

TOWN OF AMHERST
Planning Board

February 9, 2021

APPROVED

In attendance: Arnie Rosenblatt - Chair, Dwight Brew-Selectman Ex-Officio, Bill Stoughton, Mike Dell Orfano, Tracie Adams (Alternate), Chris Yates (Alternate), and Christy Houpis (Alternate).

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

Arnie Rosenblatt called the meeting to order at 6:29 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 various Executive Orders, 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.

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.

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: Christy Houpis – alone; Mike Dell Orfano – alone; Bill Stoughton, alone; Chris Yates, alone; Dwight Brew, alone; Tracie Adams, alone; Arnie Rosenblatt, alone.

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Bill Stoughton moved that the Board enter Non-Public Session pursuant to RSA 91-A:3. II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Christy Houpis seconded.

Christy Houpis sat for Marilyn Peterman, who would not be attending this evening's meeting; Tracie Adams sat for Cynthia Dokmo until she later entered the meeting.

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

Arnie Rosenblatt stated that the Board would end this public meeting and enter into a separate Zoom session for the non-public part of the meeting. The Board would then reconvene in a separate Zoom session for the originally published agenda.

See separate minutes for the non-public session.

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

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

Arnie Rosenblatt called the meeting to order at 7:05 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 various Executive Orders, this public body is authorized to meet electronically.

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

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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: Dwight Brew; Bill Stoughton; Cynthia Dokmo; Christy Houpis; Tracie Adams; Chris Yates; Mike Dell Orfano; and Arnie Rosenblatt; all alone and present.

Christy Houpis sat for Marilyn Peterman, in her absence.

PUBLIC HEARINGS

- 1. CASE #: PZ13385-111720 – Ballinger Properties/Nash Family Investment Property (Owner) & Ashoke Rampuria (Applicant) – 2 Howe Drive, PIN #: 002-034-001– Public Hearing/Non-Residential Site Plan–Amended Site Plan to show five potential multi-tenant spaces in the approved warehouse building, additional 21 parking spaces to the Northwest and trailer parking markings to the East. The building footprint will be reduced by 2,294 square feet. Zoned Industrial. Continued from January 6, 2021.**

Arnie Rosenblatt read and opened the public hearing.

Robert Duval, of TF Moran, and Ashoke Rampuria, applicant, joined the Board.

In response to a question from Arnie Rosenblatt, Natasha Kypfer confirmed that the Board voted on completeness of this application in December. The applicant agreed at that time to extend the review period until this meeting.

Tracie Adams sat for Brian Coogan, in his absence.

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Robert Duval explained that the site plan for this property was originally approved in 2019 and construction on the property began at the end of 2020. The applicant has since decided to suggest some small changes to the approved site plan. He noted that the suggested changes include making this into a multi-tenant building and adding a striped trailer parking area that was not shown on the original plan. These changes will make the building slightly smaller, 256,000 sq ft to 254,000 sq ft (~1% reduction), in order to accommodate the additional 21 parking spaces proposed. While he is unsure if the original application was clear in regard to phasing of the project, this amendment will make it explicit. The applicant is able to get a good price on construction right now, and so will build the whole building at once, and possibly look for three future tenants. He will sublet approximately 160,000 sq ft of the space to tenants. These future tenants will need to conform to the same type of high-cube, short-term warehouse specifications that the applicant's building will conform to.

Robert Duval explained that the ITE Land Use Code 154 is based on square footage and the nature of the business. There is a high demand for warehouse space in New Hampshire. The trip generation rates for the proposed warehouse will be based on this Land Use Code.

Robert Duval explained that this proposed furniture business deals with receiving large, bulky items from manufacturers, storing them, and selling them, as needed, to customers. Many loading docks are characteristic of this kind of business, with large trucks coming in and out, and furniture being stored for a short period of time. This is very different from an Amazon-type business. Land Use Code 154 is very clear in its estimated trips generated, as there are very few employees and trucks that leave outside of peak hours. Deliveries from supplies occur at random times throughout the day, with few ever happening during peak hours.

Robert Duval explained that it was unclear in the original plans if the parking spaces in question were going to be for car or truck parking. The applicant has since decided that these spaces could be used for truck parking, if he eventually owns his own fleet, or for his tenant's trucks. These spaces could also be used for trucks to park in when not out making deliveries. He noted that the trip generator per Land Use Code 154 is not dependent on the number of parking spaces on property. In general, this type of high-cube short-term warehouse has a 1:1 ratio of docks to parking spaces. The proposed warehouse has a ratio of 51 docks: 40 parking spaces. There will be no additional trips made based on these additional proposed parking spaces. This proposal was accepted through review by Keach-Nordstrom. The additional parking spaces allow for flexibility for future tenants, but future tenants are still restricted by Note 23 on the site plan to keep with the same type of usage.

