

TOWN OF AMHERST
Planning Board

July 21, 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 (remote); Natasha Kypfer, Town Planner; and Kristan Patenaude, Recording Secretary (remote).

Non-public Session

- 1. The Planning Board will enter into non-public session pursuant to RSA 91-A:3, II, (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.**

Bill Stoughton MOVED to enter non-public session per RSA 91-A:3, II, (e): Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.

Tom Quinn seconded the motion.

The Chair called for a vote.

Dwight Brew - AYE

Bill Stoughton - AYE

Christy Houpis - AYE

Chris Yates - AYE

Tom Quinn - AYE

Tracie Adams - AYE

Motion PASSED 6-0-0.

The Planning Board entered Non-public Session at 6:30pm.

See separate Planning Board minutes of the Non-Public Session.

The Board returned to public session at 7:03 pm and Arnie Rosenblatt called the public meeting to order in the Town Hall and via Zoom concurrently.

Planning Board Alternates

- 2. The Planning Board will conduct interviews for the three open Planning Board Alternate positions.**

Arnie Rosenblatt noted that, for those present at Town Hall, those unvaccinated should be wearing a mask. Those vaccinated have a choice to wear a mask if they'd like. The Board will conduct three individual interviews for a one-year, a two-year, and a three-year Alternate members positions, reviewing the submitted written answers, and asking questions, as needed.

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1) Tom Silvia:

Tracie Adams noted that Tom Silvia had put on his application that he had 20 hours a month to commit to the Planning Board. She explained that there were sometimes site walks and trainings in addition to meetings and she wondered if Tom Silvia would be able to accommodate things like that. Tom Silvia stated that he would be able to make more time for Planning Board activities over his originally stated 20 hours/month, if needed.

In response to a question from Tracie Adams, Tom Silvia explained that he has not spent a lot of time looking at and observing the issues in front of the Planning Board. He did read the minutes for the last several meetings. He has met with other municipalities on housing issues in the past.

In response to a question from Tom Quinn, Tom Silvia stated that he believes the Master Plan survey noted that the people in Town want to maintain the historic and rural nature of the community. He has a sense that is what the public wants as a priority but understands that decisions also need to be made based on Town laws and regulations.

In response to a question from Tom Quinn regarding the definition of “somewhat greater density” as allowed for Planned Residential Developments (PRDs) by ordinance, Tom Silvia stated that definition would be project specific. He explained that he cannot define that term without first hearing the application and noted that the term is vague to allow it to be up to the Board along with conversations with the applicant. He would not be able to give a maximum unit number without knowing the application and the situation at hand first.

In response to a question from Bill Stoughton, Tom Silvia stated that he would be open to being appointed to either the one, two, or three-year term position.

2) Kenneth Miller

Kenneth Miller was not yet present at the meeting. The Board continued on, with intentions of coming back to his interview.

3) Cynthia Dokmo

Due to Cynthia Dokmo's history in town government, her recent term on the Planning Board, and her answers to the questions provided prior to the meeting, the Board did not have any questions for Cynthia. Various members thanked her for her application to be an alternate and for her past service.

In response to a question from Bill Stoughton, Cynthia Dokmo stated that she would be open to being appointed to either the one, two, or three-year term position.

There were no other questions.

The Board took a brief recess, from 7:12-7:15, in order to wait for the third applicant. At such time, the applicant had not yet arrived, and the Board carried on with its business.

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OTHER BUSINESS:

3. Minutes: July 7, 2021

Chris Yates moved to approve the meeting minutes of July 7, 2021, as amended [Line 103: change “sated” to “stated;” Line 419: change “as” to “all;” Line 591: add “to” after “requested;” Line 207: change “they” to “currently proposed mitigation steps;” Line 305: delete the word “buffer.”] Christy Houpis seconded.

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

4. REGIONAL IMPACT:

- a. **CASE #: PZ14459-070721 – Clearview Development Group (Owners & Applicants); Boston Post Road & 38 New Boston Road, PIN #: 005-159-001 & 007-072-000 – Subdivision Application/Design Review – To depict a 38 unit Planned Residential Development on Lots 005-159-001 & 007-072-000 per the Integrated Innovative Housing Ordinance of 2019. Zoned Residential Rural.**

Natasha Kypfer explained that this applicant previously came before the Board and was approved for a CUP application. This is the next phase in the process, for a design review for the proposed PRD.

