

TOWN OF AMHERST
Planning Board

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In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton (remote), Tracie Adams, Chris Yates, Christy Houppis (remote), and Tom Quinn.

Staff present: Nic Strong, Community Development Director; Natasha Kypfer, Town Planner; and Kristan Patenaude, Recording Secretary (remote).

Arnie Rosenblatt called the meeting to order at 7:01 p.m., in the Town Hall and via Zoom concurrently. He explained that this is the Planning Board's first hybrid meeting. This is being held via Zoom, and in person at Town Hall. Those attending in person are socially distancing. If attendance at future meetings becomes greater, a larger venue will be sought.

PUBLIC HEARING:

- 1. CASE #: PZ14080-041921 – Amherst Country Club (Owner) & Jamin Warren (Applicant); 70 Ponemah Road, PIN #: 004-029-000 – Public Hearing/Non-Residential Site Plan Application – Proposed improvements for a solar field with parking and other associated site improvements. Zoned Residential/Rural.**

Arnie Rosenblatt read and opened the case.

Sam Foisie, Meridian Land Services, joined the Board. He noted that the Board previously heard this case and had concerns regarding the proposed stormwater management practices, and the potential solar panel glare.

Sam Foisie explained that a stormwater report has been prepared. The proposal will cause approximately 1.68 acres of the site to be disturbed, but the proposal will also reduce the amount of impervious area on site because a gravel parking area is replacing a current parking lot. The stormwater management system is proposed to be an infiltration pond located at the northeast corner of the project area. The infiltration pond will store the entire quantity of runoff and then discharge it. This will meet Amherst's stormwater regulations because it will reduce the amount of nitrogen and phosphorus and will also be located more than 75' from wetlands. It will also be designed to meet the State's stormwater design requirements.

Sam Foisie explained that, in regard to the solar glare, he received information from the installer that only 10% of light reflects off the solar panels. These panels will have an anti-reflective coating and will reflect less light than regular glass. At the time that the sun will be hitting these panels, one would need to be 35' high and 50' from the panel in order to see this glare. Extrapolating that out, if one was 500' from the panels one would need to be 350' up to see the glare and there are no hills in the nearby area that would be within this space and thus there will be no impact to surrounding properties from the glare.

In response to a question from Dwight Brew, Sam Foisie explained that the panels will be sized properly for the usage. The purpose of these panels is not for the golf course to sell any of the

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electricity back to the grid. The goal is to have it be an offsetting amount being put into the grid and taken back out by the golf course over the course of an average year.

In response to a question from Tom Quinn, Sam Foisie stated that the stormwater management system was designed to the 10-year, 25-year, and 50-year storms. The basin is designed to handle all incoming stormwater. If the basin does overflow the weir, it will follow the natural flow and drain into the surrounding area.

Christy Houpis (present and alone) asked if there was a line of sight from the panels to Route 101 or Route 122. Sam Foisie explained that the hill near PJ Currier blocks the direct path to Route 101. There is a line of sight to Route 122 from the panels, but due to the angle that the sun will hit the panels at, there will not be an impact to that road.

Bill Stoughton (present and alone) stated that it was unfortunate that the applicant's additional materials were submitted to the Community Development Office on the Friday before a holiday weekend. He noted that the Board often relies on Town staff to catch certain items of note in an applicant's materials, and that he doubts they had adequate time to do so with the late submittal date. He noted that late submissions by applicants will be a future item addressed by the Board.

In response to a question from Bill Stoughton regarding the fact that the impervious area on site is being reduced but the amount of gravel area on site is being increased, Sam Foisie explained that, by definition, the amount of impervious area is being reduced and the runoff will go to the infiltration basin.

Bill Stoughton explained that the Board usually hears of the impervious area being reduced on site and thus making things better, but this proposal does not exactly meet that because gravel areas are often treated the same as impervious areas in terms of stormwater. Sam Foisie stated that, even if that is true, the proposed stormwater management system still meets the required volume amounts per the regulations.

Bill Stoughton asked why the discharge rates are increased for the 10-year and 50-year storms when all of the stormwater is proposed to be infiltrated. Sam Foisie explained that this is due to the curve numbers on site. The increase is due to the fact that this is a small area being fed into a small basin without a typical control structure to hold back the discharge rate.

Sam Foisie explained that the proposed area's proximity to the Souhegan River leads to no negative impact to the drainage area. The infiltration basin will drain to the golf course property first and then to the river. According to the Amherst stormwater regulations, which references the State's regulations, a stormwater system can discharge directly into a water body, if it is of a certain size. In that case, the discharge rates for larger storm events, 10-year and 50-year storms, do not need to be met. The rates will increase, but the volume is actually decreasing. In flooding issues, the volume is the issue, not the rate. Due to the difference in rate peak time of the stormwater management system and the Souhegan River, this proposal will not negatively affect the river.

