

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

In attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Tracie Adams, Cynthia Dokmo (alternate, remote), Chris Yates, Tom Quinn, Mike Akillian (alternate), Christy Houpis, and Tom Silvia (alternate).

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 7:01pm at the Souhegan High School Auditorium and via Zoom concurrently. He explained the Board is requesting all present in-person to wear masks, as a courtesy. The Board is masked and there are extras available.

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

- 1. CASE #: PZ14588-080321– Keith E. Healey Trustee (Owner) and Healey Tree Works, LLC (Applicant) – 307 Route 101, PIN # 008-074-000 – Non-Residential Site Plan Application.** To show the proposed site improvements in order to use the property as a residence and for the operation of a tree services, cordwood, and wood-chipping business. *Zoned Residential Rural.*

Arnie Rosenblatt read and opened the case.

Tracie Adams moved to accept the application as complete. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Sam Foisie, Meridian Land Services and Keith Healey, owner/applicant, joined the Board.

Sam Foisie explained that the goal of this application is to bring the site into compliance with local and state regulations. Due to a misunderstanding and lack of knowledge, the applicant developed parts of the site without approvals and not in accordance with the regulations. The applicant is now looking to bring the site into compliance. Sam Foisie stated that the applicant was granted a variance late last year to allow for the proposed use of the property for a tree service business. The lot has an existing single-family home with a firewood processing operation on it. During the construction of this business, the applicant impacted wetlands and wetland buffers with the installation of a concrete pad to store supplies on. The tree processing facility business consists of a storage yard, a 200' x75' concrete pad, and a 3,200 s.f. post and beam building for dry storage. There is an infiltration stormwater management system proposed.

Sam Foisie stated that there is a restoration plan proposed for impacts to the wetlands and buffers. This plan has been worked through the State by Tom Carr and approved. The restoration plan will be overseen by Tom Carr and will be certified to the State upon completion. There will also be a two-year inspection process included to make sure the plants on site remain healthy.

September 8, 2021

APPROVED

Sam Foisie stated that the stormwater management was designed to meet all State and local standards. The proposed infiltration basin provides an appropriate management system for the site and is located 75' from the wetlands. This was designed to meet the required flow rates for the 1-, 2-, and 10-year storms. It does not meet the rates for the 25- or 50-year storm rates, and thus a waiver is being requested for this item. The justification for this waiver request comes from a discussion with NH DES during which it was stated that an applicant can be exempt from meeting the discharge rates if the flow discharges into a large waterbody. There is a flood plain and wetlands to the south of the site. He noted that the applicant could have met the discharge rates by storing more water on site for longer, but this would require the grades on site to be raised, causing a financial burden on the applicant. The plan already looks to reduce the size of the operation on site, causing a financial impact for the applicant. The design of the site looks to keep the business economically feasible for the applicant to continue his business.

Sam Foisie stated that the proposed landscaping area is located behind the single-family house. There is a naturally vegetated area along the roadway. To the east, the restored area of wetlands and buffers will allow for a buffer to the closest abutting property. The abutting property is located approximately 275' from any existing operations on site. There are undeveloped wetland areas to the south and a large, wooded area leading to an existing Church to the west. He noted that it is unclear if the Church is considered a residential use. Buffers are required to residential uses per the regulations, and thus it is believed no additional buffering is needed in this area. If a buffer is required in this area, the applicant still needs to keep a large enough area on the property to maintain a business.

Sam Foisie noted that there is no architectural plan yet because the building is to be a well set back, simple post and beam building. He believes that the architectural plan could be part of the building permit process. He noted that the applicant has been in business for 4-5 years and there have never been any complaints to his knowledge. This application is meant to bring the property into compliance while giving the applicant as much room as possible for his operations.

Christy Houpis stated that he appreciated the applicant working to correct the wetland violation and asked if there were any concerns with the proposed conditions to the approval as listed in the staff report.

Sam Foisie stated that he had not noted these before and quickly read them. He said that the applicant was trying to bring the site into compliance and maintain his existing business. Sam Foisie stated that he has a concern with the proposed condition regarding a bond for restoration improvements and erosion control items. This would be a financial burden to the applicant. He requested that the Board consider removing this condition.

Tom Quinn asked what kind of equipment would be used onsite and how many vehicles would be parked onsite. Keith Healey stated that he had three to four work vehicles. Tom Quinn asked if there would be fuel kept onsite and if the vehicles would be maintained there. Keith Healey replied that there would be no fuel and no vehicle maintenance. Tom Quinn stated that he would be concerned with fuel spills close to the sensitive wetland area. He thought the applicant should

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

consider including fueling pads in the plan. Tom Quinn also said that he would like to know about the hours of operation and whether or not there would be work on the site on Sundays.

Tom Silvia had no questions or comments.

Tracie Adams noted that the approval from the Zoning Board of Adjustment (ZBA) mentioned that the Planning Board should look into the business' hours of operation, days of operation, traffic, and noise level.

