

Amherst Planning Board  
Wednesday, September 2, 2015

In attendance: J. D'Angelo- Selectman Ex-Officio, A. Rosenblatt- Chair, M. Peterman, R. Hart, G. Leedy, A. Merriman, S. Wilkins, C. Harris, M. Dell Orfano and C. Mailloux, Community Development Director.

A. Rosenblatt called the meeting to order at 7:30pm and read the first case.

**1. Case #:PZ6447-080315 –Brian & Elaine Farmer (Owners) –20 Brook Road, PIN #: 008-023-001 – Request for Planning Board approval of a Conditional Use Permit for construction of a shed and extension of an existing deck with a total buffer impact of 352 square feet within the Wetland and Watershed Conservation District –Zoned NR.**

Michael Ploof of Fieldstone Land Consultants presented the case for the owners who were also present. He described the property's buffers and setbacks including wetlands watershed conservation district of 100 ft. from Joe English Brook and scenic road setback which has a 100 ft. setback from Brook Rd. The buffers and setbacks consume nearly the entire lot.

The proposal is to construct a 12'x16' utility shed and add a 160 sq. ft. deck addition to the existing deck.

Due to the physical constraints of the lot and the fact that there is no area on the lot that complies with the regulations, they are requesting a conditional use permit to construct the shed and minor addition. The property does not currently have any outbuildings – not even a garage which is normally found in this area. The shed will provide safe storage of common household items such as tools and lawn furniture.

The proposal is to place the shed on the most level surface possible. There is no other place the shed can go that would be more user- friendly. Minor grading would have to take place in order to level the area. There will be no disturbance for the additional deck area adjacent to the house.

The applicant has requested two waivers. The board asked questions at this time.

R. Hart's concern is that the shed position is low and fairly close to the stream. If the stream floods and the shed contains fertilizer, insecticides or gasoline, it might get washed out. He would prefer the shed be a little closer to the road at a higher elevation. M. Ploof said they looked at that position, but it's not possible due to the existing landscaping and leach field and they are trying to keep it away from the road and the scenic setbacks. There is 8' of elevation from that site to the stream.

M. Peterman asked what they intend to store in the shed. The owner stated they will store garden tools, a small work bench for potting, a riding lawn mower, bicycles and lawn furniture.

S. Wilkins said because the site is exempt from the scenic setback, her original thought was why not put it closer to the road. Given that the site is 4'-5' up from the stream and they are halfway up a hill, it's highly unlikely that they are going to get 4' of flooding. Normally she would rather infringe on the scenic setback than the wetland, but it's a minimal risk and she is ok with it.

C. Harris asked Rich if he believes there is enough distance between the shed and the brook if the owners sell the property and future owners store gas and pesticides there. R. Hart stated he was concerned, but it would take a huge flood to compromise it. G. Leedy asked where the flood plain is and they reviewed the maps. S. Wilkins asked what the shed is going on. The owner stated a cement slab.

C. Harris stated he feels better that it's on a slab. That should prevent gas issues.  
There were no abutters or interested parties present.  
The board discussed the notes.

**G. Leedy moved to review the waivers. M. Peterman seconded. The motion carried.**

The waivers are

- Pre and post development runoff calculations
- Minimum dimensional criteria of the zone. It's a preexisting non-conforming lot.

**M. Peterman moved to grant the waivers C. Harris seconded. The motion carried.**

**G. Leedy moved to accept the plan for review. S. Wilkins seconded. The motion carried.**

**G. Leedy moved to approve a conditional use permit subject to the conditions in the staff report as follows:**

1. If granted, the waivers be noted on the plan.
2. Three full sized plan sets and one PDF of the revised plan set shall be delivered for signing by the planning board chair.
3. Prior to the start of construction, the applicant shall cause durable discs or placards identifying the boundaries of the WWCD on the subject premises to be installed pursuant to requirements of Article IV-Section 4.11, F.6 of the Zoning Ordinance, as appropriate for this site.
4. The applicant shall install and effectively maintain all temporary erosion and sedimentation control measures and practices specified on the project plans throughout the duration of any work performed within or immediately adjacent to the WWCD boundary.

**S. Wilkins seconded. The motion carried.**

Mike Dell Orfano arrived at this time.

#### **Strategic Plan Discussion**

A. Rosenblatt stated the object of the discussion is to identify issues the board thinks should be considered for spending money. At the last meeting, several possibilities were discussed and this meeting is to see if there is a consensus of one or more initiatives to spend money on.

C. Mailloux addressed the board. The 2014 department strategic plan update is in front of the board. She is in the process of updating the 2015 version. One objective the board discussed is to increase the commercial base and the goal is to increase commercial assessed values to be 20% of the total assessed valuation of the town. A strategy in support of that is to establish a sewer infrastructure along 101A. The board can discuss that project as well as determine if there are other initiatives they want to put forward. She posed these questions for the board to discuss: are there goals the town should be working on now or in the future? What are the goals this board wants to accomplish and how much money is needed to accomplish them?

To help frame the board's sewer proposal to the selectman, A. Merriman handed out an outline of topics and questions to discuss. He read from the outline. He concluded by asking what kind of a budget request do we want to make and for what? Do we want to do this study and how much money is needed? Or do we frame what we want to do and talk to some firms to find out what it would cost?

M. Peterman asked if anyone has talked to the owners of the property on Bon Terrain. If we put in the sewer line, does that make it any more feasible for them to sell the property? Because if putting in a sewer doesn't get us anything back within a reasonable timeframe, then why spend that kind of money?

G. Leedy said the way these things work is the town lays the main line and the connection to it is another issue. If the owners wanted to develop the land and connect to the sewer it would allow the

town to grant them the additional density above what would be allowed with a septic. Having the line would open up additional opportunities for enhanced tax revenue.