Chris Yates noted that the Board previously voted that there was regional impact on the CUP application to Mont Vernon.

Christy Houpis moved that the application does have regional impact, with respect to Mont Vernon, and that the necessary actions should be taken. Seconded by Tracie Adams.

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

5. Waiver letter dated July 13, 2021, from Ellen Grudzien, re: The Amherst Preschool, waiver from subsequent condition #5

Natasha Kypfer stated that, after the previous hearing on this application, Ellen Grudzien reached out regarding condition subsequent #5 asking for a waiver of the requirement for a Compliance Hearing. Natasha Kypfer explained that the Board would determine if the requirement could be waived. In addressing a question from Arnie Rosenblatt, Natasha Kypfer stated that this request does not require notification of abutters as the contents of the letter submitted by Ellen Grudzien are only being discussed by the Board. However, if the Board decides to grant a waiver, then a public hearing and abutter notice would be necessary.

Natasha Kypfer noted that Ellen Grudzien was not at the meeting, either in-person or via Zoom, at this time.

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Chris Yates stated that his concern is that the applicant did not submit full designs for the yurts, concrete pads, etc. The Board received information on the layout only. He would have an easier time with this waiver, if the necessary information had been submitted.

Christy Houpis stated that he is sensitive to the burden and cost to the applicant for noticing abutters. He believes additional details are needed to support the waiver.

Dwight Brew asked what the applicant was trying to achieve with this request and if it was to avoid the costs of notifying abutters again. Natasha Kypfer explained that the applicant will need another public hearing prior to the Certificate of Occupancy being issued. The Board could decide to have this item handled administratively, thus eliminating the need for another public hearing. Dwight Brew noted that there will need to be a public hearing in order to decide to grant the waiver for this item though. He stated that he believes it would be better to follow procedure on this item.

Bill Stoughton agreed with Dwight Brew.

Tom Quinn stated that he is sympathetic to the applicant. He noted that the Board already assessed impact fees to this project and that none of the fees were previously waived for this applicant. There is one large condo association near the applicant that requires many notifications to be sent. He is in favor of granting this waiver because he believes a fair burden has already been placed on the applicant and he is unclear as to what not waiving this request will accomplish. He is comfortable with allowing Scott Tenney, Building Inspector, to sign off on this item, without bringing it again to a public hearing.

Tracie Adams stated that she agrees with Dwight Brew and believes rejecting the waiver request leads to fair and equitable treatment for all candidates.

Arnie Rosenblatt stated that he is torn on this item. He believes the applicant is ill-fated because of the number of abutters she must notice. While the applicant is not a non-profit, he does not believe the preschool is likely an incredibly profitable entity. He believes it was a mistake for the applicant not to request this waiver at the hearing on this application. He stated that he would be okay with this item being handled administratively and does not believe granting the waiver would be flouting the rules or being prejudiced.

The Board discussed possible compromises for this request.

In response to a question from Dwight Brew, Natasha Kypfer stated that the abutter notifications must be sent certified mail. In this case, that would total a cost of \$455 (\$7 mailing x 65 abutters).

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Dwight Brew suggested that the applicant only have to send the notifications via 1st Class mail, to reduce some cost. Arnie Rosenblatt stated that he would be less inclined to support this suggestion, as it could be a slippery slope for future applicants.

Bill Stoughton stated that he believes there is a need in this case to treat all for-profit applicants consistently. He does not believe that the cost of notifying abutters is very large, in the grand scheme of this project. He does not support granting this waiver.

Bill Stoughton moved to deny the requested waiver. Seconded by Christy Houpis. Voting: 5-1-0; motion carried [C. Yates – aye; C. Houpis – aye; B. Stoughton – aye; T. Adams – aye; D. Brew – aye; T. Quinn – nay].