Keith Healey stated that the proposed hours of operation were typically 7am – 3pm although it could be a bit later sometimes. The business will operate from Monday – Saturday, with occasional work on Sundays, if needed, during storms for example. He stated that he has had multiple conversations with his neighbors, all of whom stated that they have not had an issue with noise from the wood processing on site. He stated that the abutters wrote letters that were submitted during the ZBA application process. These were not submitted with the Planning Board application.

In response to a question from Tracie Adams regarding a letter of support from the Church, Keith Healey stated he has had conversations with the pastor of the abutting Church regarding the business. Keith Healey stated that he has never had any issues with the Church or the Amherst Garden Center in terms of his business.

In response to a question from Tracie Adams regarding traffic concerns with getting on and off Route 101, Keith Healey stated that his employees leave the yard at 7am, when there is light traffic on Route 101. There is not much coming and going from the site each day and he has never had any issues with accidents. Keith Healey stated that when delivering cordwood there could be six or seven trips out and back in a day but that did not happen every day. He stated that wood orders tended to be later in the season and there would be six or seven loads a day a couple of times a week.

In response to a question from Tracie Adams, Keith Healey stated that he has no plans to upscale the business at this time and he was not planning on adding vehicles. He was happy with one work crew at this time.

In response to a question from Chris Yates, Keith Healey stated that there is no current plan to add outdoor lighting to the building. He further noted that if there was a problem with unauthorized activity on the site he might consider some lights, but since traffic has to enter through the front yard past the existing home it had not been an issue. He stated that there were cameras on site. Keith Healey went on to say that they do not work late enough to need lights for the business.

Bill Stoughton stated that the flow rates on site look to be 4.5 cubic feet/second out of the spillway. If this flow rate occurs, it could cause erosion in the stormwater features and into the wetlands. He noted that the stormwater features are proposed to be located exactly 75' away

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

from the wetlands and he asked what assurances the applicant can give that this flow rate will not be an issue.

Sam Foisie stated that there will be riprap in the spillway and that the stormwater feature will be sized appropriately to handle the flow rates.

In response to a question from Bill Stoughton about sheet flow out of the spillway, Sam Foisie stated that the stormwater plan looks to create sheet flow out of the spillway. The spillway is approximately 25-30' long and will be located as low as possible to keep the site lower and spread the flow further. The area between the spillway and the wetland will be stabilized with vegetation and seeded.

Bill Stoughton stated that the Staff Report notes that there is no operation/maintenance manual for the infiltration pond. Sam Foisie explained that the manual was sent to staff today. He would like to update the manual to include information about the concern with fuel spills mentioned earlier. Bill Stoughton stated that, without being able to review this manual, he is not comfortable voting on this application tonight. He noted that the Board was trying to ensure that things were submitted in time for the Board and staff to review them before the hearings.

In regard to a question from Sam Foisie regarding making acceptance of this manual a condition of approval, Bill Stoughton stated that he would personally prefer to review it first.

In regard to a question from Bill Stoughton, Sam Foisie stated that the infiltration basin is proposed to be located 3' above the high-water table. This project will require an Alteration of Terrain (AoT) permit and thus will meet the Best Management Practices (BMPs) required by the State.

In response to a question from Dwight Brew, Keith Healey stated that he did not receive a letter of support from the pastor of the abutting Church. Sam Foisie stated that he does not believe additional buffering is required between Keith Healey's property and the Church's property, as the Church is not residential.

In response to a question from Dwight Brew, Sam Foisie stated that the encroachment onto the Church's property happened prior to Mr. Healey owning the property and was due to landscaping. Dwight Brew asked if any fencing was planned. Sam Foisie replied that no fencing was proposed.

Keith Healey stated that he has had conversations with the Church pastor in the past, but that the pastor did not seem comfortable writing a letter or support or coming to a meeting to voice his support.

Mike Akillian asked about the noise issue mentioned by the ZBA and noted that he was confused about whether there would be wood chipping on site. He asked if the neighbors had heard the wood chipper before. Keith Healey stated that he did not chip onsite, but instead chipped on the

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

project site itself and brought the loads back to the yard or to the garden center, Chappell Farms, etc. He said that he did not chip onsite unless there was a fallen tree that needed to be taken care of.

Cynthia Dokmo stated that she has no questions or comments. She stated that, as a remote participant, it is very hard to hear the meeting. She can only hear about 50% of what is being said. Arnie Rosenblatt apologized and stated that this evening the acoustics were a problem for all participants.

There were no public comments or questions at this time.

Bill Stoughton moved to continue this hearing to October 20, 2021, at 7pm at Town Hall. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

- 2. CASE #: PZ14589-080321 – EIP One Bon Terrain Drive, LLAC (Owners & Applicants) – 1 Bon Terrain Drive, PIN # 002-026-004 – Conditional Use Permit Application. To depict proposed site improvements including but not limited to a 30,000 square foot building addition, parking expansion, secondary tractor trailer truck access lane and drainage infrastructure. Zoned Industrial.**

Arnie Rosenblatt read and opened the case.

