

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

In attendance at Town Hall: Arnie Rosenblatt – Chair, Tracie Adams, Bill Stoughton – Board of Selectmen Ex-Officio, Chris Yates, Tom Quinn, Tom Silvia, Pam Coughlin (alternate), and Rob Clemens (alternate)

Staff present: Kristan Patenaude (Recording Secretary)

Arnie Rosenblatt called the open meeting to order at 7:00pm.

Pam Coughlin sat for Cynthia Dokmo.

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

- 1. CASE #: PZ17445-060623 – Erin & Rory Jorgensen (Owners & Applicants); 4 Lake Outlet Road, PIN #: 008-123-000.** Conditional Use Permit -WWCD. To construct a 148 square foot addition onto the pre-existing, non-conforming structure within the Wetland and Watershed Conservation District. *Zoned Residential Rural.*

Arnie Rosenblatt read and opened the case.

Arnie Rosenblatt explained that the Board would first determine if each application were complete and, if it is, then move forward with a public hearing. The applicant will then make a presentation to the Board. The Board will ask questions or make comments and there will then be a public comment portion. Finally, the Board will determine how it wishes to proceed with the application.

Tracie Adams moved to accept the application as complete. Seconded by Bill Stoughton.
Motion carried unanimously 5-0-0.

Taylor Hennas, Meridian Land Services, stated that this property is entirely within the Shoreland Zone of Baboosic Lake and is entirely within the Wetland and Watershed Conservation District (WWCD). The only buffer associated with the WWCD, as depicted on the plan, is the 100' buffer associated with Baboosic Lake. This is due to an overlapping wetland to the north and a wetland to the west. This lot is zoned Residential Rural and is a preexisting non-conforming lot of record. The existing single-family home was constructed in 1960 and is currently serviced by a septic system and a well. The existing lot currently has no stormwater management techniques. The proposal intends to construct a 148 s.f. addition onto the preexisting non-conforming structure. This is shown on the plan on the northeasterly portion of the preexisting structure. The proposal also includes access steps. The proposed addition will have no additional bedroom counts and will not encroach further than the grandfathered setbacks of the preexisting house. The proposal also intends to construct a legally approved pretreatment system, a new well, drip edges, and porous paver driveway. As the existing impervious area on the lot is less than 60%, all the proposed stormwater management techniques were designed based on the regulations for

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

new development. The drip edge and porous paver driveway will reduce the post-development peak runoff rates from the applicable storm events. These techniques meet the Alteration of Terrain (AoT) requirements for post-development runoff, volume, and groundwater recharge volume. A waiver was requested within the Conditional Use Permit (CUP) application for relief from 60% total nitrogen removal. The proposed techniques provide 55% total nitrogen removal. All stormwater management techniques will follow the maintenance notes as shown on the plan. To address an item in the staff report, a well release was not provided because the proposed well radius extends over the lot line and is within an area precluded from development. This is adjacent to the wetland and the Lake, meaning that there cannot be a septic system developed there in the future. This proposal was unable to receive Amherst Conservation Commission (ACC) recommendations prior to this meeting, but the applicant anticipates being on the ACC agenda for July 26th. This project received all other State permits, including the Shoreland Impact Permit and construction approval for the proposed septic system. The total permanent disturbance on this parcel is 176 s.f. and the proposed temporary disturbance on the parcel is 3,003 s.f. This proposal will reduce the overall impervious area on the lot from 28.1% to 25.7% due to the removal of the existing gravel driveway, the removal of a ramp which is attached to the existing deck, and the conversion of the paver parking area to a porous paver parking area. This proposal will also improve stormwater management techniques on the lot and will improve the subsurface components on the lot, creating an overall net improvement.

Rob Clemens asked if the Shoreland Permit approval included the fact that the new well is proposed to be on the beach. Taylor Hennas stated that this item was included in the approval.

Rob Clemens asked if the proposed improvement of the drip edge will be for the entire building. Taylor Hennas stated that the drip edge is proposed for portions of the existing building and on the northerly portion of new building.

Rob Clemens asked about the proposed leach field. Taylor Hennas explained that the old septic tank and leach field will be abandoned. The new leach field will be made of concrete chambers to the northerly area of the existing structure.

Pam Coughlin had no questions or comments at this time.

In response to a question from Bill Stoughton, Taylor Hennas stated that the entire site is within the flood zone. Bill Stoughton asked how deeply submerged the septic system is. Taylor Hennas stated that the baseline elevation for this portion of the Lake is 237 and the finished grade of the leach field will be 235.6. Given similar situations around Baboosic Lake, the applicant has proposed a pretreatment system that treats all of the effluent prior to entering the dispersal field. The septic tank will be sealed, and will have a 12" extended base, preventing buoyancy. The tank will be rated H-20, allowing for additional weight of the tank so it will not float during flooding events.

