

TOWN OF AMHERST
Planning Board

August 5, 2020

APPROVED

In attendance: Arnie Rosenblatt - Chair, Cynthia Dokmo – Vice Chair, Michael Dell Orfano, Dwight Brew-Selectman Ex-Officio, Bill Stoughton, Chris Yates (Alternate), and Christy Houpis (Alternate).

Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner; and Kristan Patenaude, Minute Taker.

*Christy Houpis sat for Marilyn Peterman, who would be absent
Chris Yates sat for Brian Coogan, until he arrived a little late.*

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, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, and 2020-15 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 885 6282 9570, or by clicking on the following website address:

<https://zoom.us/j/88562829570> 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 603-341-5290.

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.

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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.

Roll call attendance: Cynthia Dokmo; Dwight Brew; Chris Yates; Mike Dell Orfano; Bill Stoughton; Christy Houpis; and, Arnie Rosenblatt; all alone and present.

Tracie Adams entered the meeting.

PUBLIC HEARING:

- 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. Continued from July 1, 2020.**

Arnie Rosenblatt recused himself by muting himself and taking himself off video. Cynthia Dokmo took the Chair.

Tracie Adams sat for Arnie Rosenblatt.

Ken Clinton, Meridian Land Services, Amy LaBelle, Robert Buckley, Peter Niemitz, and Josh Boisvert, joined the meeting.

Ken Clinton, of Meridian Land Services, stated that this proposal is for a multi-use development, including offices, tavern, market, event space, tasting room, distillery, and bridal cottage. This proposal is being sought under Arboleda Realty. While the project is under the guidance of Amy LaBelle, the project is considered a stand-alone with complimentary accents to the Winery. The plan was last reviewed by the Board in May. At that time, no third party review had been completed, but now a design review by Keach-Nordstrom Associates, Inc., has been completed. There have been two sites walks done; the primary one with most of the Board members, and a secondary one for Cynthia Dokmo and Brian Coogan.

Ken Clinton explained that the plan now has refined drainage and grading. A placeholder has been set aside on site for a 20,000 gallon cistern on the property. It is believed this will be needed, due to the comments from the Fire Chief. There are other minor edits to the plan, including an update to the architectural and landscaping sheets. He stated that the plan review now contains the proposed signage locations, both on the ground and on the building. One free-standing sign is proposed on the center island at the main driveway entrance, amongst the plantings; it will read something similar to "Farmhouse Marketplace Restaurant and Distillery." There will also be signs on the facade of the building.

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Ken Clinton explained that the gross floor area ratio is 1.4% relative to the total property area. The drainage plan has been submitted, pending an Alteration of Terrain (AoT) permit. This plan contains a design set of plans and the stormwater management report, based on comments from Keach-Nordstrom.

Ken Clinton reviewed the letter from Keach-Nordstrom with the Board. He explained that he doesn't believe this project needs monitoring wells, as mentioned in the report, item 11, because they are not necessary based on the uses of the property. He explained that the intent of the project is to save a substantial amount of trees and vegetation along the front of the property. Route 101 also has an extra large right-of-way, and there is a 100' scenic setback to the building. He believes this addresses the comment from Keach-Nordstrom regarding a request to identify the location of individual specimen trees, as the project complies with the spirit and intent of the ordinance, even if it doesn't follow the specific requirements. Finally, Ken Clinton explained that pictures taken to show the site do not completely follow the requirements of the regulations but he thought that the photographs that were submitted were more useful and showed the features of the site better. He noted that the photos submitted met the spirit and intent of the regulations. Ken Clinton stated that waiver requests will be submitted for all three of these items, if necessary. Mike Dell Orfano asked that the photographs be labeled. Ken Clinton agreed and said he would resubmit them with labels.

Ken Clinton noted that State approvals of various permits were listed on the cover sheet of the plan and that the DOT driveway plan and the septic plan would be added to the plan set as appendices. He discussed the possibility of bonding the landscaping for the project. This could be posted as part of the conditional approval, prior to construction, as part of the building permit process. He explained that the lighting section of the plan doesn't have as much detail as others might but this detail has been bolstered in the current plans. The original Zoning Board of Adjustment approval was based on a 24 unit inn being proposed. This has been changed, there is also now a 3-4 bedroom cottage being proposed in place of the existing barn that can be utilized as something similar to a bridal cottage.

Brian Coogan entered the meeting.

