

TOWN OF AMHERST
Planning Board

July 19, 2023

DRAFT

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

Staff present: Nic Strong (Community Development Director), and Kristan Patenaude (Recording Secretary) (remote)

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

Pam Coughlin sat for Tracie Adams.

PUBLIC HEARINGS

- 2. CASE #: PZ17205-041323 – Scott & Susan Jacobs O’Connell (Owners) & Kali Construction (Applicant), 3 Mack Hill Road, PIN #: 020-029-000 –**
Subdivision Application – To depict a subdivision of land of existing lot 20-29 creating two new residential lots to be known as 20-29-1 & 20-29-2 with a larger remainder lot.
Zoned Residential Rural. Continued from June 21, 2023.

The Board first addressed this continuance request.

Arnie Rosenblatt noted that this continuance will include an extension, approved by the applicant, of any associated deadlines.

Bill Stoughton moved to continue CASE #: PZ17205-041323 to September 6, 2023, at 7pm, at Town Hall. Seconded by Chris Yates.
Motion carried unanimously 6-0-0.

1. SCENIC ROAD PUBLIC HEARING – EVERSOURCE

In accordance with the NH RSA: 231:158, the Amherst Planning Board will hold a public hearing on Wednesday, July 19, 2023, at 7:00 pm in the Barbara Landry Meeting Room, 2nd floor, Amherst Town Hall, Amherst NH for a scenic road public hearing for the purpose of the removal of trees on County Road.

Arnie Rosenblatt read and opened the case.

Edward Kinzer of Eversource explained that they are in the process of working on a line in the area of County Road. There are two structures in the right of way that will need to be replaced. Brett Vaughn, of Vonderosa Properties, was contacted to get a temporary access permit across his land to conduct this work. Mr. Vaughn approved a temporary access agreement and indicated that this is a scenic road in Town. Eversource is thus seeking permission from the Board to complete the work. The intention will be to replace the structures within the right-of-way. Four trees are noted on the request, with two trees along the roadside specifically in question.

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Rob Clemens asked if Eversource will be doing any repair or recovery work after the project is complete. Edward Kinzer noted that a breach in the stone wall already exists in this area. Another Eversource representative who did not give his name, stated that there is already an established access which is not quite wide enough for the equipment that has to get to the site. There is already gravel in the area, and some additional gravel can be added, if needed. He added that topsoil can be put down afterwards if the property owner requests it. He further noted that there was a stone wall running along the right-of-way which is why they opted to use this alternate access because of the existing breach in the wall.

There were no other Board questions or comments at this time.

Bill Stoughton moved to approve the proposal by Eversource Energy for the removal of hazardous or damaged trees as described in the submitted materials and at the scenic road hearing tonight on County Road. Seconded by Tom Silvia. Motion carried unanimously 6-0-0.

OTHER BUSINESS:

2. 2023 Impact Fee Update Report

Bill Stoughton explained that, per the Impact Fee Ordinance, the Board of Selectmen must annually review the impact fee schedule. This has been done each year by asking Bruce Mayberry, who did the original impact fee study, to update his work and calculate new proposed rates. Bruce Mayberry reviews each of the Town departments, such as Police, Fire, Recreation, Highway, and the schools, to determine what has changed over the course of the year, while also reviewing the Town population. Per the ordinance, the Board of Selectmen must seek the review and recommendation of the Planning Board before taking action on this update.

Tom Quinn asked the delta from current impact fee rates. Bill Stoughton stated that this depends on type of structure in question. For example, non-residential properties do not pay school impact fees creating a difference in the change. The rates for some structures went up, while some went down, such as the impact fees for roads. This went down due to updated information from DPW, as the Department has been looking to spend less money to get longer life out of Town roads. Other impact fee rates went up, largely due to inflation and the cost of equipment.

Tom Silvia noted that the single-family dwelling number came out to be approximately equivalent to one year of taxes. Bill Stoughton stated that, if this is correct, the similarity is coincidental. Impact fee rates are not compared generally to other towns. These are calculated by reviewing the cost of capital improvements and the proportionate share that a new proposed development should pay over the life of the improvement. The lion's share of these costs is paid by taxpayers. The proportionate share from new growth and use by that growth, is borne by developments.

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Tom Silvia stated that this ultimately has an impact on the cost of new homes. Bill Stoughton agreed that the cost is likely ultimately born by new buyers.

There were no other Board questions or comments at this time.