Bill Stoughton noted that the applicant may have a maintenance contract with the manufacturer for the septic tank, but asked what the manufacturer recommends for post-flood conditions.

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

89 Taylor Hennas stated that she believes the pumping would turn off during flood conditions and
90 this could likely be turned on after any flooding subsidizes.

91
92 Bill Stoughton stated that his concerns deal with buoyancy, the location of the electrical
93 connections above the flood level or a waterproof connection, backflow prevention, and what the
94 manufacturer recommends for operation in a post-flood condition. Bill Stoughton asked that
95 Taylor Hennas check on these items.

96
97 Bill Stoughton asked about maintenance of the proposed pervious material, such as periodic
98 vacuuming or cleaning in order for the materials to maintain their previous nature. Taylor
99 Hennas explained that monthly, seasonal, and as-needed maintenance will be needed to make
100 sure that no debris or trash blocks the porous pavers, allowing for infiltration. The proposed
101 pavers are surrounded by an aggregate material. Bill Stoughton stated that he did not see any
102 notes related to the maintenance of the pavers on the plan. In terms of pervious pavement, there
103 have been requirements to vacuum the material every six months. He requested that Taylor
104 Hennas check with the manufacturer for any requirements to maintain the pervious nature of
105 these pavers.

106
107 Bill Stoughton stated that the existing leach field is in failure. He believes the Lake is going to be
108 better off through this proposal. He will likely be favorably inclined to approve the proposal once
109 answers to his questions are received. He would also like the ACC to weigh in before a decision
110 is made.

111
112 In response to a question from Tom Silvia, Taylor Hennas stated that the existing sheds will be
113 pulled into compliance and onto the lot, out of the deeded right of way.

114
115 Tom Silvia asked what the proposed expansion will be used for. Taylor Hennas stated that she
116 believes this is for a mudroom and bathroom. This will not impact the septic loading of the site.

117
118 Tracie Adams stated that she believes proposed stormwater management and decrease in
119 impervious surfaces will be an improvement to the property.

120
121 Tom Quinn asked if the Board could approve the plan, including movement of the sheds, which
122 could result in not much of a setback from the lot line. Taylor Hennas stated that she would look
123 further into this item. She believed that moving the sheds into compliance was more beneficial
124 then leaving them in the existing location.

125
126 Tom Quinn noted that the plan states that there can be no future septic systems placed within the
127 well radius. He asked what exists within the well radius. Taylor Hennas explained that the
128 location of the abutting property, nearby wetlands, and 50' setback creates an unbuildable area
129 for future septic systems. There was no thought to having a well release recorded, as it was not
130 required for the approved septic design, either local or State.

131
132 Arnie Rosenblatt asked for public comment. There was none at this time.

July 5, 2023

APPROVED

Bill Stoughton stated that he would like this item to be continued in order to receive comments from the ACC and for the applicant to answer questions raised this evening.

Rob Clemens sat for Chris Yates, as he was recused from this item.

**Bill Stoughton moved to continue this hearing to August 16, 2023, at 7pm at Town Hall. Seconded by Bill Stoughton.
Motion carried unanimously 6-0-0.**

- 2. CASE #: PZ17450-060623 – Ballinger Properties (Owner) & Tanya & Eric Schifone (Applicants); 10 Howe Drive, PIN #: 002-034-007.** Non-Residential Site Plan Review. To depict a 20,000 square foot warehouse and 2,560 square foot office with parking and other associated site improvements. *Zoned Industrial.*

Arnie Rosenblatt read and opened the case.

Pam Coughlin recused herself from this item. Rob Clemens sat for Cynthia Dokmo.

**Tom Silvia moved to accept the application for CASE #: PZ17450-060623, 10 Howe Drive as complete. Seconded by Tracie Adams.
Motion carried unanimously 6-0-0.**

Sam Foisie, Meridian Land Services, explained that this request is for a Non-Residential Site Plan approval, a CUP approval for wetland buffer impacts, and an approval through the Amherst stormwater ordinance.

The Board agreed to hear all three items concurrently.