Ken Clinton explained that stormwater management on site will be required under the AoT permit. This mitigation will meet or exceed the requirements. The proposed parking has been revised slightly. In doing out the calculations, 159.6 parking spaces will be required, 208 spaces would be preferred by the applicant, and 193 spaces are being proposed as part of this design. 113 of these spaces are adjacent to the building, and 60 of the spaces are in the overflow area. He reviewed how these calculations were made with the Board, pointing out that the regulations do not contain parking space numbers for all the uses that were part of this project and allowed the Board to determine the numbers if the use was not listed.

Ken Clinton explained that one of the questions for the Board is how to define "active and substantial development" as part of the proposal. He would like for the Board to consider

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receiving all necessary approvals as “active and substantial development.” He noted that a lot of time and money had been spent on consultants, the design and engineering of the project.

Ken Clinton reviewed some of the items in the Keach-Nordstrom report. He noted that, generally speaking, there were items that he would be revising or adjusting on the plans, but there were a few items that he may not agree with or think were appropriate. In regards to item 2 of General Comments, Ken Clinton explained that the driveway permit is currently pending with NHDOT and was not subject to Town approval. Access points were discussed during a preliminary meeting with the DOT in March. An action plan and the scope of work, with conditional approval from the Town, can be moved forward with the DOT. Item 1 of Planning and Design, distances have been added to the existing condition sheets, however, he believes that adding bearings and distances for the easement land onto the plan would make the sheet cluttered and confusing. He believes that leaving this information on sheet 4 is appropriate.

Regarding item 4 of Planning and Design, Ken Clinton noted that Steve Keach, PE, was suggesting that site specific soils mapping be done for the property. Ken Clinton stated that the USDA soils are shown on the plan set, as per Town requirements. The Town does not require site specific soils to be listed, but these will be included in the stormwater management report at the AoT permit.

Ken Clinton reviewed Planning and Design items 11, monitoring wells, and 12, tree locating, and 12, as he previously explained that waivers for these items will be sought, if the Board feels it appropriate.

In regards to item 14, the septic design is not currently part of the plan set, but approval will be required for the leach fields which were separate and isolated from the main site improvements. The system will include a pump system to a series of leach fields and would be pre-designed, pre-sized and graded. Ken Clinton stated that generally the AoT permit is sought first, and then the septic design will come next.

Also, in regard to Planning and Design items 15 and 18, Ken Clinton explained that the architectural detail is more directly listed on the site plan sheets. He stated that the walkway patio treatments are not directly listed on the plan, but on the detailed landscape sheets, in order to avoid clutter.

Robert Buckley and Peter Niemitz presented the architecture sheets. Peter Niemitz explained that the site is unique, with an existing historic cottage and barn. The intent is to utilize many of the materials already on site and bring them into the design. He explained that there are five components to the project: the tavern, which will be a full-fledged restaurant (85-100 seats) and bar with a private dining room (45-50 seats); a fresh food marketplace, with products and produce from local vendors, flowers, etc., connected to the tavern for a nice flow; an event space, which will be about 2/3 the size of the ballroom at LaBelle Winery (100-120 occupants); a distillery, which is a new business with a separate building and tasting room; and the open/covered porches, terraces, and ceremonial gardens. These spaces will all be designed in a

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classic New England farmhouse vernacular. The buildings will all look like extensions of the main building, with varying rooflines - higher gables, shed roofs, and a brokeback roofline for the distillery. The buildings will have staggered scales, dormer windows, barn doors, etc. There will be a mixture of materials, such as board and batten siding in a mix of soft colors.

Peter Niemitz explained that the existing barn on the property is collapsing, but the wood will be salvaged and used in interior finishes in the proposed buildings. The buildings are supposed to feel friendly and accessible. There will be beautiful gardens and the cottage will be restored into a small bridal suite, with four guest rooms. An annex building on site will serve as a barrel house. The lower level of the buildings will hold corporate offices, with numerous windows to bring in the natural light.

Ken Clinton stated that all of the delivery, garbage, etc., facilities will be housed behind the building and shielded from view.

Peter Niemitz stated that there will be modest signage on the property. There is a wood/wood-equivalent sign proposed along Route 101. It will be two-sided, with painted, dimensional applied letters. This will be lit from the ground with landscaping around it. The other sign is proposed to be over the gable end of the restaurant, approximately 13'x5', painted dimensional lettering. This will be lit from above by outrigger lights. There are also smaller signs proposed as directional signs along the buildings. The site will not be highly illuminated. The porches will be lit at night, to create an animated dining space. There will be wall sconces as well as pendant lights and ceiling fans. The building will take a more residential approach to lighting. Tikki lights will cast light downward on the paths in a tasteful way. There is proposed uplight spotlights on the ornamental trees and washing the side of the building. All of this lighting will be LED, with an eclectic mix of types. There will be some continuity in lighting types between the proposed building and the LaBelle site on the other side of the highway.

