

**AMHERST PLANNING BOARD**  
**Wednesday September 7, 2016**

In attendance: A. Rosenblatt- Chair, P. Lyon- Selectman Ex-Officio, M. Peterman, S. Wilkins, E. Hahn,  
M. Dell Orfano, R. Hart, G. Leedy, C. Harris  
Staff representative: S. Keach

A. Rosenblatt called the meeting to order at 7:33pm.

**NEW BUSINESS**

**CASE # PZ7716-080116: Kathryn & Richard Boyd - Conditional Use Permit Application to construct an addition onto an existing house that sits within the 100-foot buffer from Baboosic Lake at 10 North Jebb Road, PIN # 008-069-000 in the Residential/Rural Zone and the Wetland and Watershed Conservation District**

Tom Carr from Meridian Land Services represented the owners who were present. They are here for a conditional use permit for impacts within the buffer to Baboosic Lake. There are two buffer areas. Only the buffer to the lake will be impacted. This is an existing single family home and the proposal is to add living space for an elderly parent who needs care. The proposed plan is to add a single-story addition of 605 sq. ft. of gross living space, reconstruct the porch and give the walkway a new shape.

There is currently 11.7% impervious area within 250 ft. of the lake. With the addition, this moves to 13.4%. The state does not require special infiltration or storm water management until 20%. This is the first time Tom is presenting under the new conditional use permit regulations. He highlighted three gutters currently on the house. With the addition, there will be four down spouts. He discussed the drainage and recharging that's planned and highlighted the locations on the plan.

This plan went before the Conservation Commission on August 28<sup>th</sup>. He doesn't know if they sent comments, but they did make a motion to support the proposal and its approval.

He doesn't have any issues with Mr. Keach's staff comments. He provided the board with a copy of the shore land permit to confirm that comment has been satisfied. Rather than show a stockpile location, he would like to add a note that says: *All excavated soils shall be contained within the temporary disturbance area or moved directly off-site or otherwise outside the 250 ft. comprehensive shore line protection zone.*

**S. Wilkins moved to accept the plan for review. M. Dell Orfano seconded. Vote: All in favor**

G. Leedy asked where the septic system is. It's shared with another house. Tom showed where it's located on the map- about 350 ft. away from the lake. Gordon further asked about the impact on the roots of those nearby trees. Staff comments suggested that Tom supervise the construction of that bed so he can supervise the excavation and alter the location of that system as needed to manage the least amount of damage to the roots. Tom is willing to do that. G. Leedy recommended adding tree protection language to the plan. *Hand excavating around the roots that are an inch or more in diameter.* He also suggested sawing the roots rather than pulling them up.

M. Peterman stated adding 600 sq. ft. will bring the house up to 2200 sq. ft. She asked if the septic will support that. Tom explained there is a very small room- a sewing room that is being counted as a bedroom that isn't being used as a bedroom so with the addition there will still be the same number of bedrooms.

The owner clarified the septic was built for 6 bedrooms- three for each house. They currently have one bedroom because they knocked down a wall to make two small bedrooms into one and the original third, tiny bedroom is used as a study. So this addition will add one bedroom giving them two bedrooms. It was further clarified that even if the small study is used as a bedroom by a future owner, it will still only total the allotted three bedrooms.

S. Wilkins thanked the Conservation Commission for their written report.

**C. Harris moved to approve the application with the tree language Gordon submitted and with the excavated soil note Tom added. G. Leedy seconded. Vote: All in favor**

**CASE # PZ7717-080116: Shrek Properties, LLC - Non-Residential Site Plan Application to construct a 4,752 square-foot multi-unit commercial building at 3 Tech Circle, PIN # 002-020-006 in the Industrial Zone and the Aquifer Conservation & Wellhead Protection District**

K. Anderson from Meridian was present along with the property owner, Matthew Arel.

Kevin stated this is the last remaining vacant parcel on Tech Circle. He presented a design review of this plan with the Planning Board in early June and the two waivers being sought were discussed. One is for landscaping and one is for driveway grading.