Sam Foisie stated that the property is roughly 6.5 acres. There is an existing Ashley Furniture warehouse to the right of this site, railroad tracks to the north, and other industrial uses nearby. The goal of this application is to construct a 20,000 s.f. warehouse with associated office space. The third-party review noted that the proposed office space is actually 3,500 s.f, whereas it was only listed as 2,500 s.f. on the plan submitted to the Board. This will likely affect some parking calculations. Foundation Armor would like to construct this building to use for its business of selling sealing materials to protect pavers, foundations, garage floors, etc. These products are in containers of no more than five gallons. This is a requirement of being within the Aquifer Protection District without needing a CUP permit. Foundation Armor currently leases a nearby warehouse facility that it is outgrowing. The property in question is a flat site that drains from the back to the front into two stormwater management basins. These were constructed along with the gravel excavation of the site. These basins discharge to a nearby wetland that has an associated 100' buffer. This 100' buffer was previously impacted. The site has been loamed and contains a gravel drive that runs through the center of it. A majority of the proposed building will be warehouse space to be accessed off Howe Drive. Tractor trailers will make their way to the rear

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

left of the facility to unload or pick up materials. The parking, which previously met the calculations when the office area was proposed to be 2,500 s.f., is located on the front and right sides of the building. The parking as shown is believed to be adequate, but ten more spaces could be added in order to be compliant with the site plan regulations. Sam Foisie asked for the Board's input as to whether or not a waiver would be needed for this item. If a waiver is not needed, the parking spaces can be added as need be.

Sam Foisie stated that the stormwater ponds have been designed in compliance with Town and State regulations. The applicant has not yet applied for the State Alteration of Terrain (AoT) permit but is prepared to do so. The stormwater ponds consist of three ponds, with one treating the majority of the site and the two additional treating the access drive. The pond proposed to the right of the building is purposely 75' away from the wetlands to provide nutrient removal. This will hold back some water volume before it discharges to the pond that is closer to the wetland.

Sam Foisie stated that the site will be served by Pennichuck Water, connecting to an existing 12" main along Howe Drive. Pennichuck has been sent the applicant's plan and proposed meter sizing to receive approval. The water main will extend through the access drive to the right of the building and with an additional connection for the sprinkler system. Two fire hydrants are proposed on opposite corners of the building for increased fire protection.

Sam Foisie stated that information on lighting was not submitted earlier but has since been provided to the third-party engineer. This plan is compliant with Amherst's new zoning lighting regulations. The plan shows more poles than are typically in a parking lot in order to provide adequate lighting of that parking, due to the regulation section on pole heights. Regarding landscaping, as the wetland essentially offers a landscape buffer from Howe Drive, the main focus is the entranceway and blocking the view from Howe Drive into the site. The plan also proposes plantings around the building. A sign is proposed to be located in the front right corner of the site, to the right of the driveway.

Sam Foisie explained that the site currently has no buffer to the wetland areas in the areas in which development is proposed. This buffer area was impacted during an approved gravel excavation and there is stormwater currently within that buffer. During a previous conceptual meeting with the Board, there was a suggestion made to move the building back as far as possible. In order to address this, the applicant removed the access drive in the rear of the site, which moved the building as far back as possible and reduced impervious areas, thus reducing stormwater requirements and impact to the buffer area. There is also a slight jog proposed along the access drive to move it a bit further away from the buffer, while still allowing for appropriate site maneuverability. There is curb proposed, instead of open swales, which will convey the stormwater to the front basins less impactfully. The goal was to stay at least 50' away from the wetlands to bring back some form of buffer. The plan was not able to accomplish that some cases but was able to accomplish it in most cases. As presented in the CUP application, the existing disturbance to the buffer is roughly 90,000 s.f. The proposed disturbance of the buffer is roughly 36,000 s.f., with only 21,000 s.f. of permanent disturbance. Some slopes on the site are proposed to remain unmaintained, as they do not have a key function to the stormwater management

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

system. Some of the buffer will be regraded gradually in order to return it closer to its natural state. This area will also be planted with a conservation seed mix and allowed to grow naturally.

Sam Foisie noted that the CUP application can likely not be approved by the Board this evening, as it has not yet been in front of the ACC. He also recommended a site walk of the property.

Tom Quinn asked about the materials proposed to be stored on the site. Eric Schifone, Foundation Armor, stated that the materials primarily range from water-based, non-hazardous materials to UN 1263 flammable materials. The solvents are comparable to xylene, acetone-based formulas, contained in one-gallon and five-gallon containers. These are prepackaged before they arrive at the building and are not exposed at any time while in the facility. Tom Quinn asked about special fire suppression techniques used in the current building. Eric Schifone stated that simple water systems are used.

Tom Quinn asked about monitoring wells on the site. Sam Foisie stated that he is not aware of any monitoring wells on the site.

Chris Yates asked if there will be any overnight deliveries to the facility. Eric Schifone stated that there would not be. This is a 9:00AM to 5:00 PM business.

Tracie Adams asked about the traffic impact from the proposal. Eric Schifone stated that the traffic should be exactly the same as it is at the current site. The business currently has two tractor trailers that come per week to drop materials off, and FedEx and UPS trucks for pick-ups.

