

TOWN OF AMHERST
Planning Board

September 30, 2021

APPROVED

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

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 7:02pm at the Souhegan High School 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. He also noted that one of the agenda items, the extension request for Brook Road, was withdrawn earlier today. He apologized to any members of the public who were in attendance for this item.

Cynthia Dokmo sat for Christy Houpis.

CONCEPTUAL DISCUSSIONS:

- 1. CASE #: PZ14461-070721 –William, Charles & Richard P. Hazen (Owners) & NH Sustainable Communities LLC (Applicants) – 2 Upham Road, PIN #: 006-102-000, 004-116, 118,119, 121, 122, & 145 – Subdivision Application - Proposed 128 unit Planned Residential Development. Zoned Residential Rural.**

Arnie Rosenblatt stated that this is a conceptual design only. Any statements made by the Planning Board, or individual Board members, are not to be relied on. No decisions will be made on this item tonight. The Board will first hear a presentation from the applicant, then the Planning Board will ask questions or make comments. This is not a public hearing but, to the extent that people want to be heard, the public will be able to make brief comments. There is no formal application yet for this project.

Chad Branon, Fieldstone Land Consultants, joined the Board. He noted that this conceptual design is substantially different from the last one seen by the Board. The Board previously had concerns regarding the frontage lots proposed. The design has been revised so that all frontage lots will be conventional lots. These will meet all zoning requirements for lot sizes on existing roads. The design has been reduced from 60 frontage lots, to 35 conventional lots. Chad Branon stated that this project was in the early stages and that road improvements would be considered as part of the process. He noted that a benefit was that his client was under contract to buy the land and the landowner owns both sides of the road which would allow for improvements where needed. The total density of the project has been reduced from 128 lots to 109 lots.

Chad Branon explained that Lot 4-122 is proposed to be developed into a six-lot conventional subdivision and will meet all local standards. Across Cricket Corner Road, Lot 4-116 is proposed to be an 8-lot conventional subdivision. There could be 14 lots in this area, if a road was proposed. There is also conservation land proposed in this lot to provide connectivity to adjacent land, though it is not a Planned Residential Development (PRD) so there are no open space requirements. Lot 4-145 is proposed to have three conventional lots along Upham Rd and a

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44 cluster of units off a cul-de-sac, of an additional 11 lots. This lot is just shy of meeting the open
45 space requirements and will need a modification to its layout to enlarge the open space area to
46 the required 40%. Chad Branon stated that he thought the proposal would be considered as one
47 big PRD and the open space could be cross-utilized throughout the project. He now thought it
48 would simplify the review of the proposal if each parent parcel was looked at individually.
49

50 Chad Branon stated that there are three lots located along the northeast side of County Road. The
51 intent is to merge these three lots and redevelop this side of the site into hybrid PRDs, with eight
52 frontage lots and three clusters of units along the road. This leads to a total of 68 units in the
53 clusters. The open space provided for in this section will be just shy of 170 acres of land. Lot 4-
54 118 is proposed to be a subdivision of 10 conventional lots and one cluster. In total, the entire
55 project stands proposed at 109 lots. It will provide approximately 200 acres of conservation area.
56

57 Chad Branon stated that the modifications made addressed the feedback from the Board and
58 allow for improvements along existing Town roads. He stated there was a lot of work to be done
59 and the applicant is currently looking at solutions for these improvements. The site still needs
60 test pits and design studies will be required so that there are no negative impacts to the local
61 environment. He explained that the overall parcel is approximately 354 acres total. The net tract
62 area is approximately 224 acres of land, not steep, not wet, or in the flood plain. Dividing the net
63 tract area by the underlying zoning requirements leads to a total of 112 lots. The proposed 109
64 lots in this design are under that threshold. He noted that there are no real density calculations in
65 the regulations for this type of project, but this gives some amount of baseline data. He explained
66 that a fully conventional layout of the site would be significantly more impactful due to the
67 number of through roads, wetland crossings, etc. A conventional layout design would also total
68 approximately 100 lots, close in size to what is currently proposed.
69

70 Cynthia Dokmo stated that she believes the reduced number of lots is a good thing. She noted a
71 memo from the DPW regarding the condition of the road which she found troubling. She noted
72 that something is needed to be done to determine road concepts to bring the existing roads in this
73 area up to Town road standards.
74