The Board discussed the fact that the third alternate applicant had not yet arrived at the meeting. Kelly Mullin, 48 Christian Hill Road, addressed the Board via Zoom to inform them that she reached out to Kenneth Miller who stated that he had no prior notification of this meeting. She explained that he might be on his way to the meeting at this time.

Kenneth Miller entered the meeting at 7:35pm. The Board revisited his interview. Arnie Rosenblatt reiterated his COVID-19 mask protocol for those new to the meeting. He also noted that the Board and Staff members are trying to socially distance as much as possible.

3) Kenneth Miller

Tracie Adams noted that Ken Miller had indicated that he has 10 hours a month to commit to the Planning Board. She explained that there are sometimes site walks or trainings that might require more time. Kenneth Miller stated that he could be flexible.

In response to a question from Tracie Adams regarding expounding on why he wishes to be appointed to the Planning Board, Kenneth Miller stated that he has lived in the same house in Amherst for 40 years. He is not happy with a lot that he sees going on in terms of development in Town. He stated that he believes the Clearview proposal will mess up the area. He wants to make sure any development is reasonable and not too large. He also believes that the current project on Amherst Street to create a sidepath is making a mess.

In response to a question from Tom Quinn regarding the definition of “somewhat greater density” as allowed for Planned Residential Developments (PRDs) by ordinance, Kenneth Miller stated that he prefers single-family housing, not like the houses on Merrimack Road, including Carlson Manor. Kenneth Miller questioned what will happen with the water, in terms of new developments in Town.

Tom Quinn asked Kenneth Miller what he thinks the Town has done well/or not done well in terms of planning over the years. Kenneth Miller stated that he is not clear as to everything that the Planning Board has been a part of. He is mostly okay with the housing and roadwork in Town. He is not happy with the school system.

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Bill Stoughton stated that it seemed as if Ken Miller had already formed an opinion on whether the Clearview development was acceptable or not. Kenneth Miller stated that he has already formed an opinion on the Clearview project. Bill Stoughton asked if Kenneth Miller's opinion would be the same no matter the information supplied by the applicant. Ken Miller stated that he would be okay with the project if it changed to being a 14-unit single-family home development. He does not agree with cluster housing.

Bill Stoughton asked if Kenneth Miller would still oppose a development with more than 14 units if it complied with all of the ordinances. Kenneth Miller stated that he would need to know how many more units were proposed and that he would have questions about the wells and water in the area.

Bill Stoughton stated that he has concerns about the applicant and his answers to the questions. He is unsure if the applicant would be able to approach applications objectively and consider all of the information presented and the positions relayed at the public hearing, while applying the ordinances fairly, while having such strong views. He asked Mr. Miller what he could say to set his mind at ease.

Kenneth Miller stated that he did not have any information to ease those concerns and that he felt one way about these issues. Bill Stoughton stated that he appreciated Mr. Miller's honesty. Kenneth Miller noted that he had a large issue with the bridge work done on Mack Hill Road that closed the bridge for months on end. He explained that he can be hardheaded.

Bill Stoughton noted that Kenneth Miller stated on his application that he is a conservative Republican. Bill Stoughton explained that the Planning Board is not a partisan board and asked why that was mentioned on the application. Kenneth Miller stated that he does not like what is going on in the country right now and has a bumper sticker on his truck that says, "Don't blame me. I voted for Trump." Bill Stoughton stated that he had expressed his concerns and noted that he would be unlikely to support this appointment.

Dwight Brew stated that the Planning Board cannot make decisions based on gut feelings, but is driven by State laws and Town ordinances. He noted that decisions made by the Board can and will be used by developers for appeals, thus it is important that all members make statements consistent with State laws and Town ordinances. He is concerned with the Board opening the Town up to litigation in this way. Ken Miller stated that he agreed with Dwight Brew, and that he can be hardheaded about a lot of things.

In response to a question from Christy Houpis, Kenneth Miller stated that he is only interested in the one-year alternate appointment.

Chris Yates stated that he shares Bill Stoughton's concerns. He noted that the Board is open minded and listens to what is presented and then reviews the ordinances and laws. He stated that he would be hard pressed to support Ken Miller's appointment.