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87
88 Bill Stoughton noted that the applicant is requesting a waiver from the stormwater regulations for
89 the increase in rate. The requirement for this waiver is that the applicant address why compliance
90 is not reasonably possible.

91
92 Sam Foisie explained that, in order for the applicant to comply with the rate requirement, the
93 stormwater system would have to be staged higher on the property, pushing it back into the
94 gravel parking area. In order for the parking area not to be flooded, this would need to be raised
95 as well, which would block the natural drainage pattern of the area.

96
97 Bill Stoughton explained that the property has a 250' shoreland boundary to contend with. Other
98 areas on site that could hold the stormwater management system are all at a higher elevation than
99 the parking lot. This is also a restriction for the placement. Sam Foisie agreed with these items.
100 He also noted that the applicant is trying to maintain as much of a buffer on the property as
101 possible.

102
103 Bill Stoughton stated that, in this instance, he believes that the site conditions, specifically the
104 relative elevation for possible stormwater areas, make this waiver reasonable. He also noted that
105 the increase in rates anticipated for the 10-year, 25-year, and 50-year storms are relatively small.
106 Additionally, the distance from the Souhegan River and other items mentioned make him
107 agreeable to the proposal.

108
109 Sam Foisie explained that the applicant is requesting two additional waivers, for landscaping and
110 a survey requirement of the property lines.

111
112 There was no public comment at this time.

113
114 **Bill Stoughton moved that the Board grant the requested waiver for stormwater**
115 **regulations on the basis that it does not impair achieving the spirit and intent of**
116 **those regulations, that compliance is not reasonably possible because of the site**
117 **conditions of this specific site, and because the proposed substitute solution is**
118 **consistent with the goals of the regulations and is in the best interest of the Town.**
119 **Dwight Brew seconded.**

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

121
122 **Bill Stoughton moved that the Board grant the requested waivers for landscaping**
123 **plan requirements and survey requirements on the basis that granting the waivers**
124 **will not impair achieving the spirit and intent of the applicable regulations, that**
125 **compliance is not reasonably possible because of the site conditions of this specific**
126 **site, and because the absence of them remains consistent with the goals of the**
127 **regulations and is in the best interest of the Town. Tracie Adams seconded.**

128 **Voting: 7-0-0; motion carried unanimously.**
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Chris Yates moved to approve CASE # PZ14080-041921 for Amherst Country Club for a Non-Residential Site Plan, at 70 Ponemah Road, Map 4 Lot 29, with the subsequent and precedent conditions, as identified in the Staff Report. Dwight Brew seconded.
Voting: 7-0-0; motion carried unanimously.

CONCEPTUAL CONSULTATION:

2. CASE #: PZ14356-061021 – EIP One Bon Terrain Drive LLC (Owner) & Equity Industrial Partners Corporation (Applicant); 1 Bon Terrain Drive, PIN #: 002-026-004 – Non-Residential Site Plan Review/Discussion – To add 30,000 square feet to existing facility with secondary truck access. *Zoned Industrial.*

Arnie Rosenblatt read the case. He explained that, as this is a conceptual discussion, any comments made by Board members are only for discussion purposes and are not binding in any way. Comments made should not be relied on and are not to be used as a basis for how Board members may vote in the future.

Doug Brodeur, Meridian Land Services, and John Hennessey, Director of Construction Services for Equity Industrial Partners, joined the Board. John Hennessey explained that this concept plan is for office space and industrial warehouse space. He explained that his company finds underused properties and rehabilitates them to be used for other purposes. The F.W. Webb building was sitting empty and has been purchased to be repurposed. One side of the building will be used as a warehouse for Alene Candles. The other side will be leased by Novo Building Products, a company that creates and delivers moldings, stair parts, etc. Novo Building Products requires that the back of their portion of the building be extended in order to have space for shipping purposes.

Doug Brodeur explained that the Board first approved this property in 2004. It has sat vacant since 2009. One of the renters, Novo, requires an approximately 30,000 s.f. addition off the back for shipping and truck movement on site. The proposal will create approximately 49,000 s.f. of impact to the wetland buffer. There are a number of items proposed for mitigation in this case. There is a 12,000-gallon fuel tank on the property that the applicant is proposing to remove. This tank is not allowed in the aquifer protection district and is not needed by the tenants. Another mitigation proposal is to improve the stormwater management system on site. Finally, there is a 10,000 s.f. chemical storage room located in the current facility that the applicant is proposing to remove.

Doug Brodeur explained that the final recertification of wetlands, test pits, and wildlife study are still needed. The applicant does not feel a traffic study is needed, as one was done previously, and this proposal does not seem to alter the traffic significantly, but they could do a study if the Board wanted one. Other waivers being requested are the maximum pole height on light poles in the truck yard and landscape requirements for the truck yard area.