Bill Stoughton moved to accept the application as complete. Seconded by Tracie Adams.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Doug Brodeur, Meridian Land Services, and John Hennessey, owner/applicant, joined the Board.

Doug Brodeur explained that this application is to address impacts to the wetland buffer on site. The Board previously heard this as a conceptual design and had concerns that the applicant has attempted to address through a revised plan. The revised plan brings the access road in closer to the building and slides the building 100' to the east, in order to minimize buffer impacts. The project proposes to construct a 30,000 s.f. addition to the existing building and create a driving lane around the building for tractor trailer access. He noted that this revised plan was reviewed by the Conservation Commission (ACC), and was found to be more favorable than the previous plan.

Doug Brodeur stated that the plan looks to remove an existing 12,000-gallon fuel tank and hazardous materials storage area. There is a proposal to convert the existing retention basin into a gravel wetland for better water treatment, especially for nitrogen and phosphorus removal. The rest of the stormwater on the property will be managed through infiltration basins. There is a 9.1

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

acre preservation easement proposed to the north of the property, where only a 2.6-acre easement is required. Doug Brodeur noted that any disturbed areas would be seeded with a wildflower conservation mix. He noted that the applicant has applied to the ZBA for a variance from the requirement to have a 4' vertical distance required from the stormwater management to the high-water table, to a 1' distance, due to the management system being a biofiltration system. There will also need to be a Conditional Use Permit (CUP) as part of this project for impacts to wetland buffers. This project will eventually come before the Board for a Non-Residential Site Plan Review (NRSPR).

In response to a question from Mike Akillian about what the tractor trailer trucks would be carrying and storing, Doug Brodeur stated that the proposed addition on the back of the existing building is to help the tenant in the business of manufacturing wood moldings. There are no hazardous or toxic chemicals proposed to be used on site.

Dwight Brew stated that he appreciates the proposed reduction to the encroachment of wetlands on the site. He would like to hear more about the requested variance for a 1' separation instead of a 4' separation.

Bill Stoughton stated that he also appreciates the changes made to the plan. He noted that he would support a variance from the required 4' of separation between the bottom of the stormwater management feature and the highwater table because each management feature proposed has an impervious layer at the bottom, so that the water flows through a different path than simply through the bottom into the ground. He would also support the variance because the new stormwater regulations require that the water table considerations be based on BMPs. While the Town's regulations give a 4' requirement, this is no longer considered a best practice through DES, and it will need to be taken into consideration when the Board looks to update its ordinances.

In response to a question from Bill Stoughton, Doug Brodeur stated that he still has not heard from Pennichuck Water on this application. He will continue to reach out.

In response to a question from Bill Stoughton regarding how the wetlands on the north end of the property are proposed to be preserved, Doug Brodeur stated that this would be in some form of an easement that will probably be reviewed by the ACC and Planning Board. Doug Brodeur stated that the applicant would be okay with a condition that there be a satisfactory review of the documents regarding this compensatory preservation easement.

In response to a question from Bill Stoughton regarding concerns of the DPW about the drainage easement on site, Doug Brodeur explained that there was an offsite detention basin which was being converted to a gravel wetland as part of this application. There was an existing easement to the Town of Amherst and that the rights to maintain could be worked out with the applicant. Doug Brodeur noted that the culvert under Bon Terrain Drive takes drainage from this site and some road swale drainage. He noted that the drainage was there by right and there was no documentation needed. He thought that the intent of the DPW Director's comments was to agree

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

on what percentage of the drainage came from the right-of-way and what came from the site and that if any replacement or maintenance was required the applicant could be responsible for a percentage of the cost. Doug Brodeur stated that could be a condition of the approval.

Bill Stoughton noted that in converting the existing detention pond to a gravel wetland, the plan looks to take ¼ of the surface area from the existing roof and treat it to remove nitrogen and phosphorus. Currently, this runoff receives no treatment. This is a benefit of this plan.

Chris Yates had no comments or questions at this time.

Tracie Adams stated that she appreciates the changes proposed, as they appear to be better for the Town and property.

Tom Silvia had no questions or comments at this time.

In response to a question from Tom Quinn, Doug Brodeur explained that the chamber system exists currently on site and is intended for groundwater recharge. It takes some roof drainage and parking lot drainage and provides pre-treatment. He noted that there are catchbasins in the back of the site for detention and a sediment forebay. There is one additional StormTech system proposed to the west of the building, which will result in a TSS removal of 99%. Doug Brodeur explained that part of the biofiltration system is an 18" layer of bio-organic material that the stormwater infiltrates through into a permanent reservoir with anaerobic conditions for nitrogen treatment.

Christy Houpis had no questions or comments at this time.

Cynthia Dokmo thanked the applicant for the proposed improvements to the plan and had no questions.

There were no public comments at this time.