Peter Niemitz explained, with regard to the Town's architectural standards, that he felt the plan met the criteria with the design of the building. He noted that there were a variety of roof types and heights with brokeback, gable and shed roofs and the roofline will be broken up with dormer and shed features. The fenestration will be black clad and all of the windows will be fully operational. The windows will be 2 over 1 lights and oversized, but appropriate to the scale and there will be French doors, and barn doors to fit into the neighborhood.

In response to a question from Christy Houpis, Peter Niemitz explained that the Tikki lights will be in the ornamental courtyards and at the corners of the plant beds. There will also be street lights in the overflow parking lot, leading to the main property.

In response to a question from Bill Stoughton asking about the west elevation of the building, Peter Niemitz stated that the roof goes flat after the private dining room area because of the rooftop equipment located there. At the southern elevation to the left is a gabled roof area.

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Josh Boisvert reviewed the landscaping plan with the Board. He explained that this is a unique site to work with. This is an important site, as it is in the “gateway to Amherst” area. He would like to keep the flow found inside the building beginning outside the building. The courtyard will have tangible plants, including herbs and flowers, that visitors can feel a part of. The existing granite foundation from the barn will be used in this area. The perimeter of the site will be kept as is. Some trees will be cut and pruned to keep the boundary lines and transition the site into the woods. The buffer areas will be largely left alone, and used for privacy from Route 101. Vegetative growth will be encouraged in the area of the dumpsters and utilities. He is proposing irrigation using a smart clock. This ties into the local weather service to know when the area was last naturally watered. It can also be programmed to know the soil types on the property. This will help to manage and conserve the water on the property, while also aiding the health of the plants. Josh Boisvert stated that notes on the plan referenced keeping the landscaping in healthy and growing condition and that dead plants will be replaced, the grass will be mowed in the manicured areas. He noted that the transition areas between the natural vegetation and the maintained areas of the site would be mowed periodically to keep too much growth from occurring and becoming woody.

In response to a question from Dwight Brew, Ken Clinton stated that there are six conditions of the Zoning Board of Adjustment variances, as identified by former Community Development Director Gordon Leedy. He believes that items three and four on that list have been addressed by this plan. Josh Boisvert explained that the irrigation system is one he’s familiar with and has installed and programmed on other projects. He is also proposing 8” of planting soil in the plant beds, in order to retain more moisture, and 6” of loam for the grass areas. This will lead to less frequent watering.

In response to a question from Dwight Brew, Josh Boisvert stated that the irrigation smart clock can take into account the local humidity and precipitation, etc., within certain time periods, which should help in times of drought.

In response to a question from Mike Dell Orfano regarding Keach-Nordstrom item 12 and why a waiver would be requested, Ken Clinton explained that the specimen trees issue is an existing condition feature of the site. This is not a landscape design item. He stated that many commercial sites typically have very few trees along their frontage, so it was important to catalog and preserve them. This site is very different and he believes that this plan complies with the spirit and intent of the regulations.

In response to a question from Tracie Adams, Ken Clinton stated that a waiver was granted to not require a licensed landscape architect for this project, as Josh Boisvert is very experienced and will be working with a local licensed landscape architect as necessary. Ken Clinton stated that Josh Boisvert had collaborated with the consultant in the planning and development of the landscape design plan.

In response to a question from Tracie Adams, Ken Clinton stated that a note could be incorporated onto the plan regarding maintenance of landscaping on the site into the future, but

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there is currently no planned conveyance of the property so there is no opportunity to add the requirement into the deed to the property. He also noted that the enforcement of making sure language gets added to deeds is virtually none.

Ken Clinton thanked the team. He stated that his intent is to get conditional approval of the plan from the Board. There is a short list of items with outstanding comments including, flow arrows were turned off on the CAD drawings and should be added, an illustration of some of the lighting on the landscape plan, some details on the plan, and a definition of “active and substantial development.” He explained that the 25 acre conservation easement on the property also needs to be finalized in order to comply with the ZBA variance and the DES wetlands mitigation, noting that some of the boilerplate language was not necessarily of benefit to the Town and may need to be revised. Ken Clinton stated that this was an outstanding item and he did not know the status.

Cynthia Dokmo noted that the Board would now ask questions of the team, then the public would be allowed to comment and ask questions, and finally the Board would deliberate and there would be no questions from the general public during the deliberations.

In response to a question from Mike Dell Orfano, as to whether there was any reason the Board could not grant a condition approval this evening, Nic Strong explained that she received the revised plan and comments from Ken Clinton earlier in the day and has not yet reviewed them. Deciding to grant the approval is a Board decision.