In response to a question from Tracie Adams, Robert Duval explained that the additional parking spots proposed are for empty trucks waiting to load up at the loading docks and not for any storage capacity within the trucks. He also explained that dock workers for this type of business tend to arrive to work outside of peak hours. The only employees that might create additional traffic during peak hours would be clerical employees, of which there are few for this type of business.

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Chris Yates had no questions at this time.

In response to a question from Christy Houpis, Robert Duval stated that there were 168 parking spaces approved in the original site plan. This amendment looks to add 21, for a total of 189.

In response to a question from Christy Houpis, Robert Duval explained that there is no more phasing being proposed for this project. The applicant looks to build the whole project at once. One of the warehouses will be used by the applicant; the others will be available for anywhere from 1-4 tenants.

Cynthia Dokmo had no questions at this time.

In response to a question from Mike Dell Orfano, Robert Duval explained that there will be dividing walls between each of the tenants, but that each will be utilizing the same type of space.

Mike Dell Orfano questioned if the review by Keach-Nordstrom included information about this project no longer being phased, and the type of trip generation occurring based on the proposed amendments. He stated that he has concerns about the impact of this property on North Hollis Road.

Robert Duval stated that the building was analyzed for a full build out of the space, but at the slightly larger size (256,000 sq ft) than is currently being proposed (254,000 sq ft).

Mike Dell Orfano noted that he would like to review the traffic study further.

In response to a question from Bill Stoughton, Robert Duval confirmed that the new proposed site plan has a similar amount of impervious surfaces to the original, in that it trades rooftop space for pavement space.

In response to a question from Bill Stoughton, Robert Duval stated that he has reviewed the conditions mentioned in the Staff Report and only has issues with one of them. Robert Duval stated that he does not believe an updated traffic study is needed, as this build out was already approved by Keach-Nordstrom. The changes may reflect an increase of approximately two employees to the site, which would mean an increase of about eight vehicle trips through the two nearby intersections; this is essentially inconsequential. Robert Duval stated that, as was true with the original proposal as well, all trucks must access the site using Caldwell Drive.

Bill Stoughton noted that the condition regarding an updated traffic study is only a requirement if the Board so chooses.

In response to a question from Bill Stoughton, Robert Duval stated that the contractor is currently on site completing the foundation, drainage system, and utility infrastructure. The contractor is holding off on starting the building wall until this application is approved by the Planning Board.

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Bill Stoughton stated that he would like the Board to discuss impact fees as they relate to this application.

In response to a question from Dwight Brew, Robert Duval stated that the requirement for trucks to use Caldwell Drive to access the site was a condition of the original approval and remains unchanged in this application.

In response to a question from Dwight Brew, Robert Duval stated that it is highly unlikely that the new parking spots would ever be used to store fully loaded trailers, as the spots are located adjacent to a large storage facility.

In response to a question from Arnie Rosenblatt, Robert Duval explained that the original plan showed pavement in the area now being proposed for striped parking spaces. This application does not create new pavement, but instead makes it clear that this area will be used for truck parking. In the original plan, the intention of this paved area was for a flexible space for tenant parking. There are 21 new non-trailer parking spots proposed for the site, to be used for cars.

In response to a question from Arnie Rosenblatt, Robert Duval explained that it is implicit as part of Land Use Code 154 that the proposed 40 parking spaces for trailers is included in the traffic study. Land Use Code 154 has a typical ratio of 1:1 for loading docks to parking spaces; this ratio has remained the same as part of this application.

Arnie Rosenblatt asked if there were any hands up from the public. There were not at this time.

In response to a question from Mike Dell Orfano, Robert Duval stated that only trucks are required to use Caldwell Drive to access the site. Cars may use either approach.

In response to a question from Mike Dell Orfano, Ashoke Rampuria explained that trailers will come into the site from manufacturers at scheduled times to unload. Deliveries will then be made to local residences using box trucks. These box trucks will arrive at the site around 5:30am to load. Each box truck will be about 27' long and able to carry furniture for approximately 10-12 homes. If one day he purchases his own fleet of trucks for deliveries, they may be parked in the proposed parking spots. The box trucks are also required to use Caldwell Drive.

In response to a question from Arnie Rosenblatt, Bill Stoughton stated that, as the Board has not agreed to require an updated traffic study, he is happy to remove that condition from the motion for this application.