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In response to a question from Tom Quinn, John Hennessey explained that it is not being proposed to place the truck movement area on the other side of the building because that space is leased to Alene Candles. One of Novo's requirements is that a truck must drive through their building space in order to process their orders for small loads.

In response to a question from Dwight Brew, Doug Brodeur stated that the light pole waiver is being requested because this is not a typical parking lot; it is similar to a truck yard. Otherwise, the other lighting requirements will be met. The lights will be shining towards the building and not out to abutters.

Dwight Brew noted that he has concerns about incursions to the wetlands as well.

Tracie Adams noted that the last traffic study was completed in 2003. She was concerned about Doug Brodeur's previous comments about lots of small trucks being used. Doug Brodeur explained that the trucks coming onto the site will be regular tractor trailers, not smaller trucks, but they drive through the building to be loaded from the side in multiple smaller loads to be delivered to different locations from one trailer

Christy Houpis stated that he would urge that a new traffic study be completed for this project.

Bill Stoughton stated that the Conservation Commission (ACC) previously heard from this applicant, and he applauded them for coming before both groups early. He has concerns regarding the wetlands and stormwater. There is a substantial increase in impervious area from additional construction and paving. This will cause increased volumes of stormwater that will potentially be more contaminated than if this proposal did not take place. This will require sophisticated stormwater best management practices. There is not much room outside the wetland boundaries and buffers to locate these. The proposed development already intrudes on wetland buffers to the west and north of the building. One requirement in the wetlands Condition Use Permit (CUP) process is minimization of intrusion to wetland buffers. He is not sure that this design minimizes this intrusion. He is unclear if productive use of this land requires any intrusion of wetland buffers at all. To the extent that intrusions are not minimized, Bill Stoughton asked what benefit is there to the Town from granting a CUP that allows such an intrusion. This was brought up by the ACC. Generally, this type of intrusion is offset by an improvement in the ultimate water quality on site. He believes it is important to focus on the proposed mitigation steps, although they do not carry a lot of weight to him as he does not believe they give much benefit to the Town. He asked the applicant to consider a greater form of mitigation in order for the Town to receive a net benefit.

There was no public comment at this time.

Arnie Rosenblatt stated that, as a citizen and Board member he acknowledged the tension created by this proposal. On the one hand, he would be pleased to see a vacant building be used. However, he is also concerned about the encroachment on wetlands. He thanked the applicants for their presentation.

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Arnie Rosenblatt noted that he had forgotten one item at the beginning of the meeting, stating that non-vaccinated people should be wearing masks during Board meetings. Those vaccinated may also choose to wear masks, as they so choose.

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

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

Arnie Rosenblatt read and opened the case.

Natasha Kypfer noted that the applicant has submitted all required items.

**Dwight Brew moved to accept the application as complete. Seconded by Tracie Adams.
Voting: 7-0-0; motion carried unanimously.**

Ellen Grudzien, owner of The Amherst Preschool, explained that one of the preschool’s goals is to help children learn through outdoor play. The proposed yurts are to help achieve that goal for the school.

Chris Yates stated that he likes the concept as presented. He wished that the applicant had presented specs for the yurts and the concrete pad. He also noted that there are items in the Staff Report regarding gray water on site.

In response to a question from Tracie Adams regarding if the applicant has seen this work done with yurts before, Ellen Grudzien explained that she has been working closely with Scott Tenney, Building Inspector, and that he is comfortable with what is being proposed. She also noted that there were four yurts recently installed in Brookline, NH. These four yurts have not yet been up for a whole season. Ellen Grudzien explained that these proposed yurts will be placed on concrete pads for insulation and to help keep animals out. She noted that there are similar structures at schools in Maine, Massachusetts, and one called Saplings in NH. Ellen Grudzien stated that these yurts will be three-season yurts, as the school is not open in the summer.

In response to a question from Tracie Adams regarding how the children will get to the yurts and from yurt to yurt for example, sidewalks, gravel areas, pathways, Ellen Grudzien stated that hers

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is a nature-based preschool and so there will be a simple, informal path between the yurts. She believes there will be a platform and one step needed to access each yurt.

Tracie Adams noted a previously mentioned concern with the gray water. Ellen Grudzien explained that there will be no running water in the yurts. The yurts will contain a potable water system that includes filling up a five-gallon tank with heated sink water. The gray water will enter a separate tank and will be emptied as needed. It will be possible to flush the gray water down the toilets inside the main Church building, as the septic is large enough to handle this extra amount.

In response to a question from Dwight Brew, Nic Strong stated that the yurts will be considered structures by the Town. As such, they will need to meet all emergency codes, egress requirements, etc.

Ellen Grudzien stated that the yurts will meet all necessary structure codes. The yurts come from a company called Pacific Coast Yurts in Oregon.

