

TOWN OF AMHERST  
Planning Board

January 5, 2022

APPROVED

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

In attendance at Souhegan High School: Tom Quinn

Staff present: Nic Strong, Community Development Director (in attendance at Souhegan High School); and Kristan Patenaude, Recording Secretary (via Zoom)

Arnie Rosenblatt, Chair, called the meeting to order at 7:02 pm via remote session. He read the following statement:

*As Chair of the Amherst Planning Board, I find that:*

*1. the most recent information on the CDC website regarding the recent Omicron surges, including the increased transmissibility of the virus,*

*2. the rising and dangerous rates of Covid infections evident in the CDC's statistics,*

*3. the increased prevalence of infections even among vaccinated persons, and*

*4. the current case and hospitalization rates in New Hampshire generally and in Hillsborough County in particular,*

*constitute an emergency within the meaning of RSA 91-A:2 III (b).*

*I also find that immediate action by the Planning Board is imperative in order to satisfy statutory deadlines for actions on applications and for public hearings on proposed ordinance changes. I also find that in light of the current state of the Covid pandemic, the physical presence of a quorum of the Planning Board is not reasonably practicable within the time period required to take action.*

*Accordingly, after consultation with members of the Board and Town Counsel, and pursuant to the authority granted by RSA 91-A:2 III (b), the Planning Board meeting on January 5, 2022, will be held via Zoom. Members of the public may, and are encouraged to, attend via Zoom using the information below. There will also be the opportunity for members of the public to attend at the Souhegan High School auditorium, with a connection to the Zoom meeting available there, if they wish.*

*The Zoom link is as follows: <https://us02web.zoom.us/j/81348800427>*

*Or Telephone: Dial +1 312 626 6799 Webinar ID: 813 4880 0427*

*Please note that all votes that are taken during this meeting shall be done by roll call vote.*

**Roll call attendance: Arnie Rosenblatt, Dwight Brew, Bill Stoughton, Christy Houpis, Tom Quinn, Tom Silvia, Mike Akillian, Tracie Adams, Chris Yates, Cynthia Dokmo; all alone and present.**

**PUBLIC HEARINGS:**

**1. Public Hearing on Proposed Zoning Ordinance Amendments. See separate notice.**

*This item was tabled to later in the meeting to allow the application with potential abutters in attendance to be heard first.*

January 5, 2022

APPROVED

44  
45 **2. CASE # PZ14920-101321- Clearview Subdivision (Owner & Applicant); Boston**  
46 **Post Road, PIN #: 005-159-001 & 38 New Boston Road, PIN #: 007-072-000 –**  
47 **Subdivision Application. To depict the design of a 43-unit Planned Residential**  
48 **Housing Development and WWCD CUP known as Prew Purchase Condominium on**  
49 **Tax Map 7, Lot 72 & Tax Map 5, Lot 159-1. Zoned Residential/Rural. *Continued***  
50 ***from December 1, 2021.***

51  
52 The Board discussed the venue for this proposed continuance. It was noted that the physical  
53 location for the meeting may be in Town Hall, as the High School may not be available, but that  
54 the meeting may also be held via Zoom depending on conditions at that time.

55  
56 **Bill Stoughton moved to, at the request of the applicant, continue this hearing to**  
57 **February 2, 2022, at 7pm, via Zoom with a physical location of Town Hall. The**  
58 **Board's deadline to act on this application is February 6, 2022, which is after the**  
59 **continued meeting. Seconded by Christy Houpis.**

60 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**  
61 **aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried,**  
62 **unanimously.**

63  
64 **COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF**  
65 **APPLICATION IS ACCEPTED AS COMPLETE:**

66 **3. CASE #: PZ15170-120321 – EIP One Bon Terrain Drive LLC (Owner &**  
67 **Applicant); 1 Bon Terrain Terrace, PIN #: 002-026-004 – Conditional Use Permit.**  
68 **To amend the Conditional Use Permit approved on September 8, 2021, in light of**  
69 **Stormwater Management changes. *Zoned Industrial.***

70  
71 Nic Strong stated that all application materials have been received.

72  
73 **Tracie Adams moved to accept the application as complete. Seconded by Christy**  
74 **Houpis.**

75 **Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn -**  
76 **aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried,**  
77 **unanimously.**

78  
79 Doug Brodeur, Meridian Land Services, stated that the application is to amend two previous  
80 conditions of the approved Conditional Use Permit (CUP), relative to the Wetlands and  
81 Watershed Conservation District impacts. Initially a gravel wetland was proposed to the south on  
82 an abutting lot. There was a verbal agreement with that landowner, but the landowner now  
83 believes that a gravel wetland would be detrimental to potential improvements to the lot in the  
84 future. There is a pending P&S agreement on that property. The first amendment is to modify  
85 condition subsequent #2, to eliminate the proposed gravel wetland. Instead, one of the  
86 bioretention systems is proposed to be expanded and more of the roof runoff area will be  
87 diverted for treatment. The second condition proposed to be modified is condition precedent #6,

TOWN OF AMHERST  
Planning Board

January 5, 2022

**APPROVED**

the maintenance of the culvert under Bon Terrain Drive to the stormwater basin on the abutting property. These requirements are no longer necessary, as the gravel wetland is no longer being proposed.

In response to a question from Tom Quinn, Doug Brodeur stated that the property originally proposed to hold the gravel wetland is on the south side of Bon Terrain Drive. There is an existing stormwater basin on that site that was proposed to be converted to a gravel wetland. This will still be used in its existing configuration.

In response to a question from Tracie Adams, Doug Brodeur stated that Pennichuck Water Works has commented that it has no concerns, based on the proposed management system.