Tom Silvia asked if the business contains a retail aspect. Eric Schifone stated that the business deals with shipping and receiving only. Occasionally people walk in, but the business does not sell retail.

Tom Silvia stated that, per the staff report, this plan was reviewed against the Amherst Non-Residential Site Plan review checklist and the WWCD CUP checklist. There were many outstanding issues noted in the staff report for these items. Sam Foisie stated that he believes most of the items were previously addressed before being sent to Keach Nordstrom for a third-party review. Outstanding items include the storage of five gallons or less for materials and the illumination of the sign. The sign has since been included in the photometric plans, which will be provided to the Board with the next round of submittals.

Tom Silvia asked about confirmation from Pennichuck. Sam Foisie stated that he sent correspondence to them with the utility plan and the meter sizing form but has not yet received any information back.

Bill Stoughton stated that Pennichuck is also supposed to have the opportunity to comment due to the aquifer on the site. He asked that the applicant request comments from Pennichuck on this item. Bill Stoughton stated that he appreciates that the plans show the wetlands having a 100' buffer, as this is normally reserved for wetlands with the highest values and functions. He would

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

like to see a report from a wetland scientist showing how those values and functions were calculated, as the Town's scoring system is a bit different from the State's. This would be helpful in addressing the waiver requests for permitting the proposed incursions.

Bill Stoughton stated that this business does not handle simply a few 5-gallon containers, but many 5-gallon containers stacked on pallets. If there was an issue with one of these pallets, that could lead to a spill of more than five gallons of some potentially hazardous materials. He asked about floor drains proposed in the building and other spill protections. Eric Schifone stated that there has not been any discussion regarding floor drains. The floor will have a standard pitch. The company currently operates in a 10,000 s.f. space and has not really had any spills. Bill Stoughton stated that he believes the applicant should have a spill prevention plan approved by the Fire Department. This is a requirement of the Wellhead Protection District. He would like to know the design features of the proposed building for preventing any spills from reaching the aquifer.

Bill Stoughton noted that the Board has previously required warehouse truck traffic to enter and leave via Caldwell Drive, not North Hollis Drive, due to railroad tracks and a difficult intersection. He would like a site walk of the property.

Bill Stoughton noted that the staff report states that the applicant should address conformance with the sign requirements for the proposed monument sign.

Bill Stoughton asked what the percent of impervious area is for the building and the parking lots. Sam Foisie stated that he did not have that number but would look into it. Bill Stoughton stated that the Town has many parking lots which sit mostly empty and create impervious materials for no good reason. He would be receptive to more a realistic number of parking spots for the site that could reduce impervious area. Bill Stoughton stated that he believes the Board should examine its parking requirements and question whether so many parking spaces are required in all cases.

Bill Stoughton noted that he would usually look at an application that proposes a fairly substantial incursion into wetland boundaries and disfavor it, but the reality of this situation is that the proposal will actually improve the treatment of stormwater compared to what currently exists on the site. It will also allow a small business to remain in Town, which is important and will help the tax base.

Rob Clemens noted that the ACC will hear this item next Wednesday night and provide comments back to the Community Development Office. He stated that it is unclear how the sand and gravel business was allowed to operate and wipe out the wetland buffer in the first place, but there appears to be some effort on behalf of this applicant to replace some of the buffer.

Rob Clemens asked if the storage of materials will occur in one specific location on the site. Eric Schifone stated that this would mostly be around the building. Storage is generally kept away from the doors. Anything on pallets will be well packaged for transportation before it is moved

July 5, 2023

APPROVED

close to the doors. There are currently no plans for storage drains, as there is not a need. The company has a machine to clean the floors and work to keep all materials contained inside the building. Storage drains tend to cause more problems for the forklift and other equipment.

Rob Clemens asked if the applicant is considering monitoring wells as part of the project. Sam Foisie stated that none are proposed at this time.

Arnie Rosenblatt asked for public comment. There was none at this time.

The Board discussed timing for a site walk. The Board agreed to a site walk on July 12, 2023, at 4pm. The Board agreed to invite the ACC to this site walk.

**Bill Stoughton moved to continue this application to August 16, 2023, at 7pm at Town Hall. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

DESIGN REVIEW:

Arnie Rosenblatt read and opened all of the design review items concurrently. The Board agreed to hear the items concurrently.