Bill Stoughton moved that the Board finds the application satisfies the criteria of Section 4.11 I. 1. of the Zoning Ordinance, addressing the findings required for approval of a Conditional Use Permit in the Wetlands and Watershed Conservation District; and, further, to approve Case # PZ 14589-080321 for EIP One Bon Terrain Drive, LLC, for a Conditional Use Permit for site improvements in the WWCD and at 1 Bon Terrain Drive, Tax Map 2, Lot 26, Sublot 4, as shown on the plan dated July 30, 2021, with the conditions precedent in the Staff Report and the additional precedent condition: Documentation satisfactory to the Town of the maintenance responsibility for the drainage culvert under Bon Terrain Drive.; and the following subsequent conditions: 1) the applicant shall comply with all of the Town of Amherst's Zoning Ordinance, Subdivision Regulations, Non-Residential Site Plan Review Regulations, and Stormwater Ordinance, including receipt of non-residential site plan approval; 2) this approval is based upon the plans,

September 8, 2021

APPROVED

specifications, and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and may require additional Planning Board approval; 3) receipt of all required state and federal permits; 4) satisfactory completion and recording of easements documenting compensatory wetland proposed for mitigation. Seconded by Tracie Adams.

Discussion:

In response to a question from Dwight Brew, Bill Stoughton stated that the question regarding Pennichuck Water is contained under precedent condition #2.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

- 3. CASE #: PZ14590-080321 – EAM Amherst Holdings, LLC (Owners & Applicants) – 317 Route 101, PIN # 008-072-000 – Non-Residential Site Plan Application. To depict proposed site improvements to utilize the subject property for a proposed Agricultural Farming and Supply Operation. Zoned Residential Rural.**

Arnie Rosenblatt read and opened the case.

The Board discussed potential waivers and how to handle the process for them.

Bill Stoughton moved to accept the application as complete. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Arnie Rosenblatt stated that the Board would hear information regarding the requested waiver, and then hear a presentation from the applicant.

Chad Branon, Fieldstone Land Consultants, and Eric Mueller, owner/applicant, joined the Board.

Chad Branon stated that the proposal is to develop the property into an agricultural farming operation. This property is located on the south side of Route 101, across from Saddle Hill Road. The property consists of approximately 36 acres, with approximately 642 linear feet of frontage along Route 101. This is located in the Residential/Rural Zone, in which farming/agriculture is a permitted use. There is currently a single-family house located in the northwest corner of the property and that area has been improved with a shed/barn, driveways, utility connections, and septic system. There is a maintained field along the front portion of the site, jurisdictional wetlands that bisect the property flowing from west to east, and a culvert that drains under Route 101. There is also an existing access road to the southern portion of the property to a maintained field located there.

September 8, 2021

APPROVED

Chad Branon stated that the proposal is to develop the site into Stone Farm Agricultural Farm & Supplies. This will include a 9,100 s.f. building on the southern part of the site. This building will be used for the storage of agricultural equipment, and processing/packaging of agricultural supplies, fruits, flowers, etc. It will also contain a small office for management. The proposal also includes an access road to the building, parking area, and equipment storage area. The materials storage area will only be used for operations of the site. The rear of the building will be serviced by underground electricity, an on-site septic system, and an on-site well. There will be some outdoor lighting proposed for the building. Another part of the plan is to construct a 2,500 s.f. nursery and roadside stand with ten parking spaces and associated site improvements including access to the site, drainage, and lighting. The remainder of the property will be farmed with trees, vegetables, fruits, etc.

Chad Branon stated that changes were made to the plan in order to meet the New Hampshire Agricultural Department's BMPs for agricultural businesses. The implemented BMP's include recommendations for the access road design (grading), stormwater management, and field improvements including shrinking the agricultural areas on site slightly so there is space between the jurisdictional wetland areas; there is approximately 20' of vegetation area proposed between these areas. He explained that the plan incorporates a number of stormwater suggestions including surface drainage, the installation of mulch berms in critical areas along the fields, level spreaders, and filter strips along the access roads. The plan looks to convert flow on site into sheet flow. There will also be drainage basins and infiltration practices on site. Other revisions to the plan include an increased design for stormwater practices, meeting the 2-, 10-, and 50-year storm events. These stormwater management systems may be slightly oversized but are appropriate for the property. Chad Branon stated that the applicant did research into the appropriate number of parking spaces for the farm stand area and has revised the plan to have 10 parking spaces, similar to Lull Farm in Milford. The applicant also looked into the ITE Trip Generation Manual and found that this business should produce approximately 9.5 trips in PM peak hours and 3.3 trips in AM peak hours. He noted that there will be the normal issues for entering and exiting Route 101 in this area and that the site will require DOT permits. There is a safe sight line entering and exiting the property.

Chad Branon stated that this project will also require Site Plan approval and New Hampshire DES approval for a proposed wetland crossing while improving the access road. This improvement looks to widen the current 10' access road to a width of 20'. This will cause a wetland impact of approximately 868 s.f. He stated that he believes this plan has been designed to meet all requirements aside from one requested landscaping waiver. The waiver is being requested because a significant portion of the site will be used for agricultural practices and processes. There will be a significant buffer through forested wetland areas across the middle of the property and additional agricultural/landscaping through trees on the property. The natural use of the property lends itself to being a landscape plan and thus the applicant is requesting relief from a formal landscape plan. He noted that Section 3.12 of the ordinance encourages farming and acknowledges an applicant's right to farm. Thus, this proposal is consistent with the regulations and also the goals of the Master Plan. Agricultural uses are permitted within the WWCD, so a CUP is not needed for this project. There are minimal wetland impacts proposed at

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

the wetland crossing and there will be BMPs for storm management employed. The applicant has no objections to the proposed revisions and conditions listed in the staff report.