In response to a question from Dwight Brew, Ellen Grudzien stated that the yurts will be heated via a mini-split system. This system will be connected to the grid. There will be a separate Eversource meter for it. There will be outlets located within the yurts and the toilets and tub for the water system will be able to plug into it.

In response to a question from Dwight Brew, Ellen Grudzien stated that the yurts have a 30' radius, are 700 s.f. inside, and have a peak height of 11'.

Chris Yates asked if the Board would like to bring Scott Tenney into the conversation in order to hear directly from him. Arnie Rosenblatt stated that they would do so if there were specific questions for Scott Tenney.

In response to a question from Tom Quinn regarding if there was any chance that the gray water might be dumped within the vicinity of the yurts, Ellen Grudzien stated that this was not a possibility. The school prides itself on creating environmental stewards.

In response to a question from Tom Quinn, Ellen Grudzien stated that Eversource will be installing underground electricity for the yurts from a nearby pole.

In response to a question from Bill Stoughton regarding the possibility that the compostable toilets proposed could overflow onto the nearby ground, Ellen Grudzien stated that this was not a possibility. There is a drum inside the toilet that is turned after it is used. This then drops into a compostable drawer. Peat moss and/or SunMar products will be added to this drawer in order to aid in the breakdown of organic matter. The drawer will then be intermittently emptied.

Bill Stoughton noted that this property is located within the wellhead protection district, and thus he is concerned about the contamination of local well water.

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In response to a question from Bill Stoughton, Ellen Grudzien stated that the distance between the yurts and the edge of the wetland buffer is 102'. Bill Stoughton stated that the max distance allowed is 100', thus these structures are considered outside of the wetland buffer.

In response to a question from Bill Stoughton, Ellen Grudzien stated that the wind, ice, and snow load resistance of the yurts has been evaluated by herself, Scott Tenney, and TF Moran.

In response to a question from Bill Stoughton, Ellen Grudzien stated that the walls and roofs of the yurts are made of a canvas material with a layer of reflective insulation. She has spoken with Fire Chief Matt Conley, who would like to have flooring types discussed with him. She explained that the yurts will meet egress requirements and have proper exit signs. She does not believe there is any concern regarding the yurt's flammability.

In response to a question from Bill Stoughton, Ellen Grudzien explained that there is an access road between the Church building and the proposed area of the yurts that leads to the back of the property. This road was specifically installed for emergency truck access. The yurts are approximately 30-40' from this road.

Bill Stoughton explained that any stormwater discharged from these yurts will end up close to the water supply. Some of the water discharging off the roofs will end up close to the wellhead. He asked if the applicant plans to install gutters or a drainage system in order to direct the discharge from the yurts away from the wellhead.

Ellen Grudzien suggested that her landscaper could look at grading the area around the yurts in or that the yurts could be pitched in such a way to achieve this.

Bill Stoughton stated that he does not believe grading alone will solve this problem because some amount of the water discharge will be infiltrated into the ground. He does not believe it is a good idea for this water to soak into the ground so close to the wellhead. He would like there to be a system that diverts this water off the back of the yurts.

Bill Stoughton noted that, while he is generally in favor of this application, he would like to make sure that the discussion topics brought up by Board members are conditioned to be binding requirements of a possible approval.

Tracie Adams stated that there is a note in the Staff Report under General Standards regarding traffic concerns. Ellen Grudzien stated that the Church property has a very long driveway and large parking lot. The school has chosen to stagger its drop-off and pick-up times next year in order to accommodate any increase in students. There will be no more than 15 cars dropping off at the school at a time. This is a slightly increase from 12 cars at a time previously.

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In response to a question from Tracie Adams, Ellen Grudzien stated that there will be no safety issues with the increased number of students, as the staff takes students from vehicles and the students immediately enter the school.

In response to a question from Tracie Adams, Ellen Grudzien stated that there is not much additional landscaping needed in terms of adding the yurts onto the property. The proposed location for the yurts helps with the preferred privacy and security of the school.

In response to a question from Tracie Adams, Ellen Grudzien stated that the Church building already has sufficient lighting and that the preschool does not wish to install a sign out front near the Church's sign.

Chris Yates stated that there have been multiple mentions of Scott Tenney and how he feels about this proposal from the applicant. He asked if Scott Tenney could be brought into the meeting to voice his own opinions.

Scott Tenney stated that he met early on in the proposal process with Ellen Grudzien. The initial plans did not meet the emergency codes, had snow load issues, and he had questions about the foundations. The plans were then revised to accommodate these items. He has made a preliminary review of these new plans and, so far, the proposed yurts appear to meet the structural integrity requirements.

Dwight Brew noted that if a new structure is proposed to be installed in Town, he believes that it will be required to meet all building codes and that this will be properly addressed by the Town staff. He stated that the Staff Report mentions that the Board should discuss possible impact fees for this proposal.