75 In response to a question from Cynthia Dokmo, Chad Branon stated that a few of the lots in this
76 proposal are hybrid, with conventional lots and clustered PRDs. In order to determine the open
77 space calculations needed for these lots, the conventional lot area would need to be subtracted
78 from the total lot area and the remainder evaluated to get the correct calculation.
79

80 Cynthia Dokmo asked if these PRDs will contain diversity of housing, as is required. Chad
81 Branon stated that the cul-de-sac clusters will vary in different home styles such as 55+ or
82 market rate. He noted that the conventional lots would be market rate and the details of this
83 diversity are still being worked out.
84

85 In response to a question from Cynthia Dokmo, Chad Branon stated that this project is not
86 currently proposing workforce or affordable housing.
87

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88 In response to a question from Bill Stoughton regarding the number of wetland crossings, Chad
89 Branon stated that this proposal shows one wetland crossing in a shared driveway area, and
90 buffer impacts for two lot lines in an upland area of a cul-de-sac. The project looks to minimize
91 all wetland impacts with this layout, but there will be some impacts in order to access some of
92 the buildable area.

93
94 Bill Stoughton mentioned the proposed single lot on Spring Rd. Chad Branon stated that his
95 client has received the Amherst Conservation Commission's (ACCs) comments regarding the lot
96 and is open to having discussions about relocating that lot.

97
98 Bill Stoughton stated that this project is clearly planned as one overall development and thus, he
99 believes it might make more sense on a planning basis to look at it as one whole project instead
100 of as individual lots. He stated that the ordinance permits the Planning Board to award somewhat
101 greater density for PRDs, but this requires a determination of the density of the site without
102 PRDs. This includes the density while complying with all ordinances and without needing any
103 waivers to obtain a baseline determination. He stated that he would like to see this baseline
104 determination before deciding on an appropriate somewhat greater density for the site. He
105 explained that PRDs are allowed as an alternative to traditional zoning but are not intended to
106 maximize the number of units in a lot or be used in addition to traditional zoning. Rather PRDs
107 are a way to give a developer some amount of increased density in return for benefits to the
108 Town, such as open space or reduced impact on the rural aesthetic. He believes traffic is still a
109 huge issue for this project. He also echoed Cynthia Dokmo's comments regarding required
110 diversity of housing as required by the ordinance.

111
112 Dwight Brew stated that this plan is an improvement over the previous plan. He still has
113 significant concerns that this plan will be able to demonstrate it provides a benefit to the Town
114 that would warrant being awarded a slightly greater density. Landowners/developers have the
115 right to conventionally develop land in Amherst when complying with the Amherst Zoning
116 ordinances. The zoning ordinances have minimum lot sizes, minimum road frontages, maximum
117 slopes, phasing, and wetlands ordinances to protect those in the vicinity of the land development
118 and protect the overall Town. A PRD is an alternative method that can be used if it provides a
119 win for both the Town and the owner. The PRD ordinance allows a slightly greater density if
120 there is a demonstrated benefit to the Town. Simply taking the net tract area and dividing it by
121 the zoning lot size, he believes overstates the number of homes that could be developed when
122 using conventional development requirements. There is a lot of data that is not available this
123 evening because these are preliminary plans, however, as stated previously, he does have
124 significant concerns that the plan will be able to demonstrate it provides a benefit to the Town
125 that would warrant being awarded a slightly greater density.

126
127 Chris Yates stated that he appreciates the overall reduced unit number, but shares the concerns
128 regarding PRDs, diversity of housing, the sensitive nature of the land with the proposed number
129 of homes, and water in the area. He is concerned that this proposal will not keep the look and
130 feel of the area.

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In response to a question from Tom Quinn, Chad Branon stated that the conventional lots will meet all zoning requirements for frontage, area, and each containing 2 acres that are not wet and not steep.

Tom Quinn asked if Lots 93 and 94 were even buildable. Chad Branon stated that, while test pits are still needed, there appears to be adequate area on proposed lots # 93 and 94 to place a home, well, and septic system. While there are slopes on Lot 93, the slopes are favorable as long as the driveway can be designed to get to the buildable area. He stated that he had a lot of work to do to validate all of the lots but he was representing that the frontage lots would be conforming to the zoning ordinance.

Tom Quinn echoed the statements regarding receiving a realistic baseline density number. He has a hard time believing that the baseline for this area is somewhere from 100-110 lots. He stated that 35 frontage lots will take up quite a bit of frontage along existing roads. He would like to know the realistic baseline using conventional zoning requirements. Tom Quinn went on to say that the site had features that would make it difficult to build on and he had concerns with the impact on the area ecologically. He noted that the open space area proposed of approximately 200 acres is likely never to be able to be built on anyway.