- 1. CASE #: PZ17446-060623 – Vonderosa Properties, LLC (Owners & Applicants); County & Upham Road, PIN #: 004-145-000.** Design Review - Subdivision Application. To subdivide Tax Map 4 Lot 145 into five (5) residential lots. *Zoned Residential Rural.*
- 2. CASE #: PZ17447-060623 – Vonderosa Properties, LLC (Owners & Applicants); Cricket Corner & Upham Road, PIN #: 004-116-000.** Design Review - Subdivision Application. To subdivide Tax Map 4 Lot 116 into nine (9) residential lots. *Zoned Residential Rural.*
- 3. CASE #: PZ17448-060623 – Vonderosa Properties, LLC (Owners & Applicants); County, Upham & Spring Road, PIN #: 004-118-000, 004-119-000 & 004-121-000 & 006-102-000.** Design Review - Subdivision Application. To subdivide Tax Map 4 Lots 118, 119 & 121, and Tax Map 6 Lot 102 into forty-one (41) residential lots. *Zoned Residential Rural.*

Arnie Rosenblatt noted that these are design reviews and, thus, anything said is not binding on behalf of the Board. No decisions will be made tonight. This is not a public hearing on these items and, while he will give the public a chance to speak, there will be many other opportunities for people to comment during the application process.

Chad Branon, Fieldstone Land Consultants, explained that the applicant is hoping for feedback from the Board relative to reports needed for final submission for two of the applications.

July 5, 2023

APPROVED

The applicant plans to spend additional time in design review phase for the larger 41 lot subdivision, labeled as application three this evening. This item will go before the Conservation Commission and the applicant has already engaged a traffic consultant.

Chad Branon stated that Tax Map Lot 4-145 consists of approximately 16 acres of land. It has 1,334 linear feet of frontage along County Road and approximately 900 linear feet of frontage along Upham Road. This application proposes a five-lot conventional subdivision. The associated zoning for this property is Residential Rural with a minimum lot size of two acres of non-wetland, non-floodplain, and non-steep slopes, with a frontage requirement of 200 linear feet on a Class V or better road. The topography for the lot has been examined and the jurisdictional wetlands have been flagged. A jurisdictional wetland bisects the northern portion of the property. There is a much larger wetland complex in the northeastern corridor of the property. This proposed conventional subdivision allows each lot to have conventional frontage. There are new frontage requirements for corner lots in Town which will be complied with. One of the applicant's priorities is to try to maintain a nice rural setting with the proposed developments. The existing field along Upham Road is proposed to be maintained, and a common driveway is proposed off County Road to service Lot 4-145. The proposal includes two conventional private driveways off County Road. The proposed lots will meet all dimensional requirements, with lot sizes ranging from 2.1-4.5 acres in size. All lots would be serviced by underground electric, on-site septic systems, and on-site wells. This project does not anticipate any buffer encroachments or wetland crossings. This subdivision has field-verified all sight distance requirements for the common driveway.

Chad Branon addressed the studies for this application. The applicant is anticipating completing the environmental study, as that seems to be of interest. Regarding the water supply and the hydrogeological studies, those studies were previously completed during research into a previously proposed five lot subdivision, and both came back favorable. At that time, the Board adopted a well capacity and quality standard that the applicant accepted as a condition of approval for the previously proposed subdivision. The applicant anticipates accepting those same conditions for this proposal. This standard will include that every lot has to have a minimum yield and a minimum quality. If this is guaranteed by the applicant, a waiver for the water supply and hydrogeological studies will be requested. The town of Amherst has increased its standards for separation to seasonal high groundwater for septic systems, which exceeds the State standards. No community septic systems are proposed for this project, and so the effluent load will not be concentrated in any one place. Effluent discharge can have an impact on the groundwater elevation and can cause water mounding, but this proposal includes separate effluent systems. Regarding the fiscal impact study, this was completed for the previous subdivision application and there was some discussion amongst the Board as to whether there was agreement regarding the practice of the study. There has been some feedback from the schools that they are not anticipating impacts from minor subdivisions in Town. Chad Branon noted that there are no school-aged children from four of the five lots that the applicant originally obtained approval for. Many of the people purchasing these homes are older and beyond having

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

school-aged children. It is not believed that this project will have a negative impact on the school system. He requested feedback from the Board regarding the fiscal impact study.

Chad Branon stated that the next item is Tax Map Lot 4-116. This is a proposed nine lot subdivision, with frontage lots along County Road and Cricket Corner Road. This subdivision proposes eight conventional lots that will meet the 200 linear foot minimum frontage requirement, and one back lot. The site is bisected by jurisdictional wetland areas, along with a couple isolated wetland pockets and four vernal pool locations. These areas and their applicable buffers are shown on the plan. This proposal includes four lots serviced off Cricket Corner Road, serviced by one common driveway which will include a wetland crossing. The proposal includes two private driveways off Cricket Corner Road as well. All of the driveways have been field checked to meet the 300' of sight distance. There are five conventional lots proposed along County Road, and all of these driveways have also been field-verified. The lot sizes for this subdivision range from 2.4-12.9 acres in size and all of the lots will satisfy the two-acre minimum of buildable area. These lots meet the Town's dimensional standards, including the back lot configuration. This subdivision would be serviced by private and common driveways, and on-site septic systems. The staff report notes that this project would require a three-year phase, which is not a problem. Regarding the hydrogeological study, the proposed house locations will provide for adequate separation and there will be large distances between septic systems. The applicant is willing to embrace the prior recommendations relative to well capacity and quality. The applicant hopes the Board will consider waivers from the hydrogeological and water supply studies for this project. The traffic study, environmental impact study, and stormwater study will be proposed.