In response to a question from Dwight Brew, Ken Clinton explained that an example of a property needing monitoring wells would be a proposed gas station with underground storage tanks.

Dwight Brew mentioned that he hopes a more concrete definition would be proposed for “active and substantial development” than receiving application approvals.

In response to a question from Christy Houpis, Ken Clinton stated that there will be lanterns illuminating the pathway from the overflow parking lot to the main parking lot.

In response to a question from Christy Houpis, Ken Clinton explained that he is comfortable with the number of parking spaces being proposed, even if the tasting facility is considered closer to a bar/lounge than the restaurant use that was used for the calculation.

Bill Stoughton noted that Keach-Nordstrom item 23, regarding stormwater infiltration basins, he would like to make sure there is enough separation to the seasonal high water table. Ken Clinton stated that this item has nothing to do with the Town of Amherst’s regulations. He explained that Keach-Nordstrom receives the plan set and the stormwater management report. It is standard practice for Keach-Nordstrom to give comments that go above what the Town requires.

Bill Stoughton requested that there be consideration given to the high water table issue. He believes is incorrect to say that the Board has no interest in this item and he would like to know

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if this is a resolved or open issue. He suggested a condition to the approval that Keach-Nordstrom item 23 and Ken Clinton's response be addressed specifically as part of the DES AoT permit, so that the state can decide.

Ken Clinton stated that the first two or three bullet points under Keach-Nordstrom item 23, the Board can request that DES review the subsequent dialogue, but the State will review the design independently of any of this. If the plan does not satisfy the State's requirements, changes will have to be made.

Bill Stoughton stated that he wanted to make sure this item is reviewed by the State, as he is very concerned about making sure there is separation from the groundwater. Ken Clinton stated that, when the AoT permit is submitted, he will flag item 23 and the subsequent comments, to be addressed. This will be placed in the town file.

In response to a question from Tracie Adams with regard to potential use of the cottage for other than bridal party use, Ken Clinton stated that he can't yet know the usage of the bridal suite building, but that it is not planned to be used for long-term stays and was not set up for anything other than as part of a wedding party.

In response to a question from Tracie Adams, Ken Clinton stated that the driveway permit is an NH DOT item, as Route 101 is under their control. This is strictly monitored. While local approval may set the entrance and exit point in the interior of the property, the DOT will then consider the rest. The proposal first needs to determine the stormwater shed off the property into the right-of-way and it could be four months or more before the driveway application is filed. Ken Clinton went on to say that he had discussed with DOT the anticipated customers and employees and deliveries in order to adequately address the traffic flow from the site and the turns required from and onto Route 101.

Public Comment:

In regards to a question from John Mahoney, from Fairview Millwork, Nic Strong explained that all of the documents and recordings from the meeting will be available after the meeting.

Cynthia Dokmo noted that there were no further hands and closed the public comment section.

Ken Clinton explained that, in this unprecedented time, a reasonable definition for "active and substantial development" might be tied to pulling a building permit for the project, but he would ask for some leeway to bridge the gap between this poor economic time and a better one. These are uncertain economic times. He would like to connect this definition with full approvals from the Town and State, or a building permit, but not actual construction.

Cynthia Dokmo stated that because the applicant just addressed new information that she would open the meeting back up to public comment. No one came forward at this time and she closed the public comment section.

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In response to a question from Cynthia Dokmo, Nic Strong stated that she should be able to review the new information presented by the Board's work session on August 19, 2020. She can also review the requested waivers in that time.

In response to a question from Mike Dell Orfano, Nic Strong stated that this application was already accepted as complete. Procedurally, the Board is already over its allotted clock and, if it wants to extend this application process longer, it will need to have agreement from the applicant.

Ken Clinton stated that the applicant agrees to the extension, as long as it will be heard again on August 19th.

The Board members agreed to hear this application in two weeks, after Nic Strong has a chance to review the additional materials.

Mike Dell Orfano moved to table this application to August 19, 2020, via Zoom, at 7pm. Brian Coogan seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Tracie Adams - aye. Motion carried unanimously.

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

COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF APPLICATION IS ACCEPTED AS COMPLETE:

- 2. CASE #: PZ12738-060920 – Stephen & Sarah Fecteau (Owners & Applicants) - 39 Stearns Road, PIN #: 002-125-000 - Submission of Application/Public Hearing/ Conditional Use Permit. To build an attached accessory dwelling unit onto existing house. Zoned Residential Rural.**

Arnie Rosenblatt read and opened the case.

Property owners Stephen and Sarah Fecteau, Chris Guida, of Fieldstone Land Consultants LLC, engineer for the project, and contractor, Charlie Saari, joined the meeting.