Christy Houpis thanked the applicant for the revisions to the proposed number of parking spaces for the farmstand. He asked about potential hazardous materials to be stored in the building on site. Chad Branon stated that no bulk hazardous materials will be stored. There may be oil stored for the equipment used, but not more so than in a normal garage. He noted that this is proposed to be an organic farm.

In response to a question from Christy Houpis, Chad Branon stated that the access road is designed to support fire and emergency vehicles, with H2O loading. He noted that the cross section shown on the plan indicated crushed stone, bank run gravel and the usual materials for road construction.

In response to a question from Christy Houpis regarding a question from the ACC's letter regarding adhering to BMPs for agricultural operations, Chad Branon stated that the last note on the site plan should address this question and noted that operations onsite will follow NH Department of Agriculture BMPs for wetlands and agriculture.

Christy Houpis asked the applicant to explain the road expansion and wetland crossing proposed. Chad Branon explained that this project is located in the Wetland and Watershed Conservation District. Agricultural uses are allowed by right in the WWCD. This includes in wetlands and buffer areas on site. The upgrades proposed to the back of the property are associated with this agricultural use. The statute dictates that land, buildings, structures, and improvements for agricultural purposes are permitted in this district.

Tom Quinn noted concern regarding the proposed entrance to this business being located directly across from an entrance on the other side of Route 101. Chad Branon stated that this layout is actually preferred by DOT in order to minimize impacts. Shifting this design may be more unsafe for drivers.

In response to a question from Tom Quinn, Chad Branon stated that parking and septic are necessary for the back building because there will be a small office for people to work in and also people working onsite in the fields.

In response to a question from Tracie Adams, Chad Branon stated that the applicant would eventually like to have signage for his business. There is no current sign design for this property.

In response to a question from Tracie Adams regarding how the owner will access the tree/farming area in the north ease corner of the site, Chad Branon stated that the applicant generally accesses this area along the shoulder of Route 101. There is no formal wetland crossing proposed in this area currently but could be in the future. The field area is currently accessed with agricultural equipment and will continue to be accessed in that way.

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

Tracie Adams suggested that the applicant could detail certain plantings on site, as there is a waiver request for a formal landscape plan. Chad Branon stated that there is no formal layout for the site currently, but he is happy to review plantings with Town Staff as a condition of approval.

Chris Yates had no questions or comments at this time.

Bill Stoughton noted that there is a tree farm proposed in the northeast section of the site that will have to be accessed by crossing a wetland. He questioned why no permit is needed for this crossing. Chad Branon stated that a wetland crossing could be put in, but the applicant currently accesses this area along the shoulder or off Route 101. The applicant could discuss extending the current highway culvert in this area to create a formal crossing.

In response to a question from Bill Stoughton regarding the nature of the business onsite he asked if the farmstand would be considered a retail business. Eric Mueller stated that trees from this business will be purchased wholesale, while the flowers, fruits, and vegetables will be local.

In response to a question from Bill Stoughton, Eric Mueller stated that there will be no non-agricultural commercial business done on site. Eric Mueller noted that he would be amenable to a condition limiting the site to agricultural uses only.

Bill Stoughton noted that he believes no CUP is needed for the wetland crossing to the tree farm because the site is considered agricultural, and this definition is given a lot of latitude. Chad Branon agreed and stated that he was surprised this is not required. He noted that while the agricultural use is given a lot of latitude the applicant will still be required to obtain a wetland permit from the state.

In response to a question from Bill Stoughton regarding how the stormwater from the new roadside stand will be treated, Chad Branon stated that it is planned to have disconnection over the agricultural field area and along the perimeter of the field through mulch berms. There will also be level spreaders along the access road to capture the runoff. Bill Stoughton stated that he has a concern regarding the removal of nitrogen and phosphorus with these methods. None of the proposed stormwater treatment methods are Best Management Practices with ratings for removal of nitrogen and phosphorus. Chad Branon stated that the filter strip does have some rating for removal of nitrogen and phosphorus. He explained that the plan tries to minimize the alteration and disturbances on site. He stated that he could turn the level spreader into a rain garden, but this would require a larger area to address these stormwater volumes. The intention is to increase the disconnection and keep the flow at a sheet flow level.

Bill Stoughton stated that the Board generally likes to see BMP's or the UNH Stormwater Calculation chart used for stormwater treatment methods. These are not being used in this plan. He stated that agricultural institutions are not exempt from stormwater requirements. In fact, these types of businesses might be some of the most important to have stormwater treated properly.

