

TOWN OF AMHERST
Planning Board

June 16, 2021

APPROVED

In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Tracie Adams, Chris Yates, Christy Houpis, and Tom Quinn.
Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner; and Kristan Patenaude, Recording Secretary.

Arnie Rosenblatt called the meeting to order at 4:02 p.m., on the Town Common.

ELECTION OF OFFICERS:

Christy Houpis moved to elect Arnie Rosenblatt as Chair of the Planning Board, Bill Stoughton as Vice-Chair of the Planning Board and Tracie Adams as Secretary of the Planning Board. Tom Quinn seconded.

Voting: 5-0-2 (Bill Stoughton and Tracie Adams abstaining); motion carried.

OTHER BUSINESS:

1. REGIONAL IMPACT

- a. **CASE #: PZ14354-061021 - Christ Church of Amherst (Owner) & Christ Church/The Amherst Preschool (Applicant); 58 Merrimack Road, PIN #: 003-036-002 - Proposal to add two 30' yurts to accommodate the Zoning Board of Adjustment's approved increase in enrollment. Zoned Residential/Rural.**

In response to a question from Tracie Adams, Natasha Kypfer stated that the enrollment of The Amherst Preschool is increasing from 24 to 42 students, as part of this application.

Bill Stoughton moved no regional impact. Christy Houpis seconded.

Voting: 7-0-0; motion carried unanimously.

- b. **CASE #: PZ14355-061021 - United Development LLC (Owner) & Promised Land Survey LLC (Applicant); 70 North Street, PIN #: 003-093-000 – To depict the subdivision of Map 3 Lot 93 into two single-family residential lots. Zoned Residential/Rural.**

The Board discussed the fact that the property in question borders Milford but does not extend into Milford.

Bill Stoughton moved no regional impact. Chris Yates seconded.

Voting: 7-0-0; motion carried unanimously.

2. Discussion regarding appointment of alternates

Arnie Rosenblatt explained that the Planning Board is permitted to appoint up to three alternates, for one-year, two-year, and three-year terms. There is no mandated procedure for applicants to these alternate positions. He would like Board members to discuss these procedures tonight. He

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noted that last year the Board of Selectmen held a Planning Board alternate interview process during which notice was posted for the openings, written questions were provided, and oral questions were addressed during the in-person interviews.

Tracie Adams stated that she believes the procedure from last year with written questions and follow-up oral questions was a good one.

Chris Yates stated that he believes that process was fair and gave all applicants the chance to express their opinions and thoughts through both their written and oral answers.

Nic Strong stated that the post seeking alternate applicants and the written questions can be posted as early as tomorrow on the Town website.

Bill Stoughton stated that he believes the process was a good one and that the Board should move promptly to fill these alternate positions.

Dwight Brew stated that he was comfortable with the first ten questions being the ones asked of applicants in written form.

Christy Houpis agreed that the first ten questions are thorough and that any other questions can be addressed to the applicants during the oral interviews. He asked about a broad-based reach in order to find more applicants than just the Town website.

Tom Quinn stated that he would like to see a question regarding what other aspects of the Town applicants are involved in, as it would be a good indication of if the person will attend Planning Board meetings. He noted that he has an issue with question #6 on the list (*How would you handle the situation if the Planning Board faced a development proposal that meets all the regulations, yet many residents appeared before the Board to stop it?*). He explained that if an application meets all the regulations, it should be difficult for the Board to shoot it down. He believes this question could be removed. He also noted an issue with question #9 (*Please tell us of any conflicts you may have, including but not limited to public positions you have taken regarding current projects which may necessitate your disqualification on any particular Planning Board application*). He believes a more appropriate question might be, *Are there any applications you feel you cannot act as an impartial juror on?*

Arnie Rosenblatt stated that he agrees with Tom Quinn on question #6. He would also like to move quickly on this process.

Dwight Brew stated that he would like to see question #6 left on the list, as an application meeting the requirements is in the eye of the beholder. He believes this question is looking to see if someone would still vote against an application, even if it meets all the requirements.

In response to a question from Bill Stoughton, Dwight Brew stated that he does not believe any of the applicants last year answered question #6 “wrong.”