Bill Stoughton moved to approve Case # PZ14354-061021 for The Amherst Preschool, at 58 Merrimack Road, Map 3 Lot 36-2, with all conditions set forth in the Staff Report and an additional condition that the stormwater discharge off the yurt roofs be directed away from the wellhead and outside of the wellhead protection area, that impact fees be assessed at the Institutional & Other rate, that active and substantial development or building be defined as building of the concrete foundations, and that substantial completion of improvements be defined as erection of the yurts. Dwight Brew seconded.
Voting: 7-0-0; motion carried unanimously.

In response to a question from Ellen Grudzien, Bill Stoughton explained that the Town requires any new development, whether residential, commercial, or industrial, to be assessed fees based on the square footage the new development occupies. This is determined by the Community Development Office and based on the submitted plan. The rate was approved by the Board of Selectmen. This fee is collected at the time the Certificate of Occupancy is granted. He is unsure of the Institutional & Other impact fee rate, and suggested that Ellen Grudzien contact Nic Strong, Director of Community Development, to further discuss this.

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Ellen Grudzien noted that she also had requested a waiver of application fees for this application.

In response to a question from Arnie Rosenblatt, Ellen Grudzien explained that there were 65 abutters identified for this property and that it has become quite expensive for a small school to pay these fees for both the Zoning Board of Adjustment and Planning Board hearings. These fees have totaled approximately \$1,000.

In response to a question from Bill Stoughton, Ellen Grudzien noted that The Amherst Preschool is a for-profit business.

Bill Stoughton stated that he believes the Board should be fair to all applicants and, unless there are extenuating circumstance, charge application fees to all businesses. The rest of the Board members agreed with this view.

Dwight Brew moved to deny the request to waive application fees. Seconded by Christy Houpis.

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

4. CASE #: PZ14355-061021 - Unified Development LLC (Owner) & Promised Land Survey LLC (Applicant); 70 North Street, PIN #: 003-093-000 – Submission of Application/Public Hearing/Subdivision Application and Conditional Use Permit – To depict the subdivision of Map 3 Lot 93 into two single-family residential lots and the construction of wetland crossings in the WWCD for Map 3 Lot 93-2. Zoned Residential/Rural.

Arnie Rosenblatt read and opened the case. He then recused himself and asked Bill Stoughton to Chair this case. Arnie Rosenblatt took a seat in the audience.

In response to a question from Bill Stoughton regarding application completeness, Nic Strong stated that there are waiver requests for all the studies associated with this application. The applicant has otherwise submitted as necessary materials.

Bill Stoughton noted that, per a previous case, the Board could decide to approve these waiver requests simply for the discussion of completeness of the application, while also allowing the Board to revisit any waiver request item at a later time, and to note that none of these initial waiver request approvals survive unless included in final Board action.

Nic Strong stated that the proposed waiver requests are for Fiscal Impact, Environmental Impact, Traffic, Water Supply, Drainage Report, Hydrogeological, and Other Studies, as deemed necessary by the Planning Board.

Dwight Brew moved to grant these waiver requests, solely for discussion of completeness determination. Seconded by Tracie Adams.

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Voting: 6-0-0; motion carried unanimously.

Bill Stoughton noted that the Chair was not participating in this hearing

Jeff Merritt, Engineer for Promised Land Survey; Matt Arel, Unified Development, LLC; Tim Peloquin, Promised Land Survey, LLC (remote), joined the Board.

Jeff Merritt explained that this proposal is for a subdivision application and the associated Conditional Use Permit. The property is 9.2 acres of land area. The proposal is for a one-into-two lot subdivision. The proposal would make Lot 93, the northern lot, a 3.3-acre parcel, and Lot 93-2 approximately 5.8 acres. Both lots would be accessed off North Street. Each lot has approximately 134' frontage; 200' frontage is required, and a variance has been received for this requirement. Lot 93 has a developable area right off North Street. Lot 93-2 has developable area approximately 500' back from North Street. To get access to that portion of the Lot, the proposal requests to cross two jurisdictional wetlands. Due to this request, the applicant is seeking associated an CUP. The applicant has not yet been before the ACC but is scheduled to be on a future agenda. This proposal requires two State permits: a NH Dredge & Fill permit, and Subdivision Approval for the smaller lot that is less than five acres. The basis for all waivers requested of the Board is that this is a smaller subdivision project and so normal studies required of larger projects (Fiscal Impact, Environmental Impact, Traffic, Water Supply, Drainage Report, Hydrogeological) are not applicable here. The applicant is also requesting a waiver from the Stormwater Regulations – Stormwater Analysis and Design (210.3.B.13), as this is a smaller project, and the applicant does not believe there is a need for the full stormwater analysis. He noted that there is language in these regulations that the regulations can be adapted or waived by the Board for less complicated projects.