Chris Guida explained that this application is for an approximately 1,500 square foot, 28'x38' accessory dwelling unit (ADU) addition to an existing house on Stearns Road. There will be a small deck and a breezeway from the addition to the existing house. The property is quite large, over 21 acres, with an existing horse barn and paddocks. The property is near a large wetland, and the existing house is on a peninsula surrounded by these wetlands. The existing house was built in 1973 and is within the 100' wetland buffer as it now exists. This buffer did not exist when the house was built. The property is limited as to where the ADU can be located, so it must be built in the buffer area as well.

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Chris Guida explained that none of the trees in the buffer are proposed to be cut, except for one 18" oak in the mid-yard. The trees near the southern part of the wetland may also be pruned. The initial plan submitted has been revised. The Amherst Conservation Commission suggested rotating the proposed ADU a bit to get it further away from the wetland, but, due to the existing house orientation and wetland orientation, rotating the ADU will not move it further away from the wetlands than is currently proposed. The proposed deck in the corner of the property will be as close as 45' in the existing yard area to the wetlands. He explained that there are no proposed impacts to the existing buffer area in terms of vegetation and trees.

Chris Guida stated that all of the impervious area on site will be infiltrated with new gutters on the house and ADU and additional infiltration basins on either end of the house. The ground in this area is made up of coarse sand and gravel, which drains excessively well. He doesn't believe there is currently an issue with runoff at the property because the area infiltrates so quickly, but a silt fence will still be installed along the buffer to isolate the work area.

Stephen Fecteau stated that all of the recommendations from the ACC were addressed before coming to the Planning Board.

Arnie Rosenblatt stated that the Board will ask questions, the public will have a chance to comment, the public comment section will be closed, and then the Board will deliberate.

Chris Yates stated that he had no questions.

In response to a question from Cynthia Dokmo, Nic Strong stated that the CUP application has no completeness section in it, but that the Board can verify that all required items are present and then start discussing the merits of the case.

In response to a question from Arnie Rosenblatt, Nic Strong stated that she believes the application to be complete.

Christy Houpis moved to accept the application as complete. Brian Coogan seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

Cynthia Dokmo noted that the plan states that two of the four bedrooms in the existing house will now be used as offices. Two bedrooms are also proposed in the ADU, leaving four rooms that will be used as bedrooms currently. She questioned though, if the house is sold in the future as a six bedroom house, is the septic capable of handling that.

Chris Guida explained that additional bedroom usage on the property would require a new septic design. The current use on the property will only be four bedrooms.

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Cynthia Dokmo stated that she believes the septic should be upgraded now, as the ADU will technically make this a 6 bedroom property.

Chris Guida stated that this is a matter of tracking and enforcement at the Town level. He believes that realtors know to look for this. He explained that no one can control which rooms in a house could be used as bedrooms. The current owners will restrict the usage to that of four bedrooms.

Cynthia Dokmo stated that she believes this should be restricted as part of the deed.

Mike Dell Orfano stated that to his understanding, a CUP would only be required for an ADU if it was proposed to be detached from the main house. He asked if this application before the Board was for wetland issues. Nic Strong agreed that this application is before the Board because of an encroachment in the wetland buffer.

In response to a question from Mike Dell Orfano, Sarah Fecteau stated that they have no intention to use the ADU as an Air B&B. Her mother and aunt plan to move up from New Jersey to live in the ADU.

Dwight Brew stated that he shares Cynthia Dokmo's concerns. He believes that two of the bedrooms are being decommissioned and two bedrooms are being added. He's concerned with the water quality in the area if the septic system can only handle four bedrooms, but there are now going to be six possible bedrooms on site. He is not only concerned about a future time of sale, but also in the interim.

In response to a question from Dwight Brew, Mike Dell Orfano stated that the size limit in Town for ADUs is 1,100 square feet. Dwight Brew noted that this ADU is proposed as 1,500 square feet. Chris Guida explained that the ADU itself is only 28'x38', or about 1,064 square feet. The additional square footage is found in the deck and breezeway additions.

Bill Stoughton thanked the applicants for the additional work that had been put into the plan since they met with the Conservation Commission. He noted that gutters had been added to the existing house and the ADU and they would be directed to infiltration basins. He further noted that he had not seen the location or design details of those basins. Chris Guida stated that the CUP exhibit plan shows the location of the two proposed infiltration basins. He does not have any exact sizing details, but can provide that to the Board.

Nic Strong noted that Natasha Kypfer, Town Planner, does have a note on one of the staff memo sheets that there is no detail for some construction items.

Bill Stoughton asked if a simple stormwater management plan will be submitted to meet the regulation requirement. Chris Guida stated that his submitted plan is similar to a stormwater management plan with infiltration details.