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Bill Stoughton moved to appoint Tom Silvia to a 2-year alternate term. Seconded by Tracie Adams.

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

Bill Stoughton moved to appoint Cynthia Dokmo to a 3-year alternate term. Seconded by Tracie Adams.

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

Bill Stoughton stated that he appreciates Kenneth Miller's willingness to serve and his honesty, but he believes the strong views on certain issues that were voiced would make it difficult for Kenneth Miller to serve as a Planning Board alternate.

Arnie Rosenblatt thanked Kenneth Miller for his application. He explained that there is a one-year alternate term that is still unfilled for the Board at this time. He noted that he believes the Board acts in a quasi-judicial role. He believes Kenneth Miller's honesty on certain items could open to Board up to problems in the litigious world. Arnie Rosenblatt stated that he genuinely appreciated Kenneth Miller coming in, but that his honesty and integrity to his firmly held views, while great for a number of things, would not work for the Planning Board.

Natasha Kypfer noted that Ellen Grudzien, of The Amherst Preschool, was now present in the Zoom meeting room. Arnie Rosenblatt explained that the Board voted to deny her waiver request 5-1-0, but that he has sympathy for her in this matter.

Rules of Procedure

6. This will be a public meeting per RSA 676:1 for the Board to discuss proposed amendments to the Rules of Procedure.

Arnie Rosenblatt discussed the procedure for reviewing these amendments. He stated that he believes the Board should go page-by-page and address only items that members believe need to be discussed. He noted that there is one other item to discuss that is not included in these amendments – that Bill Stoughton is advocating for a change in custom of how the Planning Board has conducted business for approximately 25 years, with the Chair not voting unless there is a tie vote. Arnie Rosenblatt explained that he has kept to that custom in his previous time as Chair, and during the past year and a half. He believes this custom makes sense, but that Bill Stoughton and Dwight Brew instead believe that his hand should be forced into voting. The Board can discuss this item at the end of the discussion on the Rules of Procedure.

The Board reviewed the proposed amendments to the Rules of Procedure.

Tracie Adams asked about Section 2.3.12, regarding vacancies for alternates. Bill Stoughton explained that if one of the alternates' terms (one, two, or three-year) expires, the RSA requires that the person appointed to fill this position will be for a three-year term.

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In response to a question Christy Houpis regarding Section 4.2 regarding the manner in which the Board conducts its meeting, Arnie Rosenblatt explained that the Board cannot currently dictate if its meetings will be held electronically and also in-person. This is being handled by the State. Bill Stoughton noted that, if the law changes in the future on this item, the intent of this language would allow the Board to hold meetings in any way it chooses, as allowed by law.

In response to a question from Tom Quinn, regarding the same alternate sitting for an entire case if a Board member recuses his/herself, Bill Stoughton noted that the intention of the current language is that the alternate will sit for a single meeting.

The Board discussed when items from applicants needed to be submitted and when they needed to be seen by the Board prior to a hearing. Nic Strong explained that the initial submission of an application requires all items to be delivered 30 days in advance of the hearing. After completeness of an application is determined, applicants may trickle in items for subsequent hearings. Another section of the Rules of Procedure speaks to applicants having items in one week prior to the hearing. The Community Development Office also tries to have its Staff Report out a week in advance of the meeting.

Chris Yates asked what the mechanism would be to trigger the Board not accepting materials if they are late. He asked if Staff would inform the Board that it was too much to look at before the meeting or if the Board would wait until the meeting and then say they needed longer for review. Bill Stoughton stated that the Rules of Procedure state that the action would have to be taken at a Planning Board meeting but could be suggested by Staff or any Board member.

Dwight Brew stated that he would like to see more specific on this language and require information to be sent to Board members no later than the Monday before a Wednesday meeting. He said that information should be out to the Board by the Monday before, or it would not be considered. Bill Stoughton explained that, as the Rules of Procedure are currently written, items must be submitted to the Community Development Office a week prior to the meeting. If items are not submitted by this time, they will not be considered by the Board, unless the condition is agreed to be waived by the Board. Arnie Rosenblatt stated that he likes the wording as is because he believes that rigid rules can create problems.