Jeff Merritt explained that there are proposed stormwater and construction best management practices included as part of the packet. These try to meet the spirit and intent of the regulations, instead of requesting a full waiver. These could be added to the project as an option that is more appropriate for this scale of a project. One of these includes the installation of a roof water infiltration system that will discharge the roof water to a subsurface infiltration area. Another is to pitch the driveway in a way that provides an infiltration trench on the side of the driveway, to catch and infiltrate as much runoff as possible. In terms of erosion control, silt fencing, a temporary construction exit, and erosion control blankets on steep slopes, are proposed.

Bill Stoughton noted that there needs to be a motion in regard to completeness of the application.

Tracie Adams moved to accept the application as complete. Seconded by Dwight Brew.

Voting: 6-0-0; motion carried unanimously.

In response to a question from Tom Quinn, regarding well radiuses encroaching on neighboring properties, Jeff Merritt explained that encroachment more than 10' would require a Well Release

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from abutters. None of the proposed well radii show more than 10' of encroachment. There is one 10' encroachment because of a nearby septic system.

In response to a question from Tom Quinn, Jeff Merritt stated that the wetlands will be crossed at its narrowest point and thus the driveway is being placed in the setback.

In response to a question from Tom Quinn, Jeff Merritt explained that he does not believe there will be an issue with the two culverts that are proposed to run under one of the driveways dumping excess water onto the nearby property.

In response to a question from Tom Quinn, Jeff Merritt explained that the roof runoff systems should not need much maintenance. The infiltration systems should infiltrate the smaller storms easily. The driveway systems will require maintenance proportional to how the owners care for the driveways. There is a way to clean these systems through the attached fabric. If sand is used in winter conditions there will be more maintenance required to keep the drainage trench clean and functioning properly.

In response to a question from Dwight Brew, Jeff Merritt stated that there are pockets of developable areas on each Lot proposed for the house lots. There are also small pockets of space that the houses could alternately be placed on. There are uplands surrounded by wetlands on each lot.

In response to a question from Dwight Brew, Nic Strong stated that building lots subtract wetlands, flood plains and slopes in order to achieve the buildable area. Tim Peloquin explained that this is on the plan under the notes and within the context of the lot area labels. Both lots meet and exceed the requirements for lot land area.

In response to a question from Tracie Adams regarding high value wetlands, Jeff Merritt stated that a study was completed for functions and values of the wetlands, which determined that the road is designed to minimize the impacts and the proposed measures will provide infiltration to minimize impact to hydrology.

In response to a question from Tracie Adams, Tim Peloquin stated that the CUP application is set to go before the ACC next Wednesday 14th.

In response to a question from Bill Stoughton, Tim Peloquin stated that the CUP application has been submitted, but that it might be considered incomplete by the Community Development Office. Bill Stoughton stated that the ACC's meeting on the 14th was cancelled. The next ACC meeting is scheduled for July 28, 2021, and a completed application would be needed in order to be placed on that agenda.

In response to a question from Tracie Adams, regarding a number of outstanding items as shown on the Staff Report, Jeff Merritt explained that many of the minor items are easily corrected. There is a test pit for the north lot, but the applicant has a question as to if a test pit is required

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for the southern lot, as it is less than five acres and that is generally not required by the State for a lot of that size.

In response to a question from Chris Yates, regarding the lower driveway and the wellhead being located right at the bottom of it, Jeff Merritt explained that the intent is to place an infiltration trench on the north side of that driveway and to pitch it north. The trench will go to the north as well. A large rain event would cause all the stormwater to drain further to the north and ultimately in a southern direction.

Christy Houpis stated that he had concerns regarding the items addressed in the Staff Report.

In response to a question from Bill Stoughton regarding the wetland delineation and the buffer requirements, Tim Peloquin stated that he will have to check with the Certified Wetlands Scientist as to whether the Town standards were used, along with the State standards.

Bill Stoughton explained that he would like to see the CUP filed and reviewed by the ACC before voting on this subdivision. He believes a number of items will come up during the review of the CUP, such as drainage and its proximity to the wellheads, where the runoff will go and how it will be treated.

Bill Stoughton noted that the applicant is requesting a waiver from the full stormwater standards and that he has an issue with granting such a waiver. One of his concerns deals with equitable treatment of all applicants. There was a similar small subdivision application weeks ago, during which the Board required all stormwater regulations and standards be followed.

There was no public comment at this time.

Bill Stoughton asked if any of the Board members were interested in requesting a site walk of this property. There was no interest from Board members at this time.

Bill Stoughton asked if any Board members had interest in seeing the completed CUP application and hear from the ACC on it first. A consensus of Board members agreed on this item.

Bill Stoughton asked if any Board members have interest in requesting formal studies for any of the waiver requests submitted.