Bill Stoughton moved to approve CASE #: PZ13385-111720 – Ballinger Properties/Nash Family Investment Property for the above sited amended Non-Residential Site Plan Review of Map 2 Lot 34 Sublot 1, 2 Howe Drive, with the conditions precedent 1 & 2 included in the Staff Report, dated January 6, 2021, and all of the subsequent conditions included in that Staff Report; further, that Impact Fees be assessed pursuant to the Rate Schedule of 6/22/2020, with the Warehouse &

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Storage square footage to be assessed at the Industrial Rate and the Office square footage to be assessed at the Office Rate. Said square footage is to be determined by the Community Development Office. Christy Houpis seconded.

In response to a question from Mike Dell Orfano regarding obtaining an updated traffic study (which is not included in the motion made), Robert Duval explained that currently the typical lead time to get a traffic study review back from NH DOT is about 3-5 months. This timeframe would be fatal to the construction of this site.

Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye; Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – aye. Motion carried unanimously.

2. SCENIC ROAD PUBLIC HEARING –EVERSOURCE

In accordance with NH RSA 231:158, the Amherst Planning Board will hold a Public Hearing on the proposal by Eversource to remove and prune trees adjacent to and above some of its power lines within the town on the following scenic roads: Austin, Dodge, Green, Mack Hill, Pond Parish and Spring Roads. *Continued from January 6, 2021.*

Cory Keeffe, of Eversource, joined the meeting.

Arnie Rosenblatt read and opened the public hearing.

Cory Keeffe explained that the purpose of this application is to allow Eversource to remove dead and dying trees in the Town's right of way that may strike wires. All of the proposed trees have been marked with blue/white checkered ribbons. There are also a few areas in Town that Eversource would like to prune dead wood above the wires. These are areas that have had outages before.

Cory Keeffe noted that he recently consulted with an owner on Mack Hill, regarding the proposed removal of two ash trees (#19 and 20 on the application). The owner refused the tree removal but did request some trees to be removed that are outside of the right of way and a few saplings that are below the generally required 5" diameter. He noted that the tree company will consult with any owners to ask permission to remove trees. If permission is not granted, those trees will be removed from the list. The removal of wood will also be discussed during this conversation.

Tracie Adams, Cynthia Dokmo, and Mike Dell Orfano had no questions at this time.

In response to a question from Christy Houpis, Cory Keeffe stated that consultations are had with landowners prior to the bucket truck arriving on the property to remove the trees. If the landowner cannot be reached for a consultation, the trees will not be removed.

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Chris Yates and Bill Stoughton had no questions at this time.

In response to a question from Dwight Brew, Cory Keeffe stated that, if a landowner does not want a tree removed that is within the Town right of way, it will still be taken off the list. Cory Keeffe noted that he will try to meet with any landowner to explain why the cuts are being done, but it is ultimately up to the landowner to give permission.

Mike Dell Orfano mentioned that the Board has been very concerned over the years about the types of cuts Eversource performs on trees in Town. He stated that it is not acceptable to truncate the top half of a tree and leave only the stem.

Cory Keeffe noted that there will be none of the regular maintenance pruning done as part of this application. He also explained that there was some trimming done recently on Green Road. Upon inspection of the trimming, there are some trees that he will require be re-trimmed properly. He explained that flat-topping is an acceptable arboricultural practice, if done correctly. At certain times he will also require that trees originally trimmed are cut to the ground.

In response to a question from Mike Dell Orfano, Cory Keeffe stated that for all trees on this application, no stumps higher than 3" from the ground will be left, unless there is metal or wire around the tree. If any of the cuts are deemed unacceptable, Cory Keeffe stated that he will require them to be cut to the standard 3" from the ground.

Arnie Rosenblatt agreed that the Board is sensitive to the types of stumps that are sometimes left during these trims.

Arnie Rosenblatt asked if there were any hands up from the public. There were none at this time.

Mike Dell Orfano moved to approve this application as presented. Dwight Brew seconded.

Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye; Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – aye. Motion carried unanimously.

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

- 3. CASE #: PZ13464-120820 –Edward Rebula & Anna Cooney (Owners & Applicants), 21 Greenwood Road, PIN #: 024-068-000 – Submission of Application/Public Hearing/Conditional Use Permit – Installation of new leach field well and driveway to replace a shared leach field and driveway with Lot 24-70. The intent is to separate ties to Lot 24-70. Zoned Residential/Rural. *Continued from January 6, 2021.***

Ed Rebula, applicant, and Tom Carr, Meridian Land Services, joined the meeting.