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

Chad Branon stated that Keach-Nordstrom is reviewing the stormwater management plan for the site. He is not opposed to addressing these items as a condition of approval.

Bill Stoughton stated that these are requirements of the regulations, not just concerns. He stated that this project is not exempt from these requirements, and he is not satisfied that these requirements are addressed with this plan.

Dwight Brew noted that the overall parcel is approximately 36 acres, with approximately 20 farmable acres. He asked if a 9,000 s.f. building is appropriately sized to support a farm of this size. Eric Mueller stated that he believes the building is properly sized for storage of equipment and material used on site.

Mike Akillian stated that he was glad the applicant spoke about the nature of the business. He noted that there was a farm stand proposed and asked if the applicant would be growing things that would be distributed in some other way. He wondered about trucks making deliveries and asked what the additional traffic would be in and out. Eric Mueller stated that approximately 75-85% of products sold through the business will come from the property. Chad Branon noted that other things not generated on site can still be sold through the business, as long as 35% of sales generated come from items on site.

Mike Akillian asked what the 9,000 s.f. building would be mostly used for. Eric Mueller stated that the building is designed to have partitions in between the bays to separate any equipment from food storage and processing/packaging. The building layout has 35' bays with partitions vertically and horizontally in between.

Mike Akillian asked what percentage of the building would be used for equipment. Eric Mueller stated that it would be approximately 40%.

Cynthia Dokmo had no questions or comments at this time.

Arnie Rosenblatt asked for public comment at this time.

Susan Lebel, of Embankment Road and Red Gate Lane, stated that she abuts this project to the south. She stated that the plan does not adequately show that the proposed storage building will be located in an area that she considers to be a wetland. She explained that the whole area is considered part of the Baboosic Lake watershed. She stated that Joe English Brook flows to the south of the property eventually meeting with Baboosic Lake. During high water times this area receives high flow from Joe English Brook. She stated that there is a floodplain located on the property and showed a FEMA map to the Board. She stated that during the 2006 flood, water rushed over the bridge on Red Gate Lane out of Joe English Brook and 4-5' of road surface on Red Gate Lane was washed out. The following year another 100-year flood washed out the bridge. She is concerned that the proposed metal building will end up being compromised in a flood situation. She noted that an email from the chair of the ACC states that this property abuts property currently managed by the ACC and that the Joe English Brook watershed is rated

TOWN OF AMHERST
Planning Board

September 8, 2021

APPROVED

amongst the highest ecological habitats of the State. She stated that this is also one of New Hampshire's highest ranked wildlife corridor areas. Susan Lebel stated that the proposed area for the building has some shallow wetlands and also there is a pond on site that occasionally has wood ducks. She would like the Board to consider the sensitive nature of this area. She stated that she also has a concern regarding impervious surfaces on site. She stated that outside of the building there is a proposed 54' paved surface area on either side and a 64' paved area to the back of the building. She questioned why this large of a building is going to be built on agricultural soil and is worried that it will affect the Baboosic Lake watershed. She questioned why the building is proposed to be so large when this is not a large farm. She asked if the business will be seasonal and what the applicant plans to do on site in the winter. She noted that the plans mention snow removal and she has concerns about salt running into the Brook.

Kevin Bevis, 45 Embankment Road, first thanked the board for bringing the first applicant tonight into compliance. He stated that this property was previously proposed for storage units, to which the ZBA denied the application. He stated that at the last Board meeting for this application, it was noted that the proposed building was to look like a traditional barn with a cupola and barn-style doors. He stated that the current plans show a building that looks nothing like a traditional barn. He stated that the current building has 10 doors, 5 on each side. He noted that the left side elevation of the building is not shown, and he believes this is due to the fact that it looks like storage units. He stated that the partitions mentioned between each bay also make the building sound similar to storage units. He stated that the application sounds wishy washy, in that there is no business plan and no landscape plan identified. He stated that he believes he proposed building is large for the size farm proposed. He stated that the area proposed for the building is a perfect area for growing and he is confused as to why a building would be put there.

Jebb Curelop, former member of the Baboosic Lake Association, stated that he attended a Board meeting in February 2020 for the previous application. He explained that the Baboosic Lake watershed lies a few feet south of this project. He explained that he heard the applicant speaking of partitions and bays, which do sound similar to storage units. He would like to hear more about how nitrogen and phosphorus in stormwater runoff will be kept out of the Lake. He explained that the Baboosic Lake Association and the Town have been partnering to increase the mitigation of stormwater runoff into the Lake. He stated that the Amherst Garden Center is next door to this property and already generates a lot of traffic. He would like to hear more from the applicant regarding water quality, BMP's, DES, and wetlands items. He recommended that the board reject the project.

Arnie Rosenblatt noted that there was one member of the public on Zoom who wished to speak, and that person was promoted.