Tracie Adams stated that she has concerns regarding some of the area being buildable due to steep slopes and wet areas. She noted that the ACC has concerns regarding wetland buffers and impacts, and the stratified drift aquifer in this area. She also has concerns regarding combining PRDs and conventional frontage lots. She would like to see what the proposed diversity of housing is and if it will truly be a benefit to the town.

In response to a question from Tracie Adams regarding how water would be supplied to the lots, Chad Branon stated that currently only wells and septic systems are anticipated for water sources on site.

Tracie Adams stated that she is glad to hear that the applicant is willing to discuss moving the one individual lot proposed on Spring Rd. She asked if the applicant has received the memo from the Bicycle and Pedestrian Advisory Committee regarding proposed connectivity. Chad Branon stated that he has the memo and will share it with his client. He does not believe multimodal connectivity will be an issue. Tracie Adams also noted concerns regarding wildlife corridors on site. She suggested that the applicant look into more contiguous open space in the 11 lots proposed off County Road.

Tom Silvia echoed the previously mentioned PRD purpose items and that he was concerned that all aspects of the PRD ordinance be achieved.

Mike Akillian echoed all other concerns and asked if the currently proposed design will have 35 driveways for the 35 conventional lots. Chad Branon stated that this is what is currently proposed. Chad Branon explained that there are a few shared driveways proposed but that most

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owners generally want their own driveway. Mike Akillian suggested looking into minimizing the number of access and egress points for the project.

Arnie Rosenblatt asked for public comment. He noted that, to the extent people are hoping to impact the Planning Board's decision on this item, it would be more effective to comment at the time of a formal decision.

Beth [unclear last name] of Village Woods Drive stated that she had concerns with the condition of County Road, that there was no way this amount of traffic could be added to the road without needing to pave it. She asked how big the lots were within the clusters and whether they could support a well and septic on each one of the tiny lots. She went on to say that she was concerned with the wetlands on the property and the drainage. Beth went on to say she was worried about the water in the aquifer, noting that in some years she had had to make decisions to not water the grass and the garden and whether to shower or do laundry. She stated that this number of houses all drawing from the same source was a major concern and cited a project in Hooksett that ended up with no water to an entire new subdivision.

Ryan Morris, 4-117 County Road, stated that he and his wife own approximately 370' along County Road. The second narrowest point of the road is approximately 16' wide close to his driveway. He asked what improvements the applicant plans to make to the sections of County Road that are not owned by the applicant. Chad Branon stated that on a narrow section of the road there could be a right of way dedication on the land owned by his client to accommodate greater road width.

Dave Williams, 56 County Road, stated that the plans showed 40 - 50 homes in clusters around his property and he has a well that is 325' deep. He stated that he has concerns regarding the impact of an additional 40-50 wells on the existing wells in the area because there was a finite amount of water in the ground and putting 40-50 more straws in the same bucket was concerning. Dave Williams went on to say that putting County Road in serviceable condition for a larger amount of traffic including buses, emergency vehicles, etc., would be a huge undertaking and would hopefully not fall on the Town to complete.

Lisa Jones, 35 Thornton Ferry Road I, stated that the applicant has not yet addressed the Board's concerns regarding baseline density data for the site. She has concerns about the traffic in this area and noted that improvements could make this a major highway through to Merrimack. She asked if the existing house and barn on County Road are proposed to be demolished. Chad Branon stated that they are. Lisa Jones stated that this does not maintain the rural character of the area. She noted that, of the total acreage of this site, approximately 103.5 acres are wetlands and approximately 26 acres are steep slopes. Lisa Jones stated that she had lived here for 30 years and walks this land daily. She stated that all of County Road slopes down to the wetlands. There is a very highly transmissive stratified drift aquifer in this area. It is vulnerable and no amount of buffers can definitively protect the well water in this area. She noted the subdivision objectives including maintaining rural character, forests, reducing impact on water resources, and stated that the proposal does not meet any of these requirements.

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Jane Williams, 56 County Road, stated that County Road does not need improvements. It is the last rural road, unpaved, leading into the village. She does not believe anyone wants to see it improved.

There were no additional public comments at this time.