Bill Stoughton stated that he has spoken with Rob Clemens, Chair of the Amherst Conservation Commission (ACC). Due to the runoff on site being mainly from the roof, and due to the fact that the proposal looks to treat more of this water than is currently being treated, the ACC is satisfied that the original intent of the CUP is being met with this proposal. The ACC does not believe this request needs to come before it formally.

Bill Stoughton stated that there is an easement on this CUP that needs to be finalized between the Town and Doug Brodeur's client. Doug Brodeur stated that the owner has cut the check for the legal review of this item and has sent it to the Town.

In response to a question from Bill Stoughton, Doug Brodeur stated that Keach-Nordstrom has determined an amount of approximately \$100,000 for the restoration bond. The owner will also cut a check for this item and send it to the Town.

There was no public comment 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 # PZ15170-120321 for EIP One Bon Terrain Drive, LLC, for an amended Conditional Use Permit for site improvements in the WWCD and at One Bon Terrain Drive, Tax Map 2, Lot 26, Sublot 4, with conditions set forth in the Staff Report dated January 5, 2022 . Seconded by Tom Quinn.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; 6-0-0 motion carried, unanimously.**

**PUBLIC HEARINGS:**

- 1. Public Hearing on Proposed Zoning Ordinance Amendments. See separate notice.**

TOWN OF AMHERST  
Planning Board

January 5, 2022

**APPROVED**

*The Board retook this item at this time.*

Arnie Rosenblatt asked Bill Stoughton to frame the issue for the Board and public.

Bill Stoughton explained that there are several proposed Zoning Ordinance amendments. These have gone through numerous reviews by the Board and have been available for public viewing. At the last meeting, the Board reviewed some word level changes that have been incorporated into the draft document published for tonight's hearing. Bill Stoughton stated that he will support the draft amendments as presented.

Arnie Rosenblatt thanked Bill Stoughton and Nic Strong for their work on this project. He stated that he did not intend to go through amendment by amendment or page by page, but would first ask for public comment and then go back to the Board members.

Danielle Pray voiced her support for the proposed amendments. She thanked those involved in the proposed Planned Residential Development (PRD) changes. She also noted that some of the proposed changes arose from an actual application that was vague and difficult for the Zoning Board of Adjustment (ZBA) to follow.

Will Ludt, 3 School Street, echoed Ms. Pray's comments. He believes the amendments put clarity to the Zoning Ordinance. He asked how these proposed amendments would impact an application, such as the current Clearview proposal.

Arnie Rosenblatt stated that this question would not be answered by the Board at this time, due to the fact that Clearview is a pending application.

**Christy Houpis moved that the Amherst Planning Board propose the amendments, as presented at this public hearing, for a ballot vote in March 2022. Seconded by Tom Quinn.**

**Discussion:**

**Bill Stoughton noted that the Board should vote on each proposed amendment.**

**Dwight Brew noted that the Town Vote last year was postponed, due to COVID-19, and suggested that the date be stricken from the motion.**

**Arnie Rosenblatt noted that, while he does not always vote on application hearings, he will be voting on these amendments, as a show of support.**

**Christy Houpis amended his motion to move that the Amherst Planning Board propose Amendment #1, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Tom Quinn.**

January 5, 2022

APPROVED

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

**Christy Houpis moved that the Amherst Planning Board propose Amendment #2, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

**Christy Houpis moved that the Amherst Planning Board propose Amendment #3, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

**Christy Houpis moved that the Amherst Planning Board propose Amendment #4, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

**Christy Houpis moved that the Amherst Planning Board propose Amendment #5, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

**Christy Houpis moved that the Amherst Planning Board propose Amendment #6, as presented at this public hearing, for a ballot vote in 2022 at the next scheduled Town Meeting. Seconded by Dwight Brew.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis – aye, and Chris Yates – aye; Arnie Rosenblatt – aye; 7-0-0 motion carried, unanimously.**

Arnie Rosenblatt noted that the Board believes these amendments are all important and substantive. He asked if there is a better way to inform the public on this item prior to, or at the Town Meeting.

TOWN OF AMHERST  
Planning Board

January 5, 2022

**APPROVED**

Dwight Brew noted that the Selectmen send a voter's guide to each home in Town. It would be possible to include a summary of these articles in that packet.

Nic Strong stated that there is a neutral rationale at the end of each Amendment to explain what the proposal will do. This will be included in the language on the ballot.

Tom Quinn asked about promoting education of these amendments on social media. Dwight Brew noted that boards are generally not allowed to lobby but may work to educate the public. It is unclear if a Board member can post about this on social media. Arnie Rosenblatt stated that he would check with Town Counsel on this item.

Mike Akillian stated that the series of explanations could be posted to the Town website, as a way to educate the public, but not lobby on this item. Something could be posted on Facebook linking to that spot on the Town website. Arnie Rosenblatt stated that he would still like to check with Town Counsel on this.

**OTHER BUSINESS:**

**4. Minutes: December 15, 2021**

**Christy Houpis moved to approve the meeting minutes of December 15, 2021, as presented. Seconded by Tom Quinn.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates - aye; 6-0-0 motion carried, unanimously.**

**5. Any other business to come before the Board**

Arnie Rosenblatt noted that, based on the CDC statistics, both the next meeting and the first meeting in February will be held remotely as the emergency situation will still exist. He stated that he will evaluate the situation after that.

**Christy Houpis moved to adjourn at 7:51pm. Seconded by Bill Stoughton.**

**Voting: Dwight Brew - aye, Bill Stoughton - aye, Tracie Adams - aye, Tom Quinn - aye, Christy Houpis - aye, and Chris Yates - aye; 6-0-0 motion carried, unanimously.**

Respectfully submitted,  
Kristan Patenaude

Minutes approved: January 19, 2022