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Bill Stoughton stated that he agrees with Arnie Rosenblatt and Tom Quinn regarding question #6. He believes most people, if they were going to vote against applications even if all requirements were met, would know enough to not say so when asked this question.

Christy Houpis suggested a short paragraph with a link to the Town website to be sent to a broader audience. Arnie Rosenblatt stated that he agrees with reaching out to a broader audience but does not want to slow down the process. Chris Yates noted that someone could quickly post the information on social media to reach more people.

Tom Quinn suggested an additional question regarding what areas of the Amherst zoning ordinances the applicant would like to focus on and potentially update. Arnie Rosenblatt disagreed with this additional question. Chris Yates noted that these questions are just to get a feel for applicants and not delve too deeply.

Christy Houpis moved to go forward with the written questions #1-10 previously used, with the option for the Board to use its discretion and ask additional questions as part of the oral interviews. These questions will be posted on the Town website at the earliest convenience and the Board will set a meeting for interviews, not to conflict with its regular meetings. Chris Yates seconded.

Discussion:

Arnie Rosenblatt asked that question #10 (*Have you ever attended a PB Meeting? If yes, what was the reason for your attendance?*) be included. Christy Houpis agreed that would be one of the ten.

The group discussed the closing date for applicants being June 28, 2021.

Voting: 7-0-0; motion carried unanimously.

3. Planning Board Procedures

Arnie Rosenblatt stated that this discussion will revolve around how the Board should deal with meetings now that the Emergency Order has ended and if there needs to be any modifications to existing procedures. He explained that the Board is obligated to meet to address applications and to allow public access, but he also believes the Board has an obligation to Town staff, applicants, and the public to not impose an unsafe environment on them. He believes it is unclear what the best course of action is, but he would like to be sensitive to all involved.

Tom Quinn stated that, at the Board of Selectmen meeting on Monday night, it was mentioned that the air exchange in Town Hall is 25 times/hour. He does not believe there is a concern with meeting in Town Hall, especially in smaller numbers and if social distancing can continue.

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Arnie Rosenblatt stated that he needs to speak with Town Counsel, but he believes the Board is required by the State to hold a quorum physically in person, but that others may still attend remotely.

Tom Quinn noted that the Zoom element of the meetings has been convenient for a number of people in the public to be able to attend.

Christy Houpis stated that he knows of at least two people who were vaccinated and still got COVID19. He noted that no one can predict when meetings will be large and if there will be an issue with social distancing. He wants to look into how to make the meetings accessible for everyone while still adhering to the law. He has a concern for those who want to participate but might not want to risk coming in person.

Tracie Adams stated that a hybrid option would be great. Until that can be determined, the Board might be able to encourage social distancing at meetings.

Dwight Brew stated that the Board of Selectmen tried to meet in a hybrid fashion on Monday night and there were some glitches with the technology. He is confident that the Town will be able to host hybrid meetings. The Master Plan Steering Committee will try for a hybrid meeting again next Monday. He noted that overflow rooms could be set up in Town Hall, for those trying to socially distance. The downstairs meeting room could hold approximately 6 people, and the basement room could hold approximately 8-10 people.

Bill Stoughton questioned the number given for air exchange in Town Hall, as that would mean a complete air exchange every two minutes.

Dwight Brew noted that the air conditioning is on, and windows are also open in Town Hall currently to facilitate air exchange.

Nic Strong stated that DPW Director Eric Hahn has said that the air exchange rate is 4.3 times/hours upstairs in Town Hall, and 4.75 times/hour downstairs.

Bill Stoughton stated that he believes that rate of air exchange is acceptable for personal protection, especially if social distancing is possible, and face coverings are an option. He suggested that the Board try to hold its meetings in Town Hall, in a hybrid fashion, with the possibility of overflow rooms, and investigate larger venue availability.

Chris Yates stated that he would like the Board to pursue a hybrid solution using Zoom, as it allows for more participants. He would also like the Board to seek a larger site in case a large meeting occurs.

In response to a question from Arnie Rosenblatt, Nic Strong stated that the air exchange rate is based off a new air purification system and MERV 16 filters in Town Hall.