S. Wilkins said there might be people who are interested in locating there but won't make an offer to buy without that sewer depending on what their use is. Also, there are a number of commercial properties out there whose septic systems are approaching 20-25 years old and residential properties that are approaching 50 years old that would benefit from this and take advantage of it. Some of them were under the assumption that there would be a line to hook into by the time theirs failed. Protecting that aquifer is for the benefit of the town. It also makes the land more developable.

M. Peterman said it's important to have a conversation with the Bon Terrain owners and let them know what we're proposing.

A. Rosenblatt reiterated A. Merriman's plan: let's find out what's involved, how much is it going to cost, then we can have meaningful conversations with 3<sup>rd</sup> parties.

C. Mailloux has talked with S. Keach and A. Merriman. This study is the first step. The Merrimack sewer that's at the corner of 101A is the Nashua system- not Merrimack. Merrimack's line stops on Continental Blvd. Steve had put together the estimate of 850,000 gallons/day for full capacity for an industrial/commercial zone for that area. The next step is this analysis. The following step is to do a \$350,000 sewer masterplan. \$25,000-\$30,000 is a good estimate to ask of the selectman for FY'17 for the study to determine if this project is worth considering and if it's feasible.

Although Bon Terrain is the biggest undeveloped piece of land, G. Leedy said consideration of this issue needs to go well beyond Bon Terrain. The town needs to be careful about getting manipulated.

M. Dell Orfano said it's important to go ahead with the study and include access. We may find the sewer is feasible, but the land is not accessible for development.

S. Wilkins stated that the sewer line is her number one priority project to put forward to the selectman, but her second choice would be to look at that corridor in the short and long term in terms of improving access to avoid the impacts of having to upgrade that road.

G. Leedy stated they stand a better than 50% chance of having 300,000 sq. ft. of dark space over there within the next two years. (VWA) They are looking for a million square feet on a highway.

A. Rosenblatt asked if the board wants to have a motion to support this recommendation of an amount of money to accomplish what A. Merriman has outlined. **G. Leedy moved and S. Wilkins seconded that the Planning Board recommends financing the plan outlined by A. Merriman for \$30,000.** There was a board consensus with no one in opposition.

A. Rosenblatt asked if there were any other specific projects the board wanted to bring to the selectman. S. Wilkins suggested we pick up the corridor study of 101A with the specific goal of figuring out ways to increase capacity with minimal impact to the wetlands. Interconnectivity between the sites and reducing the number of curb cuts on the road is the focus.

G. Leedy said there is also the Nashua project of widening the road from Target down to the highway.

S. Wilkins said you can't add more lanes to that road, but you can make what's there work more efficiently. It's not currently mandatory for sites to interconnect, but that should be updated.

The board further discussed frontage roads, reducing traffic lights by increasing interconnections and calibrating traffic lights.

S. Wilkins suggested money be set aside for a comprehensive study with recommendations for regulatory changes to increase the efficiency of the 101A corridor and preserve what capacity we have.

G. Leedy suggested doing a transportation master plan. The board discussed details.

S. Wilkins reiterated she wants to put all of the energy into the sewer project as the priority rather than present multiple projects. If she were to put in a second project, it would be the transportation on 101A because it is part of this whole economic development.

A. Rosenblatt brought up a new issue- having money to buy open space for passive recreation and non-passive recreation. There is a lot of land in town. Some land that we looked at buying before for preservation has now been developed. If people in town don't want land developed, the town will have to put up money for that. We ought to figure out a way to accomplish that. In the same way we should be encouraging commercial and industrial use to share the tax base; we should insure the future of the town by preserving land not for development.

G. Leedy is in favor of conservation buying land, but preserving the woods and wildlife isn't the only way to preserve open space. You can't typically see that land as you drive through the community. It's the open fields and rural landscape you see. The rural landscape is visible because it's clear. Just buying conservation land doesn't necessarily preserve the rural character of the town. S. Wilkins asked how many meadows that ACC owns are we mowing. R. Hart said there are about 75 acres of meadows and he thinks we're mowing about half of that.

It was suggested that going through the conservation commission might not be the best way to pursue this because their goals are different. Going through the recreation department might be a better alignment.

S. Wilkins suggested that the planning board strategic initiative is for the selectman to establish a process for setting aside money for the purchase of open space for the uses discussed.

The board continued to discuss the ACC's objectives and procedures, the recreation department's mandate, land trust or similar mechanism for municipalities and how it could work. A. Rosenblatt suggested there has to be approval for money and there has to be some group that is authorized to purchase the land.

C. Mailloux suggested that at this time the Planning Board supports a no money initiative for FY'17 to figure out the procedure for purchasing open space. And then recommend for FY'18 putting money into the budget for that.

G. Leedy recommended combining the conservation master plan and the recreation master plan and creating an open space master plan. A lot of that work has already been done.

J. D'Angelo requested that the town administrator check with town counsel regarding the economic corporation issue to find out if it's possible for a town to do it. If there is a mechanism in place, it probably needs a warrant article to authorize it.

### **Regional Impact**

C. Mailloux stated there is no regional impact yet on the next agenda. The deadline is Friday.

192 **Approval of Minutes: August 5, 2015**  
193 *Dell Orfano* was misspelled in the attendance  
194 **G. Leedy moved to approve the minutes as amended. C. Harris seconded. The motion carried with M.**  
195 **Peterman abstaining.**  
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197 **C. Harris moved to adjourn at 8:50pm. S. Wilkins seconded. The motion carried.**  
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199  
200 Respectfully submitted,  
201 Jessica Marchant