There is a steep slope from Tech Cir to the buildable plateau. The abutting properties consist of an existing commercial building to the west, a self-storage facility to the rear, Irving oil to the east and a Landscaping company across the way.

They are proposing a three-story commercial building approximately 32ft. high. The first floor will be garage space. (3 bays) The second floor will have some office space and some second story garage space. The third floor will be all office space. The building is designed for three units. There will be a total of 4700 sq. ft. (About 10,000 sq. ft. of floor)

The driveway waiver requests a slope of up to 12% where 8% is permitted. This waiver is needed to access the site. The abutter's driveway is 12%. All of the lots there are narrow so excavation would be tricky with the abutters so close.

Parking includes the three garage spaces to the right, some parking in the front and most parking in the rear.

Regarding storm water, the site gently slopes to the north direction. Storm water will be captured by a series of interconnected catch basins that discharge into an infiltration basin. The last two catch basins are designed as leaching catch basins. Additional recharge into the ground helps mitigate some of the storm run-off. The pipe is also a leaching pipe.

For landscaping he proposes a series of white pines and maple trees with a manicured lawn. The storm water detention basin will have grass that will be mowed when it doesn't have water in it. This design is similar to the other properties around it. He is not proposing any landscaping to the rear property line that abuts the self-storage or to the Irving oil side.

In general, Kevin agrees with most of Steve's staff comments. There are six comments he has issues with and addressed them as follows:

1. Driveway slope waiver: They need access to the property. He tried to balance accessing the property without doing too much disturbance. The 12% he's asking for is quite a bit above the maximum allowed,

but it is similar to the abutting properties. Due to the terrain within that subdivision, the 12% grade is needed.

2. Landscaping waiver: He's asking relief from needing a licensed landscape architect. The property is at the end of a cul-de-sac and in the industrial zone. He has proposed landscaping that is similar to the surrounding features. There will be manicured lawns. The commercial building has beautiful retaining walls. What he's proposing is very similar to surrounding properties and doesn't think the cost of the landscape architect is necessary for this project.

3. Parking: The amount of spaces he came up with was based his calculations of actual space delineated in the proposed building. The building fits a specific type of client- a commercial, contractor-type facility. An example would be a builder who uses the garage below and has an office above. Very limited parking would be needed. He added up the office space on the second and third floors and applied the regulation of one space per 250 sq. ft. and came up with 17 parking spaces. He has included 17 spaces on the plan including one that's for handicapped use. The owner agrees that is adequate parking for this site. S. Keach did his calculations based on the gross square footage of the building and arrived at 27 spaces. They are ten spaces short.

4. Retaining walls: The site needs retaining walls to work. He wants to limit them to four feet. He has shown on the plan where they need to be, but they were engineered by someone else. They can be stepped or tiered and there are different materials that could be used. He would like to discuss this more with the board.

5. Infiltration system: S. Keach noted there is ledge in that area. Kevin said his test pits show no ledge in this area that's why he put recharge there.

6. Equipment storage area: Kevin said he will delineate a storage facility area and highlighted the location on the plans.

S. Keach explained his submitted comments as follows:

Parking: Kevin is correct regarding the methodology he used. Site plan regulations say 4 spaces per 1000 sq. ft. of gross floor area (office area). The owner knows what he needs so they might need to do a parking waiver request.

C. Harris asked if there is a difference between office and retail use. S. Keach said yes, if this was a professional office, you would want the 4 per 1000. This use probably won't receive many people coming and going and the owner probably knows what he needs. He was just pointing out the disconnect in the regulation to what's been provided. The garage space is counted as industrial space and that is calculated at a lower amount of 1 per 500. The garage could also be used for some parking, and he didn't count those spaces. 32 was the number of spaces he calculated and 17 is the proposal.

Landscape architect waiver: The proposal doesn't address the requirements on plantings.

Retaining walls: They aren't very tall, but most of these are holding up abutting property that is higher than the site. It may be tight to build this within the confines of those walls to adjoining properties. He wants to make sure they can support the construction, be structurally sound and can be constructed with the available real estate.

