

TOWN OF AMHERST
Planning Board

April 5, 2023

APPROVED

In attendance at Souhegan High School: Arnie Rosenblatt – Chair, Bill Stoughton – Board of Selectmen Ex-Officio, Chris Yates, Tom Quinn [7:10pm], Tracie Adams, Tom Silvia, Cynthia Dokmo, Tim Kachmar (alternate), and Pam Coughlin (alternate)

Staff present: Nic Strong, Community Development Director

Arnie Rosenblatt called the meeting to order at 7:00pm. He explained that the Board would take up its election of officers at this time.

Other Business

4. Election of Planning Board Officers

**Bill Stoughton moved to nominate Arnie Rosenblatt as Chair of the Planning Board.
Seconded by Tracie Adams.
Motion carried unanimously 5-0-0.**

**Bill Stoughton moved to nominate Tracie Adams as Vice Chair of the Planning Board. Seconded by Chris Yates.
Motion carried unanimously 5-0-0.**

**Bill Stoughton moved to nominate Chris Yates as Secretary of the Planning Board. Seconded by Tom Silvia.
Motion carried unanimously 5-0-0.**

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

CONTINUANCE REQUEST BY APPLICANT

- 1. CASE #: PZ16932-020723 – Kevin & Claudine Curran (Owners & Applicants); Pond Parish Road, Baboosic Lake Road & Grater Roads, PIN #s: 006-002-000, 006-007-000 & 006-009-000 – Subdivision Application – Final Approval.** To depict the consolidation and conventional subdivision of Tax Map 6 Lots 2, 7 & 9. *Zoned Residential Rural.*

Tim Kachmar voted for Tom Quinn until his later arrival.

Arnie Rosenblatt read and opened the case. He noted that a continuance has been requested. Nic Strong stated that the continuance has been requested to April 19, 2023. Arnie Rosenblatt noted that this meeting will be held at Souhegan High School

Bill Stoughton explained that it was publicly announced earlier this week that the Town has entered into a purchase and sale agreement with the Currans for this property. This agreement will go through a series of public meetings and public hearings over the next month, including one with the Planning Board. The Board of Selectmen has requested that the Planning Board's

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next meeting on April 19th be a joint meeting for the purposes of a presentation jointly with the Heritage Commission. Assuming the process goes well, there will be further continuances on this application until the transaction was fully complete.

Arnie Rosenblatt asked if the Planning Board is being requested to comment on this item on the 19th. Bill Stoughton stated that, under the applicable RSAs, the Planning Board, Heritage Commission, and Conservation Commission can review and make recommendations to the Board of Selectmen. The Board of Selectmen then votes on whether to complete this acquisition. The Planning Board is being asked to hold a meeting jointly with the Heritage Commission as a matter of efficiency. After the presentation, the two groups will deliberate and make recommendations separately. The Conservation Commission will be holding a separate meeting.

Tracie Adams moved to continue CASE #: PZ16932-020723 to April 19, 2023, at 7pm at the Souhegan High School, per the applicant's written request. Seconded by Tim Kachmar.

Motion carried unanimously 6-0-0.

- 2. CASE #: PZ17059-030923 – Peter J. Hunter (Owner) & Justin Powers (Applicant); 6A Thornton Ferry Road I, PIN #: 016-017-001 – Subdivision Application - Final Approval.** To subdivide Map 16, Lot 17 into two building lots. *Zoned Residential/Rural.*

Arnie Rosenblatt read and opened the case.

In response to a question from Arnie Rosenblatt, Nic Strong stated that there are no issues in terms of completeness of this application.

Tracie Adams moved to accept the application as complete. Seconded by Tom Silvia. Motion carried unanimously 6-0-0.

Arnie Rosenblatt explained that the Board will hear a presentation by the applicant. Members of the Board will then have an opportunity to ask questions and to comment. The public will then have an opportunity to ask questions and make comments. The Board will then deliberate.

Tom Quinn entered the meeting and took his seat on the Board.

Earl Sandford, Sandford Surveying & Engineering, Inc., explained that the proposal is to subdivide Tax Map 16 Lot 17 into two lots and legitimize Lot 17-1 as already deeded out and shown on Town Tax Maps. Meridian Land Services mapped the wetlands on the lot, and it has been determined that the lot is viable for subdivision. There is adequate room on the lot to be subdivided for building, septic system, well, etc. These lots have been previously treated as viable building lots for decades.