2. CASE #: PZ14463-070721 – 24 BR Partners, LLC, c/o Ron DeCola (Owner & Applicant) – 24 Brook Road, PIN #: 010-026-000 – Subdivision Application – Two-lot Conventional Subdivision creating one new lot along Brook Road and a 38-unit Planned Residential Development over the remainder of Tax Map 010-026-000. Zoned Northern Rural.

Arnie Rosenblatt reiterated that this is a conceptual design only. Any statements made by the Planning Board, or individual Board members, are not to be relied on. No decisions will be made on this item tonight. The Board will first hear a presentation from the applicant, then the Planning Board will ask questions or make comments. This is not a public hearing but, to the extent that people want to be heard, the public will be able to make brief comments. There is no formal application yet for this project.

Ron DeCola stated that this project was previously being pursued as a 38-unit development under the Integrated Innovative Housing Ordinance (IIHO). As that proposal expired, this is now being pursued as a PRD. The Board previously heard a conceptual design for this project with 38 total units over a larger piece of the parcel, 127 acres. The current design consolidates the cluster development to 37 units, with one six-acre subdivision frontage lot. The 37 cluster units are proposed to be 55+ units. There is also a third lot in this area of approximately 100 acres being proposed as a conservation lot for possible sale to the Town. The present design meets the PRD criteria because it is clustered housing and offers an increased amount of open space area. This proposal looks to set aside approximately 83% of the total land as conservation land.

Ron DeCola stated that, in reviewing the Town's Master Plan, this proposal meets at least five of the key recommendations for new developments, including that the new development respects the natural resources and complements the existing Town character, that it preserves the rural landscape, that it protects water resources and water bodies, that it preserves open space, and that it continues the development of greenways and trails for a connected recreation system in Town. Section IV of the Master Plan encourages the creation of new village developments within Amherst, which is what this proposes to do for ages 55+. One of the most significant fiscal impacts to towns in New Hampshire is increase of school age population, which will be reduced through this development's 55+ housing. The Master Plan mentions encouraging smaller housing and units, which this proposal also looks to do. There is some restriction on diversity of housing, due to it being 55+, but there is a proposal to set aside two units as handicap accessible and under the Fair Housing laws 10% of the properties could also be market rate. Maximized preservation of existing landscape is part of this proposal. There is an existing traffic study completed in July 2020 for a market rate project of 38 units which found 0.5 - 0.9% increase in

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traffic during peak hours. Elderly housing should be less of a traffic impact. The project will comply with State and local permitting, as required.

Chad Branon stated that there are three parts to this project. A conventional lot located along Brook Rd of approximately six acres, that will meet the zoning district requirements regarding five acres being not steep and not wet. A second lot containing a 37-unit PRD and open space area. Finally, a conservation property of approximately 104 acres that the applicant hopes to sell to the town.

Chad Branon stated that the conventional house site is located where the existing cabin sits now off Brook Rd. There is an existing septic and well for that site that will support a single-family lot. There is buildable area outside of the 100-year floodplain and the site will meet all zoning and subdivision requirements. The PRD site is a proposed 55+ development. It is believed that this is the best type of housing for the site, in regard to the layout of the land, fiscal impact and traffic impact. The proposed footprint of the site has been significantly reduced, with residential lots located toward the front of the site and the back of the site preserved as open space. The design touches on a number of PRD objectives such as reducing the disturbance and impervious area on site, clustering the development towards the front of the site in order to share infrastructure such as a community well, and providing site amenities such as a clubhouse and open space for residents and the community. Proposing this site as 55+ housing will allow for less traffic, less impact to the school system, and a significant amount of land to be conserved and preserved. The proposal will maintain the rural character of the area by clustering development internally to the site with a 350' buffer to Brook Rd and the closest abutting property. The total development for the PRD will take place over 16 acres, leaving 10 acres of open space or 61% of the portion of the site proposed for the PRD. The proposed conservation lot is approximately 105 acres and has key connectivity to surrounding lands. The existing Bicentennial Trail runs through the property, and this conservation lot contains an isolated 18 acres of land owned by the Town in the middle of it. In total this project looks to preserve approximately 150 acres or 90% of the property.