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Arnie Rosenblatt read and opened the public hearing.

Christy Houpis moved to accept the application as complete. Bill Stoughton seconded.

Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye; Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – aye. Motion carried unanimously.

Tom Carr explained that, two owners ago, there was a leach field on Lot 24-68 with issues. It was recommended, based on the location on the property and the proximity to Baboosic Lake, that a combination septic system be installed for both lots. The existing structure on Lot 24-68 is a 3-bedroom. The existing structure on Lot 24-70 is only a 1-bedroom structure, but DES will not allow anything less than a 2-bedroom approval, per dwelling; thus, the combination septic system is approved for a 5-bedroom structure.

Tom Carr explained that this application looks to separate these two lots by putting in a new septic system on Lot 24-70, along with a new driveway. Tom Carr noted that the proposed Conditional Use Permit (CUP) application shows a combination of the CUP requirements with the Shoreland Water Quality Protection Act requirements because there are so many overlapping requirements. The Shoreland Water Quality Protection Act also requires the applicant to show the method of handling stormwater on site. He explained that there may be impacts to the 100' buffer to the Lake from the driveway and leach field, although these may not necessarily be part of this approval.

Tom Carr stated that, as part of this application, there is a new proposed well and the old well will be abandoned according to the water supply regulations. A new driveway is also proposed, and the old driveway area will be replanted. There is a proposed infiltration trench (2' x 2' x 28') that will infiltrate water coming off the driveway. There are currently no stormwater management features on site, so this will be an improvement. The trench will have a 335-gallon capacity, with an infiltration rate of 13.95 gallons/inch. There is good soil (Canton) in this area with moderate permeability. The infiltration rate will be just over 2,000 gallons/day.

Tom Carr noted that Lot 24-70 will be totally redeveloped. The house and garage will be removed. The driveway will be redone, and a new stormwater management system will be installed. He is requesting that the conditions precedent for this application not be tied to Lot 24-70 because the owner needs to be able to make the proposed improvements to Lot 24-68 and market it before being able to know what can be affordably done to Lot 24-70.

In response to a question from Bill Stoughton, Tom Carr stated that the Shorelands Water Quality Permit has been received, as well as the septic approval from the State.

Bill Stoughton noted that the proposed stormwater management is appropriate under the Town's old Stormwater Regulations. This application was filed when the old regulations were in effect and the new regulations do not apply to this application, as it was grandfathered in.

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In response to a question from Tracie Adams, Tom Carr stated that the proposed driveway on site is designed based on the available area. He is unsure if a fire truck would be able to make it down the driveway, but he believes the truck would have access from the road. He believes an ambulance would have no issue accessing the driveway.

In response to a question from Tracie Adams, Tom Carr stated that the neighboring wells and leach fields are not impacted by this proposal.

Chris Yates had no questions at this time.

In response to a question from Christy Houpis, Tom Carr confirmed that there are no new structures being proposed on this site as part of this application.

In response to a question from Mike Dell Orfano regarding the radius of the proposed well to the Lake and possible plumes or contaminants entering the well, Tom Carr stated that this issue is fairly uncertain due to the nature of bedrock wells. This would depend on if the fractures in the bedrock are getting water from the lake or not.

In response to a question from Dwight Brew, Tom Carr explained that his client needs to be able to make improvements to Lot 24-68 before knowing what can be afforded for improvements to Lot 24-70. The house on Lot 24-70 is not currently inhabitable and is not worth being renovated. Lot 24-70 is where his client ultimately hopes to reside.

In response to a question from Dwight Brew, Tom Carr stated that any driveway permits would still ultimately need approval.

Mike Dell Orfano moved to approve the CUP as presented, including the conditions noted in the Staff Report, except for item #4. Bill Stoughton seconded.
Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye; Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – aye. Motion carried unanimously.

1. Minutes January 20, 2021

Tracie Adams moved to approve the meeting minutes of January 20, 2021, as submitted. Christy Houpis seconded.

Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye; Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – abstained. 5-0-1; motion carried.

The next Planning Board meeting will be on February 17, 2021.

Cynthia Dokmo moved to adjourn the meeting at 8:22pm. Tracie Adams seconded.

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434 **Roll Call: Mike Dell Orfano – aye; Tracie Adams - aye; Christy Houpis – aye;**
435 **Dwight Brew – aye; Bill Stoughton – aye; and Cynthia Dokmo – aye. Motion carried**
436 **unanimously.**

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439

440 Respectfully submitted,

441 Kristan Patenaude

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443 Minutes approved: February 17, 2021