142 Infiltration system: Test pits suggest there is ledge on the site. 100% of the drainage is going into one  
143 spot and he'd like to have more information so we don't end up with a drainage problem. He would like  
144 him to do one or two more test pits.  
145  
146 Equipment storage area: on the application there was no indication of one so he is satisfied with the  
147 solution discussed.  
148  
149 Driveway waiver: this regulation didn't exist when this lot was created. He supports the waiver request  
150 because the owner really doesn't have a choice. A platform has been planned for the bottom of the  
151 driveway. It's not 12% the whole way.  
152  
153 S. Wilkins asked if there was any push back from AFD or EMS. No comments were received.  
154  
155 M. Dell Orfano asked if has he looked into seasonally heating the driveway. The owner stated it isn't cost  
156 effective. He has done it at other locations and he spoke to Fulcrum and he has no issues over there.  
157  
158 C. Harris said regarding office parking use, 17 spots seem to meet the needs of that property even  
159 looking into the future for other owners.  
160  
161 P. Lyon thought the driveway is not too much of an issue and he doesn't see the need for the landscape  
162 architect. The retaining wall issue probably needs to be addressed.  
163  
164 S. Wilkins said for parking she is concerned about a possible change of use in the future needing more  
165 parking. Can they create off-site parking or add some kind of note that in a change of use, more parking  
166 can't be added? S. Keach said if the garage use changes, parking spaces can be added back there. Or for  
167 special occasions, people can park back there on the pavement- it just won't be striped.  
168 For landscape she needs more detail than the landscaping proposed, but she believes they don't need a  
169 landscape architect.  
170 Engineering the retaining walls is a need. She wondered if they need it for the approval of the plan, or  
171 just prior to the building permit being issued. S. Keach said some time in between so they know  
172 schematically the materials that will be used.  
173 She agreed a couple more test pits for the infiltration pit is needed.  
174  
175 M. Dell Orfano asked if they have septic approval from state. The plan is done and waiting to be sent  
176 after this meeting.  
177  
178 G. Leedy said a landscape architect is not needed, but they need someone who knows what they are  
179 doing. All requirements in a landscape plan should be met and this plan doesn't do that.  
180 For retaining walls, he doesn't think they'll find a place to use rock except maybe in the back.  
181 For parking, 3-3.5 spots per 1000 seems to be sufficient. Doing that math, they probably need 20 spaces.  
182 He suggested striping some spaces along the side and adding some by the dumpster.  
183 They need to have a note on the plan that forbids outdoor storage of materials.  
184 The current use is not truly known, so he suggested it is clarified in the minutes that the use that's been  
185 represented for the ground floor is storage and garage space.  
186 The infiltration leaching trench location was clarified. He asked if it is in a fill section. It's close. He has  
187 about 6" from the bottom of the system and seasonal high ground water. Gordon is a little  
188 uncomfortable with that because of the permeability in that area. Kevin can adjust by using a smaller  
189 pipe and putting stone in there and getting one foot of separation.