Tom Silvia noted that the Staff Report discussed the positioning of the driveway. Earl Sandford stated that he believes the positioning is okay, but he did not complete the survey work.

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Tom Silvia asked about the timing of building a residence on the subdivided lot. Earl Sandford stated that, though he does not find this relevant to the case, the applicant will be the one pursuing this process. Justin Powers, applicant, stated that the goal is to receive approval and break ground by June 1st.

Bill Stoughton asked if a single-family residence is proposed for the lot; this is important in terms of determining the impact fee assessment of the residence. Earl Sandford stated that this will be a single-family residence. The lot can supply well water. Justin Powers stated that he would prefer municipal water, if possible. Bill Stoughton noted that the Fire Station has been identified as a potential source of PFAS contamination in this area. This lot is downstream of the Fire Station and has a potential for contamination. The Town is currently spending a great deal of money to hook up other homes to Pennichuck Water. Bill Stoughton stated that he does not want to approve this lot with a well, only to find out that the well water cannot be used without treatment methods. He would like to consider conditioning approval that the lot be served by municipal water, if available on Thornton Ferry Road. If not available, he would like the applicant to be on notice that this is a potential issue.

Bill Stoughton noted that the Board needs to define active and substantial development of building for purposes of vesting rights. He suggested foundation excavation. Earl Sandford stated that he finds this unusual and unreasonable for a frontage lot, as he has many of these lots that stay vacant for decades. Bill Stoughton stated that the owner does not have to build by a certain date, but, if the owner wants the benefit of today's ordinances and regulations, active and substantial development or building must begin within the two-year period in order to vest in those rights. Attorney for the applicant, Tom Quinn noted that the applicant is anxious to break ground, and this is probably a moot point.

Bill Stoughton stated that the other vesting is substantial completion, and having the foundation complete and water and septic systems installed would be appropriate for this within five years. Earl Sandford stated that there are no issues with that suggestion.

Arnie Rosenblatt asked for public comment.

Charles Dreyer, 6 Thornton Ferry Road I, stated that he believes the lot is a nice place in a good neighborhood.

The Board addressed the waiver requests.

**Bill Stoughton moved to grant the waiver requested to the subdivision regulation requirements for studies as the Board has determined that specific circumstances relative to the subdivision plan, namely recognition of pre-existing separate lots and the minor scope of the subdivision, indicate the waiver will properly carry out the spirit and intent of the regulations. Seconded by Tom Silvia.
Motion carried unanimously 6-0-0.**

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Bill Stoughton moved to grant the waiver to the site-specific soil mapping required by subdivision regulations as the Board has determined that specific circumstances relative to the subdivision and the conditions of the land in such subdivision, namely recognition of pre-existing separate lots and minor scope of the subdivision, indicate the waiver will properly carry out the spirit and intent of the regulations. Seconded by Tom Silvia.

Motion carried unanimously 6-0-0.

Bill Stoughton moved to approve CASE #: PZ17059-030923, Peter J. Hunter (Owner) & Justin Powers (Applicant), for the above cited final minor subdivision of Map 16 Lot 17-1 with frontage on Thornton Ferry Road I, with the conditions set forth in the staff report and the following additional conditions:

- **additional condition precedent #5: to receive all required State and federal permits;**
- **additional subsequent condition #4: potable water supply for the residence shall be by public water utility, if existing mains pass the lot along Thornton Ferry Road I, to avoid the potential for PFAS contamination in well water;**
- **additional subsequent condition #5: the applicant shall obtain a driveway permit;**

With respect to impact fees, impact fees are assessed at the single family, detached residential rate;

Active and substantial development or building is defined as foundation excavation is commenced; and substantial completion of the improvements is defined as the foundation is complete, and water supply and septic systems have been installed.

Seconded by Chris Yates.

Motion carried unanimously 6-0-0.

Arnie Rosenblatt addressed the Findings of Fact. The determination is made this lot has functioned essentially as a lot for a fair amount of time, that it otherwise satisfies the requirements that the Board would have, and that there is no prejudice to the community in confirming this application.

Chris Yates moved to approve the Findings of Fact, as stated. Seconded by Tom Silvia.

Motion carried unanimously 6-0-0.

- 3. CASE #: PZ17060-030923 – Legacy Building & Development LLC, c/o Robert Pace, (Applicant & Owner); 32 & 34 Merrimack Road, PIN #s: 003-166-001 & 003-166-002-Subdivision Application – Lot Line Adjustment. Adjust the lot lines between Tax Map 003 Lots 166-1 & 166-2, making Lot 166-1 conforming to current Zoning requirements. *Zoned Residential Rural.***

Arnie Rosenblatt read and opened the hearing.

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In response to a question from Arnie Rosenblatt, Nic Strong noted that there are no issues in terms of completeness of the application.

**Tracie Adams moved to accept the application as complete. Seconded by Tom Silvia.
Motion carried unanimously 6-0-0.**

Chris Hickey, Keach Nordstrom Associates, Inc., representing Legacy Builders, explained that this proposal is for a lot line adjustment. The property is located on Tax Map 3 Lots 166-1 and 166-2. These are both existing lots of record and have been as such for a long time. Existing Lot 166-1 is substandard to today's current zoning conditions, with respect to frontage and lot area. There is also a large wetland in the front of the lot. The proposal is to add two parcels of land from existing Lot 166-2 into Lot 166-1 to make it a 3.3-acre lot with the required frontage and lot area. A small piece of land will then be added into Lot 166-2 to help with setbacks. Existing Lot 166-1 is 1.82 acres and after the adjustment would be 3.3 acres, and existing Lot 166-2 is currently 8 acres and after the adjustment will be 6.6 acres. There is a proposed shared driveway off Claude Street, as the wetlands cannot be easily crossed, with a proposed access easement shown on the plan. There are no State permits required for this proposal and no waivers are requested.

Bill Stoughton asked if the proposal will be to construct a single family detached residence on the lot. Chris Hickey stated that this is the case, but he is unclear why impact fees would be assessed, as this proposal does not create any lots but simply adjusts the existing lots. Bill Stoughton explained that, when a building permit is pulled, the applicant will pay impact fees.

Arnie Rosenblatt asked for public comment at this time.

Dennis Wheeler, Claude Street, stated that Claude Street dead ends, and the Town has maintained it for years. His boundary stones get knocked down repeatedly and he believes that the turnaround should be extended in order to handle trailer trucks, heavy equipment, and emergency equipment.

Arnie Rosenblatt asked if the applicant would like to comment on the public comment. Chris Hickey stated that Claude Street comes off Merrimack Road and extends approximately 250'. The applicant has stated that the Town maintains all the way up almost to their house. He is unclear about a potential turnaround. The proposed driveway will come off the existing driveway at 90 degrees.

Jessica Buckley, condo owner across Merrimack Road, echoed the sentiment that additional traffic to this area should require some sort of adjustment to the road.

Chris Yates asked about the proposed location for the new driveways. Chris Hickey explained that an existing gravel drive exists off Claude Street. There are no proposed improvements to the roadway; the new shared driveway will come off the existing gravel drive.

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Tom Quinn noted that he believes Claude Street only services the one existing house at the end of the road. He asked about the abutter comments regarding a potential turnaround. Chris Hickey stated that the abutter has a right to use this road to access his fields in the back. Other than that, it is unclear who else would use this road.

Bill Stoughton stated that the Town's current road standards require that a road terminate in a cul de sac. Nothing is proposed on the public road as part of this application. The applicant is proposing a shared driveway and a driveway easement off it. The lot line adjustment does not appear to be doing any type of work that takes place on the public road. He stated that he will ask the DPW Director for more information about this road but is not ready to hold off on approval of this item at this time. He stated that he does not believe the Board has any authority to defer this application on this concern. The applicant is not proposing to do anything on the public road itself. There are many roads in Town that are not up to current standards and are not necessarily improved until it is time to reconstruct the road.

Chris Hickey noted that the plan was distributed to the DPW, and no concerns were noted.

**Tom Silvia moved to approve CASE #: PZ17060-030923, Legacy Building & Development LLC, for the lot line adjustment of Lots 166-1 and 166-2 with frontage on Merrimack Road with the conditions precedent and subsequent outlined in the staff report; and with impact fees to be assessed at the single family detached residential rate. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

Tracie Adams addressed the Findings of Fact relevant to CASE #: PZ17060-030923:

- the Planning Board determined no regional impact at the March 15, 2023, meeting
- Tax Map Lots 166-1 and 166-2 lie in the Residential Rural zoning district with the Wetland and Watershed Conservation District overlay
- the proposal will take Tax Map 3 Lot 166-1 from non-conforming with the 2-acre lot size minimum required in the Residential Rural zoning district at 1.824 acres, to conforming, with the minimum requirement of 3.30 acres
- Tax Map 166-2 will decrease from 8.076 acres to 6.599 acres and remains conforming.

**Tracie Adams moved to approve the Findings of Fact as presented. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

CONCEPTUAL DISCUSSION:

- 4. CASE #: PZ17061-030923 – Ballinger Properties (Owner) & Tanya & Eric Schifone (Applicants); 10 Howe Drive, PIN #: 002-034-007 – Non-Residential Site Plan Application – Discussion.** To depict a conceptual site plan with the associated site improvements. *Zoned Industrial.*

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Arnie Rosenblatt read and opened the conceptual discussion. He explained that this is conceptual discussion, meaning that it is not an actual application. There will not be any determinations made this evening and comments made by any members of the Board are non-binding.

Sam Foisie, Meridian Land Services, explained that this is a vacant parcel which is currently being used for gravel operations. This lot is located in the Industrial zoning district and is 6.5 acres. The intention of this project is to construct a 20,000 s.f. warehouse, with approximately 2,500 s.f. of office space that will be used in conjunction with the warehouse for staffing and operational purposes. There have been conversations with the applicant about phasing this project and building a 10,000 s.f. structure first and adding on the additional 10,000 s.f. in the future if the business grows or if a tenant becomes available. Sam Foisie stated that the conceptual discussion is to talk about phasing and vesting of those phases. The applicant would also like to know what type of Conditional Use Permit (CUP) will be needed given the impact that has already occurred to the aquifer from the gravel operations. The applicant would also like to know if a variance may be needed related to infiltration within the Aquifer Protection District given the potential for PFAS requirements. The existing use is a gravel pit, operating with two stormwater basins. The two basins could be utilized for stormwater if they are appropriate for the future design. The site will be accessed from Howe Drive. The site will be served by on-site septic and there is access to Pennichuck Water at the street. The applicant will utilize the existing stormwater basins as best it can. These are infiltration basins, so discussions will be held with the Alteration of Terrain (AoT) Bureau regarding using these. The applicant acknowledges that a Town site plan permit, CUP, potentially a variance, a driveway permit, DES, AoT, septic permit and connection to Pennichuck Water are needed.

Sam Foisie stated that the applicant would like to know what would be required for vesting in the proposed phasing to allow for a building permit to be pulled in each phase. The applicant would like to use installation of stormwater features for the full buildout. Regarding the CUP, the plan shows areas of the site, such as stormwater ponds, which are allowed by CUP Section 4.13.H.3. These are existing on site and the applicant will utilize them to reduce any disturbance within the buffer, recognizing that there will be modifications to these systems. Another item allowed by CUP Section 4.13.H.2 is construction of streets, roads, and other access ways, including driveways. In order to access the back of the property, the buffer will need to be impacted. The buffers are already impacted to access the gravel operations. Section 4.13.H.5 allows other uses which the applicant is able to demonstrate to the satisfaction of the Planning Board that will not significantly interfere with wetland functional values and water quality. This is related to the impervious area proposed in front the office area and in a small sliver in the parking area. That, in conjunction with the stormwater, will make sure that no contaminants will be going into the wetlands, essentially maintaining the functions of the wetlands.

Regarding whether or not a variance may be required, Sam Foisie stated that within the Aquifer Protection District, there is a need to prevent uses, practices, and development that could reduce the volume of rechargeability available to the aquifer. The applicant will have a preapplication with AoT to determine whether or not the applicant can infiltrate on this site. The applicant may

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propose a bio-infiltration system as pretreatment, allowing this to then lead into an infiltration basin. He noted that the entirety of this buffer has already been impacted on the site.

In response to a question from Tom Quinn, Sam Foisie stated that this location is across the street from the furniture warehouse.

Tracie Adams asked about the amount of impervious surface considered for the site. Sam Foisie stated that the plan currently shows 65% open space, and the requirement of the district is 30%. The intended use of this building will be shipping and receiving. Prepackaged manufactured goods will be shipped to this location and distributed.

Tom Silvia asked about proposed phasing and timing. Sam Foisie stated that the applicant may choose to construct the entire building at once, instead of phasing it.

Bill Stoughton stated that there is a 100' buffer on this site showing that the wetlands are significant with high values. He stated that he is not sure this design complies with the requirement to minimize the impact on the wetland buffer. He asked if the driveway to the south of the building, which is the portion that impacts the buffer, needs to be there, or if the routing of the traffic could be around the north side of the building instead. Sam Foisie stated that site circulation would allow for trips each way around the building. Bill Stoughton stated that he is looking to cut the amount of impervious area and therefore the impacts on the buffer, if possible. He would like to see if the impacts can be reduced by widening the northern section, which is against the railroad tracks. This may require a variance due to setbacks but may be preferable given protecting the wetland buffer.

Bill Stoughton noted that it may be possible for the Board to reduce the amount of parking required on site, per the regulations, in order to reduce the size of the parking lot. This is in an effort to reduce the amount of impervious area. Regarding the stormwater, he appreciates the efforts of the applicant to do this correctly. He would prefer the wetland buffer not be used for stormwater intrusion, but this may be necessary in order to complete the proposed project. He does not agree with the argument that the site already causes intrusion and so it should continue to be allowed. However, in essence the water quality will be made better through the proposed treatment systems. Regarding a potential variance, Bill Stoughton noted that this is within the purview of the Zoning Board of Adjustment (ZBA). He would guess that this is a fairly transmissive aquifer but stated that he would prefer other comments be addressed by the ZBA.

OTHER BUSINESS:

1. Driveway discussion Map 8 Lots 83-14 & 83-15, 32 -36 Old Manchester Road

Arnie Rosenblatt explained that this is an issue the Board has previously discussed and moved on but is now being asked to address again.

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Trevor Yandow, Meridian Land Services, stated that he was previously before the Board last year in May regarding access to two existing lots of record that were approved by the Town in 1975 via a private way off Old Manchester Road. A previous proposed design showed driveway grades that the DPW and the Fire Department were not comfortable with. That application, with an associated waiver request, was subsequently denied by the DPW. That denial was appealed to the Planning Board and the appeal was denied. Additional field work has since been completed, with additional mitigation proposed to meet in the middle with a reasonable design given the existing site constraints. The intention is not to alter the character of the neighborhood, but to be able to provide safe access to these lots. The new proposal lessens the grade to 15%, as opposed to the 18% previously proposed. Guardrail and edge protection along approximately 200' of the curved steep section is also proposed. There is one steeper gradient section of the area, while everything else shown is Town compliant. There is an 8% platform where this intersects with Manchester Road and a 4% upgrade that transitions into the lots. The design works within the 40' right of way of the private way. This proposal keeps the disturbance and grading off the abutting lots and allows for the opportunity to build a single-family dwelling on each of these lots. The proposal is reasonable given the existing site constraints.

Trevor Yandow noted that other local municipalities have driveway grades which either meet or exceed 15%, or at least have provisions to exceed 15%, as well as four different well-respected longstanding technical organizations which have provisions for driveways and sometimes roadways up to 15%. Trevor Yandow noted that Mr. Quinn previously questioned if there was a previous design for this as part of the 1974 approval. Trevor Yandow stated that he did find an older design with a topographic plan that depicts this specific area. The plan, dated January 1974, depicts drainage infrastructure, culverts, and drainage swales along the side of the driveway. This speaks to the fact that there was thought put into accessing these lots. There are no contours shown, possibly proposing to follow the grade down to the termination of the right of way. The proposed gradient of the driveway appears to be approximately 17% based on this plan.

Bill Stoughton stated that he appreciates the work done, but despite this, his position has not changed. He will not go against the concerns of the Fire Chief and the DPW Director. It is the Board's job to set up rules in order to not put Fire Department staff at undue risk. Other communities decide what is best for them, and this is what Amherst has decided to do with its equipment and personnel. He is not prepared to say that the DPW Director and Fire Chief's concerns should be overlooked.

Tom Silvia asked if the applicant has any broader explanation as to the previous concerns of the DPW Director and Fire Chief, or if these were solely to do with the slope proposed. Trevor Yandow stated that, in conversations with both, the concern was not necessarily the slope in and of itself, because both the DPW and Fire Department routinely access roads that have similar grades, such as Highland. The concern seemed to be with the actual transition from Old Manchester Road onto the driveway, where the back of the vehicle would scrape against the pavement. This new design provides adequate access from a clearance and moveability standpoint. The concern for emergency vehicles was for inclement weather events and potential emergency calls in accessing the site. Trevor Yandow stated that, while he appreciates the

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concern, the regulations speak to the likelihood of endangerment to public, health, safety, and welfare, and the likelihood of this occurring would be less than 1%. Everything cannot be designed to be perfect for every situation. This proposal makes the best scenario of a tough site. The reality of this site is that a Town compliant driveway cannot be constructed, even a driveway in the 10%-12% range, without having exorbitant amounts to fill brought on site. A less steep grade will have to be carried all the way through the site. This plan proposes protection with the guardrail to stop anyone careening over the edge.

Tom Silvia echoed Bill Stoughton's comments that there are clear recommendations from the people in these Town Departments regarding the proposal.

Tracie Adams stated that the information from the Fire Department and DPW is steadfast that this is more than they want to see approved from a safety factor. She is inclined to stand behind them.

Cynthia Dokmo stated that she voted against the previous motion on this item. These have been two lots of records for decades and the property owners have paid taxes as such. The owners are asking to be able to access these properties to build on them. The DPW and Fire Department have spoken against the proposal but leave the decision up to the Planning Board. The decision is left to the Board so that it can review all the circumstances and decide if there is a hardship. Denial is, of course, a hardship, as this land will not be able to be used for anything. Highland Drive is likely steeper than this grade, and there are many other similar driveways in Town. Singling out these two lots does not make sense. If the Board is inclined to deny this again, she would request it be tabled in order to bring in the DPW Director and the Fire Chief to have a discussion about how realistic their concerns are.

Chris Yates stated that he is inclined to follow the DPW Director and Fire Chief comments. The proposed contour could lead to a large drop off. Trevor Yandow stated that this would be a 20'-24' drop off, but guardrails are shown in that area. Chris Yates stated that he believes the plan makes it look like a 30+' drop off.

Tom Quinn stated that he has concerns regarding the issues raised by DPW and the Fire Department and that these have not been fully resolved. However, he agreed that it may be helpful to have the Fire Chief and the DPW Director come speak to these concerns. He is in favor of tabling this item.

There was no public comment at this time.

Arnie Rosenblatt stated that he respects and sympathizes with the applicant's position. He respects Cynthia Dokmo's perspective but does not agree. It does not take a perfect storm to cause problems on steep areas. He does not believe it would be a rare event for there to be problems with access and egress on this kind of grade. He is not prepared to second-guess comments made by the DPW and Fire Departments. This site is proposed to have a 15% grade which is essentially twice the grade allowed by the current regulatory structure. This new design

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does not materially change the proposal and the Fire Department seems to remain equally concerned with it.

Tom Silvia stated that he was the other minority vote on this item last year but has since switched his position. The design was improved and there is still an emphatic denial from the DPW. There are potential safety issues, and he feels that he needs to support the DPW and Fire Department.

Cynthia Dokmo moved to table this item to a future date and invite the DPW Director and Fire Chief to discuss their concerns relative to this site compared to other similar situations in the Town of Amherst. Seconded by Tom Quinn. Motion tied 3-3-0 [T. Quinn, T. Silvia, C. Dokmo, aye. B. Stoughton, T. Adams, C. Yates, nay].

Discussion:

Arnie Rosenblatt clarified his vote on the motion. He asked what the DPW might say that has not already been stated. Cynthia Dokmo stated that the DPW almost has to say no due to the steep grade. However, the ordinance allows the applicant to appeal that decision to the Planning Board so that the Board can determine if there is a hardship and if there is a greater threat to the public. She does not believe the DPW Director and Fire Chief are as alarmed about the proposal as it appears in their statements, and it is fair to the applicant to hear this. Arnie Rosenblatt asked if Cynthia Dokmo believes that an economic hardship to the applicant outweighs potential risk to the Town's firefighters. Cynthia Dokmo stated that she would like to hear from the Fire Chief that staff lives will be risked going down this driveway as opposed to going down Highland Drive. If this was the only driveway in Town with this grade, or if the driveway sloped up to the public road, she would agree. This is not the case, and she would like to hear from the DPW Director and Fire Chief directly in fairness to the applicant.