Dwight Brew stated that he does not believe a Fiscal Impact, or Traffic study is needed. He could be easily swayed that a Water Supply study is also not needed. He believes there is a need for the other studies to be completed.

Chris Yates agreed with Dwight Brew.

Tracie Adams supported not requesting a Fiscal Impact, Traffic, or Water Supply study.

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Tom Quinn agreed with the other Board members.

Christy Houpis agreed that the Fiscal Impact and Traffic studies are not needed. He believes there could be a need for the Water Supply study. He believes that study should be requested in general of all applications.

Bill Stoughton agreed with Dwight Brew's assessment. He believes a Drainage study is needed. As this is all currently undeveloped land, he believes NH Wildlife should weigh in on any threatened/endangered species. He believes the Hydrogeological study is also important. Bill Stoughton noted that any motions regarding waivers will now be considered final and carried through with the review of this application. He anticipates that this hearing will be continued, and he is trying to give the applicant a sense of everything that will be required when he comes back in.

Dwight Brew suggested making motions for each requested waiver, whether granting or not, as the Board previously moved to approve all waivers for the purpose of discussion only. Bill Stoughton agreed.

Dwight Brew moved that the regulatory requirements for studies on Water Supply, Fiscal Impact, and Traffic be waived. Also, that the regulatory requirements for reports on Drainage, Environmental Impact, Hydrogeological Impact, and Stormwater requirements not be waived, and be required going forward. Seconded by Christy Houpis.

Voting: 6-0-0; motion carried unanimously.

The Board and the applicant discussed an appropriate date for the applicant to return with all required reports, a completed CUP that has been discussed with the ACC and resolved Staff Report issues. Tim Peloquin requested be put on the next available Planning Board meeting after July 28, 2021. If the applicant is not ready at that time, another continuance will be requested. Bill Stoughton noted that the staff, Board, and applicant do a lot of work to prepare for meetings. He does not want to go down the road of having the Board prepare for a meeting that is then postponed days before.

The Board reviewed alternate dates with Nic Strong. The Board and applicant agreed to a continuance to August 18, 2021. Bill Stoughton asked if the applicant would agree to grant the Board an extension on the clock running for this application, as it was previously accepted as complete, commensurate with a meeting on August 18, 2021. The applicant agreed.

Dwight Brew moved to continue this hearing to August 18, 2021, at 7pm, at Town Hall. Seconded by Tracie Adams.

Voting: 6-0-0; motion carried unanimously.

Arnie Rosenblatt retook his seat at the table as Chair of the Board.

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PUBLIC HEARING(S):

**5. CASE #: PZ14079-041921 - Wilene Knight (Owner & Applicant), Spring Road,
PIN #: 004-154-000 – Public Hearing/Subdivision Application – Subdivide Tax
Map 4, Lot 154 into (4) single family house lots and create (3) new lots. Zoned
Residential/Rural.**

Arnie Rosenblatt read and opened the case. He noted that this case was continued, not to anyone's fault, but due to the lapse of the Governor's Order regarding meeting remotely and insufficient time to re-notice the hearing.

Chris Hickey, LLS, Keach-Nordstrom Associates, Inc., representing Wilene Knight, joined the Board, along with Wilene Knight and Brad Knight. He explained that this application was accepted as complete back in the spring. The request for waivers has been updated and some studies have been provided to the Town since.

Chris Hickey stated that, in terms of the Fiscal Impact and Traffic studies, the intent of this subsection of the regulation is to ensure that the proposed subdivision of land will not cause adverse financial and traffic impacts to the town and surrounding areas. This project proposes a four-lot subdivision, which will ultimately result in the construction of single-family homes. Typically, these types of studies are reserved for larger scale projects consisting of more than the development of single-family homes. In terms of the Drainage, Hydrogeological, and other studies, the intent of these subsections of the regulation are to ensure that the proposed subdivision of land will not cause adverse drainage, hydrogeological, or other impacts to the surrounding areas. In particular, with respect to the drainage report and hydrogeological, this project will require a stormwater permit prior to construction, once the size, style, and location of each new home is determined. The current stormwater regulations require the applicant to design for water quality protection and groundwater recharge volumes in accordance with the New Hampshire Department of Environmental Services Alteration of Terrain Standards. These design parameters ensure that development will not negatively impact the existing drainage and hydrogeological conditions on site by requiring infiltration to mitigate runoff from the new impervious areas. This recharge requirement effectively "replaces" groundwater and ensures that existing hydrogeological functions are not adversely impacted. Therefore, the applicant asks that the Board grant these waivers because it would be consistent with the spirit and intent of the regulations.

The Heritage study, Fish & Game study, wetlands report, and wellhead study, have been submitted and updated, as needed.

Dwight Brew noted that he would like a condition regarding a shared driveway with Lot 154 and 154-2 being the access for Lot 154 as part of a potential approval.