Bill Stoughton stated, with regard to Dwight Brew's comment, that the Board could ask Staff to forward to the Board everything that comes in once they are done looking at it or not, and flag items if not yet reviewed. Natasha Kypfer stated that it is feasible for the Community Development Office to get items to the Board by the Friday before a meeting through the Dropbox, even if the Staff Report is not yet complete. She also noted that, currently, if items are submitted late to the Office, the Staff sends them out immediately for review by the Board.

Nic Strong asked what the Board would like Staff to do with items that are received really late, for instance the day of the meeting, if they should be forwarded or kept until the next meeting. Dwight Brew stated that he personally would rather not have items submitted to him if they are received later than the Monday before a meeting. He would like to set the expectation that items

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should be in by the noted time. Christy Houpis stated that he had had trouble with things being submitted after the weekend when he has already reviewed what was sent. Chris Yates asked what the Board might be opened up to from the applicant, if it decides at a meeting that it has not had enough time with information submitted. He noted that the applicant could state that the information was submitted to the Town well ahead of time. Bill Stoughton stated that if the applicant submits any changes to information, the Rules of Procedure state that they have to also submit a statement that they will be willing to extend any deadlines running against the Board. He noted that the Board has an obligation to treat the applicants fairly, but the Rules indicate that applicants may have to wait until the next meeting slot for the appropriate review to take place. Dwight Brew asked where it was stated that the materials needed to be submitted one week ahead of the meeting. Arnie Rosenblatt stated that it was Section 5.3. Christy Houpis asked about the 65-day clock for Board action. Bill Stoughton stated this was addressed in Section 5.3.1.

In response to a question from Tom Quinn regarding why the Rules of Procedure require counsel to identify their clients, Arnie Rosenblatt stated that he is unclear as to why counsel would not wish to identify clients and why people being represented would not want to be identified. Bill Stoughton noted that unless a person is a resident of Town or interested in some way, they are generally not allowed to speak at hearings, unless the Chair allows. Tom Quinn stated that identifying clients could take up a long time in a meeting. He also did not think that people who were not residents would be represented by counsel. Bill Stoughton stated that companies owned by out-of-towners with an interest in a matter before the Board could be an example.

Chris Yates asked if statements are submitted to the Board in writing, but not read in full at a meeting, are still part of the official record. Bill Stoughton confirmed that they were.

Arnie Rosenblatt suggested that the word "testimony" in Section 6.1.8 be changed to "evidence" or "argument." Bill Stoughton suggested "statements." Arnie Rosenblatt agreed.

Dwight Brew proposed that all documents presented to the Board be in an electronic format so that everyone has a chance to see the items, instead of them being placed on an easel for only the Board to see. Nic Strong stated that the staff would work to make this happen. Bill Stoughton agreed to write this into the draft Rules of Procedure as Section 5.4.

Bill Stoughton stated that he is proposing to add to the end of Section 4.13, that the "Chair shall vote as a Regular member." He explained that the intention of this language is so that all seven members on the Board voice their position. This is especially important now that Board members are elected officials who may run for reelection. He stated that the public deserves to know the Board member's positions. Bill Stoughton also stated that the Chair can vote last. He noted that it is helpful for him to hear each Board member's view, which can inform his own decision-making process, including the Chair's.

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Dwight Brew noted that all other Town board/commission Chairs vote, except for the Planning Board. He noted that for seven people to come to a decision, he believes that the Board and the public would benefit from seeing the votes of all seven members.

Arnie Rosenblatt stated that he respectfully disagrees with this proposal. He explained that voting has a long history of being done this way by the Planning Board and he saw no compelling reason to change. He did not think that the majority of people who voted at the town elections would be interested in each member's vote. Arnie Rosenblatt also noted that he has always expressed his point of view when he feels it is necessary. He will always voice his opinion, if he feels it matters to the vote at hand. He did not think that the vote provided any perspective because it comes at the end. Arnie Rosenblatt stated that the current rules do not mandate that the Chair not vote, but are silent on the matter. He noted that it is customary for the Chair to choose when to voice a vote. He would like to continue to follow this precedent. He believes it is important, as Chair, to have a level of impartiality and he believes not being required to vote allows him to be even-handed in discussions. He believes he will be a less effective Chair if required to vote. If not required to vote, he will still continue to express his views as he sees fit. He also noted that his voting does not usually make a difference, unless there is a tie.