Joanne Dumas, the abutter across Red Gate lane, encouraged the Board to do a site walk of this area in order to visualize the proposed plan. Her concern is that there is a large wetland area across the middle of the property, with a stream that flows from west to east. This area has a drainage issue, as there is stagnant water there. She asked if an existing tree line would be removed in the middle of the property, in order to plant and grow trees for the business. She

September 8, 2021

APPROVED

noted that while the proposed building will not be seen from Route 101, it will be seen from her property and may affect if she chooses to add a house on her property in the future. She has questions regarding lighting, landscaping, hours of operation, the size of the proposed building, and the amount of pavement proposed outside of this building. She asked what will be stored around the outside of the building in these paved areas.

Arnie Rosenblatt noted that there were no other public comments at this time. He stated that if he allows Chad Branon to comment on these questions, he will then also allow the public to speak again. He is not interested in having a point/counterpoint discussion at this time but does not want to preclude the applicant from answering possible questions. He asked that Chad Branon not duplicate anything already said and try to be succinct.

Chad Branon stated that the floodplain is shown on the existing conditions plan at elevation 239 and the proposed building is located at elevation 251. He stated that there is significant elevation on the site and that the building placement was chosen per the topography of the land, to minimize land disturbance, and to maximize the agricultural area on site. He stated that the size of the building is a requirement of the business. He noted that the applicant previously stated that no other business will be done on site. He explained that there are not bays proposed on both sides of the building, but only on one side. He stated that he believes it is good planning to use partitions to separate food processing from equipment in the building. He stated that this is not a self-storage facility and looks nothing like one at all. He stated that the plan looks to capture runoff from the building and impervious surfaces through stormwater practices. Chad Branon noted again that agricultural uses are permitted within this zone. He stated that the existing tree area on site is proposed to be cut in order to create an agricultural area. He stated that lighting is also shown on the plans. The project will meet all regulations. In terms of drainage, there is a lot of relief from topography on site. The applicant may do localized drainage treatment for the parking area and building. There is a lot of separation between the bridge on Red Gate Lane and the site. He noted that the back of the property is very wet, and nothing is being proposed in this area. The plan also calls out the jurisdictional wetland areas.

Arnie Rosenblatt asked for public comment again and asked that the public not repeat previous comments made.

Kevin Bevis stated that he believes a site walk of this area is critical. He stated that he believes Route 101 is at a much higher elevation than the back lot elevation given. He does not believe that the elevation given for the site is correct. He stated that there is the potential for a tremendous amount of flooding in this area and there is a large impervious area proposed.

Arnie Rosenblatt noted that there were no further public comments at this time.

Bill Stoughton stated that he believes a site walk of this area would be beneficial. He stated that there had been enough abutter concerns that he wants Chad Branon to walk the Board through the site, with members of the public welcome to attend. He is not convinced that the proposed stormwater treatment plan complies with the nutrient cleanup provisions of the regulations. He

September 8, 2021

APPROVED

would support a continuance to the next planning board meeting once a site walk can be completed.

Bill Stoughton moved to continue this application to the next available Planning Board meeting and to schedule a site walk. Seconded by Chris Yates.

Bill Stoughton amended his motion that this application be continued to October 20, 2021, at 7:00 PM at Town Hall. Seconded by Tracie Adams.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Bill Stoughton moved that the Planning Board will perform a site walk of this property on Thursday, September 23, 2021, at 4:30 PM at the site. Seconded by Tracie Adams.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

- 4. CASE #: PZ14591-080321 – Public Service Co of NH [DBA Eversource Energy] and Tana Properties (Owners & Applicants) – 2 Hertzka Drive & Bon Terrain Drive, PIN # 002-023-000 & 002-026-003 – Non-Residential Site Plan Application. To construct an electrical enclosure, a control house expansion, substation yard expansion, and associated site improvements at the existing Eversource Amherst Substation. Zoned Industrial.**

Nick Golon, PE, TF Moran, and Kurt Nelson, Eversource, joined the Board,

Arnie Rosenblatt reminded everyone present that the Board is requesting everyone wear a mask as a courtesy to all others present. He stated that there are extra masks available if needed.

The Board took a 5-minute intermission while the applicant prepared the presentation.

Bill Stoughton moved that the Board accept the application as complete. Seconded by Chris Yates.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Nick Golon stated that this property is located at the intersection of Hertzka Drive and Bon Terrain Drive. It extends over two lots; Lot 2-23 is approximately 13.6 acres and Lot 2-26-3 is approximately 22.3 acres. The proposal is to merge these lots as a condition of approval prior to the certificate of occupancy. These properties are located in the Industrial Zone and the ACWPD (Aquifer Conservation and Wellhead Protection District). The existing lot holds a substation yard on approximately 6.2 acres with a size of 610' x 475'. The proposal is to expand this yard. This expansion is approximately 88,000 s.f., or approximately 2 acres. This will result in approximately 4 acres of impact and thus an AoT permit will be needed. This plan is required to

September 8, 2021

APPROVED

meet all stormwater regulations for the AoT and the Town. There is new equipment proposed as part of this reliability driven project; this will allow for the regulation of voltage on existing power lines and reduce the likelihood of local outages. There are two equipment enclosures proposed which will house the equipment associated with this project. One of these enclosures is approximately 4000 s.f. and the other is approximately 500 s.f. There will be new controls required as part of this project which lead to an approximately 720 s.f. expansion of the existing control house. The access to the site is through an existing gravel driveway on the north side of the yard. For purposes of construction and maintenance on site, there is a second driveway being proposed off Hertzka Drive. No parking is proposed, as none is required. He noted that there is more than adequate space available for on-site parking.