Chad Branon stated that this project touches on many of the goals and objectives of the PRD and subdivision regulations including encouraging preservation of open space, a variety of housing, a variety of housing stock internally and in Town, not significantly increasing the Town's population, clustering of units, creating a buffer to the developed area, and a layout with associated buffers that is harmonious with the surrounding areas to not detract from neighboring properties. This proposal has two wetland crossings, which were previously approved in a prior application. The design looks to preserve the highest ranked ecological habitat and places development in spaces on site that minimize impacts and is most appropriate for development by avoiding wetland, steep slopes, poor soils, etc. The proposal looks to link open spaces within the development with existing trails and existing open spaces. The intent is to cluster the housing, provide buffers to the road and conservation areas, and generally align well with the regulations and the Master Plan.

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Ron DeCola noted that a fiscal impact study was previously done for this site for a proposal of 42 market rate units. It found that the Town would have a positive yearly impact of approximately \$317,000 from that development. All of the previously done studies will be updated as part of this application.

Arnie Rosenblatt noted that the previous application for this site was submitted under the IIHO, which is now defunct. This design would be submitted under a different ordinance and as a completely new application.

Cynthia Dokmo asked what would happen to the proposed conservation lot if the Town does not agree to purchase it. Ron DeCola stated that the project is not predicated financially on the Town purchasing this parcel. Cynthia Dokmo noted that this project proposes 38 units on 32 acres, which is a lot. Chad Branon pointed out there were only 37 homes proposed. Ron DeCola stated that he will reconsider what to do with the conservation lot if the Town does not want to purchase it. He suggested potentially a covenant not to build on the land.

In response to a question from Cynthia Dokmo about what the houses would look like, Ron DeCola stated that the units are proposed to be one-story.

Bill Stoughton stated that the ordinance requires that all of the land not used for buildings, septic systems, wells, and paved areas is considered open space and, under a PRD, the developer has an obligation to protect it in perpetuity for conservation, agriculture, recreation, or park. Whether or the Town has an interest in purchasing this land, the developer has this obligation. Ron DeCola stated that his interpretation is that the open space is considered the 40% requirement in addition to where the land is developed. He noted that there is only one lot being proposed for the PRD. Bill Stoughton stated that this site is currently all one lot, with the applicant proposing to subdivide off one conventional lot. The PRD is the entire rest of the lot. Ron DeCola stated that the proposal is to also subdivide off the conservation lot.

Bill Stoughton stated that clustering the impacts into a smaller area is good, as is the amount of land to be preserved. However, the area to be developed is closest to the Brook and wetlands and will have a high septic/stormwater impact. He will look to see if the wetlands and surface waters are well protected. He believes the 55+ housing meets the requirement for diversity of housing in the PRD. The Board will need to know the baseline density of this lot from a traditional subdivision development that complies with all other requirements before determining any additional density earned through the proposal. He is concerned with carving off the additional lot. That area is particularly sensitive to water rising. The Board is not necessarily concerned with traffic on Brook Road, but more so that there are few ways to get out of this area to other areas of Town, one of which includes an already terrible intersection.

Dwight Brew stated that clustering, setbacks and two entrances to Brook Road are all positives. He asked if all of these units will be 55+. Ron DeCola stated they are designed that way, but up to 10% could be market rate units. Dwight Brew noted that there are two open space lots, 7.12 acre and 2.67 acres, that he could not see clearly delineated on the plan. He asked the purpose of

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these two lots. Chad Branon stated there are conservation areas on the north and south sides of the proposed road. They are not shown as connected but could be. Dwight Brew asked about the acreages of the various lots proposed. Chad Branon explained that the conservation lot was proposed at 105 acres, the conventional lot on Brook Road was 6 acres and the remainder would be for the PRD. Dwight Brew asked if the public would have deeded access to the conservation lot. Chad Branon stated that the third party to take over the conservation lot is yet unknown, but the lot would be expected to be conserved in perpetuity. The clubhouse is proposed in a location to allow for trailhead parking for the residents of the site and the public.

Dwight Brew stated that, ignoring roads, steep slopes, wetlands, and lot geometry, a 126-acre lot could support 25.4 lots in a district with a five-acre minimum lot size. These theoretical 25.4 lots will be decreased when a realistic baseline is developed. The PRD allows for a slightly greater density when there is a benefit to the Town; 38 units is over 50% greater than the 25.4 units, where the percentage will go up when a realistic baseline is developed. He in no way feels that anything remotely approaching a 50%+ bonus can be considered a slightly greater density.

Chris Yates stated that he had no questions or comments at this time.