Chad Branon explained that the third application is for a subdivision over Tax Map Lot parcels 4-118, 4-119, 4-121, and 6-102. Lot 4-118 is approximately 44 acres on the south side of County Road. On the north side of County Road, parcel 6-102 is approximately 150 acres. Parcel 4-119 is approximately 20 acres, and parcel 4-121 is approximately 56.4 acres. In total, this area consists of approximately 278 acres and has a significant amount of road frontage along County Road, Spring Road, and Upham Road. The proposal includes 41 lots, with a 15-lot subdivision on the south side of County Road and along Spring Road. These lots will meet the minimum lot size requirements for the Residential Rural District, and the frontage requirement of 200 linear feet. The average lot size is approximately 6.6 acres, and the average frontage is approximately 310 linear feet. There has been work done to locate house sites and verify driveway locations. This subdivision would consist of 38 conventional frontage lots and three back lots. Many of the houses will be set into the wood line and will fit in to maintain the rural character of these roadways. The lots range in size from 2.1-29.7 acres. Test pits have been completed on each of the lots and verify that there are adequate soils on all of the lots. This project would be serviced by on-site wells and septic systems, as well as private driveways. There are some common driveways anticipated to minimize any impacts to sensitive areas. An existing conditions survey of County Road has been completed; the width of the road and which sections may require drainage improvements, or some widening have been identified. The applicant is working with the DPW to determine a solution to these items. Brett Vaughn, applicant, owns both sides of the road in this area so there will likely be easements or right of way dedications to allow for some

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

of these improvements. The goal is to maintain the rural character throughout this area. The applicant has been speaking with the neighbors in this area and is interested in working with the neighborhood. Chad Branon noted that all studies will likely be required for this larger project. The applicant will speak with the Conservation Commission regarding this item in the coming months. While an application will be submitted at a future date, the applicant would like to continue with the design review at this time, as it allows for a bit more dialogue and feedback.

Arnie Rosenblatt again noted that this is a non-binding opportunity for the Board to make comments. No individual member of the Board is obliged to make comments and the fact that someone on the Board does not make a comment should not be used to infer anything. He noted that he does not tend to make comments at design reviews, and no one should conclude anything from that.

Tom Quinn explained that, when the Board first considered the original five lots proposed by the applicant in this area, there was some discussion that each subsequent proposal would be looked at cumulatively regarding impacts and studies. He is not in favor of considering these as separate parcels, as this is really one large project, though it may be three separate applications. He would like for all the studies to be completed for each application and all of the projects to be considered in total, including the ones already approved. He noted that the Board received feedback from the Heritage Commission regarding concerns about historic artifacts on the site and stonewall preservation. He suggested the applicant review these comments.

Chris Yates agreed that he would like to consider the impacts and studies for these items as a whole. He noted that, at one point, there were Planned Residential Developments (PRDs) considered for this area and he is disappointed not to see any 55+/65+ housing offered for this project. The proposal is for 3,000-5,000 s.f. homes, which will impact the community. He is concerned that there is no consideration for smaller homes as part of this project. He would like to see offers for other housing types.

Tracie Adams stated that she would be supportive of the items addressed by Tom Quinn and Chris Yates. She also noted that this is a high value area for wildlife and that should be a consideration.

Tom Silvia asked how the work would proceed if, hypothetically, all three applications were approved. Chad Branon stated that a lot of that has to do with how the Board and applicant work to define active and substantial completion for the projects. The applicant's interest is in developing these projects slowly over time. The goal of Amherst's regulations seems to be to spread development out over time. The applicant's interests are consistent with that, and maybe even more conservative than that. The first two subdivisions are proposed to be much smaller in size. The larger 41 lot proposal has to potentially contemplate improvements to County Road and that topic is quite sensitive. The applicant is not looking to build all the homes within a fast time frame and is hoping for some flexibility in defining active and substantial completion.