Nick Golon addressed items in the Staff Report. He stated that no new non-emergency site lighting is proposed. Any lighting on site will be incorporated into the yard. In terms of stormwater management, the plan looks to use the appropriate separation from groundwater, with 4' as required. Stormwater management will be through a combination of open and closed drain systems on site. The substation yard itself is circled by an underground drainage system. The runoff from this system goes to smaller underground drains, to a pretreatment site, and into the infiltration basin. The peak rate runoffs for this site were evaluated for the 2, 10, 50 year, and 1" storm. The stormwater management report was submitted with this application. Infiltration basins with soil media will be used to remove 90% TSS, 60% nitrogen, and 65% phosphorus.

Nick Golon stated that, as Eversource is purchasing this land, there is a concern to make sure it is screened appropriately. There are berms proposed along the perimeter with heights varying from 10-14' tall. There has been a modification to the plan at the seller's request, with 68 arborvitae proposed. There is a nice existing evergreen screen area on site. He noted that the area of work compared with the vast majority of the site is minimal. This is an allowable use in the Industrial Zone and is not prohibited use in the Aquifer Protection District. There are no waivers requested. He stated that this is an important infrastructure project for Amherst and surrounding communities.

Mike Akillian had no questions at this time.

In response to a question from Dwight Brew, Nick Golon stated that the base for the expansion area is a 50/50 mix of ¾" and 1.5" crushed stone.

In response to a question from Dwight Brew, Nick Golon stated that there will be no equipment on site that would be considered to cause problems. The transformer will have a secondary containment system that will be sized to deal with 100% of a drainage transfer/leak with appropriate controls linking it to Eversource, in case of a large malfunction.

Bill Stoughton asked about the proximity of wetlands to this work area. Nick Golon stated that there is a wetland channel in the southeast corner of the site and that the proposed work is being done nowhere near this area. He also stated that there is a healthy landscape berm proposed between the two areas.

September 8, 2021

APPROVED

In response to a question from Bill Stoughton, Nick Golon stated that the applicant has no issues with the subsequent or precedent conditions proposed in the Staff Report and noted that the timing of the lot merger prior to Certificate of Occupancy was acceptable.

Chris Yates, Tracie Adams and Tom Silvia had no questions or comments at this time.

Tom Quinn stated that the landscaping appears to be a nice improvement to the site.

Neither Christy Houpis nor Cynthia Dokmo had any questions or comments at this time.

There was no public comment at this time.

Bill Stoughton asked the applicant what a reasonable definition for active and substantial development would be for this project. Nick Golon stated that the property will be rough graded first because there are a lot of sandy soils on site. Proposed stormwater management practices will be constructed early on in the project.

Bill Stoughton asked the applicant what a reasonable definition for substantial completion of improvements would be. Nick Golon stated that this will be a long-term project starting in 2022, with construction likely ending in 2023. He stated that no building permit is needed and suggested that this definition could include the finished grading of the substation yard. Once the base area is complete there will be no more concern for sediment erosion and this will occur late in the construction process. A more specific definition could be the installation of the substation yard.

Bill Stoughton moved to approve Case # PZ14591-080321 for Public Service Co of NH (DBA Eversource Energy) and Tana Properties, for a Non-Residential Site Plan to construct an electrical enclosure, a control house expansion, substation yard expansion, and associated site improvements at the existing Eversource Amherst Substation, at 2 Hertzka Drive, Map 2 Lots 23 & 26-3, with the precedent and subsequent conditions set forth in the Staff Report, and with Impact Fees to be assessed at the Industrial Rate. Active and substantial development will be completed with 24 months of the date of approval, and the following items must be completed to constitute “active & substantial development or building” pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes: commencement of construction of stormwater management features. The following items must be completed to constitute “substantial completion of the improvements” pursuant to RSA 674:39,II, relative to final vesting: finish course installation of substation yard. Seconded by Dwight Brew.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

September 8, 2021

APPROVED

OTHER BUSINESS:

1. Minutes: August 18, 2021 & September 1, 2021

Tracie Adams moved to approve the meeting minutes of August 18, 2021, as amended [Line 196, remove first instance of “end.”] Bill Stoughton seconded.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - abstain, Christy Houpis - aye, and Chris Yates – abstain; 4-0-2, motion carried.

Bill Stoughton moved that the Board accept the September 1, 2021, minutes as presented. Seconded by Dwight Brew.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - abstain, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – abstain; 4-0-2, motion carried.

Tracie Adams moved to adjourn the meeting at 9:47 pm. Christy Houpis seconded.

Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates – aye; motion carried unanimously.

Respectfully submitted,
Kristan Patenaude

Minutes approved: September 30, 2021