Chris Yates asked if Bill Stoughton thought that the Chair voting would affect the Chair's impartiality. Bill Stoughton stated that any other Chair, elected or appointed to other boards/commissions, votes and does so with a level of impartiality. He believes Arnie Rosenblatt will be fair and impartial, even if required to vote.

Arnie Rosenblatt stated that impartiality is not the issue.

Chris Yates stated that he agrees with Bill Stoughton and noted that in his year and a half on the Board he had seen Arnie Rosenblatt be very fair, listen to everyone and give everyone the opportunity to speak, which he appreciated.

Christy Houpis stated that he thought the issue was not about impartiality but inclusivity, and that Arnie Rosenblatt always allows people to speak and be heard during meetings. He believes this is a key factor to the Chair helping to restore trust in and accountability of the Board. He noted that he thought it was a rule that the Chair did not vote, but also never felt the need to ask Arnie Rosenblatt's opinion, because it is always given when needed.

Tom Quinn stated that he believes it could be a good idea for the Chair to remain outside of the fray on voting, especially for difficult applications. He believes voting should be left to the discretion of the Chair.

Tracie Adams thought that Arnie Rosenblatt does an excellent job as Chair. She stated that she has heard both sides of the argument and believes it should be up to the Chair to decide whether or not to vote.

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Bill Stoughton moved that the Chair of the Planning Board will, henceforth, be required to vote as a Regular member. Seconded by Dwight Brew.

Discussion:

Dwight Brew suggested a wording change from “required,” as the Chair could be an abutter to a case, and thus need to recuse him/herself.

Bill Stoughton revised his motion: that the Rules of Procedure require that the Chair of the Planning Board shall vote as a Regular member. Seconded by Dwight Brew.

Voting: 3-3-0. [C. Yates – aye; B. Stoughton – aye; D. Brew – aye; T. Quinn – nay; C. Houpis – nay; and T. Adams – nay].

Due to the vote ending in a tie, the Chair votes as a tiebreaker, and voted against.

Voting: 3-4-0. Motion denied. [C. Yates – aye; B. Stoughton – aye; D. Brew – aye; T. Quinn – nay; C. Houpis – nay; T. Adams – nay; and A. Rosenblatt - nay].

Arnie Rosenblatt pledged to give his views as he sees fit and noted that all Board members can feel free to ask his opinion.

Bill Stoughton moved to approve the Rules of Procedure as amended. Seconded by Chris Yates.

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

7. Any other business to come before the Board

Natasha Kypfer stated that Ellen Grudzien was still present in the Zoom meeting room and had her hand raised electronically. Arnie Rosenblatt agreed to allow her to address the Board.

Ellen Grudzien explained that she was unaware that her agenda item would come up earlier in the meeting than originally scheduled. She apologized entering the meeting late and asked the Board to have a discussion about her item with her.

Arnie Rosenblatt asked Bill Stoughton if he would agree to hear from Ellen Grudzien, as he made the original motion to deny the request. Bill Stoughton agreed to hear from her.

Ellen Grudzien expressed her concern regarding condition subsequent #5, asking for an as-built plan of the improvements and a mylar prior to a Certificate of Occupancy. She noted that these items will not be supplied to her by the yurt company and asked how she should go about obtaining them. She requested that the Board consider allowing condition #5 to be handled administratively, as the Building Inspector, Fire Chief, and Community Development Office will be reviewing the plans. She also noted the cost of notifying her abutters again, for a third time, for this project. She stated that notifying her abutters again seems costly and repetitive. She is

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473 unsure as to what other information she could notify abutters of, after already notifying them
474 twice of this project. She is happy to allow any abutter or public member to come visit the yurts,
475 once constructed.

476
477 Arnie Rosenblatt noted that the Board has already moved to deny this request but could
478 reconsider the motion.