**Chris Yates moved to recommend that the Planning Board support the Impact Fee Schedule, as presented. Seconded by Cynthia Dokmo.
Motion carried unanimously 5-0-1 [B. Stoughton abstaining].**

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

Bill Stoughton suggested that the Board begin considering potential ordinance and regulation changes. He stated that he would send Nic Strong the list of topics reviewed by the Board last year to consider if anything should be added and what should be tackled this year.

Arnie Rosenblatt stated that Nic Strong had an additional regulation review item to discuss with the Board. Nic Strong stated that, now that the Master Plan has been updated and as it is an advisory document, the next step is generally to undertake an audit of the Town's existing ordinances and regulations to see anything needs to change to enable the goals of the Master Plan to come to fruition. She spoke with the Nashua Regional Planning Commission (NRPC) to get an estimate for performing such an audit. A future action item would then be to update the Zoning Ordinance with the things identified in the audit and then, ultimately, update the regulations. These updates would not be to comply with State or legislative authority but to comply with the goals of the Master Plan. Nic Strong noted that Jay Minkarah, Executive Director, NRPC, is familiar with some of the foibles of the Town's Zoning Ordinance that currently exist. He would be helpful in making sure that sections match and refer to each other correctly. The estimate for the regulatory audit is \$4,500, including up to four meetings with Town staff and/or the Planning Board. This amount could increase depending on how those meetings go. The estimate for updating the Zoning Ordinance is not to exceed \$5,000. There is a line item in the budget for \$16,000 +/- for outside hire work.

Tom Quinn asked if NRPC would write or propose the Zoning Ordinance changes as part of the scope of the project. Nic Strong stated that NRPC would propose amendments for possible adoption, but these would come to the Planning Board for approval first.

Tom Silvia asked if staff has seen examples of NRPC's work and if the Town will likely be satisfied with the work product. Nic Strong stated that NRPC will come up with a product based on what the Town wants, based on what the Master Plan says. NRPC will review what the Town currently has for an ordinance and regulations and see how those match the goals and objectives in the Master Plan. While she has not seen an example of this work, it will directly relate to the Town's needs.

Bill Stoughton stated that he believes the Master Plan contains a very lengthy list of things that could be done. It will be important for the Board to prioritize this list, as not everything in the

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Master Plan recommendations is equal. It may be helpful to NRPC if the Board first did some work to prioritize this list.

Rob Clemens asked if the \$5,000 is to recommend language for ordinance changes coming out of the \$4,500 review and not to address compliance issues. Nic Strong stated that this was correct.

Arnie Rosenblatt stated that he is acutely sensitive to the fact that Nic Strong is essentially doing two jobs right now. He would like the Board to be able to reduce her work burden and take advantage of other resources for this project. He does not favor anyone going through the Master Plan and picking out prioritized items without direction. He stated that the Board should be the one to pick what to focus on before this is put out to a third party. Arnie Rosenblatt noted that he does not want to make changes to the ordinances unless someone gives him a compelling reason to do so. He suggested that the Board hold a meeting to review the list of potential changes against the Master Plan.

Chris Yates suggested that the audit be started while the Board considers prioritizing items from the Master Plan. The Board could then give direction for the recommendations.

Bill Stoughton asked if NRPC can do the audit prior to having some focused guidance from the Planning Board. Nic Strong thought this would be possible. She explained that NRPC will review the major themes and goals from the Master Plan and explain how the current Zoning Ordinance does not get to these goals. Arnie Rosenblatt noted that the Board can then decide which items it cares the most about. Nic Strong explained that, during the Zoning Ordinance update, NRPC can also take the current inconsistencies and make them right.

Bill Stoughton asked if the audit and recommendations would concern the ordinances but not yet the regulations. Nic Strong agreed. She noted that the Board will take the goals from the Master Plan into the Zoning Ordinance and then trickle them down into the regulations.

Arnie Rosenblatt and Bill Stoughton stated that they agreed with Chris Yates' suggestion.

Bill Stoughton moved to authorize Nic Strong to proceed contracting with NRPC to perform the regulatory audit based on the recently approved Master Plan. Seconded by Chris Yates.

Motion carried unanimously 6-0-0.

4. Minutes: July 5, 2023

Tom Silvia moved to approve the July 5, 2023, meeting minutes, as presented.

Seconded by Tom Quinn.

Motion carried unanimously 5-0-1 [C. Dokmo abstaining.]

Cynthia Dokmo moved to adjourn the meeting at 7:27pm. Seconded by Chris Yates.

Motion carried unanimously 6-0-0.

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176 Respectfully submitted,

177 Kristan Patenaude

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179 Minutes approved: