to Section 3.18, why it was not necessary for the other criteria to be proven within the application presentation.

Arnie Rosenblatt recused himself at this time but remained as a panelist with the understanding that this would be a fairly brief interlude. Cynthia Dokmo took his place as Chair.

Cynthia Dokmo stated that the criteria were pointed out by Nic Strong, and that the Board addressed these items.

In response to a question from Tom Quinn, regarding if that application came in as a CUP under Section 3.18, Cynthia Dokmo stated that the Board took its guidance during the hearing from Nic Strong.

Nic Strong explained that the criteria in Section 3.18 are very general. Section 4.11 has its own specific and clear criteria that needed to be addressed.

Tom Quinn noted that Section 3.18 and 4.11 are both listed in the Staff Report. Nic Strong stated that this may be due to a cut-and-paste issue on her end.

In response to a question from Tom Quinn, Nic Strong stated that a CUP application can come in under other Sections, such as 4.11, than just 3.18.

Arnie Rosenblatt rejoined the meeting and took his seat as Chair.

Kelly Mullin, 48 Christian Hill Road, stated that she had her hand raised twice during the last application discussions. Once, during the site review, Nic Strong noted that a hand was raised, but this was ignored by the Board and moved on from. She has concerns with the public being heard properly during the larger upcoming applications. She took her hand down after the site review, but raised it during the CUP portion of the application. She believes this issue needs to be fixed before hearing the larger applications. It is not fair to citizens who have valid questions and comments. She wants the best for everyone in town and to work cooperatively with the Board. She doesn't believe this is anyone's fault, and that everyone is trying to figure these issues out together.

Arnie Rosenblatt stated that people with their hands up will have the chance to speak during these meetings.

Mike Dell Orfano requested that Nic Strong send out calendar reminders to the Board members for their upcoming meetings.

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In response to a question from Mike Dell Orfano, Nic Strong stated that the Eversource request covers two streets in town. Marilyn Peterman noted that this discussion should take about an hour.

Arnie Rosenblatt reviewed that the Board will have a work session on June 17th, will hear the Carlson Manor case on June 23rd, will hear the continued Arboleda case on July 1st, and will have a work session on July 15th, which will also include the Scenic Road Hearing for Eversource.

Nic Strong stated that the Jacobson application can be heard on July 7th or 23rd. The Board determined to hold the hearing on July 7th.

4. Update on Regional Impact determinations on pending applications

Nic Strong noted that she was going to report back to the Board regarding the regional impact on the pending applications at the previous Planning Board meeting but internet and other issues meant that she had left the meeting early. She noted that she had followed up with the Board via email with the answer to which applications, if any, had a regional impact determination, but wanted to update the public on this issue also. Nic Strong stated that the Board previously determined that the Arboleda Realty case has no regional impact. The Carlson Manor case does have regional impact, and thus the towns of Hollis and Mont Vernon, and NRPC will be notified about the upcoming hearing. The Board also previously voted no regional impact on the Jacobson case.

NEW BUSINESS:

5. Minutes: May 20, 2020, public and non-public

Marilyn Peterman moved to approve the meeting minutes, non-public and public, of May 20, 2020, as presented. Bill Stoughton seconded.

Roll call: Bill Stoughton – aye; Cynthia Dokmo – aye; Marilyn Peterman – aye; Mike Dell Orfano – aye; Dwight Brew – aye; Brian Coogan – aye. Motion carried unanimously.

6. Any other business that may come before the Board

Cynthia Dokmo thanked the Board for their patience while she was Chair. Arnie Rosenblatt thanked Cynthia Dokmo for her help.

Marilyn Peterman moved to adjourn the meeting at 9:40pm. Mike Dell Orfano seconded.

Roll call vote: Bill Stoughton – aye; Mike Dell Orfano – aye; Dwight Brew – aye; Cynthia Dokmo – aye; Brian Coogan – aye; Marilyn Peterman – aye Motion carried unanimously.

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649 Respectfully submitted,
650 Kristan Patenaude
651
652 Minutes approved as amended: June 17, 2020