Tom Quinn stated that a 25-unit development would be generous with all the slopes and wetlands in the area. He believes a realistic baseline density would be well under that number. The remaining PRD lot is only 16 acres. This proposal carves the property into three lots and the PRD lot must be considered on its own, which would lend approximately 3 lots instead of 38 lots. He shares the concern regarding the proposed conservation lot being potentially developed in the future. He believes the design for this PRD, off the road and tightly clustered, is as it should be.

Tracie Adams stated that elderly housing with one-floor units is proposed. She asked about how many bedrooms these units would have. Ron DeCola stated that these are proposed as 2-bedroom units, with an office, and a 2-car garage. Chad Branon stated that there is one community well proposed as a public water supply. Tracie Adams stated that she has concerns regarding traffic impact to nearby intersections. She stated that she likes the buffering to Brook Road and the clustering of development away from the road with a longer entrance road so that the buildings would be obscured. Tracie Adams asked if there was any historic significance to the existing cabin proposed to be removed. Chad Branon stated that the Heritage Commission reviewed the cabin as part of a previous application and found no historical significance. Tracie Adams asked about emergency access to the site. Chad Branon stated that this proposal shows a hammerhead-style turnaround off the proposed roadway. This is appropriate for emergency response vehicles. There is a second turnaround proposed as well. Reviews will be needed from the Fire Department.

Tom Silvia had no questions or comments at this time.

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Mike Akillian stated that the design for the proposed unit appears to be more than one-story. Ron DeCola stated that it is only proposed as a one-story design and what was shown was only a reasonable facsimile with cathedral ceilings.

In response to a question from Mike Akillian, Chad Branon confirmed that these units are designed to be connected in clusters, with shared walls for up to three of these units in an area.

Mike Akillian asked about the traffic on Brook Road itself. Chad Branon stated that the previous traffic study based on a market rate development, there would be no need for offsite improvements. This will need to be reviewed by a traffic engineer. Mike Akillian stated that there are times on the road that cars cannot pass each other currently. Chad Branon stated that the previous study found that, with the existing amount of traffic, the proposal would not cause a significant impact. This proposal will be different based on the change to elderly housing with less traffic in the peak hour.

There was no public comment at this time.

COMPLIANCE HEARING:

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

Arnie Rosenblatt opened the hearing and asked for a brief explanation of the process.

Natasha Kypfer explained that this is a requirement after the Board’s initial hearing on this matter from July 7, 2021, that an as-built plan be submitted and that the applicant come in to discuss what has been built in terms of what was proposed. She noted that a waiver request was received approximately a half hour before the meeting. She has provided digital copies to the Board and the applicant provided hard copies.

Arnie Rosenblatt noted that the waiver is for proposed impact fees that would total \$1,450. He asked that the Board first consider the waiver. There has been frustration from the Board regarding application items submitted late in the past.

Bill Stoughton stated that, under the Rules of Procedure, the Board would normally not consider a late request of this type. He would consider waiving that requirement and considering the request.

Dwight Brew stated that he has not yet had time to review the waiver request. He would need more time to review this item. He believes that the Board could continue this hearing to a later time to be able to review this request.

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435 Chris Yates asked if the matter was continued, would new notices need to be sent to abutters.
436
437 Ellen Grudzien, applicant, stated that the receipt of a Certificate of Occupancy is much more
438 important to this project than the proposed waiver. Arnie Rosenblatt stated that he understands
439 that but, as it was already submitted, the waiver request now needs to be considered.
440
441 Tom Quinn asked if impact fees were part of the original conditions of the approval for this
442 project.
443
444 Tracie Adams asked if the applicant was willing to retract the waiver request. Ellen Grudzien
445 stated that she is willing to withdraw the waiver request to have the compliance hearing
446 completed.
447
448 Arnie Rosenblatt stated that he does not like receiving items late but that he would consider
449 hearing this.
450
451 Bill Stoughton asked if the applicant wants to have this waiver item heard tonight. Ellen
452 Grudzien stated that she withdraws the request, as receiving the Certificate of Occupancy is more
453 important at this time.
454
455 The Board continued with the compliance hearing.
456
457 Ellen Grudzien stated that the as-built plan was submitted. All formal inspections have been
458 made. The stormwater drainage has been placed. The Fire and Building Inspectors have
459 reviewed the site.
460
461 Mike Akillian asked about the Staff Report comments regarding the French drains. Ellen
462 Grudzien stated that this was likely incorrect wording regarding the type of stormwater in place.
463 Natasha Kypfer read an email from the Building Inspector regarding the inspection that took
464 place. There are two conditions, that a handrail be installed near the composting toilets and that
465 emergency/injury information be posted in each yurt. It was noted that the drainage system has
466 been installed correctly.
467
468 Tom Silvia had no questions or comments.
469
470 Tracie Adams stated that the hand-drawn as-built plan appears appropriate.
471
472 Tom Quinn asked about the memo from the Building Inspector. Natasha Kypfer stated that she
473 did not submit this to the Board, as it was received only today, and she did not want to submit a
474 late item. She noted that the Building Inspector would not sign off on the inspection without the
475 Fire Inspector's approval. Tom Quinn asked if the applicant understands what else needs to be
476 added to the as built, per the Staff Report. Natasha Kypfer read the items that need to be added.
477