479
480 Bill Stoughton stated that it is consistent for the Planning Board to charge these notification fees
481 to abutters for any for-profit business. This is costly to the applicant but is consistent. He also
482 questioned if it would be fair to remove the condition as stated, without also having a public
483 hearing, which would require abutter notification, which is what the applicant is trying to avoid.
484 He explained that he believes the Community Development Office staff will be likely to
485 accommodate the applicant in terms of an easy way to deal with the as-built and mylar plans.

486
487 Ellen Grudzien explained that not having specific plans is part of the issue with constructing
488 yurts. She is happy to forward any specifics about the yurts to the Board. She questioned how
489 she can submit as-built plans without hiring an architect. Bill Stoughton again suggested that she
490 speak with the Community Development Office first on this item.

491
492 Ellen Grudzien explained that she was surprised to hear that she would need to notify her
493 abutters again. The abutters have had the opportunity to come to two previous hearings on this
494 project. Bill Stoughton stated that this may have been a different request, if brought up to the
495 Board during the initial application, but now the applicant is asking the Board to change the
496 condition of an approved plan, which would require a public hearing and abutter notice. Ellen
497 Grudzien explained that she did not know during the initial application that this would be an
498 included condition, or she would have spoken to it.

499
500 Natasha Kypfer stated that subsequent condition #5 was included in the Staff Report that was
501 sent to the applicant via email the week prior to the hearing.

502
503 In response to a question from Ellen Grudzien, Nic Strong stated that she does not recall there
504 being a waiver requested from this condition item in her time as Community Development
505 Director for Amherst.

506
507 Ellen Grudzien expressed her dismay at this process. She stated that this process has made it
508 difficult to make improvements to her business in the Town that she lives in and also works and
509 pays taxes in. She noted that the lack of flexibility and the lack of considering the repetition
510 involved in requiring the compliance hearing is disappointing.

511
512 Arnie Rosenblatt apologized and stated that the Board and Staff would like to work with Ellen
513 Grudzien to make the process as painless as possible.

514
515 In response to a question from Ellen Grudzien regarding the cost of notifying 65 abutters three
516 times and the fact that she was not under the impression that she would have to send another

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certified letter to all of those abutters, noting the two condo developments that are abutting her that require notification. Arnie Rosenblatt stated that the Board recognized the unusual situation and that it adds to the applicant's expense, but that the Board concluded, despite that, that it is not willing to grant the request.

Bill Stoughton noted that he is unclear that the Board has the latitude to waive abutter notice, per RSAs.

In response to a question from Ellen Grudzien, Natasha Kypfer stated that the Community Development Office will draft the abutter notice to be sent out. The notice will contain language regarding the public hearing, per applicable RSAs, because of the conditional requirement for the Certificate of Occupancy. This is a standard template that goes out for abutter notices. Natasha Kypfer stated that she would forward an example via email the next day.

Arnie Rosenblatt apologized to Ellen Grudzien again and thanked her for coming to the meeting

Nic Strong had one other item of other business. She stated that the Board previously agreed to have Tracie Adams as the Ex-Officio to the Historic District Commission. It has been determined that this needs to be made official through a vote. Christy Houpis asked if his appointment to the CIP should also be voted upon. The Board's consensus was that it should.

Christy Houpis moved to appoint Tracie Adams as the Planning Board Ex-Officio to the Historic District Commission. Seconded by Chris Yates.

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

Chris Yates moved to appoint Christy Houpis as the Planning Board Ex-Officio to the Capital Improvements Program Committee. Seconded by Bill Stoughton.

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

Arnie Rosenblatt noted that if someone is on the agenda and hopes to speak to an item, s/he should plan to be at the meeting at the start as the order of agenda items can occasionally change. He asked that Staff make people aware of this, if asked. Tom Quinn noted that it was not just the possibility of changing the order of agenda items, but that the Board may conclude with items quicker than anticipated during the meeting

Chris Yates moved to adjourn the meeting at 9:15pm. Christy Houpis seconded.

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

Respectfully submitted,

TOWN OF AMHERST
Planning Board

July 21, 2021

APPROVED

561 Kristan Patenaude
562
563 Minutes approved: August 4, 2021