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In response to a question from Bill Stoughton, Stephen Fecteau explained that he and his wife don't anticipate any additional landscaping and don't plan to plant any non-native species.

Bill Stoughton stated that the ACC shares the concern regarding the number of bedrooms on site and the septic system. He would like this to be noted on the plan and a condition of the approval to be that the property is limited to four bedrooms unless a future septic design is sought.

Brian Coogan indicated that he had no questions.

Tracie Adams stated that she also shares the septic system concern.

Arnie Rosenblatt noted that no hands were up, and closed the public comment portion.

Mike Dell Orfano moved to approve the plan, subject to the following conditions: the conditions precedent and subsequent on the staff report; that the approval is conditioned on there being no more than four bedrooms and that any additional bedrooms shall require the review and approval of septic system adequacy in the future and this shall be added as a note to the plan; the infiltration basin details and sizing calculations shall be provided and approved by the Community Development Office; and that a stormwater plan appropriate to this plan be provided. Christy Houpis seconded.

DISCUSSION:

Mike Dell Orfano noted that all that must be done is submit a septic design, and then, when the current system fails, a design is on record. Thus, if a design is submitted for five bedrooms, this may limit the owner's future opportunities.

Bill Stoughton stated that he did not intend to limit the future septic design in any way, but that if the owner wants to have more than four bedrooms on the property, the appropriate steps would need to be addressed.

Mike Dell Orfano stated that he is unsure how this is policed.

Cynthia Dokmo stated that the note on the plan could say that there is currently a four bedroom septic system and that, in the future, if the bedroom usage was increased, a new septic would need to be designed.

Nic Strong restated the conditions, as previously mentioned.

In response to a question from Charlie Saari, Arnie Rosenblatt explained that the Board is in the middle of a motion and that allowing him to speak will open the discussion back up to the public.

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Charlie Saari asked, if by Town ordinance, that a new septic would need to be designed for a six bedroom septic, or just make sure there is space available on the land to do so. Mike Dell Orfano explained that if the intent is ever to have more than four bedrooms on site, a new septic design would be needed. Otherwise, this is up to the Building Department.

Arnie Rosenblatt stated that there were no hands up for the public, and closed the public comment portion.

Bill Stoughton stated that, if the motion passes, he will be making a motion specific to the findings under the CUP to support the motion. Arnie Rosenblatt asked that these findings be brought up now. Bill Stoughton stated that these findings are those from the Staff Report.

In response to a question from Bill Stoughton, Nic Strong stated that, according to Section 4.11 H and I, the CUP requires the Board to make certain findings. These are not implicit, but the Board can say that the application meets these findings by referencing the ordinance section rather than each individual item, if they wish.

Mike Dell Orfano amended his motion to include that the findings, as required by Section 4.11 H and I, are satisfied. Christy Houpis seconded the amendment. Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

- 3. CASE #: PZ12803-062920 - 6 Pine Road LLC (Owners & Applicants) - 6 Pine Road, PIN #: 008-042-000 - Submission of Application/Public Hearing/Non-Residential Site Plan. To illustrate the layout of a climate controlled self-storage building on Tax Map 8, Lot 42. Zoned *Limited Commercial*.**

Arnie Rosenblatt read and opened the case.

In response to a question from Arnie Rosenblatt, Nic Strong stated that Natasha Kypfer noted on page 3 of the Staff Report that the application is complete.

Christy Houpis moved to accept the application as complete. Cynthia Dokmo seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

Jeff Merritt, engineer from Granite Engineering, and Dennis Mires, the architect for the project, joined the Board.

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Jeff Merritt explained that this is a Non-Residential Site Plan for 6 Pine Road. This is a large parcel of land, 19.4 acres, with a tremendous amount of frontage along Pine Road. This is in the aquifer and wellhead protection, and wetland and watershed overlay districts. This property features an existing self-storage facility, with 6 buildings currently, for approximately 28,400 square feet of storage area. To the east on the property is a residential building that also holds an office. The property features two driveways, one to the office and the other to the gated facility. There is no municipal sewer or water to the property, and thus there are two wells on site (one dug, and one artesian), and one septic system. The wetlands to the north of the property have been delineated. Also to the north are the limits of the 100 year flood zone, located at elevation 246 on the plans. This property sits fully in the Limited Commercial Zone, although the Northern Transitional Zone sits closely at the tail end of the property.