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Chris Yates stated that he would have liked to see photos submitted. Ellen Grudzien stated that she offered them to be submitted but was told that they were not necessary. She offered anyone to see the pictures or visit the site.

Dwight Brew noted that there appear to be minor items that need to be in place. Nic Strong stated that the Certificate of Occupancy will not be issued without approval from the Fire Inspector first. Dwight Brew asked if the additional required conditions could be met and then reviewed by the Building Inspector after approval. Nic Strong stated that the Board's conditions are listed in the site plan and do not need to include the Building Inspector's conditions, as he will take care of those on his own.

Bill Stoughton asked if the applicant has seen and is okay with the conditions in the Staff Report. Ellen Grudzien stated that she has and is. She is okay with revising the first condition to include wording about the drawings being submitted after the staff comments are included. Bill Stoughton noted that the last subsequent condition does state that, "no occupancy permits shall be granted for any structure until all work shown on an approved site plan is complete to the satisfaction of the Building Inspector, Fire Department, Public Works Department, and Office of Community Development, as applicable.

Cynthia Dokmo had no questions or comments.

There was no public comment.

Bill Stoughton moved to confirm compliance with the conditions to the approval of the Non-Residential Site Plan Review for Christ Church of Amherst (Owner) and The Amherst Preschool (Applicant) at 58 Merrimack Road, Map 3 Lot 36 Sublot 2 for the operation of two 30' yurts to accommodate the Zoning Board of Adjustment's approved increase in enrollment subject to conditions in the Staff Report, with condition precedent #1 modified to indicate that the staff comments on the plan will be incorporated prior to submission. Dwight Brew seconded. Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Cynthia Dokmo - aye, and Chris Yates - aye; 6-0-0, motion carried unanimously.

EXTENSION REQUEST:

- 4. CASE #: PZ11605-080519 – 24 Brook Road, LLC, c/o John Walsh (Owner & Applicant) – 24 Brook Road, PIN #: 010-026-000 – Integrated Innovative Housing Ordinance Conditional Use Permit (IIHO). Proposed residential subdivision of Tax Map 10 Lot 26 utilizing the IIHO. Zoned Northern Rural.**

This item was previously withdrawn.

OTHER BUSINESS:

September 30, 2021

APPROVED

522 **5. Minutes: September 8, 2021 & September 15, 2021**

523 **Tracie Adams moved to approve the minutes of September 8, 2021, as submitted.**

524 **Chris Yates seconded.**

525 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**
526 **aye, Cynthia Dokmo - aye, and Chris Yates – aye; 6-0-0, motion carried**
527 **unanimously.**

528

529 **Tracie Adams moved to approve the minutes of September 15, 2021, as submitted.**

530 **Dwight Brew seconded.**

531 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**
532 **aye, Cynthia Dokmo - aye, and Chris Yates – aye; 6-0-0, motion carried**
533 **unanimously.**

534

535 **Tracie Adams moved to approve the minutes of September 23, 2021, as amended**
536 **[replace 75,000 s.f. at the bottom of page 7 with 75%]. Dwight Brew seconded.**

537 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**
538 **aye, Cynthia Dokmo - aye, and Chris Yates – aye; 6-0-0, motion carried**
539 **unanimously.**

540

541 **Tracie Adams moved to adjourn the meeting at 9:19pm. Chris Yates seconded.**

542 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**
543 **aye, Cynthia Dokmo - aye, and Chris Yates – aye; 6-0-0, motion carried**
544 **unanimously.**

545

546

547

548 **Respectfully submitted,**

549 **Kristan Patenaude**

550

551 **Minutes approved: October 6, 2021**