July 5, 2023

APPROVED

Tom Silvia stated that it is helpful for him to know that the three applications have to be looked in pieces but also in totality. He believes the studies will be important for this consideration. It will also be good to know if the units will be built on a consistent schedule. If all of the studies for the proposed larger development are needed, then they should also be needed for the smaller developments to consider this in totality. Chad Branon agreed that items such as traffic and drainage are cumulative for impacts. The studies would also be cumulative, and the applicant agreed to that with the previous approval. The Board previously imposed a water capacity and quality standard. Water supply and hydrogeological studies on large pieces of property are likely to come back favorable. This area supports wells fairly well, and the GIS information on the existing well data supports that.

Tom Silvia stated that he finds Section 201.2, objectives of the Subdivision Regulations, to be a good beacon on how to develop projects. Some of the words and comments used by the applicant tonight reflect the objectives. One item he sees missing in this proposal is open space and the corridor of open space for wildlife. This proposal seems to maximize development on the frontage and shut open space out.

Bill Stoughton stated that, even in a traditional subdivision, there is room for applicants to be creative and create wildlife protection corridors. These areas may then be privately owned but could do some good for the Town and make this a much more attractive proposal. He noted that these are all proposed to be market value lots, with no elderly housing, no affordable housing, and no workforce housing included. He echoed Chris Yates' disappointment that different housing options are not proposed. The Town offers density bonuses and PRDs to try to encourage that. PRDs allow for some wildlife protection and provide a diversity of housing, while allowing for density bonuses. This is a decision for the applicant to consider.

Regarding the water supply and hydrogeological studies, Bill Stoughton stated that the applicant is considering these as separate reports. In previous applications, the Board has received hydrogeological reports which have addressed supposed water capacity issues. Chad Branon stated that he has traditionally seen them as separate reports. As there was an immense amount of overlap with the last project, these would likely be addressed cumulatively. Chad Branon noted that the staff report breaks them out as separate studies. Bill Stoughton stated that he is confused as to what is in the hydrogeological study that is not in the water supply study. Chad Branon stated that there is a lot of overlap and, if the Board does not entertain waiving these, the applicant would likely combine them for the submission.

Bill Stoughton agreed that he believes it is important to look at these developments in their totality. The applicant can choose to process them as separate applications, but the Board should consider the cumulative impacts to the Town and to the abutters. He noted that well capacity tests are now part of the Building Code and no longer need to be a condition of approval. This was approved by the Town voters and approved by the State Building Code Commission. He stated that he believes the applicant should plan on completing all of the reports due to the proposed size of this development and the public interest. Completing the studies benefits

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

everyone. The Board has, on occasion, asked for third party reviews of the applicant's studies for particularly controversial areas and may do so again for this project.

Bill Stoughton addressed the potential County Road improvements. He explained that there is a section of the ordinance which deals with off-site improvements. It states that, for developments of this size, the Board should ask the DPW to obtain a study at the applicant's expense of the road and drainage improvements that would be required as a result of the developments. In this case, this should likely focus on County Road. An engineering firm would provide the Board with a description of the improvements, as well as a high-level cost estimate. The Board then has the power to determine the proportionate share that should be borne by the applicant for those improvements. This is treated similarly to impact fees, in that, if they are not spent by the Town in six years, they will be returned to the applicant. He will be advocating that the Board take advantage of that section of the ordinance. The potential changes to County Road from the proposed development and traffic suggest that there will be some significant improvements that need to be made. Regarding paving County Road, Bill Stoughton stated that he believes the residents of the Town would prefer that this not be done. This road is part of the rural nature of Town. He would be amazed if the engineers reviewing the proposed traffic do not recommend that it be paved, as the trips per day will likely be too many for a gravel road, particularly one that already has problems with school buses traveling it. If the Board has to prepare for the road to be paved, it may say that, as an offside exaction, the applicant should pay a proportionate share for road improvements and paving. The Planning Board does not decide whether a road gets paved or not; that is done by DPW and the Board of Selectmen. If the road is paved and it is completed within six years, the exaction can be used to help pay for it.

Rob Clemens stated that he could not see some of the proposed access points and does not understand how some of these lots could be accessed. The ACC has received these plans and will be reviewing and commenting on them. He recommended that the applicant take a close look at the wetlands work already completed. He noticed on a number of the plan sheets that wetlands are delineated but wetland buffers are not delineated. When the wetland buffers are added, some of these lots may be totally unbuildable. The ACC will be reviewing the plans to make sure the buffers are delineated. It is unclear how some of the lots will be accessed once the buffers are delineated. Chad Branon stated all buffers have been delineated for the lots and he is happy to show this during the ACC meeting.

Pam Coughlin stated that she agrees with other Board members regarding the open space and wildlife comments. Her biggest concern deals with water on these properties and how development may affect abutters. As there are so many lots proposed, she asked if the applicant would consider fire ponds or fire hydrants for safety of the citizens in the area.