Jeff Merritt stated that the proposal is to construct a three-story, climate controlled self-storage facility. This will allow the owner to offer both types of storage facilities to its clients. The proposed building footprint is 19'x110', approximately 9,900 square feet. The existing house on the property is to be removed in order to construct the proposed facility. One of the existing driveways will be realigned and reconfigured to access a new small parking lot on site on the side of the building. There will be an elevator inside the building to access the different floors. There is a proposal to add an extra driveway on the property. In terms of the grading, drainage, and utility plan, there are two separate stormwater systems proposed. To the rear of the property, a detention pond will collect runoff from the aisles of the storage facilities, prior to being deposited into a required outlet and into a vegetated buffer. On the parking lot side, a similar system will be in place and the area will be graded to drain into a sediment bay, through a level spreader, and finally into a vegetated buffer before going into the wetland. These treatments will be designed to coincide with all local and State regulations.

Jeff Merritt explained that a small septic system will need to be designed for the single bathroom for the office space, approximately 300 gallons/day. The artesian well on site will also be retained. There will be no pole mounted lights required on the property. Landscaping is proposed along the front of the building and throughout the parking area; nine new trees, 45 new shrubs, and a number of perennials are being proposed.

Dennis Mires noted that there was very little context in terms of existing buildings on the street in order to coordinate with the architectural design guidelines in the Site Plan Review Regulations. He stated that the new facility will be steel with insulated metal wall panels. The office corner will be articulated with awnings to protect the entry into the building and bring some human scale to the area. Dennis Mires stated that there would be an awning over the loading doors at the right height for vehicles, noting that this will also break up the facade. There will be different textures and colors used around the building. Dennis Mires stated that the back of the proposed building will only be seen from the existing units. The highest parapet on site will be 36', under the ordinance requirement.

Dwight Brew noted that the Staff Report lists the side setback of the property at 29.25', but the building seems miles from the sideline. Natasha Kypfer explained that the required existing and

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proposed setback are described in Note 4 of the Staff Report. Dwight Brew realized that the setback in question was on the opposite side of the lot to where he had been looking and confirmed with Natasha Kypfer that this was an existing condition of the site and being pointed out to the Board as a matter of interest. She confirmed this to be the case.

In response to a question from Cynthia Dokmo, Dennis Mires stated that the new storage units will be of varying sizes; there will be about 203 new units in total on the three floors.

Bill Stoughton commented that he was happy to see that no construction was now planned in the wetland buffer area. Jeff Merritt explained that there is a lot of work being done with the design to try to stay out of the wetland buffer area. There is no intent to encroach further in this area and no trees will be cleared. There is also no intent to turn any of these areas back into woodlands. The area is already vegetated and receives little to no maintenance. He stated that these treatments work by not mowing the areas, allowing leaf litter to build up and not adding any plantings.

Chris Yates had no questions at this time.

In response to a question from Tracie Adams, Jeff Merritt explained that the proposed third driveway will be at the opposite end of the site to the existing driveway to the house, to give a secondary access point and emergency access. This driveway could also be open to the public, if the owner so chose.

Christy Houpis and Brian Coogan had no questions at this time.

In response to a question from Mike Dell Orfano, Jeff Merry stated that none of the proposed lights on site are upcast.

In response to a question from Mike Dell Orfano, Dennis Mires stated that there will be signage on the building. He needs to review the Town ordinance regarding signage, because there may be a request to put a pedestal sign out front, or on the building itself. This has not yet been finalized and will be reviewed with staff once the client has determined how they want the signage to be done.

In response to a question from Mike Dell Orfano, Jeff Merritt explained that he has not yet received correspondence from the Fire or Police Departments regarding the project.

In response to a question from Mike Dell Orfano, Dennis Mires confirmed that the building will be sprinkled and will have an elevator.

Mike Dell Orfano asked about the water source for the proposed sprinklers - cistern or well. Jeff Merritt explained that they are currently looking into the water source for the sprinkler system. There is a strong possibility that a below-ground cistern, fed by the well, will be needed. This is not on the current plan.

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Mike Dell Orfano noted that the plan as presented is missing a sign plan, a cistern plan, and opinions from the Fire and Police Departments. He would like information from the Fire Department regarding emergency access to the area and how the fire apparatus will access the site.

Nic Strong explained that the plans have been sent to all Town departments, but she will reach out again to the Fire and Police Departments with any specific concerns of the Board.

In response to a question from Mike Dell Orfano, Nic Strong stated that this application could be brought back before the Board at their work session on September 16, 2020, or October 7, 2020. Arnie Rosenblatt noted that no one from the public had a hand raised, and closed the public comment section.