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Arnie Rosenblatt noted that the windows will need to be closed eventually when the weather gets colder. He would like it to be made clearer to him if the air circulation numbers in Town Hall are okay or not. In his view, people should be able to be 6' apart during meetings, or there needs to be an overflow area. If an overflow area is not available, the meeting will need to be postponed. He does not believe it is acceptable to ask employees to take the risk of meeting in person if a safe environment cannot be provided. Social distancing should be a requirement and people should wear masks if not vaccinated.

In response to a question from Bill Stoughton, Arnie Rosenblatt stated that he is unsure when he will feel comfortable relaxing social distancing at meetings. Arnie Rosenblatt noted that information regarding COVID19 seems to be inconsistent, erratic, and politically charged on both sides. Bill Stoughton stated that he is okay deferring this decision to the future, as long as it will be made at some point.

In response to a question from Bill Stoughton, Dwight Brew stated that the Zoom hybrid setup will allow members of the public to ask questions and make comments when permitted to do so. Dwight Brew stated that he believes Town Hall has the capacity to allow each member to be present and have Zoom running on his/her computer at the same time, but there may be a delay.

Bill Stoughton noted that, using this process, it would be possible for members/public/staff, other than the four needed for the quorum, to be elsewhere than in person.

Tom Quinn stated that he might see issues if people refuse to comply with 6' of social distancing, as there is no law/ordinance to mandate that. He noted that the Board could book a larger space, such as Souhegan High School, if it seems that this will be an issue. Arnie Rosenblatt stated that he believes people will be courteous to these recommendations, but he also believes that the Board has the authority to impose certain rules as it sees fit.

Dwight Brew stated that the Board can strongly suggest mask wearing, but that there is no reference to social distancing for those vaccinated.

Christy Houpis moved that the Planning Board's operating procedure be for in person meetings, to meet the requirement of having a quorum in person, but for there to be the option of hybrid attendance for Board members other than a quorum, presenters, and public members. Also, that the Board examine overflow capacities available at Town Hall and look for a larger facility for in person meetings for the future. The Board will also recommend social distancing for Board members and citizens, masks for those not vaccinated, and masks for anyone else who wishes. Bill Stoughton seconded.

Voting: 7-0-0; motion carried unanimously.

Nic Strong noted that the next Board meeting agenda has the Knight subdivision, The Amherst Preschool site plan, a two-lot subdivision, and the F.W. Webb concept.

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Arnie Rosenblatt explained that Bill Stoughton has reviewed the Planning Board procedures and has some suggested changes. There is a working draft that has been shared with Nic Strong. This discussion will be deferred until the Board's mid-July meeting. Bill Stoughton will finish the redline mark-up and circulate it to the Board.

Bill Stoughton noted that he has kept track of items mentioned for possible changes over the year. One major change is a requirement for applicants to provide more complete applications and to include deadlines for supplemental information to be submitted.

Chris Yates stated that documents coming to the Board from applicants the day before or day of a meeting does not give the Board enough time to review them and is unfair to Community Development staff.

4. Any other business that comes before the Board

Arnie Rosenblatt stated that he plans to schedule a meeting soon with Town Counsel to discuss the new NH Land Court. This court was created by legislation, and he believes it would be good to discuss what impacts, if any, it may have on deliberations. He stated that he does not believe this court is intended to support local land use board decisions.

Arnie Rosenblatt welcomed all newly elected Board members.

Christy Houpis volunteered to be the Planning Board representative to the CIP Committee.

The Board agreed to continue to meet in person at 7pm.

In an effort to cut down on the amount of paper produced by staff for the meetings, the Board agreed to receive reduced sized paper copies of plans, along with a paper copy of the Staff Report for each meeting. All the documentation will continue to be provided electronically and Nic Strong noted that if any Board member required other documents to be printed they should let the office know and those would be made available.

Tracie Adams volunteered to be the Planning Board representative to the Historic District Commission.

**Tom Quinn moved to adjourn the meeting at 5:15pm. Dwight Brew seconded.
Voting: 7-0-0; motion carried unanimously.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: July 7, 2021