Arnie Rosenblatt stated that there seems to be one issue that resonated with all Board members, which is that all of the studies are required for each of the three proposed developments. He does not believe he can be persuaded that all of the studies are not required for all of the applications. He does not see these as separate and distinct applications. This was echoed by every single other person on the Board.

July 5, 2023

APPROVED

Bill Stoughton asked if the Board should declare these design reviews completed. This has been suggested by the Community Development Director because it marks a time for purposes of vesting in the regulations that are in effect. If the design review is complete, and if the applicant files applications within a year, they have the benefit of the regulations as they exist today.

The applicant's attorney Israel Piedra, Welts, White & Fontaine, asked if there is a procedure for continuing the County Road improvement discussion in the design review phase. Arnie Rosenblatt stated that the trouble with design reviews and conceptual plans are that they deal with moving targets. As there is not yet a final plan, he is uncomfortable reacting to something without an actual application. Arnie Rosenblatt stated that he does not believe there is a process to do what the applicant is suggesting. Attorney Piedra stated that he believes there will be a collaborative process between the Town and the applicant regarding potential improvements to the road. The whole point of the design review process is that the Town is obligated to give feedback to the applicant. He would hate to get to the application process and not be able to have that dialogue. Arnie Rosenblatt asked how the Town is going to give non-binding feedback to an unfinished application. Attorney Piedra stated that there could be a third-party review at this starting point regarding what potential improvements and their cost could be to County Road. The applicant could then make adjustments to the application based on that discussion. Arnie Rosenblatt asked if this would be a third-party review at the expense of the applicant. Attorney Piedra stated that this could go either way. Arnie Rosenblatt stated that it would not, from his perspective. Attorney Piedra stated that Bill Stoughton mentioned that a third-party engineering review would likely be needed as part of the final application and the applicant would likely incur that cost. Thus, the cost for other third-party reviews would need to be discussed. Arnie Rosenblatt agreed that County Road is a significant issue with respect to this application, but he is unclear as to how this can be addressed without an application in hand. Chad Branon suggested continuing the 41-lot design review application at this time in order to engage with the DPW Director on the best path forward. He is concerned that the DPW Director may want to sit with the applicant and Board during a design review level meeting for a discussion. Arnie Rosenblatt noted that a continuation would be with the understanding that the design review process is not yet complete, and the applicant thus does not get the benefit of regulation vesting. Chad Branon suggested that the design review phase would likely be completed at the next Board meeting.

Arnie Rosenblatt explained that the applicant is concerned about moving forward with the application without having a better understanding of what improvements would be required for County Road, given the fact that this could include a substantial effort and expense. The applicant would like to have a handle on that before moving forward with a final application. The applicant is requesting time to have an opportunity to speak with the DPW Director and then come back to the Board to receive additional informal, non-binding comments. The concern is if comments come back on this topic after a final submission which state that the plan needs to be drastically changed in some way. The applicant could conversely continue that preemptive dialogue now. The plan for County Road could impact the configuration of the project. Bill Stoughton stated that he sees some value to this proposal. There is a lot of uncertainty regarding

TOWN OF AMHERST
Planning Board

July 5, 2023

APPROVED

County Road, and he would like for Hoyle Tanner, the Town's engineer, to make recommendations based on the proposed 41+ units. This would reduce the level of uncertainty. The risk to the applicant is that, if the plans are significantly changed, the engineer may need to revise the study, at the expense of the applicant. Attorney Piedra asked if this would be a review from a Town employee or a third party. Bill Stoughton stated that he believes the DPW Director would want Hoyle Tanner to advise him on this matter, which would come at a cost. The applicant could have a discussion with the DPW Director on this item. He noted that the DPW Director submitted comments on Friday, and one was that there should be a similar study conducted.

Arnie Rosenblatt stated that there seems to be a consensus that the Board does not have to conclude the design review this evening, in order for the applicant to have time to speak to the DPW Director. He is not comfortable with the Town spending money for a third-party engineer at this stage, without an actual application in hand. Bill Stoughton stated that he does not believe the Town will be spending any money on these studies.

Arnie Rosenblatt stated that the Board seems to want to consider all three of these applications to be related so, practically speaking, it would make sense for the studies to be considered together.

**Bill Stoughton moved to continue the three design review cases to August 16, 2023, at 7pm at Town Hall. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

OTHER BUSINESS:

4. Minutes: June 21, 2023

**Bill Stoughton moved to approve the June 21, 2023, meeting minutes, as amended [Line 181: Cynthia Dokmo also recused herself from this item; Line 249: to read "Bill Stoughton asked if the substance of concern in the transformer is oil."]
Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

5. Any other business that may come before the Board.
None at this time.

**Tracie Adams moved to adjourn the meeting at 8:57pm. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: July 19, 2023