Mike Dell Orfano moved to continue this application to September 16, 2020, via Zoom, at 7pm. Cynthia Dokmo seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

COMPLIANCE HEARING:

- 4. CASE #: PZ10695-111318 - Red Major LLC (Owner) & Brew Crew LLC (Applicant) - Aroma Joe's of Amherst, 2 Paul's Way, PIN #: 002-043-007 - Compliance Hearing/Public Hearing/Non-Residential Site Plan & Sign Master Plan to construct a drive thru coffee restaurant with no indoor seating and associated parking. Zoned Commercial.**

Arnie Rosenblatt read and opened the case. He asked Nic Strong to give a summary of the case and current circumstances.

Nic Strong explained that the original approval for this project was granted in 2019. Due to staff turnover and miscommunication, construction was started and completed on the project, but there are issues to fix before it can open. She explained that the original plan was revised due to Town Engineer and staff comments but had not been signed and should be signed after the fact. During the build, comments were either taken off of the plan, or not completed thoroughly. As of today, some of the landscaped plantings have died or are the wrong size. There is now an issue with a shortage of planting supplies; it is also a bad time of year to plant. The applicant is thus proposing to bond \$4,900 +/- for these plantings. The DPW was also never contacted during construction to review the connection of the drainage of the site. Post-construction, this has been reviewed by DPW and looks okay, but the DPW would still like the permit fee of \$350 paid. The Board will need to approve the proposed bond amount, form of the bond, and date to complete work by.

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In response to a question from Arnie Rosenblatt, Nic Strong stated that she has no issues with the application, other than those outstanding items. The landscaping issue is not a life safety one, simply a requirement of the regulations. This would be an acceptable item to bond in order for the business to open.

Robert Hanson stated that construction on the project began last June. A new contractor was hired in April for the project and it has since been completed. Scott Tenney, Building Inspector, has been included in conversations about the project. He explained that he would like to make sure the business opens. Staff had been hired and trained, and some have been lost over the length of time it has taken to open. The missing trees have been closely matched up with the landscaping supplier. The bond is proposed in order to open as soon as possible and get the landscaping done as it can be.

Mike Dell Orfano asked how long it was anticipated it would take to get the landscaping done. Robert Hanson stated that suppliers are anticipating a long lead time to get certain stock in currently. The trees will probably not be in for this fall. Robert Hanson stated that he will also try looking into other suppliers. He stated that one year is plenty of time for this work to be done under the bond.

Mike Dell Orfano asked how this will be confirmed. Nic Strong stated that she suggested in the staff report that the landscape architect confirm in writing when the landscaping has been finished according to the plan and then the Community Development Office will also inspect the final product and can address this as an administrative item, not requiring further action by the Board.

Public Comment:

John Mahoney, of Fairview Millwork, spoke in favor of the project and explained that he is excited that the coffee shop will bring more business to the area.

Arnie Rosenblatt noted that no other hands were raised, and closed the public comment section.

Mike Dell Orfano moved that the applicant pay the \$350 DPW fee, post a bond for \$4,900 +/- to meet and satisfy the landscaping plan, to complete the project within one year, that the Community Development Office staff confirm completion to their satisfaction, that there will be a certification from the landscape architect, and including the precedent and subsequent conditions as listed in the Staff Report. Bill Stoughton seconded.

In response to a question from Cynthia Dokmo, Mike Dell Orfano amended his motion to read that the \$4,900 bond will be in cash. Bill Stoughton seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

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OTHER BUSINESS:

5. REGIONAL IMPACT

- a. **CASE #: PZ12903-071620 - S&E Amherst, LLC & Donzi Realty LLC (Owners) & S&E Realty LLC c/o Sheree Kaplan-Allen (Applicant) - 96 & 98 Amherst Street (NH Route 101A), PIN #s: 002-049-000 & 002-053-000 - To show the improvements necessary to construct an automobile dealership with ancillary auto repair and storage. *Zoned Commercial.***

Arnie Rosenblatt read the case information.

In response to a question from Mike Dell Orfano, Nic Strong stated that this proposal is located along Route 101A, where the John Deere store is currently located.

Mike Dell Orfano moved that there is regional impact to the towns of Merrimack, Milford, and Nashua, and that notification should be sent to these towns. Bill Stoughton seconded.

In response to a question from Brian Coogan, Mike Dell Orfano amended his original motion to also include regional impact to the town of Hollis. Bill Stoughton seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

6. Minutes: July 15, 2020; July 23, 2020

The Board agreed to table the review of these minutes to its next meeting.

Cynthia Dokmo moved to adjourn the meeting at 10:36pm. Brian Coogan seconded.

Roll call: Mike Dell Orfano - aye; Dwight Brew - aye; Bill Stoughton - aye; Christy Houpis - aye; Brian Coogan - aye; and Cynthia Dokmo - aye. Motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Minutes approved: August 19, 2020