Bill Stoughton stated that this is not a trial and, with respect to what Cynthia Dokmo is suggesting, she is suggesting the Board weigh the evidence and assess the credibility of what various witnesses say, but that is not the Board's role. The Board's role is to look at the decision that was made and decide if it complies with the standards or if there is any reason to reverse it. There is no reason to reverse the decision. In this case, there is a new owner that bought this property after the Board previously rejected the driveway appeal. There is no reason for the Board to continue to second guess the repeated decision by two senior members of the staff.

Cynthia Dokmo disagreed that this would be a trial, but more of a fact finding. Arnie Rosenblatt stated that he does not doubt there are equally steep driveways in Town. Just because these situations already exist does not mean it is appropriate for the Planning Board to go against the DPW and the Fire Department and approve

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something that is equally as bad. Also, this is not a situation in which someone has owned this property for decades; this is a new owner. The decision of the Planning Board has already been made on this property. It could not have been clearer to someone acquiring this property that this type of driveway could not be constructed on the site. Cynthia Dokmo stated that she believes this is a question of fairness and would like to hear from staff directly. She asked what it would hurt to continue the hearing.

Arnie Rosenblatt stated that he would vote in favor of the motion but does not accept the notion that a hardship militates against the Board denying this request or the fact that other existing driveways of similar or greater grades in Town is in any way a factor. The only thing that might sway him, is hearing from the DPW or the Fire Department that this is not a significant issue, even though they wrote letters stating the contrary. He does not want these staff members subject to cross examination by anyone from the applicant's team. The Board will ask subjective questions only.

Motion carried 4-3-0 [T. Quinn, T. Silvia, C. Dokmo, A. Rosenblatt, aye. B. Stoughton, T. Adams, C. Yates, nay].

Arnie Rosenblatt stated that this discussion will be tabled to a date of no earlier than May 3, 2023, and placed on the agenda under Other Business, depending on the availability of the DPW Director and Fire Chief.

2. REGIONAL IMPACT:

- a. **CASE #: PZ17123-032323 – Robert H. Jacobson Revocable Trust, Laurie Stevens, Trustee (Owner) & TransFarmations, Inc. (Applicant), 17 Christian Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 - Conditional Use Permit.** To depict a 60-unit Planned Residential Development per the Integrated Innovative Housing Ordinance (IIHO). *Zoned Residential Rural.*

Tracie Adams and Tom Quinn recused themselves from this and the next item. Tim Kachmar sat for Tracie Adams and Pam Coughlin sat for Tom Quinn.

Tim Kachmar moved that there is regional impact to Mont Vernon and Milford. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.

- b. **CASE #: PZ17124-032323 – Robert H. Jacobson Revocable Trust, Laurie Stevens, Trustee (Owner) & TransFarmations, Inc. (Applicant), 17 Christian Hill Road, PIN #s: Tax Map 005-148-000 & 005-100-000 – Conditional Use Permit.** To depict a 33 Single-Family Lot, and Four-Unit Barn and Planned Residential Development per the Integrated Innovative Housing Ordinance (IIHO). *Zoned Residential Rural.*

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**Cynthia Dokmo moved that there is regional impact to Mont Vernon and Milford.
Seconded by Chris Yates.**

Motion carried unanimously 6-0-0.

Tracie Adams and Tom Quinn retook their seats.

3 . Minutes: March 15, 2023

**Tracie Adams moved to approve the meeting minutes of March 15, 2023, as amended [Line 81: change to “unit 2-bedroom count...”.] Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

4. Election of Planning Board Officers

This item was previously addressed.

5. Any other business that may come before the Board.

The Board discussed its alternate positions. Arnie Rosenblatt stated that Tim Kachmar’s term was a one-year term and will need to be filled. There are open three-year and two-year alternate terms. He suggested that alternate applications be submitted, and the Board then vote on applicants. Until an alternate is appointed, Tim Kachmar will remain an alternate.

Cynthia Dokmo agreed with the proposed process and holding interviews in mid-May. Tracie Adams stated that there should be at least 30-days, once posted, for applicants to apply. The Board agreed to potentially hold the interviews on May 18th, with a deadline of May 5th for applications to be submitted.

Cynthia Dokmo suggested creating a template for the Findings of Fact as guidance. Arnie Rosenblatt stated that if a template is not followed, it may leave the Board vulnerable. Bill Stoughton stated that the risk of not having a template could be greater. Cynthia Dokmo and Tracie Adams agreed to volunteer for a template creation subcommittee.

**Cynthia Dokmo moved to adjourn at 8:47pm. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: April 19, 2023