190 Gordon agrees with S. Keach to get some permeability tests.  
 191  
 192 E. Hahn noted there's a guard rail on the left side, but not the right and nothing by the dumpster. Kevin  
 193 explained the elevation and the areas that need or don't need the rail. They reviewed the plan and Kevin  
 194 agreed he could put a section of rail there on the right.  
 195 The board discussed not using salt because of the aquifer protection district. S. Keach believes the  
 196 aquifer is a bit further away than indicated on the map.  
 197  
 198 R. Hart confirmed with the owner there will be no fueling or oil changes done on site.  
 199  
 200 A. Rosenblatt summarized that everyone agrees with the retaining wall issue needing to be addressed  
 201 and not approved as a condition subsequent. He wondered if they should table the issue until it's  
 202 resolved.  
 203 Everyone also agrees parking should be a waiver. He is uncomfortable with it being based on the use.  
 204 Once it's in place, it's there. Changes will occur in the future, so we need to be ready for that.  
 205 The driveway slope at 12% sounds steep. With this use, it's ok. But in the future if it's retail, it's not ok.  
 206 Regarding being 'grandfathered' or a vested subdivision: he doesn't know the law on that, but they  
 207 shouldn't base any decisions on that.  
 208  
 209 G. Leedy gave a parking example of a large retail site that was off a main road. There was a regulatory  
 210 parking issue, but it wasn't an actual parking issue. If he owner says this is enough parking, where is the  
 211 Town's interest in asking for more parking?  
 212  
 213 **S. Wilkins moved to table the case to the first meeting in October. C. Harris seconded.**  
 214  
 215 The board discussed if they should vote on the driveway waiver now. If it doesn't pass, he has to  
 216 redesign the whole site. They discussed confirming with EMS and AFD that they are ok with the  
 217 driveway. The Planning Board needs that in writing from them.  
 218 C. Harris wants the board to give the applicant assurance that the Planning Board will grant the driveway  
 219 waiver as long as EMS and AFD are ok with it. He doesn't want to let them go out and do the work and  
 220 get the approval from EMS and AFD and come back to the Planning Board to find the board still has  
 221 issues.  
 222 M. Dell Orfano said if EMS and AFD approve, he is ok with it provided they don't need deicing to get up  
 223 the driveway.  
 224 **Vote: All in favor**  
 225  
 226 **CASE #: PZ7767-081116: Migrela Realty Trust II - Conceptual Discussion with the Board seeking an**  
 227 **interpretation of Sections 4.16 and 4.20 of the Zoning Ordinance regarding unit density for a proposed**  
 228 **elderly housing project on Hollis Road, PIN #'s 001-008-000, 001-008-002, and 002-007-000 in the**  
 229 **Residential/Rural Zone.**  
 230 This topic was removed from the agenda prior to the meeting.  
 231  
 232 **OTHER BUSINESS**  
 233 **Bruce Berry, DPW Director to follow up with the Board on a previously-approved Scenic Road**  
 234 **Application for Colonel Wilkens Road regarding the removal of four additional trees that were found**  
 235 **to be diseased or compromised during the tree removal process**  
 236  
 237 E. Hahn recused himself and sat with B. Berry at the front table.

238 B. Berry stated he is here with a heavy heart because he respects the trust between him and the board.  
239 He had to remove three extra trees at the project on Col. Wilkins. One tree was dead and by removing  
240 two stumps, two other trees were damaged and needed to be removed.  
241 A. Rosenblatt said while doing the work, you made the choice you needed to make.  
242 C. Harris is confident in the decisions Bruce makes.  
243 A. Rosenblatt stated B. Berry actually called him prior to cutting the trees down seeking approval, but A.  
244 Rosenblatt did not give him approval since he doesn't have that authority. It needed to come before a  
245 full board, but Bruce couldn't stop work and wait for the next meeting.  
246  
247 B. Berry said this is the exception- not the rule. To avoid this issue in the future, he learned that when he  
248 looks at a tree that needs to come out, he needs to look at the surrounding area before finalizing his  
249 removal plans.  
250  
251 **Minutes: August 3, 2016**  
252 Line 43: change tree trees to three trees  
253 **G. Leedy moved and C. Harris seconded to approve the minutes of August 3<sup>rd</sup> as amended.**  
254 **Vote: All in favor with M. Dell Orfano abstaining**  
255  
256 G. Leedy informed the board that this was his last meeting as a Planning Board member and handed in  
257 his resignation because he was hired as the new Amherst Community Development Director.  
258  
259 C. Harris asked if is there a way to authorize that tree removal in the future. S. Wilkins and E. Hahn asked  
260 for some scenic road guidelines. The board discussed these items, but made no decisions at this time.  
261  
262 **C. Harris moved to adjourn at 9:23pm. M. Dell Orfano seconded. Vote: All in favor.**  
263  
264 Respectfully submitted,  
265 Jessica Marchant