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Bill Stoughton stated that he would support the waiver of the frontage area. He believes the regulations are unclear on this item and should be updated in the future. He went on to say that at the last hearing on this application the applicant agreed that there would be no need to encroach on wetland buffers to perform the construction for this subdivision and he was prepared with language to this effect when appropriate.

There were no questions from the public at this time.

Chris Yates moved that the Board waive the Fiscal Impact, Traffic, Drainage and Hydrogeological Reports for CASE # PZ14079-041921. Seconded by Christy Houpis.

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

Dwight Brew moved to grant the waiver to Subdivision Regulations Section 303.1 requiring each lot to have a location on its own frontage for a driveway, with a condition of approval that access to Lot 154 will be via a shared driveway with Lot 154-2. Seconded by Tracie Adams.

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

Bill Stoughton moved to approve CASE#: PZ14079-041921 for Wilene Knight, Trustee, Wilene Knight Revocable Trust for the above cited Final Subdivision of Map 4 Lot154 into four lots, with frontage on Spring and Upham Roads, with the conditions set forth in the Staff Report and the additional condition that no Wetlands CUP is necessary for wetland buffer intrusion, and none shall be requested to accommodate planned development, including the placement of any stormwater control features that may be necessary. Further, that Impact Fees be assessed at the Residential Rate, that active & substantial development be defined as placement of stormwater control features, and that substantial completion of improvements be defined as placement of foundations of the residences. Seconded by Christy Houpis.

Discussion:

In response to a question from Dwight Brew, Bill Stoughton stated that the Staff Report notes that active & substantial development be within 24 months of the date of approval, and that there is no time requirement for substantial completion of improvements listed.

In response to a question from Dwight Brew, Chris Hickey stated that he does not believe all four foundations will need to be started within 24 months, but just that the project will be kicked off.

Bill Stoughton read from the Staff Report, “within 24 months after the date of approval, the following items must be completed in order to constitute ‘active and substantial development or building’ pursuant to RSA 674:39, I, relative to the 5-

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year exemption to regulation/ordinance changes.” He is proposing that placement of stormwater control features be the definition for this.

Chris Hickey noted that two lots will be built right away, but two others he is unclear on the timeline for. He has never seen that all of these items must be placed within 24 months.

Wilene Knight noted that these lots are being given to family members, some of whom are still young and thus she does not want there to be anything forcing some of the lots to be built within a short timeframe. She stated that the lots would not be sold to outsiders. Brad Knight stated that the land had been in the family for 65 years and it was hoped to keep it for one more generation. Two houses would be built right away and the other two remain available.

In response to a question from Dwight Brew, Nic Strong explained that the statute is designed to protect the Town and the applicant so that if within a certain period of time what was approved on the plan is not done and the regulations change, the Town can require the plans to be revised to meet the new regulations. There are two thresholds for different levels of completion. Within 24 months of approval certain things have to be done in order to grant the applicant the benefit of the current regulations at the time of approval for five years. After those five years the second threshold requires completion of the development substantially, vesting it forever to the regulations in place at the time of approval. Nic Strong went on to say that the statute does not specify what the items for those two thresholds have to be and the Board can set these thresholds as they see fit. She noted that if the Board does not establish anything for those two thresholds the applicant automatically receives five years vesting to the regulations at the time of the approval, but, at the end of the 5-year period, the applicant would be subject to any regulation/ordinance changes that have occurred since.

In response to a question from Arnie Rosenblatt, Bill Stoughton stated that his suggestion was that the 24-month item to become vested be installation of stormwater features. Brad Knight asked if this threshold could be construction of the shared driveway instead.

Bill Stoughton amended his motion to read that that active & substantial development be defined as construction of the shared driveway. Seconded by Christy Houpis.

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

OTHER BUSINESS:

1. Minutes: June 2, 2021; and June 16, 2021

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Tracie Adams moved to approve the meeting minutes of June 2, 2021, as amended [Line 156: change “project” to “application,” Line 128: to add “and was awarded...”]. Dwight Brew seconded.

Voting: 6-0-1; motion carried [T. Quinn abstaining].

Tracie Adams moved to approve the meeting minutes of June 16, 2021, as presented. Dwight Brew seconded.

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

2. Any other business that comes before the Board

Arnie Rosenblatt asked that the Board meet at 6:30pm prior to the next scheduled meeting, July 21, 2021, for a Non-Public Session to discuss a possible legal matter.

The meeting on July 21, 2021, will be a work session and will also be used for alternate member interviews. Each applicant will be interviewed for approximately 15 minutes.

The Board agreed to also discuss the draft Rules of Procedure that evening.

Tracie Adams moved to adjourn the meeting at 9:51pm. Chris Yates seconded.

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

Respectfully submitted,

Kristan Patenaude

Minutes approved: